

PLANNING COMMITTEE WEDNESDAY 20 DECEMBER 2017

Table of Key Adoptions

No	Item	Summary of Key Decisions
1	Apologies	Alderman S McKillop Councillors McCandless and McCaul
2	Declarations of Interest	Councillor Fielding – LA01/2016/1157/F Councillor P McShane – LA01/2017/0263/O Alderman Finlay – LA01/2017/0549/O
3	Minutes of Planning Committee Meeting held Wednesday 22 November 2017	Confirmed
4	Order of Items and Registered Speakers	Approve
5	Schedule of Applications	
5.1	LA01/2016/1157/F 36 Ballyrogan Road, Garvagh	Defer
5.2	LA01/2017/0292/F 1 Bayview Park, Glenariffe, Ballymena	Defer
5.3	LA01/2017/0263/O Opposite 46 Corbally Road, Craigahulliar, Coleraine	Refuse
5.4	LA01/2017/0402/O Adjacent to 155 Altmower Road, Dungiven	Refuse
5.5	LA01/2017/0691/O 45m NW of 40 Derrychrier Road, Feeny	Refuse

	5.6 LA01/2016/1391/O Approx. 70m West of 12 Carragh Road, Bushmills	Approve
	5.7 LA01/2017/1053/F 170m South-East of 45 Ballymacrea Road, Portrush	Approve
	5.8 LA01/2017/0549/O Adjacent to 9 Glenlough Road, Ballymoney	Defer
	5.9 LA01/2017/0867/F Dunluce Avenue, Portrush	Approve
6	Development Management Performance	
	6.1 Development Management Monthly Report	Note
7	Development Plan	
	7.1 Planning Committee Report on Retail and Leisure Capacity Study & Perception Studies	Agree
8	Correspondence	
	8.1 Crown Estate Clean Growth Strategy Seabed Rights to be made Available to Off Shore Wind Developers	Agree Option 2: To seek further detail
	8.2 Update on the replacement of the Northern Ireland Planning Portal – DfC	Note
9	Legal Issues	Verbal Update
10	Any Other Relevant Business (notified in accordance with Standing Order 12(o))	None

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 20 DECEMBER 2017 AT 2 PM**

In the Chair: Alderman McKeown

Committee Members Present: Aldermen: Cole, Finlay, King, and Robinson
Councillors: Fielding, Fitzpatrick, Hunter, Loftus,
MA McKillop, McLaughlin, P McShane and Nicholl

Officers Present: D Dickson, Head of Planning
S Mathers, Principal Planning Officer/Development
Management Manager
S Mulhern, Principal Planning Officer/Local
Development Plan Manager
K Dickson, Senior Planning Officer
D J Hunter, Council Solicitor
E Keenan, Council Solicitor
D Allen, Committee & Member Services Officer
S Duggan, Committee & Member Services Officer

In Attendance: R McPeake } (Minute Item 5.1)
G Lyons } (Minute Item 5.2)
D Alexander/R Cochrane } (Minute Item 5.3)
S Farrell/R Faulkner } (Minute Item 5.4)
T Cassidy } (Minute Item 5.5)
D Monaghan/A Kane } (Minute Item 5.6)
J Mawhinney } (Minute Item 5.7)

Press (1 No.)
Public (5 No.)

1 APOLOGIES

Apologies were received from Alderman S McKillop and Councillors McCandless and McCaul.

2 DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

- Councillor Fielding - LA01/2016/1157/F (Minute Item 5.1)
- Councillor P McShane - LA01/2017/0263/O (Minute Item 5.3)
- Alderman Finlay - LA01/2017/0549/O (Minute Item 5.8)

**3. MINUTES OF PLANNING COMMITTEE MEETING HELD
WEDNESDAY 22 NOVEMBER 2017**

Proposed by Alderman King
Seconded by Councillor Fitzpatrick and

AGREED – that the minutes of the 22 November 2017 Planning Committee Meeting were confirmed as a correct record.

**4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED
SPEAKERS**

AGREED – to receive the Order of Business as LA01/2016/1157/F, LA01/2017/0292/F, LA01/2017/0263/O, LA01/2017/0402/O, LA01/2017/0691/O, LA01/2016/1391/O, LA01/2017/1053/F, LA01/2017/0549/O, LA01/2017/0867/F, as those applications with registered speakers would be considered before the remaining applications.

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2016/1157/F – 36 Ballyrogan Road, Garvagh

*** Councillor Fielding left the chamber at 2.06pm during consideration of this item.**

App Type: Full Planning

Proposal: Proposed change of house and garage type with repositioning of dwelling and garage with increased curtilage, approved under extant planning approval C/2005/1272/F. Revocation of previous planning approval and removal of existing strip foundation laid under planning approval C/2005/1272/F.

Report and addendum circulated.

The Principal Planning Officer presented the reports and made a recommendation to the Committee for consideration.

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

Addendum to the Recommendation: that the Committee notes the content of this addendum and agrees with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited Mr R McPeake, Agent to address the Committee in support of the application. He responded to points of clarification and queries from Members relating to flooding risk, maintenance of water courses by Rivers Agency and position of water course, position of new proposed site in relation to previous site and revocation of initial approval. Mr McPeake also confirmed to Members that only one house would be built and that Council could impose a condition to guarantee this.

The Principal Planning Officer clarified to Members that it was his understanding that Rivers Agency could gain access to land to maintain water courses *'By agreement from the landowners'*, but would still be permitted to manage water courses without this permission.

He responded to points of clarification from Members relating to potential flooding risks, and clarified that as building work had already commenced on the previously agreed site revocation of approval was not possible.

Proposed by Councillor Hunter
Seconded by Alderman Cole and

AGREED - that Committee defer consideration and a site visit be arranged.

* **Alderman Robinson joined the meeting at 2.35pm.**

* **Councillor Fielding was invited to re-join the meeting at 2.34pm.**

5.2 LA01/2017/0292/F – 1 Bayview Park, Glenariffe, Ballymena

App Type: Full Planning

Proposal: Proposed gable and rear extensions to B & B to provide additional facilities especially suitable for disabled guests. Amended proposal to that approved by planning under application ref. LA01/2015/0648/F. Gable extension increased to

one and half storey to provide 2 no. additional en-suite bedrooms

Report circulated.

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.

Prior to the Principal Planning Officer presenting the report to the Committee it was:

Proposed by Councillor P McShane
Seconded by Councillor Nicholl and

AGREED - that that Committee defer consideration and a site visit be arranged.

In response to a query from Councillor P McShane the Chair clarified that should the confirmed speaker, Mr G Lyons MLA, in support of the application be permitted to present at the meeting, this may jeopardise the application.

5.3 LA01/2017/0263/O – Opposite 46 Corbally Road, Craighulliar

*** Councillor P McShane left the Chamber at 2:38pm during consideration of this Item.**

App Type: Outline Planning

Proposal: Farm dwelling with detached garage.

Report, addendum and site visit details circulated.

The Principal Planning Officer presented the reports and made a recommendation to the Committee for consideration.

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.

Addendum to the Recommendation: that the Committee notes the content of this addendum and agrees with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

The Principal Planning Officer informed Members that photographs had been provided and invited Members to view them, if they wished to do so.

Members took five minutes, between 2:40pm and 2:45pm to view the photographs submitted.

In a response to a query from Alderman Finlay in relation to DAERA and Farm ID's, the Principal Planning Officer referred to Paragraph 8.9 of the report.

The Chair invited Mr D Alexander, agent to address the Committee in support of the application. Mr D Alexander and Mr R Cochrane, of the Ulster Farm Union, responded to points of clarification on alleged contamination of land, claiming of Single Farm payments, previous planning application, proof of recent farm activity and cluster and integration.

The Principal Planning Officer read out to the Committee correspondence received from DAERA in relation to the applicant not having claimed Single Farm payments since 2013 and clarified that the applicant was not obliged to claim Single Farm payments, but then must supply other evidence showing that the farm was currently active.

The Principal Planning Officer and Head of Planning responded to Members' queries in relation to documentation that had been submitted by the applicant to prove that the farm business was currently active and been farmed for the required 6 years as per Policy CTY10 requires.

The Principal Planning Officer clarified Policy CTY10 and reminded Members that there were two further reasons the application had been recommended for refusal.

Proposed by Councillor Loftus
Seconded by Councillor Nicholl

- that the Committee notes the addendum and has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and

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

The Chair put the proposal to the Committee to vote, 5 Members voted for, 2 Members voted against and 5 Members abstained. The Chair declared the proposal to **REFUSE** carried.

*** Councillor P McShane was invited to re-join the meeting at 3.40pm.**

5.4 LA01/2017/0402/O – Adjacent to 155 Altmower Road, Dungiven

App Type: Outline Planning

Proposal: Proposed storey and a half dwelling with detached garage. Dwelling to be used as a family home

Report and site visit details circulated.

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration.

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

The Chair invited Mr S Farell and Mr R Faulkner, representing the applicant, to address the Committee. They responded to points of clarification on visual linkage, proposed access and ribbon development.

The Principal Planning Officer responded to Members' queries including visual linkage distance, clustering and possible alternative site.

Proposed by Alderman King
Seconded by Alderman Cole

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

The Chair put the proposal to the Committee to vote, 7 Members voted for, 2 Members voted against and 4 Members abstained. The Chair declared the proposal to **REFUSE** carried.

It was also **AGREED** that should the applicant wish to withdraw the application this should be communicated to the Planning Department by close of play on Thursday 21 December 2017, after which time the decision to **REFUSE** would issue.

AGREED - that there be a short recess at 4.00pm.

The meeting resumed at 4.20pm.

5.5 LA01/2017/0691/O – 45m NW of 40 Derrychrier Road, Feeny

App Type: Outline Planning

Proposal: Proposed Dwelling on a Farm

Report, addendum and site visit details circulated.

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration.

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 to the Recommendation: that the Committee notes the content of this addendum and agrees with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited Ms T Cassidy representing the applicant, to address the Committee in support of the application. Ms Cassidy clarified that adequate hedging and vegetation would be retained with the addition of new landscaping.

The Principal Planning Officer confirmed that alternative sites were available on the farm but the Planning Department could only assess on the site submitted.

Proposed by Alderman Finlay
Seconded by Alderman Cole

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

The Chair put the proposal to the Committee to vote, 7 Members voted for, 5 Members voted against and 2 Members abstained. The Chair declared the proposal to **REFUSE** carried.

It was also **AGREED** that should the applicant wish to withdraw the application this should be communicated to the Planning Department by close of play on Thursday 21 December 2017, after which time the decision to **REFUSE** would issue.

5.6 LA01/2016/1391/O – 70m West of 12 Carragh Road, Bushmills

App Type: Outline Planning

Proposal: Dwelling, garage and associated site works

Report and addendum circulated.

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration.

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.

Addendum to the Recommendation: that the Committee notes the content of this addendum and agrees with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited Mr D Monaghan agent to address the Committee in support of the application, who was accompanied by Mr A Kane. The Chair clarified that Mr Kane was not registered to speak on behalf of the applicant but would be permitted to answer Members' queries.

Mr Monaghan and Mr Kane responded to points of clarification in relation to receipts provided of proof that the farm business has

been established for at least 6 years and is currently active, and confirmed some of the land was conacred and receipts had been provided for work completed over the 6 year period. They also responded to Members' queries on Business Farm ID and DAERA registration.

The Principal Planning Officer responded to Members' queries including the work commissioned by a third party and referred Members to paragraph 8.14 of the report. He also clarified that under Policy CTY10 it was a requirement for the farm to be active and established but a Farm Business ID was not an essential requirement of the policy.

Amendment

Proposed by Alderman Finlay

Seconded by Councillor Fielding

- that the Committee notes the addendum to the report and 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 & 8 and resolves to **APPROVE** planning permission subject to the conditions set out in Section 10 for the following reason: that the Planning Committee are satisfied that the applicant has demonstrated that the farm business is currently active and has been established for 6 years as required under Policy CTY10.

The Chair put the amendment to the Committee to vote, 7 Members voted for, 4 Members voted against and 2 Members abstained. The Chair declared the proposal to **APPROVE** carried.

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

* **S Duggan, Committee & Member Services Officer arrived at the meeting at 5.00pm.**

* **D Allen, Committee & Member Services Officer left the meeting at 5.10pm.**

* **Alderman Robinson left the meeting at 5.10pm.**

5.7 LA01/2017/1053/F – 170m South-East of 45 Ballymacrea Road, Portrush

App Type: Full Planning

Proposal: Retrospective application for gas pressurised reduction system (pipework), with proposed

concrete hardstanding, single-storey container and 2.6m high security fencing

Report circulated.

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration.

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** Full Planning Permission subject to the conditions set out in section 10.

The Chair invited Ms J Mawhinney, agent representing the applicant, to address the Committee in support of the application.

Proposed by Councillor Nicholl
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 **APPROVE** Full Planning Permission subject to the conditions set out in section 10.

The Chair put the proposal to the Committee to vote, 11 Members voted for, 0 Members voted against, 1 Member abstained.

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

* **Councillor MA McKillop left the meeting at 5.19pm.**

5.8 LA01/2017/0549/O – Adjacent to 9 Glenlough Road, Ballymoney

* **Alderman Finlay left the meeting at 5.20pm during consideration of this item.**

App Type: Outline Planning

Proposal: Proposed replacement dwelling

Report circulated.

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration.

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

Proposed by Councillor Fielding
Seconded by Councillor Hunter and

AGREED – that consideration is deferred and a site visit arranged (as Councillor Hunter was a recent nominee to the Planning Committee).

* **Councillor MA McKillop rejoined the meeting at 5.24pm during consideration of the above matter and did not vote on the application.**

* **Alderman Finlay rejoined the meeting at 5.25pm.**

5.9 LA01/2017/0867/F – Dunluce Avenue, Portrush

App Type: Full Planning

Proposal: Demolition of existing vacant and derelict amenity block and construction of new build amenity block on same site (including 'Changing Places' Accessible Facility) and both hard and soft landscaping to set new building into its context

Report circulated.

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration.

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 condition set out in section 10.

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 and 8 and resolves to

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

The Chair put the proposal to the Committee to vote and Members voted unanimously in favour. The Chair declared the proposal to **APPROVE** carried.

6. DEVELOPMENT MANAGEMENT PERFORMANCE:

6.1 Development Management Statistics

Report circulated.

The report provided a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the period 01 April 2017 – 30 November 2017.

The number of applications received in November remains high at 113 applications. Staff issued 98 planning application decisions, plus 2 Discharge of Conditions, 4 CLDP/E's, 2 Non-Material Change applications and 1 Proposal of Application Notice (PAN). The number of live applications in the system continues to rise with the increase in applications live at 830.

The report details the number of appeal decisions issued since 1 April 2017 showing the continued quality of decision making taken by both Planning Officers and supported by the Planning Committee. Please note that these figures relating to planning application decisions only are unvalidated statistics extracted from internal management reports.

From April 2017, 7 out of 25 referral recommendations have been overturned by the Planning Committee.

IT IS RECOMMENDED that the Planning Committee note the update on the Development Management statistics.

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

7. DEVELOPMENT PLAN

7.1 Planning Committee Report on Retail and Leisure Capacity Study & Perception Studies

Report, erratum and addendum circulated.

The Head of Planning presented the report.

Under the provisions of the Strategic Planning Policy Statement (SPPS) and in preparation of its Local Development Plan (LDP), Councils are required to undertake an assessment of the need or capacity for retail and other main town centre uses across the plan area, and to prepare town centre health checks, which are to be reviewed at least once every five years. As Members are also aware, there have been a number of large retail proposals in the Borough's main towns in recent years, and there has been no up to date evidence relating to retail capacity on which to assess these against.

Retail capacity work and some aspects of health check work are specialisms within planning, and, therefore, in recognition of the requirement to undertake this work as part of the LDP process, and of the need in relation to the determination of planning applications for retail development, the Council appointed two separate consultants in November 2016 to prepare two separate but related retail pieces of work:

- Nexus Planning - Retail and Leisure Capacity Study; and
- Sproule Consulting - Public and Business Perception Studies.

Members will note that representatives from both Nexus Planning and Sproule Consulting presented their draft findings to the LDP Members' Workshop held on 17 May 2017.

Members will also be aware that the Final Retail and Leisure Capacity Report and Perception Studies were presented to the 22 November 2017 Planning Committee, where they were deferred to allow Members additional time to read through the papers.

IT IS RECOMMENDED that Members accept the Nexus Planning and Sproule Consulting reports for inclusion in the Local Development Plan preparation and for use in the determination of relevant planning applications.

Proposed by Councillor Hunter
Seconded by Councillor Fielding and

AGREED - that Members accept the Nexus Planning and Sproule Consulting reports for inclusion in the Local

Development Plan preparation and for use in the determination of relevant planning applications.

*** Councillor Loftus left the meeting at 5.30pm during consideration of the above matter.**

*** Press left the meeting at 5.30pm.**

8. CORRESPONDENCE

The Head of Planning presented the items of correspondence:

8.1 Crown Estate Clean Growth Strategy Seabed Rights to be made Available to Off Shore Wind Developers

The Clean Growth Strategy, released October 2017 included significant policy announcements in respect of offshore wind. The Crown Estates believes that it is the right time to consider granting more seabed rights for offshore wind.

Due to the 'Clean Growth Strategy' coupled with the announcement from BEIS (Department for Business, Energy and Industrial Strategy) confirming further Contracts for Difference auctions and up to £557m of available budget, the Crown Estates believes that it is the right time to consider granting more seabed rights for off shore wind developments.

The Crown Estate announced on 7th November 2017 that they will be working with the offshore wind sector and stakeholders to consider making new seabed rights available to off shore wind developers.

The Crown Estates believe it is now timely to consider what additional seabed rights may be needed to help secure the UK's clean energy future. This will consider the scale, form and location of new rights to enable sustainable deployment to 2030 and beyond. Further details regarding future wind leasing activity is expected to be released in early 2018.

Any development, such as off shore wind that is located entirely beyond the low water mark, is not subject to planning control by Councils.

The Crown Estate invites the Council as a stakeholder to make further queries if it wishes to do so.

Two options are presented for consideration.

Option 1: Agree to note the above:

or

Option 2: Seek further detail.

IT IS RECOMMENDED that Members agree either Option 1 or 2 above to the Crown Estates proposals in relation to offshore wind energy on behalf of Council.

Proposed by Councillor Fitzpatrick
Seconded by Councillor Hunter and

AGREED - that Council approve Option 2: Seek further detail.

8.2 Update on the Replacement of the Northern Ireland Planning Portal – DfC

Report circulated.

The existing Northern Ireland Planning Portal is the IT system that allows Council to carry out its statutory Planning function. This includes processing planning applications, planning consents, enforcement cases etc. The system is also used by the public, planning agents, solicitors and consultees to view and make comment on planning applications.

The contract for the maintenance and support of the system ends in March 2019.

The 11 Councils and DfI have been working together to review the current processes involved in the Planning function and considering the key requirements for a new system to identify a minimum viable product for a new system. This Discovery Phase is now complete.

The results of the Discovery Phase will now go forward to develop a Business Case for the replacement of the Planning Portal and PA Consulting have been appointed to undertake this work which is due for completion in early 2018.

The Head of Planning further advised that NILGA were hold a Planning Portal Information morning in Civic Headquarters on Tuesday 23 January 2018.

IT IS RECOMMENDED that the Planning Committee note the update on the replacement of the Planning Portal.

AGREED - that the Planning Committee note the update on the replacement of the Planning Portal.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Finlay
Seconded by Alderman Cole and

AGREED - that the Committee proceed to conduct the following business 'In Committee'.

9. LEGAL ISSUES

Council's Solicitor provided a verbal update on Judicial Review Proceedings.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Hunter
Seconded by Councillor Fitzpatrick and

AGREED - that the Committee proceed to conduct the following business 'In Public'.

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

There was no other relevant business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 5.35pm.

Chair