

**PLANNING COMMITTEE WEDNESDAY 28 MARCH 2018**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
1.	Apologies	<b>Councillor McCaul and Councillor McLaughlin</b>
2.	Declarations of Interest	<b>Alderman Robinson – LA01/2017/0591/F Councillor MA McKillop – LA01/2017/0167/O Councillor Hunter - LA01/2017/0812/F, LA01/2017/0857/O, LA01/2017/0858/O, LA01/2017/0859/O, LA01/2017/0860/O, LA01/2017/0861/O, LA01/2017/0862/O Councillor Fielding – LA01/2017/0857/O, LA01/2017/0858/O, LA01/2017/0859/O, LA01/2017/0860/O, LA01/2017/0861/O, LA01/2017/0862/O Alderman S McKillop – LA01/2017/1269/F</b>
3.	Minutes of Planning Committee Meeting held Wednesday 28 February and 12 March 2018	<b>Confirmed</b>
4.	Order of Items and Registered Speakers	<b>Approve</b>
	LA01/2017/0591/F	<b>Withdrawn</b>
	LA01/2017/0544/O	<b>Withdrawn deferred to April</b>
	LA01/2017/0833/A	<b>Withdrawn deferred to May</b>

<b>5.</b>	Schedule of Applications	
5.1	LA01/2017/0924/F No 2 Main Street, Portrush	<b>Approve</b>
5.2	LA01/2016/0046/F To the Rear of 53 Loughermore Road, Ballykelly	<b>Refuse</b>
5.3	LA01/2017/0082/F 530m South West of 10 Magheraboy Road, Portrush	<b>Approve</b>
5.4	LA01/2017/0167/O Land adjacent to 33 Ballyeamon Road, Cushendall	<b>Defer for Site Visit</b>
5.5	LA01/2017/0693/F 123m NE of 28 Killymaddy Road, Ballymoney	<b>Defer for Site Visit</b>
5.6	LA01/2017/0812/F 155m North West of 185 Whitepark Road, Bushmills	<b>Defer for Site Visit</b>
5.7	LA01/2017/0827/O Site between 1a and 3 East Road, Limavady	<b>Approve</b>
5.8	LA01/2017/0857/O 25m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle	<b>Defer for Site Visit</b>
5.9	LA01/2017/0858/O Adjacent to 59 Ballinlea, Ballinlea Lower, Ballycastle	<b>Defer for Site Visit</b>
5.10	LA01/2017/0859/O 35m North East of 59 Ballinlea, Ballinlea Lower, Ballycastle	<b>Defer for Site Visit</b>
5.11	LA01/2017/0860/O 60m North West of 59 Ballinlea, Ballinlea Lower, Ballycastle	<b>Defer for Site Visit</b>
5.12	LA01/2017/0861/O 45m North West of 59 Ballinlea, Ballinlea Lower, Ballycastle	<b>Defer for Site Visit</b>
5.13	LA01/2017/0862/O 30m North of 59 Ballinlea, Ballinlea Lower, Ballycastle	<b>Defer for Site Visit</b>

	5.14 LA01/2017/0935/O Between 68 & 70 Carnamuff Road, Limavady	<b>Approve</b>
	5.15 LA01/2017/1130/O Adjoining No. 20 Larch Road, Limavady	<b>Defer for Site Visit</b>
	5.16 LA01/2017/0992/F 55m West of 28 Tober Road, Ballymoney	<b>Approve</b>
	5.17 LA01/2017/1269/F 49 Lodge Road, Coleraine	<b>Approve</b>
	5.18 LA01/2017/1180/F Limavady High School, Irish Green Street	<b>Approve</b>
	5.19 LA01/2017/0969/F North Pier, Portrush Harbour, Portrush	<b>Approve</b>
<b>6.</b>	Development Management Performance	
	6.1 Update on Development Management & Enforcement Statistics	<b>Note</b>
<b>7.</b>	Development Plan	
	7.1 Donegal County Council – Amendment to the Draft Donegal Development Plan 2018-2024 and Determination that a Strategic Environmental Assessment and Appropriate Assessment are Required	<b>Agreed for Head of Planning submitting a response on behalf of Council</b>
<b>8.</b>	Correspondence	
	8.1 Complaint Regarding Operation of Planning Committee Meeting held 28 February 2018	<b>Withdrawn</b>
	8.2 Nominees for NILGA Local Planning Programme for Elected Members	<b>Alderman King and Councillor Nicholl. Councillor McShane as reserve nominee</b>
<b>9.</b>	Legal Issues	<b>Note Update</b>

<b>10.</b>	Any Other Relevant Business (Notified in Accordance with Standing order 12 (o))	<b><i>None</i></b>
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**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS  
WEDNESDAY 28 MARCH 2018 AT 2.00 PM**

- In the Chair:** Alderman McKeown
- Committee Members Present:** Aldermen: Cole, Finlay, King and McKillop  
Councillors: Fielding, Fitzpatrick, Hunter, Loftus,  
MA McKillop, McLaughlin and P McShane
- Officers Present:** D Dickson, Head of Planning  
S Mathers, Principal Planning Officer/Development  
Management Manager  
J Lundy, Senior Planning Officer  
E Hudson, Senior Planning Officer  
D J Hunter, Council Solicitor  
S Mulhern, Principal Planning Officer/Local  
Development Plan Manager  
D Bader, Committee & Member Services Officer  
E McCaul, Committee & Member Services Officer
- In Attendance:** M Howe – Item 5.1  
D Donaldson – Item 5.1  
D McKearney – Item 5.2  
T Bell – Item 5.3  
J Taylor – Item 5.3  
F Wheeler – Item 5.4  
M Howe – Item 5.5  
J Simpson – Item 5.6  
M McNeill – Items 5.7, 5.8, 5.9, 5.10, 5.11, 5.12, 5.13  
C Spratt – Item 5.14  
D Blair – Item 5.14  
D Forrest – Item 5.15  
G Smyth – Item 5.16  
J McClure – Item 5.16  
J Allister MLA – Item 5.16  
M Smith – Item 5.17  
S Wragg – Item 5.17  
M Williams – Item 5.17
- Press (2 No.)  
Public (6 No.)

## 1. APOLOGIES

Apologies were received from Councillor McCaul and Councillor McLaughlin.

## 2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

- Alderman Robinson – LA01/2017/0591/F
- Councillor MA McKillop – LA01/2017/0167/O
- Councillor Hunter - LA01/2017/0812/F, LA01/2017/0857/O, LA01/2017/0858/O, LA01/2017/0859/O, LA01/2017/0860/O, LA01/2017/0861/O, LA01/2017/0862/O
- Councillor Fielding - LA01/2017/0857/O, LA01/2017/0858/O, LA01/2017/0859/O, LA01/2017/0860/O, LA01/2017/0861/O, LA01/2017/0862/O
- Alderman S McKillop – LA01/2017/1269/F

## 3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 28 FEBRUARY 2018 AND RECONVENED PLANNING COMMITTEE MINUTES MONDAY 12 MARCH 2018

Proposed by Councillor Loftus  
Seconded by Councillor Hunter and

**AGREED** – that the minutes of the Planning Committee Meeting held on Wednesday 28 February 2018 and reconvened Planning Committee Meeting held on Monday 12 March 2018 be confirmed as a correct record.

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

The Head of Planning advised that the following application had been withdrawn from the agenda as agent was submitting amended plans to address issues of concern.

- LA01/2017/0591/F

Proposed by Alderman Robinson  
Seconded by Alderman Finlay and

**AGREED** – that application LA01/2017/0544/O be withdrawn due to special circumstances and be deferred to the April Planning Committee Meeting.

Proposed by Alderman Finlay  
Seconded by Councillor Fitzpatrick and

**AGREED** – that application LA01/2017/0833/A be withdrawn due to special circumstances and be deferred to the May Planning Committee Meeting.

**AGREED** – to receive the Order of Business as below:

- LA01/2017/0924/F – No 2 Main Street, Portrush
- LA01/2016/0046/F – To the rear of 53 Loughermore Road, Ballykelly
- LA01/2017/0082/F – 530, South West of 10 Magheraboy Road, Portrush
- LA01/2017/0167/O – Land adjacent to 33 Ballyeamon Road, Cushendall
- LA01/2017/0693/F – 123m NE of 28 Killymaddy Road, Ballymoney
- LA01/2017/0812/F 155m North West of 185 Whitepark Road, Bushmills
- LA01/2017/0827/O – Site between 1a and 3 East Road, Limavady
- LA01/2017/0857/O – 25m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle
- LA01/2017/0858/O – Adjacent to 59 Ballinlea Road, Ballinlea Lower, Ballycastle
- LA01/2017/0859/O – 35m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle
- LA01/2017/0860/O – 60m North West of 59 Ballinlea Road, Ballinlea Lower, Ballycastle
- LA01/2017/0861/O – 45m North West of 59 Ballinlea Road, Ballinlea Lower, Ballycastle
- LA01/2017/0862/O – 30m North of 59 Ballinlea Road, Ballinlea Lower, Ballycastle
- LA01/2017/0935/O – Between 68 & 70 Carnamuff Road, Limavady
- LA01/2017/1130/O – Adjoining No 20 Larch Road, Limavady
- LA01/2017/0992/F – 55m West of 28 Tober Road, Ballymoney
- LA01/2017/1269/F – 49 Lodge Road, Coleraine
- LA01/2017/1180/F – Limavady High School, Irish Green Street, Limavady
- LA01/2017/0969/F – North Pier, Portrush Harbour, Portrush

## 5. SCHEDULE OF APPLICATIONS:

### 5.1 LA01/2017/0924/F – No 2. Main Street Portrush

**App Type:** Full Planning  
**Proposal:** Demolition of existing vacant retail and residential unit and erection of new café and 2 residential units. Development comprises of new café at ground floor street level. 1st residential unit at lower ground floor and 2nd residential unit at first and second floors.

Report, addendum and erratum 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 conditions set out in section 10.

The Chair invited M Howe and D Donaldson Agents to address the Committee in support of the application. They responded to points of clarification and queries from Members relating to footprint of site, interference with open space and impact on footpath.

Proposed by Councillor Nicholl  
Seconded by Alderman Finlay

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

The Chair put the proposal to the Committee to vote. The Committee voted unanimously. The Chair declared the proposal to **APPROVE** carried.

### 5.2 LA01/2016/0046/F – To the Rear of 53 Loughermore Road Ballykelly

**App Type:** Full Planning



**Proposal:** Proposed retrospective planning for the retention of agricultural buildings, 2no. new retaining walls and shutter tanks for dirty water collection and associated ground works.

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

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

The Chair invited D McKearney, Agent to address the Committee in support of the application. He responded to points of clarification and queries from Members relating to re-planting of hedgerows, farm active but not established for 6 years, handling facilities, number of staff employed, and agricultural permitted development letter from DoE.

D McKearney clarified that the applicant applied to register as a Farm Business in 2012 but was informed that he would not be able to obtain a Farm Business ID until farm handling facilities had been created; sheds were erected in 2012 for this purpose.

The Head of Planning informed Members that where there is no Farm Business ID it is up to the applicant to prove that the farm has been active and established for the last six years.

The Principal Planning Officer confirmed that a dwelling was located within the 75m of the sheds and not on farm holding and therefore did not meet the criteria for permitted development; clarified distance on map as a direct line of 40m to nearest third party dwelling; may 2013 applied for farm business ID.

The Principal Planning Officer advised Members that matters of enforcement should be discussed 'In Committee'.

## **MOTION TO PROCEED 'IN COMMITTEE'**

Proposed by Councillor Hunter  
Seconded by Councillor MA McKillop and

**AGREED** - that the Committee proceed to conduct the following business 'In Committee'.  
The Principal Planning Officer informed Members of the process of enforcement in relation to a previous application from the applicant which was relevant to this application.

The Council Solicitor provided Members with legal advice in relation to enforcement.

The Principal Planning Officer informed Members that should planning permission be refused the enforcement team will consider next steps.

## **MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Alderman Finlay  
Seconded by Alderman Cole and

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

Proposed by Alderman Cole  
Seconded by Alderman S McKillop

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

The Chair put the proposal to the Committee to vote, 6 Members voted for, 5 Members voted against and 2 Members abstained.  
The Chair declared the proposal to **REFUSE** carried.

### **5.3 LA01/2017/0082/F – 530m South West of 10 Magheraboy Road Portrush**

**App Type:** Full Planning  
**Proposal:** Proposed replacement of an approved ACSA A27 wind turbine (with 30m hub height and 27m blade diameter) with a Vesta V52 250kw wind turbine (with 40m hub height and 42m blade diameter).

Report, addendum, erratum 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 contents of the Addendum and agrees with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited T Bell, Agent and J Taylor, applicant to address the Committee in support of the application.

Mr Bell described the context of site and that it would be inconceivable that there would be a change in character as visual impact would be negligible. He highlighted the wider economic and social benefits; modest increase; and no objections to proposal.

Mr Bell responded to points of clarification and queries from Members in relation to the height, width and wattage of the proposed wind turbine, comparison to the two current wind turbines, landscape and visual aspects, economical and social benefits to existing and proposed future farm business and noise impact.

Proposed by Councillor Fielding  
Seconded by Alderman Finlay

**Amendment** - that the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in Section 7 & 8 and resolves to **APPROVE** planning permission for the following reasons:

- that the Planning Committee considers the visual impact a subjective test and considers the visual impact acceptable in compliance with the relevant policy.

The Chair put the amendment to the Committee to vote, 10 Members voted for, 0 Members voted against and 3 Members abstained. The Chair declared the motion to **APPROVE** carried.

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

#### **5.4 LA01/2017/0167/O – Land Adjacent to 33 Ballyeamon Road, Cushendall**

**App Type:** Outline Planning  
**Proposal:** Proposed detached dwelling and domestic garage. Report circulated.

- \* Councillor MA McKillop left the meeting at 3:30 pm during consideration of this item.

The Senior 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 F Wheeler, Agent to address the Committee in support of the application. He commented on planning report accuracy, reference to a replacement dwelling, ribbon development, gap site and character of existing dwelling pattern in the area.

F Wheeler informed the Committee that in his opinion Policy CTY8 should be applied for this application.

Proposed by Councillor Loftus  
Seconded by Alderman Cole and

**AGREED** - that the Committee **DEFER** consideration and a site visit be arranged.

The Head of Planning confirmed that the application would be reconvened at the point where the item was concluded and clarified that the Committee could propose that the speaker speak again at the next meeting, if they so wished.

- \* A recess was held from 3:40 pm - 3:55 pm.
- \* Councillor MA McKillop re-joined the meeting at 3.55pm.

#### **5.5 LA01/2017/0693/F – 123m North East of 28 Killymaddy Road, Ballymoney**

**App Type:** Full Planning  
**Proposal:** Proposed change of house type from that previously approved under D/2008/0087/F

Report and addendum circulated.

The Senior 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 subject to the refusal reasons set out in section 10.

In reply to a query from Alderman Robinson the Senior Planning Officer confirmed that there was currently a mixture of one and one and a half storey buildings situated on Killymaddy Road but were of no definitive style.

Proposed by Councillor Loftus  
Seconded by Alderman Finlay and

**AGREED** - that the Committee **DEFER** consideration and a site visit be arranged.

The Head of Planning advised the Committee that speaking rights for the application would be carried over to the relevant Planning Committee Meeting.

#### **5.6 LA01/2017/0812/F – 155m North West of 185 Whitepark Road, Bushmills**

**App Type:** Full  
**Proposal:** New dwelling and garage on a farm

Report circulated.

- \* Councillor Hunter left the meeting at 4:05 pm during consideration of this item.

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 for the reasons set out in section 10.

Proposed by Councillor P McShane  
Seconded by Councillor Fielding and

**AGREED** - that the Committee **DEFER** consideration and a site visit be arranged.

The Head of Planning advised the Committee that speaking rights for the application would be carried over to the relevant Planning Committee Meeting.

- \* Councillor Hunter re-joined the meeting at 4.10pm.

#### **5.7 LA01/2017/0827/O – Site between 1a and 3 East Road, Limavady**

**App Type:** Outline  
**Proposal:** Proposed infill site for 2 detached dwellings

Report circulated.

The Senior Planning Officer presented the report provided a verbal addendum on the additional information submitted by the agent that day 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** outline planning permission for the reasons set out in section 10.

In response to points of clarification the Senior Planning Officer showed on the map on the presentation the location of the overhead power lines.

The Chair invited M McNeill, Agent to address the Committee in support of the application.

M McNeill informed Members that the actual gap size was 107.5m and was therefore suitable for 2 dwellings taking account of space need for septic tanks, respecting the pattern of development in the area, improving a dangerous access. He responded to points of clarification and queries from Members in relation to size of the plot and space taken up by overhead cables and the proposed septic tanks.

Councillor Loftus requested clarification as to how the size of the plot was calculated. The Senior Planning Officer informed Members that the gap between the two buildings was 108m and the average plot over the remainder of the plots was 26.5m, therefore this site was deemed to be suitable to accommodate more than 2 dwellings.

The Head of Planning advised members that the overhead power lines could be diverted with the permission of NIE and planning permission.

The Senior Planning Officer clarified that taking into account space taken up by overhead cables; the policy was based on the distance between adjacent buildings.

Proposed by Alderman Finlay  
Seconded by Alderman S McKillop

**Amendment** - that the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in Section 7 & 8 and resolves to **APPROVE** planning permission for the following reasons:

- that the site is acceptable for 2 No dwellings not 3 No, taking into consideration the space taken up by overhead power cables and septic tanks and pattern of development in the area
- Integration with existing development in the area and will improve access provision

The Chair put the amendment to the Committee to vote, 7 Members voted for, 4 Members voted against and 3 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 notices.

- 5.8 **LA01/2017/0857/O – 25m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle**
- 5.9 **LA01/2017/0858/O – Adjacent to 59 Ballinlea Road, Ballinlea Lower, Ballycastle**
- 5.10 **LA01/2017/0859/O – 35m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle**
- 5.11 **LA01/2017/0860/O – 60m North West of 59 Ballinlea Road, Ballinlea Lower, Ballycastle**
- 5.12 **LA01/2017/0861/O – 45m North West of 59 Ballinlea Road, Ballinlea Lower, Ballycastle**
- 5.13 **LA01/2017/0862/O – 30m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle**

**Apps Type:** Outline

**Proposal:** Proposed Site for new dwelling and garage

Reports circulated.

- \* Councillor Hunter and Councillor Fielding left the meeting at 4:32 pm during consideration of the items.

The Senior Planning Officer presented the report and provided a verbal addendum reading the additional information submitted by the agent and made a recommendation to the Committee for consideration.

**RECOMMENDATIONS (6)** - 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 subject to the reasons set out in section 10.

In response to queries raised by Councillor Fitzpatrick and Alderman S McKillop the Head of Planning clarified that if the recommendation is made to refuse planning permission then the Planning Department would not request that the applicant provides further surveys; if the Committee was minded to approve the application then this would be subject to the submission of the



additional surveys and satisfactory responses being received from the various agencies.

Proposed by Councillor Loftus  
Seconded by Alderman Finlay

- that the Committee **DEFER** consideration of applications **5.8 to Item 5.13** and for a site visit to be arranged.

Speaking rights in respect of the applications to be carried over to the relevant Planning Committee Meeting.

The Chair put the proposal to the Committee to vote, 9 Members voted for, 2 Members voted against and 0 Members abstained. The Chair declared the proposal to **DEFER** carried.

- \* Councillor Hunter and Councillor Fielding re-joined the meeting at 4:45 pm.

#### **5.14 LA01/2017/0935/O – Between 68 & 70 Carnamuff Road, Limavady**

**App Type:** Outline  
**Proposal:** Proposed infill site for 2no new dwellings

Report circulated.

The Senior 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 subject to the reasons set out in section 10.

The Chair invited C Spratt, Agent and D Blair, applicant to address the Committee in support of the application.

D Blair informed Members that the site was situated between existing hedging and allows for presentation of landscaping/gardens. He also confirmed that the farm was a working farm owned by his father and he would help out at busy times of the year; land required for visibility splays is owned by part of the family.

In response to points of clarification D Blair advised that the farm is still a working farm.

Proposed by Councillor Fitzpatrick  
Seconded by Alderman Robinson

**Amendment** - that the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in Section 7 & 8 and resolves to **APPROVE** planning permission for the following reasons:

- that the site is sufficient to accommodate two houses with frontage onto the road
- that the Planning Committee are satisfied that the proposal does reflect the character of the area
- that the Planning Committee are satisfied that the applicant has complied with Policy CTY8 of Planning Policy Statement 21,
- condition visibility splays provided prior to commencement of development

The Chair put the amendment to the Committee to vote, 7 Members voted for, 4 Members voted against and 3 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 notices.

#### 5.15 LA01/2017/1130/O – Adjoining No. 20 Larch Road, Limavady

**App Type:** Outline  
**Proposal:** Site for a single storey detached bungalow and detached domestic garage

Report circulated.

The Senior 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 subject to the reasons set out in section 10.

The Chair invited D Forrest, Agent to address the Committee in support of the application. He requested that the Committee consider the application under Policy CTY2a of PPS21. He stated that Dinney's Lane is the focal point and that this is not open countryside; 2 sites opposite were approved under Planning Strategy for Rural Northern Ireland.

D Forrest responded to points of clarification and queries from Members in relation to previous sites assessed under previous planning policies, ribboning and cluster, and brother stays with sister at weekends.

Upon a request from Alderman Robinson the Head of Planning clarified Policy CTY2a of PPS21 and referred Members to Paragraph 8.4 of the Planning Report.

Upon a request from Alderman Finlay the Head of Planning clarified that the Policy does not give advice on what is classified as a focal point but gives examples such as Town Halls, Social Community Buildings, Church Halls etc.

Councillor Loftus commented that the application could be considered under Policy CTY6 as genuine hardship. The Head of Planning clarified that it must be demonstrated that the applicant needed to live at the site in question.

Proposed by Councillor Loftus  
Seconded by Councillor Nicholl and

**AGREED** - that the Committee **DEFER** consideration and a site visit be arranged.

- \* D Allen, Committee & Member Services Officer left the meeting at 5:25 pm.
- \* E McCaul, Committee and Member Services Officer joined the meeting at 5:25 pm.
- \* A recess was held from 5:25 pm - 5:40 pm.

#### **5.16 LA01/2017/0992/F – 55m West of 28 Tober Road, Ballymoney**

**App Type:** Full  
**Proposal:** Site for new farm dwelling and garage including associated landscaping

Report and addendum circulated.

The Senior 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 subject to the reasons set out in section 10.

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

The Senior Planning Officer responded to points of clarification in relation to separation distance from existing farm building and fall in the landform.

The Chair invited G Smyth, Architect and J McClure, applicant to address the Committee in support of the application. G Smyth advised that the proposal meets criteria a-c and that he considered the site to cluster with the buildings on the farm; has visual linkage and integrates through existing trees; prepared to consider 1 ½ storey dwelling; site is lower than Tober Road; views are restricted.

G Smyth and J McClure responded to points of clarification and queries from Members in relation to the site being visually linked to the sister's dwelling which is a building on the farm was sold off for mortgage purposes; if the application was refused, it could jeopardise the future of the farm which has 200 sheep and therefore needed to live on farm. It was also pointed out that site analysis drawing had been submitted to Planning the previous week. In relation to previous permission stated that the farm could not expand if that site was developed.

The chair invited J Allister, MLA to address the Committee in support of the application. J Allister said that to suggest that the site did not link with the main farm building was wrong as Policy CTY10 does not say that site should be visually linked to the farm building. He added that it also adhered to Policy on providing a vibrant rural community and that procedurally, there was unfairness as drawings were not provided to Planning Committee Members.

The Senior Planning Officer clarified that she had met the applicant on 2 occasions and had advised of requirement to cluster/visually link with buildings on the farm; she had not been made aware of the sister's dwelling.

The Head of Planning stated that the Policy was clear, the site must cluster with the buildings on the farm and that the sister's dwelling was not on the farm holding. She said that the information submitted the previous week had been dealt with in line with the Protocol for Operation of the Planning Meeting and formed.

Proposed by Alderman Finlay  
Seconded by Alderman McKillop

**Amendment** - that the Committee has taken into consideration and disagrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and 8 and resolves to **APPROVE** planning permission for the following reasons:

- Material Consideration - that the site had to be moved due to not being able to obtain mortgage
- Do not consider the site to be prominent
- Meets planning policy on linkage to buildings on farm and
- Supports the policy on sustaining a vibrant community

The Chair put the amendment to the Committee to vote, 7 Members voted for, 4 Members voted against and 1 Member abstained. The Chair declared the amendment to **APPROVE** carried.

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

It was suggested that the Protocol be reviewed in terms of submissions made to Planning or to Elected Members.

\* Alderman McKillop left the meeting at 6:30 pm.

#### **5.17 LA01/2017/1269/F – 49 Lodge Road, Coleraine**

**App Type:** Full  
**Proposal:** Retrospective application for 1<sup>st</sup> floor flat roof side and rear extension to dwelling

Report and site visit details circulated.

The Principal Planning Officer presented the report advising that the site had been visited from both the application site and adjacent neighbouring properties 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 for the reasons set out in section 10.

The Chair invited M Smyth and S Wragg, to address the Committee in objection to the application. S Wragg advised that he considered the previous permission acceptable but considered the significant change to the design proposed to be unacceptable in terms of height; impact on light; impact on Area of Townscape Character; adverse impact on residential amenity; impact on character and overbearing.

S Wragg responded to points of clarification and queries from Members in relation to impact difference between roof design and height previously approved and that proposed stating that he considered the previous roof design to have less of an impact.

The Chair invited M Williams, Agent to address the Committee in support of the application. He stated that objections relate to loss of light and that the previous approval was 1.7m higher; proposal is designed to complement the old with the new.

M Williams responded to points of clarification and queries from Members in relation design of roof and finishes.

In response to points of clarification from Members, the Principle Planning Officer advised that there was no need for internal assessment on light at the Objectors property as an external assessment was considered sufficient.

Proposed by Councillor Fielding  
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** full planning permission for the reasons set out in section 10.

The Chair put the proposal to the Committee to vote, 12 for, which was carried unanimously.

- \* A recess was held from 6:45 – 6:55 pm.
- \* Councillor M A McKillop left the meeting at 6:45 pm
- \* Alderman S McKillop returned to the meeting at 6:55 pm.

#### **5.18 LA01/201/1180/F – Limavady High School, Irish Green Street, Limavady**

**App Type:** Full Planning  
**Proposal:** Sports facility incorporating Main 4 court sports hall, office, gym, classroom, changing rooms, associated toilets, plant rooms and storage

Report and addendum circulated.

The Senior 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 conditions set out in section 10.

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

Proposed by Alderman Robinson  
Seconded by Councillor McShane

- 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 for the reasons set out in section 10.

The Chair put the proposal to the Committee to vote, 12 for, which was carried unanimously.

## 5.19 LA01/2017/0969/F Council – North Pier, Portrush Harbour, Portrush

**App Type:** Full  
**Proposal:** Full application for refurbishment of existing sea defences to the seaward face of North Pier, Portrush. Works to include local concrete repairs to existing stone pitched revetment with concrete overlay, in-situ concrete beam, relocation of existing rock armour and provision of new rock armour units. NB All rock required for the project shall be brought to site by sea.

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

The Principal Planning Officer responded to points of clarification from Members regarding impact on SAC designation advising that this had been considered and was acceptable.

Proposed by Councillor Fielding  
Seconded by Councillor Nicholl

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

The Chair put the proposal to the Committee to vote, 12 for, which was carried unanimously.

## 6. DEVELOPMENT MANAGEMENT PERFORMANCE:

### 6.1 Update on Development Management & Enforcement Statistics

The Committee received a report previously circulated to provide monthly updates on the number of planning application received and decided.



The number of applications received in February is retained just below the 100 mark with staff issuing 104 planning application decisions.

Resources continue to be targeted to reduce the over 12 month applications. The weekly monitoring of these figures continues and staff are conscious of the need to prioritise their efforts in this area of work. The breakdown of over 12 month applications shows that while the number of applications over 18 months has remained relatively static, the number between 12 and 18 months has increased. An Action Plan for 2017/18 has been implemented and additional staff resources are currently being recruited. However, it will take time for all staff to be appointed and substantive progress in this area is unlikely to be realised in this Business year. The Action Plan is currently subject to review.

**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 Donegal County Council – Amendment to the Draft Donegal Development Plan 2018-2024 and Determination that a Strategic Environmental Assessment and Appropriate Assessment are Required

Donegal County Council (DCC) wrote to the Council (received 15<sup>th</sup> February 2018 - See Appendix 1 & 2) advising of:

- An amendment (consisting of 40 No. material alterations) to the Draft County Donegal Development Plan 2012-2018; and
- Determinations that a Strategic Environmental Assessment and an Appropriate Assessment are required for a number of the proposed material alterations.

The closing date for the submission of comments was Thursday 8<sup>th</sup> March 2018. Council planning officials have written to DCC to advise that it was not possible to present the consultation to the Council's Planning Committee before that date, and asked if they would accept comments outside of the consultation period. We await a response.

**It is recommended** - that Elected Members note the content of the attached and agree to the Head of Planning submitting a response on behalf of Council.

Proposed by Councillor Nicholl  
Seconded by Councillor Loftus and

**AGREED** – to recommend that Elected Members note the content of the attached and that the Head of Planning to submit a response on behalf of Council.

## **8. CORRESPONDENCE**

### **8.1 Complaint Regarding Operation of Planning Committee held 28 February 2018**

This item was withdrawn from the agenda.

### **8.2 Nominees for NILGA Local Planning Programme for Elected Members**

NILGA is delivering an accredited pilot programme for Elected Members. The programme will commence on 27 April 2018 at 2pm in Antrim Civic Centre and conclude on 30 November 2018. There will be an optional study visit to a Council in Scotland on 7 September 2018.

The NILGA Local Planning Programme for Elected Members will be an interactive course covering 8 modules and will involve role play through workshops. It will involve real life examples in Northern Ireland and other parts of the UK relevant to each Councillor's every day role in relation to planning.

The 8 modules for the NILGA Local Planning Programme for Elected Members will include:

- Plan-making process
- Development management system
- Enforcement process
- Planning appeals and award of costs
- Maladministration in relation to planning

The impact and success of the training will be monitored at individual level through returned course evaluation forms and through improved understanding demonstrated in workshops.

Elected Members who successfully complete the entire course to a satisfactory standard will be credited by an endorsed award.

**It is recommended** - that the Committee agrees to nominate 2 Members of the Planning Committee to enrol and complete this pilot programme to gain accreditation by an endorsed award.

**AGREED** - that the Committee agree to nominate 2 Members and 1 reserve Member of the Planning Committee to enrol and complete this pilot programme to gain accreditation by an endorsed award.

1. **Councillor Nicholl** - proposed by Councillor P McShane seconded by Councillor Hunter
2. **Alderman King** – proposed by Councillor Fitzpatrick, seconded by Councillor Hunter
3. **Councillor P McShane** (as reserve) – proposed by Councillor Nicholl, seconded by Cllr Loftus.

#### **MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Councillor Fielding  
Seconded by Alderman Robinson and

**AGREED** - that the Committee proceed to conduct the following business ‘In Committee’.

#### **9. LEGAL ISSUES**

Council’s Solicitor informed Members that Judicial Review on Craigahullier would be held at a hearing on 4 May 2018.

Council’s Solicitor advised that correspondence had been received advising of Pre-action Protocol with regard to North West Hotel.

It was **AGREED** that a copy of the correspondence would be forwarded to Members.

#### **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Finlay  
Seconded by Alderman Cole 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 7:30 pm.

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Chair