

PLANNING COMMITTEE WEDNESDAY 26 SEPTEMBER 2018

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	Councillors McKillop MA and McGurk
2.	Declarations of Interest <ul style="list-style-type: none"> • Councillor Fielding • Alderman Robinson • Councillor Hunter 	<ul style="list-style-type: none"> • LA01/2017/1534/O and LA01/2018/0037/O • LA01/2017/0544/O • LA01/2017/0979/F
3.	Minutes of Planning Committee Meeting held Wednesday 22 August 2018	Confirmed
4.	Order of Items and Registered Speakers	Approve
	LA01/2017/1161/F	Withdrawn from Schedule
5.	Schedule of Applications	
5.1	LA01/2017/1161/F Land approximately 60m North of 32 Dirraw Road, Ballymoney	Withdrawn
5.2	LA01/2017/0641/F Between 36 & 40 Altikeeragh Road, Castlerock	Approve
5.3	LA01/2017/1534/O 45m North of 57 Belraugh Road, Garvagh	Refuse
5.4	LA01/2017/0219/F Macosquin Playing Fields, Dunderg Road Coleraine	Approve
5.5	LA01/2017/0979/F	Defer for Site Visit

	37.1 meters South of 97 Causeway Road Bushmills BT57 8SX	
5.6	LA01/2018/0037/O Site between 24 and 34 Agherton Road, Portstewart	<i>Defer for Site Visit</i>
5.7	LA01/2015/0665/F Shackleton Barracks, Walworth Road, Ballykelly	<i>Approve</i>
5.8	LA01/2017/0240/O Lands opposite 66 Ballyavelin Road, Drumgesh, Limavady, BT49 0QB	<i>Approve</i>
5.9	LA01/2017/0544/O 80m South of 261 Ballyquin Road, Drumdreen, Limavady, BT49 9HB	<i>Withdrawn</i>
5.10	LA01/2017/1129/O Lands 187m South West of No. 293 Clooney Road, Greysteel	<i>Approve</i>
5.11	LA01/2018/0556/F Lands immediately North East of No. 6 Craig Vara Portrush	<i>Defer for Site Visit</i>
5.12	LA01/2017/0016/F 500m North West of 15 Gruig Lane, Cloughmills, Ballymena	<i>Approve</i>
5.13	LA01/2017/1648/F 1 Strandview Drive Portstewart	<i>Refused</i>
6.	Development Management Performance	
6.1	Development Management & Enforcement Statistics Period 01/04/18 – 31/08/18	<i>Note</i>
7.	Development Plan	
7.1	Local Development Plan (LDP) 2030: Steering Group – Annual Monitoring Report	<i>Accept Report</i>
7.2	Local Development Plan (LDP) 2030: Project Management Team – Annual Monitoring Report (report attached)	<i>Accept Report</i>

8.	Correspondence	
	8.1 Donegal County Council – Erratum/Error for Donegal CPD 2018-2024 (page 184)	Note
	8.2 BT Consultation on Removal of Public Pay Phone at Mayogill Road, Garvagh	Retain and Maintain
	8.3 BT Consultation on Removal of Public Pay Phone at Moycraig Road, Dervock	Retain and Maintain
	8.4 BT Consultation on Removal of Public Pay Phone at Turragh Road, Glenshesk, Armoy	Retain and Maintain
	8.5 BT Consultation on Removal of Public Pay Phone Outside The Coast Bar & Restaurant, 144 Seacoast Road, Limavady	Retain and Maintain
9.	Legal Issues	Verbal Update Noted
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 26 SEPTEMBER 2018 AT 2:00 PM**

In the Chair: Alderman S McKillop

Committee Members Present: Aldermen: Cole, Finlay, King, McKeown and Robinson
Councillors, Fielding, Hunter, Loftus, McCaw,
McLaughlin, Nicholl and P McShane

Officers Present: D Dickson, Head of Planning
S Mathers, Development Management &
Enforcement Manager
S Mulhern, Development Plan Manager
E Hudson, Senior Planning Officer
J Lundy, Senior Planning Officer
J McMath, Senior Planning Officer
E Keenan, Council Solicitor
E McCaul, Committee & Member Services Officer

In Attendance: J Simpson – Item 5.2
M Howe – Item 5.3, 5.5 and 5.12
K McCann – 5.6
R Murray – 5.7
A McKinley – 5.7
M Brownlee – 5.7
C McIlvar – 5.8 and 5.9
L Kennedy – 5.10
T Bell – 5.11
R Dougan – 5.11
R McBirney – 5.13

Press (0)
Public (10 No)

1. APOLOGIES

Apologies were received from Councillors McKillop MA and McGurk.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

- Councillor Fielding – Item 5.3 LA01/2017/1534/O and 5.6 LA01/2018/0037/O
- Alderman Robinson – Item 5.9 LA01/2017/0544/O
- Councillor Hunter – Item 5.5 LA01/2017/0979/F

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 22 AUGUST 2018

Proposed by Alderman Cole
 Seconded by Alderman McKeown and

AGREED – that the minutes of the Planning Committee Meeting held on Wednesday 23 August 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 schedule:

- Item 5.1 – LA01/2017/1161/F

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

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2017/1161/F (Major) - Land approximately 60m North of 32 Dirraw Road, Ballymoney (report attached)

App Type: Full Planning
Proposal: Erection of new broiler unit for up to 37,000 birds. Extension to existing concrete apron, new meal silos, drainage and associated landscaping

Report circulated.

NOTED – that the application had been withdrawn from the schedule.

5.2 LA01/2017/0641/F (Referred) - Between 36 & 40 Altikeeragh Road, Castlerock (report attached)

App Type: Full Planning
Proposal: 2 infill dwellings & garages

Report and site visit details circulated.

J Lundy, 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.

J Lundy explained the proposed development, the site and its context. She advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Policy CTY 8 of PPS 21 in that the dwellings are not located within a small gap within a substantial and built up frontage and would add to a ribbon of development. She advised that the size of the site, when considered against the size of the frontages of the plots adjacent to the site, could accommodate 3 dwellings and policy CTY 8 only allows for a maximum of 2 dwellings. She further advised that the paired access was unacceptable in a countryside location as it was a suburban style of development. J Lundy advised Members that the roads amendments were not requested as officers considered the principle of development unacceptable.

J Lundy advised Members that a refusal is recommended for the following reasons:

- The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY 1 of Planning Policy Statement 21 “Sustainable Development in the Countryside”, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Paragraph 6.73 bullet point 5 of the SPPS and Policy CTY 8 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal, if permitted, would create and add to a ribbon of development.
- The proposal is contrary to Paragraph 6.70 of the SPPS and Policies CTY 8 and CTY 14 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that the proposal would, if permitted, not respect the traditional pattern of settlement; and add to a ribbon of development along Altikeeragh Road resulting in a suburban style build-up of development; and cause a

detrimental change to further erode the rural character of the countryside.

- The applicant has failed to demonstrate that the proposal would not prejudice road safety in accordance with Policy AMP 2 of Planning Policy Statement 3 “Access, Movement and Parking” and Development Control Advice Note 15 due to insufficient information on submitted plans allowing DFI Roads to make a determination.

Members queried the roads issues and dual access design. J Lundy advised that 2.4m x 80m visibility splays are required and that a paired access is a suburban feature.

The Chair invited J Simpson, Agent to address the Committee in support of the application. The Agent said that the application complied with policy and that the site could only support 2 houses. He said that the applicant was willing to remove the hedge to create visibility splays. He referred to a previous approval within the Borough, LA01/2017/0228/F, which had a larger frontage than this site but was approved. He further advised that the Planning Appeals Commission had approved a site with a 45m frontage. J Simpson advised that the distance between the gables of the dwellings on either side of the gap site is 104m. He advised that it is proposed to design bungalows that match those in the area and that there is a paired access for dwellings in the area. He stated that the gap site is only wide enough to accommodate 2 dwellings.

Members queried the provision of an agricultural access and the amount of roadside hedgerow that requires to be removed.

J Simpson advised Members that an agricultural access is required to gain access to the farmland to the rear of the gap site and that this reduces the gap down to 85m. He advised that the applicant is willing to remove the hedgerow and replant to the rear of the visibility splays. He explained that a dwelling with a 22m frontage plus 7m wide garage would mean that the site could only accommodate 2 dwellings. He advised that the site at Ballylintagh Road had an average frontage of 47m.

Members asked the planning officer further questions relating to comparison between this site and Ballylintagh Road site and the access.

J Lundy read the wording of policy CTY8 and advised that every site is different. She advised that every site is different given the different character of the context of the site. J Lundy referred to

para. 8.7 of the Planning Committee Report stating that the average plot size in the context of this site is 32m and the gap site when measured building to building is 105m. She advised that even taking account of the agricultural access provision, the gap would still be of sufficient size for 3 dwellings and referred to the maps within the presentation. She further advised that the measurements were taken from Spatial NI.

Proposed by Alderman Finlay
Seconded by Councillor Baird

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 sections 7 and 8 and resolves to **APPROVE** planning permission, with hedge to be set back behind visibility splays being part of the condition of approval.

Alderman Finlay stated that he considered that, when taking the agricultural access and the bungalow with garage into account, the site was only of sufficient size to accommodate 2 dwellings. He advised that he considered the hedge could be set back behind the visibility splays.

The Chair put the proposal to the Committee to vote, 8 Members voted for, 4 Members voted against. The Chair declared the proposal to **APPROVE** carried.

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

- * Councillor Fielding left the Chamber during consideration of the following application.

5.3 LA01/2017/1534/O (Referred) - 45m North of 57 Belraugh Road, Garvagh

App Type: Outline Planning
Proposal: Proposed replacement dwelling

Report and site visit details circulated.

J Lundy, 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.

J Lundy described the proposed development, the site and its context. She advised Members that the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Policy CTY 3 of PPS 21 in that the structure does not exhibit the essential characteristics of a dwelling and its external walls are not substantially intact.

J Lundy advised that a refusal is recommended for the following reasons:

- The proposal is contrary to the Strategic Planning Statement Policy for Northern Ireland and to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling and all external structural walls are not substantially intact.

The Chair invited Michael Howe, Agent to address the Committee in support of the application. The Agent pointed out that the site naturally integrated and that the planning refusal reasons were subjective. He advised that the entrance and curtilage were well defined and stated that there was evidence from historic maps that this was domestic dwelling and that the house was 75% intact. He requested that the Committee approve the application.

J Lundy reminded Members of previous decisions made on similar applications at Macfin Road and that the refusal decision was sustained at appeal.

Proposed by Alderman Finlay
Seconded by Alderman Cole and

- **AGREED** - 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, with 10 Members voting for, 1 against and 2 abstentions. The Chair declared the recommendation to **REFUSE** carried.

The Head of Planning agreed to hold issue of refusal decision until 5 pm on Thursday 27 September 2018 to give the applicant the opportunity to withdraw the application.

- * Councillor Fielding re-joined the meeting at this point.

5.4 LA01/2017/0219/F – Macosquin Playing Fields, Dunderg Road, Coleraine

App Type: Full Planning
Proposal: Erection of 3 no. 6m high timber columns to NE site of Playing Field. Each column to have 2no 400W HQI Flood Lights (additional information).

Report and erratum circulated

J Lundy, 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.

J Lundy described the proposal, site and context and advised Members that 2 objections had been received to the application, highlighting the issues raised. She advised Members that the proposal is considered acceptable in this location having regard to the Area Plan and other material planning considerations. The proposal relates to an area of existing open space and is for the erection of flood lighting columns which are of an appropriate scale for their location. It is considered that the proposal should not have any adverse impact on the surrounding residential amenity due to the distance from the nearest property, the intervening vegetation and conditions of use. She advised that the proposed fencing had been removed from the application and that Schedule Monument Consent had been granted. She advised that the proposal is considered acceptable having regard to the policy guidance set out in PPS 8. Approval is recommended.

The erratum to the report provided revised conditions as follows:

- As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission
- All proposed development work shall be undertaken in line with the conditions attached to the Scheduled Monument Consent (SMC) decision. Reason: to ensure the protection of the archaeological remains within the application site are properly identified and protected or appropriately recorded.
- The proposed development is subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH4 of PPS6. Reason: To ensure the protection of the archaeological remains within the application site are properly identified and protected or appropriately recorded.
- The proposed floodlights shall have a restricted use of 2 evenings per week only, shall not operate between 22:00 hrs and 8:00 hrs and shall comply with the institute of Lighting Professionals, Obtrusive Light Limitations for Exterior Lighting Installations including sky glow, light trespass and source intensity. Reason: in the interests of residential and public amenity.

Proposed by Alderman King
 Seconded by Alderman Cole and

- **AGREED** 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, which was carried unanimously, 14 for 0 against.

- * Councillor Hunter left the Chamber during consideration of the following application.

5.5 LA01/2017/0979/F – 37.1 meters South of 97 Causeway Road, Bushmills

App Type: Full Planning

Proposal: The Glamping (Glamorous Camping) development comprises of 10 serviced Glamping Huts and 10 Camping Pitches, Access Road and Parking, Reception & Toilet/Shower Block, Outdoor Kitchen and Sewage Treatment via Septic Tank/constructed Wetland.

Report Circulated

S Mathers, Development Management & Enforcement Manager 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.

S Mathers described the proposed development, the site and its context. The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. He advised that the proposal is located within the Distinctive Landscape Setting of the Giant's Causeway World Heritage site as set out under Designation COU 3 of the Northern Area Plan, and does not fall within the exceptions for development as set out in Policy COU 4 of NAP. He advised Members that DAERA Protected Landscapes had been consulted and advised that the proposed development will have an adverse visual impact on the World Heritage Site. He advised that the proposed access was highly conspicuous in the landscape cutting through the field. The applicant has failed to demonstrate that the proposal will not have an unacceptable impact on this sensitive landscape setting through an adequate visual impact assessment and the provisions of a new access laneway will have a detrimental impact on rural character. The proposal is contrary to policies TSM 6 and TSM7 of PPS 16 and is also contrary to CTY 13 & CTY 14 of PPS 21. The proposal will also have an unacceptable impact on the Causeway AONB and is contrary to policy NH6 of PPS 2. The applicant has sought to argue this proposal as a Farm Diversification project but as the proposal is inappropriate in terms of character and scale at this location, the proposal fails to comply with CTY 11 of PPS21. As such this proposal is recommended for refusal for the following reasons:

- The proposal is contrary to paragraph 6.73 of the SPPS Planning for Sustainable Development and Policy COU 4 of the Northern

Area Plan 2016 in that the site lies within the Distinctive Landscape Setting of the Giant's Causeway and Causeway Coast World Heritage Site. The proposal does not qualify as an exception and therefore does not justify a relaxation of the strict planning controls in this area.

- The proposal is contrary to paragraph 6.73 of the SPPS Planning for Sustainable Development and Policy BH 5 of Planning Policy Statement 6, Planning Archaeology and Built Heritage, in that the site would adversely impact the integrity of the setting of the Giant's Causeway and Causeway Coast World Heritage Site, and there are no exceptional circumstances to justify a relaxation of the strict planning controls in this area.
- The proposal is contrary to Criterion (a) and (e) of Policy TSM6 of PPS 16: Tourism as the site is not located in an area that has the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character.
- The proposal is contrary to policies CTY 13 and CTY 14 of PPS 21: Sustainable Development in the Countryside as it has not been demonstrated that the proposal will not be an unduly prominent in this sensitive landscape; and the ancillary works do not integrate with their surroundings and would damage rural character.
- The proposal is contrary to policies CTY 11 of PPS 21: Sustainable Development in the Countryside as the proposed development is inappropriate in character and scale for its location within the Distinctive Setting of the World Heritage Site and the Causeway Coast Area of Outstanding Natural Beauty.
- The proposal is contrary to Policy NH 6 of PPS 2: Natural Heritage as the siting and scale of the proposal is not sympathetic to the special character of the Causeway Coast Area of Outstanding Natural Beauty and it fails to respect the character, appearance and heritage of the landscape.

The Development Management and Enforcement Manager responded to Members queries on visual impact and to previous planning history on the site. He advised that policy COU4 only allows for 3 types of development and listed those developments. He advised that it is not a visual impact test but whether it met one of the 3 types of development listed within the policy and that the proposed development must be acceptable in character and scale within the Distinctive Landscape Setting.

Proposed by Councillor Baird
Seconded by Councillor Loftus

- that the Committee **DEFER** consideration of the application for a site visit to be held.

The Chair put the proposal to the Committee to vote, with 13 Members voting for, 0 against and 0 abstentions. The Chair declared the proposal to **DEFER** consideration and for a site meeting to be held carried.

- * Councillor Hunter re-joined the meeting at 3:10 pm.
- * Councillor Fielding left the meeting at 3:10 pm.

5.6 LA01/2018/0037/O – site between 24 and 34 Agherton Road, Portstewart

App Type: Outline Planning
Proposal: Proposed site for new detached dwelling and garage.

Report, Addendum, Erratum and site visit details circulated.

S Mathers, Development Management & Enforcement Manager 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 note the contents of this Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

S Mathers described the proposed development, the site and its context. He advised Members that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal fails to comply with Policy CTY2a of PPS 21 as there is no cohesive grouping and the existing development does not give the appearance of a visual entity. He further advised that the site is not located within a group of building at a crossroads and there is no focal point such as church, school or hall. He advised that the hall within the caravan

park is for the users of the caravan park with limited community use. S Mathers further advised that the site is not bound on 2 sides by 2 dwellings in a cluster. The proposal would further erode the rural character of the area and is contrary to Policy CTY 14 of PPS 21 and has a detrimental impact on the Cromore Local Landscape Policy Area.

S Mathers advised Members that refusal is recommended for the following reasons:

- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- The proposal is contrary to Paragraph 6.69 and 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the proposed site is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwellings; there is no cluster at this location which appears as a visual entity in the local landscape; it is not associated with a focal point and is not located at a crossroads and; the dwelling will, if permitted, visually alter rural character.
- The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, in that the proposed dwelling will add to the erosion of the rural character of the countryside at this location as it results in a suburban style build-up of development when viewed with existing and approved buildings.
- The proposal is contrary to Planning Policy ENV 1 Local Landscape Policy Areas of the Northern Area Plan 2016 as the development proposal fails to comply with the requirements set out for this LLPA; Designation PTL 01 Cromore LLPA which operates a presumption against new development.

Proposed by Alderman McKillop
Seconded by Alderman Cole

That S McCann, Applicant would be allowed to address the Committee in support of the application. The Chair put the proposal to the Committee to vote, which was carried unanimously, 13 Members for, 0 against and 0 abstentions.

The Chair invited S McCann, Applicant to address the Committee in support to the application. He stated that there had been four generations living on the land and that he wished to add to this. He said that he had put forward a robust case to the Planning Department. He advised that the hall is used for suicide awareness and the policy is a subjective test; he just wants to build a family home and the case officer had been positive about the application.

The Development Management & Enforcement Manager confirmed that he had a copy of the case officer's report and the application was recommended for refusal by the case officer and supported by the senior planning officer.

Proposed by Alderman Robinson
Seconded by Councillor Baird

- That decision by **DEFERED** for a site meeting.

The Chair put the proposal to the Committee to vote, with 11 voting for and 1 abstentions. Agreed that Speaking Rights to be carried forward. The Chair declared the proposal to hold a site meeting **CARRIED**.

- * Councillor Fielding re-joined the meeting at 3:25 pm.

5.7 LA01/2015/0665/F – Shackleton Barracks, Walworth Road, Ballykelly

App Type: Full Planning
Proposal: Construction of Integrated Constructed Wetland to treat wastewater from Ballykelly catchment. Excavations, demolition of buildings, remodelling of lands to form ponds containing plant species to treat wastewater. ICW to be surrounded by 2.4m high palisade fence and gate.

Report circulated.

S Mathers, Development Management & Enforcement Manager 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 reasons set out in section 10.

S Mathers described the proposed development, the site and its context. He advised Members that having regard to the Northern Area Plan 2016 and other material considerations the proposal is considered acceptable. The need for the proposed upgrading of the existing WWTW has been demonstrated to the satisfaction of the Planning Department. The proposed development, despite being located within the floodplain adjacent to the existing WWTW. It will not result in any increased flood risk beyond the existing floodplain. It has also been demonstrated to the satisfaction of the Planning Department and consultees that the proposed development will not have any significant adverse impacts on the natural environment including designated sites and protected species, even if a flood event was to occur. The proposal has proposed a suite of mitigation measures which will, if implemented, ensure a safe and environmentally friendly development. The proposal will result in the provision of an environmentally and economically sustainable development which will achieve the overall aim of providing adequate waste water treatment facilities to serve the Ballykelly catchment. The development will require the demolition of some of existing buildings. Traffic, noise and dust impacts were all considered acceptable. The main entrance for construction vehicles will be from Dukes Lane. He advised the issues raised by objectors had been considered and referred members to the Planning Committee Report for details of their consideration.

S Mathers advised Members that the application is recommended for approval subject to the conditions and informatives listed in the Planning Committee Report.

Members queried the access provision, the existing problems with the WWTW and location within the floodplain.

S Mathers advised Members that access will be off Walworth Road but the main construction traffic will access the site via Dukes Lane. When the wetlands are in operation they will be largely unmanned with only the occasional visitor and referred to para. 8.20 of the Planning Committee Report. He advised that the existing WWTW will remain and remove the solids before the liquid is transferred to the ponds. He advised the location within the floodplain was considered acceptable as it is for utility infrastructure required to operate in conjunction with the existing WWTW which is located within the floodplain. S Mathers advised that there will be no bunding surrounding the 8 ponds.

The Chair invited R Murray, RPS and M Brownlee, NI Water to address the Committee. R Murray advised that they would not speak on the application but instead answer any questions Members had.

Members queried the impact on access and the position of a gate, the quality of the water that would enter the watercourse and whether any historic buildings will be demolished.

R Murray advised Members that the gate is located north of where residents would turn in and its position will not impact on this. He advised that NI water are required to meet environmental standards before any water can be discharged to the watercourse and that the listed building is not impacted by the development.

M Brownlee advised Members that discussions are ongoing in relation to the retention of 1 building in the centre of the site, however, as part of this applications all buildings within the site are proposed to be demolished at this time.

Proposed by Councillor Nicholl
Seconded by Alderman Cole and

- **AGREED** - 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 proposal to the Committee to vote. The proposal to **APPROVE** was carried unanimously, 14 for 0 against and 0 abstentions.

* A recess was held from 3:40 – 4:00 pm.

5.8 LA01/2017/0240/O – Lands opposite 66 Ballyavelin Road, Drumgesh, Limavady, BT49 0QB

App Type: Outline Planning
Proposal: Dwelling and garage

Report, addendum, erratum and site visit details circulated.

J McMath, 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.

J Mc Math described the proposed development, the site and its context. She advised Members that 1 letter of support and 1 letter of objection had been received. She advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. While the proposal meets the tests of Policy CTY 10 of PPS 21 for a dwelling on a farm, it fails to comply with the policy provisions of Policies CTY 13 and CTY 14 in terms of integration and rural character. She advised Members that a dwelling within the site would be elevated, prominent and lacks long established boundaries and would rely on new planting to assist integration. As a result the proposal would fail to integrate into the surrounding landscape and would be unduly prominent in this location. J McMath advised Members that new information including a block plan and reference to 5 PAC decisions had been received and provided a verbal addendum detailing the PAC decision and describing the details of the amended block plan.

J McMath advised Members that refusal is recommended for the following reasons:

- The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - the proposed building would be a prominent feature in the landscape;
 - the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - the ancillary works do not integrate with their surroundings; and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly

prominent in the landscape; the impact of ancillary works would damage rural character; and would therefore result in a detrimental change to the rural character of the countryside.

The Committee were advised that a letter of objection had been received from a neighbour and that issues raised were that the proposed dwelling would materially impact the future reinstatement of their property, impact on outlook and impact on amenity space.

The Chair invited C McIlvar, Agent to address the Committee in support of the application. The Agent stated that the dwelling of 6.5m ridge would visually linked with buildings nearby; the roadside hedge did not need to be removed and could be pushed back; planting would take place to aid integration; the site would be well screened and that CTY10 outweighs CTY13 on integration and rural character and referred to PAC decisions. She advised that travelling from the west there is mature vegetation along the roadside; from the east the only view is at the site. She stated that the vegetation can be replanted and translocated to the rear of the visibility splays and a curved access is common practice.

Members queried the PAC decisions referred to in the verbal addendum, access and how successful transplanting the hedgerow behind the visibility splays would be?

C McIlvar advised Members that that the PAC decisions were made in the last couple of months after the implementation of the SPPS. She advised that the visual integration of a dwelling with buildings on the farm outweighs concerns regarding integration. She advised that the hedge can be replanted within 1 day if carried out at the right time of rear and that Council has approved other applications where this was proposed. C McIlvar clarified that the amended block plan submitted showed planting along the laneway. She stated that there are a cluster of buildings at this location and queried what harm 1 more dwelling would cause. She clarified to Members the land owned by the applicant.

Proposed by Alderman Finlay
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 sections 7 and 8 and resolves to **APPROVE** planning permission with the following condition:

Alderman Finlay stated that he considered the site to visually link with buildings on a farm and therefore meets policy CTY 10. He considered that if the hedge be pushed back behind the visibility splays and if it dies within 5 years, a new hedge would be planted would resolve concerns regarding integration.

The Chair put the amendment that the application be approved to the Committee to vote, with 14 voting for, 0 against and 0 abstentions. The Chair declared the amendment to **APPROVE** carried.

Members agreed to delegate conditions and informatives of approval to Planning Officers.

* Alderman Robinson left the meeting at 5:15 pm.

5.9 LA01/2017/0544/O – 80m South of 261 Ballyquin Road, Drumdreen, Limavady, Co Londonderry, BT49 9HB

App Type: Outline Planning
Proposal: New two storey farm dwelling with associated garage/stores

Report circulated.

J McMath, Senior Planning Officer presented the report and made a recommendation to the Committee for consideration.

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

J Mc Math described the proposed development, the site and its context. She advised Members that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal fails to comply with Policy CTY 13 and CTY 14 of PPS 21. The proposed laneway and ancillary works required to provide access to the proposed new dwelling would fail to integrate and have a detrimental impact on rural character. She advised Members that 2 letters of objection had been received and highlighted the issues referring to the Planning Committee Report over ownership and

closure of the existing access. J McMath advised Members that refusal is recommended for the following reasons:

- The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.
- The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

It was noted that C McIlvar, Agent, who had registered for speaking rights had left the meeting.

The Senior Planning Officer responded to queries from Members on history of the site; issues with the new proposed access and that there were 2 objections to the application around closing part of a laneway in which the applicant did not have ownership.

Proposed by Alderman Finlay
Seconded by Councillor Loftus and

- **AGREED** - 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, with 8 voting for, 1 against and 3 abstentions. The Chair declared the proposal to **REFUSE** carried.

- * Alderman Robinson re-joined the meeting at 5:45 pm.

Alderman Robinson advised the Committee that the applicant had withdrawn the application. **NOTED.**

5.10 LA01/2017/1129/O – Lands 187m South West of No. 293 Clooney Road, Greysteel

App Type: Outline Planning
Proposal: The replacement of existing dwelling house under Policy CTY 3 of PPS 21

Report circulated.

J McMath, 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.

J McMath described the proposed development, the site and its context. She advised Members that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21 including having regard to the specific policy for replacement dwellings as outlined in Policy CTY 3. She advised that there appeared to be rebuilding of a substantial portion of the building; the fireplace was of new construction and does not exit the roof. The applicant has failed to demonstrate that the proposal would not result in an unacceptable impact on habitats, species or features of Natural Heritage Importance through the provision of a bat roost survey and is contrary to PPS 2. The proposal would result in the creation of a new vehicular access onto a Protected Route thereby prejudicing the free flow of traffic and conditions of general safety therefore the proposal would be contrary to Annex 1 of PPS21 the consequential amendment to Policy AMP 3 of PPS 3. Refusal is recommended for the following reasons:

- The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling.
- The applicant has failed to demonstrate that the proposal would not result in an unacceptable adverse impact on habitats, species or

features of Natural Heritage Importance in accordance with Policies NH 2 and NH 5 of Planning Policy Statement 2 – Natural Heritage.

- The proposal is contrary to paragraph 6.297 of the Strategic Planning Policy Statement and Annex 1 – consequential amendment to Policy AMP3 of Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, A2 Clooney Road, thereby prejudicing the free flow of traffic and conditions of general safety.

The Senior Planning Officer responded to Members queries on history of the site and to recent work that had been carried out to a fireplace with the building. She explained that a second fireplace appeared to be akin to a commercial scale forge for what would have been used for example at a blacksmiths when considering the size of the room it was located within. She advised that the agent had not given any reason for why the refurbishment works had been carried out. J McMath further advised Members that the agent had advised at an office meeting that the building had been used for agricultural purposes and that the historical information was inconclusive. The Senior Planning Officer pointed out that when you look at whole building in totality, there was not enough evidence that this having been a dwelling house.

The Head of Planning read Policy CTY3 to Members in relation to the criteria for a replacement dwelling.

The Chair invited Lee Kennedy, Agent to address the Committee in support of the application. The Agent advised that the building exhibited characters of a dwelling house; the walls were intact; the building had fireplace with hearth; main windows had tongue and groove around frame and that it was misleading to suggest that the two rooms within the dwelling were not connected. He advised that the dwelling was similar to that included within the 'Building on Tradition' guidance booklet. L Kennedy advised Members that Sammy Stewart lived in the dwelling but died around 1965-1970. He said that the internal layout had been removed and that the fireplace had collapsed, plus a similar application had been approved by Council (LA01/2018/0027).

Members queried why the works had been carried out and what other people had lived in the building.

L Kennedy advised Members that the door in the middle had been widened to allow tractors in with hay bales but that the building is

substantially intact and that the photo makes it look worse. He advised he was not sure if anyone else had lived in the building.

J McMath referred Members to para. 8.18 of the Planning Committee Report regarding the characteristics of the building and reminded Members of a previous decision by Members on a similar application at Macfin Road that the Committee had refused and the reasons sustained at appeal.

Proposed by Councillor Nicholl
Seconded by Councillor McShane

- **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 sections 7 and 8 and resolves to **APPROVE** planning permission and request a bat roost survey to be carried out prior to issuing decision notice. However, if bat roost survey raises issues that officers considered contrary to policy the application is to be brought back to Committee for further consideration.

Cllr Nicholl stated that he considered the building to exhibit the characteristics of a traditional dwelling in countryside and therefore meets policy CTY3.

The Chair put the amendment to the Committee to vote, with 7 voting for, 6 against and 1 abstention. The Chair declared the amendment to **APPROVE** carried.

Members agreed to delegate conditions and informatives of approval to Planning Officers.

5.11 LA01/2018/0556/F – Lands immediately North East of no. 6 Craig Vara Portrush

App Type: Full Planning
Proposal: Proposed extension to an existing balcony to create a lowered roof terrace by way of lowering roof wall height by 1.1 metres at "The Beach Ball" (shop), fixed furniture and raised corner areas

Report and addendum circulated.

E Hudson, Senior Planning Officer presented the report and made a recommendation to the Committee for consideration.

RECOMMENDATION - 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 10.1 of the Planning Committee Report.

E Hudson described the proposed development, the site and its context. She advised Members that the proposal is considered unacceptable in this location having regard to the NAP 2016 and other material considerations. The proposed roof terrace would significantly detract from the setting of the Craig Vara House and the Arcadia, both of which are Grade II Listed Buildings. The PAC have already determined on the two previously refused applications that impacts relating to privacy, anti-social behaviour, noise and disturbance would not be at an unacceptable level, when taken in the context of the existing layout and balconies fronting towards Strandmore. However, PAC had agreed that the previous applications would impact on the setting of the listed buildings. She advised Members that 14 objections from 6 addresses had been received and referred to para. 5.1 of the Planning Committee Report. She advised Members that refusal is recommended for the following reasons:

- The proposal is contrary to para 6.12 & 6.13 of the Strategic Planning Policy Statement and Policy BH11 of Planning Policy Statement 6, Planning, Archaeology and Built Heritage, in that the proposal would, if permitted, adversely impact the setting of two listed buildings through the inappropriate nature of the use as a roof terrace.

Members queried the previous history of the site and location of proposed development.

The Chair invited N Quinn, Historical Environment Division to address the Committee.

N Quinn advised Members of criteria c of policy BH11 and explained the visual understanding and historical development of the site and its proximity to Craig Vara House, listed building built in 1840s. She described the setting of the listed building and the

surrounding context advising of the historical importance of the buildings. N Quinn outlined concerns regarding extending the balcony over the commercial premises and stepping beyond the established historic building line; would invite further activity to and from the house which would effectively sprawl over the historic building line and compromise the prominence of the historic buildings.

Members queried the impact of this proposed development when considering other developments within the vicinity.

N Quinn advised Members that there is currently no connection between the roof of the commercial shop and therefore any activity at this location would be additional activity and impact on the visibility of the historic building. She reminded Members of the 2 previous appeals on this site and that the reduction in floor level proposed in this application and concern over further guarding and raised platforms was a concern.

Proposed by Councillor McShane P
Seconded by Councillor Loftus

that decision on the application be deferred until after a site visit had been held.

As there were 2 registered speakers on the application, Councillor McShane P withdrew his proposal, with the consent of the seconder Councillor Loftus.

The Chair invited Thomas Bell, Agent and Ryan Dougan, Architect to address the Committee in support of the application.

T Bell advised Members that the current application is a different proposal to the previous applications due to the reduced floor level and fixed paraphernalia. He acknowledged the setting of the listed building but advised that the development is sympathetic to the listed building taking account of the context of the site at a sea front location and the presence of other balconies in the area, the play park and the coming and going of people. He reminded Members that the PAC did not uphold the other concerns previously raised and only upheld the current issue which is draconian and irrational.

R Dougan advised Members that the applicant had compromised in the design; recessed the terrace and fixed the furniture and screens. He advised that the area has an array of colours and activities even out of season; views are minimal. He further

advised that the heater would be electrical and therefore building control would not be required nor any increase in the screens.

Members queried the previous PAC decisions.

T Bell advised that the last appeal had been dismissed. He advised that the extension over onto the commercial premises would not impact on the setting of the listed building and that the promenade is open all evening.

E Hudson advised Members that the proposal does include fixed furniture but additional furniture can still be added and that a parapet will be required around the edge where there are raised areas.

In response to a query from Members regarding the procedure if Members went against HED advice, the Head of Planning advised Members that as this application is not a major application nor an application for listed building consent, there will be no requirement for Council to notify the Department if Members determine to grant permission.

Proposed by Councillor Loftus
Seconded by Councillor Baird

That the Committee defer decision on the application until after a site visit had been held.

The Chair put the proposal to the Committee for a vote, with 12 Members voting for, 0 against and 2 abstentions. The Chair declared the proposal to **DEFER** decision until after a site visit had been held carried.

5.12 LA01/2017/0016/F - 500m North West of 15 Gruig Lane, Cloughmills, Ballymena

App Type: Full Planning
Proposal: Proposed replacement of an existing Vesta V27 wind turbine (with 30m hub height and 27m blade diameter) with a Vesta V52 wind turbine (with 40m hub height and 52m blade diameter)

Report, addendum and site visit report circulated.

E Hudson, 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.

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.

E Hudson described the proposed development, the site and its context. She advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. Given the prominent location of the turbine and the fact that there will be critical views of the development from various vantage points, the proposed turbine will have a significant detrimental impact on the visual amenity and landscape character of the surrounding area by reason of its scale and design with long blades. Harm will be caused by reason of cumulative impact as the proposal will have the visual effect of the windfarm spilling across the landscape. Refusal is recommended for the following reasons:

- The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development 2015, and contrary to Policy RE 1 of Planning Policy Statement 18, in that, the proposal would result in demonstrable harm to the visual amenity and landscape character of the area.
- The proposal is contrary to paragraph 6.224 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning for Sustainable Development 2015, and contrary to Policy RE 1 of Planning Policy Statement 18, in that, the proposal when viewed in conjunction with other wind turbines in the surrounding locality would result in demonstrable harm to the visual amenity and landscape character of the area.
- The proposed development is contrary to the Habitats Regulations, the Strategic Planning Policy for Northern Ireland (paragraphs 6.179 - 6.182) and Policy NH 5 of Planning Policy Statement 2: Natural Heritage in that the development would be likely to harm bats protected by law and insufficient information has been submitted to establish otherwise.

- The proposed development is contrary to the Strategic Planning Policy for Northern Ireland (paragraphs 6.229) and Policy RE 1 (part vi) of Planning Policy Statement 18: Renewable Energy in that the development would be likely to harm the amenity of sensitive receptors due to noise and insufficient information has been submitted to establish otherwise.

The Senior Planning Officer reported that the new turbine blades would appear more prominent on landscape and that there was 2 outstanding issues in terms of noise survey and visual impact.

The Chair invited M Howe, Agent to address the Committee in support of the application. The Agent pointed out that the existing vegetation would obscure the views of the turbines; the proposed site is known for having number of wind turbines and to refuse on visual impact was subjective; often there was mist on site and turbines could not be seen; no harm was being done to visual amenity of area and that the refusal reasons were weak. He reminded Members of a previous decision that the Committee had made in relation to increasing the height and blades of a turbine at Magheraboy Road. M Howe stated that the requested reports can be provided.

Members queried why this turbine was separated from the existing wind farm and comparison to wind turbine at Loguestown Road.

M Howe stated that this is to replace an existing turbine and is for a farmer; the other turbines are 100m in height. The turbine at Loguestown road is visible from East Strand.

E Hudson advised Members that the existing turbine is typical in size for single turbines on a farm. She stated that the proposed turbine would be more visible and would be akin to the commercial turbines within a wind farm.

Proposed by Alderman Finlay
Seconded by Councillor McLaughlin and

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

Ald Finlay stated that the other turbines can be seen from Cloughmills and the proposal will have no greater impact visually in the landscape. The agent can submit the bat surveys and noise impact assessment prior to decision issuing and if they raise no issues the decision can issue; if issues of concern arise the application is to be brought back to the Committee for further consideration.

The Chair put the amendment to the Committee to vote, with 12 Members voting for, 0 against and 1 abstention. The Chair declared the amendment to **APPROVE** planning permission carried.

Members agreed to delegate conditions and informatives of approval to Planning Officers.

- * A recess was held from 6:10 to 6:23 pm.
- * Councillors McLaughlin and McShane P did not return to the meeting.

5.13 LA01/2017/1648/F – 1 Strandview Drive, Portstewart

App Type: Full Planning
Proposal: Proposed roof space conversion/extension and single storey rear extension to form living space. Proposed entrance pillars/gates, garden house and landscaping works. Alterations to external finishes and window openings

Report and addendum circulated.

E Hudson, 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** 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 10.1 of the Planning Committee Report.

E Hudson described the proposed development, the site and its context. She advised Members that amended plans had been received and described the amendments and advised Members that the amendments did not address concerns in relation to scale and massing and that the proposed development would detract from the character of the area. And adversely impact on the amenity of adjacent residential properties. She advised Members that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposed scale, massing and design are unsympathetic with the built form and appearance of the existing property, will detract from the appearance and character of the surrounding area and has the potential to unduly affect the amenity of neighbouring residents. She advised Members that a refusal is recommended for the following reasons:

- The proposed alterations are contrary to Paragraph 4.27 of the SPPS and to the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations Policy EXT 1 criteria (a) and (b) in that the proposed scale, massing and design are unsympathetic with the built form and appearance of the existing property, will detract from the appearance and character of the surrounding area and has the potential to unduly affect the amenity of neighbouring residents.

The Senior Planning Officer stated that there were objections to the application from no's 4, 6 and 10 Strandview Drive on conversion being intrusive and encroach on privacy; increase in sun glare; roof space conversion dominates front elevation; intrusive effect on streetscape; overlooking; scale and not in keeping with area and referred Members to para. 5.1 of the Planning Committee Report.

The Chair invited R McBirney, Agent and Councillor Quigley to address the Committee in support of the application.

Councillor Quigley outlined that the extension to the property was an improvement to the existing dwelling; the area had a mix of dwelling styles and the proposed extension did not detract from these; objectors were over 30 metres away with their gardens at the back of their properties; letter of support should be given weight as in keeping with character and there was no impact on residential amenity. She referred to other dwellings in the area with large expanses of glass.

- * Alderman King left the meeting at 6:47 pm.

R McBirney stressed that the Planners should not look at the street in isolation and need to look at the wider area context, and referred to other houses of a contemporary mix with large areas of glazing and that the application would not be out of character. He said in his view there was no policy basis for refusing the application. He stated that the neighbour adjacent to the site supports the proposed development and that the private amenity area of that property will not be impacted upon. R McBirney advised Members that the properties on the opposite side of the road have their private amenity areas to the rear and will not be overlooked. He further advised that balconies to the front of dwellings is characteristic of the area.

Members queried overlooking and character of development in the area.

R McBirney advised there would be a view to the front of the properties but there is 30m between the properties on the opposite side of the road and the application site. He further advised that the front of these properties is already overlooked by passers-by. He described the character of dwellings in the area including B&B, large areas of glazing, balconies, not in Area of Townscape Character or Conservation Area.

The Senior Planning Officer advised Members on the character of Strandview Drive. She advised that there are similarities between the dwellings although designs vary. She advised that the application site is elevated above the properties on the opposite side of the road and the resultant overdominant appearance. The increase of 24sqm of balcony brings it closer to no. 3 and the staircase up to the balcony will impact on the privacy of no.3.

Proposed by Alderman Finlay
Seconded by Councillor Loftus

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

Ald Finlay stated that that on balance the argument had been well made that the design of the dwellings in the area are mixed and therefore does not consider the proposed development would be

out of character with the area. He stated that he did not consider that there would be overlooking into private amenity areas and that the application should be approved

The Chair suggested that there should be some amendments to the design to make it more acceptable.

The Chair put the amendment to the Committee to vote, with 4 Members voting for, 6 against and 1 Member abstained. The Chair declared the amendment **LOST** and planning permission was therefore refused.

It was **NOTED** that the application had the right to withdraw the application before the decision notice issues.

* Councillor Baird left the meeting at 7:10 pm.

6. DEVELOPMENT MANAGEMENT PERFORMANCE:

6.1 Development Management & Enforcement Statistics Period 01 April 2018 – 31 August 2018

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

The Head of Planning advised that the number of applications received in July was 104 with staff issuing 95 planning application decisions. She stated that resources continue to be targeted to reduce the over 12 month applications and that staff are conscious of the need to prioritise their efforts in this area of work. She referred to the tables within the Report in relation to local applications, enforcement cases, breakdown of over 12 month application in the system; appeal decision issued and number of referrals by Elected Members.

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 Local Development Plan (LDP) 2030: Steering Group – Annual Monitoring Report

The Development Plan Manager presented the report.

Members are aware that the Council's Development Plan team is currently preparing a Local Development Plan (LDP) for the Borough.

In line with the Council's 'Statement of Community Involvement in Planning' (SCI), the LDP Steering Group was established, comprising the Planning Committee and the Head of Planning.

The Steering Group met on the following dates:

- 14 August 2017;
- 5 October 2017;
- 9 November 2017; and
- 20 April 2018

Under the agreed Steering Group Terms of Reference (Appendix 1 previously attached), the Group is required to complete its objectives within the timescale for the adoption of the Plan, as per the agreed LDP Timetable.

In line with the revised LDP Timetable, the Council's Preferred Options Paper ('POP') and associated documents were published for comment on 26 June 2018.

The 12 week public consultation closed at **5.00 pm on Friday 21 September 2018.**

In summary, the LDP Steering Group has assisted the Council in meeting its published Plan timetable.

It is recommended that Members accept the LDP Steering Group Annual Monitoring Report.

AGREED – that Members accept the LDP Steering Group Annual Monitoring Report.

7.2 Local Development Plan (LDP) 2030: Project Management Team – Annual Monitoring Report

The Council's Development Plan team is currently preparing a Local Development Plan (LDP) for the Borough.

The LDP is required to be accompanied by a Sustainability Appraisal (including Strategic Environmental Assessment). Sustainability Appraisal (SA) is a statutory process incorporating the requirements of the European Union Strategic Environmental Assessment (SEA) Directive (2001).

SA is an iterative process, carried out alongside the preparation of the LDP. It is used to assess the Plan against a set of sustainability objectives. This process helps to evaluate possible strategic, policy and site specific options, as well as the most sustainable options in terms of economic, social and environmental performance.

At the Preferred Options Paper (POP) Stage of Plan preparation Shared Environmental Service (SES), the consultants acting on behalf of the Council, produced a Sustainability Appraisal: Scoping & Interim Reports.

Under the agreed Project Management Team Terms of Reference (Appendix 1 previously attached) planning officials will present an annual monitoring report to the Planning Committee to inform the Council on the PMT progress in meeting the Plan timetable and identifying the causes of any significant delay.

In line with the revised LDP Timetable, the SA Scoping and Interim Reports were published for comment on 26th June 2018 alongside the Council's LDP Preferred Options Paper (POP) and other associated documents.

The 12 week public consultation closes at **5.00pm on Friday 21 September 2018.**

In summary, the Project Management Team has assisted the Council in meeting its published Plan timetable.

It is recommended that Members accept the LDP Project Management Team Annual Monitoring Report.

Proposed by Councillor Nicholl
Seconded by Alderman Finlay and

AGREED – that Members accept the LDP Project Management Team Annual Monitoring Report.

8. CORRESPONDENCE

8.1 Donegal County Council – Erratum/Error for Donegal CPD 2018-2024 (Page 184)

Council received an email from Donegal County Council informing Council that an unintended *erratum* has occurred in the recently adopted and published County Donegal Development Plan 2018-2024 and as such this aforementioned Development Plan currently contains an unfortunate misprint. This misprint can be found in Part B; Appendix 3 Development Guidelines and Standards, Page 184.

The current Figure 3 incorrectly states:

- 1: Visibility Splay (constraint on overtaking)
- 2: Alternative Visibility Splay (no constraint on overtaking)”

This should read as:

- 1: Visibility Splay (no constraint on overtaking)
- 2: Alternative Visibility Splay (constraint on overtaking)

The erratum/error from Donegal CPD 2018-2014 (Page 184) was **NOTED**.

8.2 BT Consultation on Removal of Public Payphone at Mayogill Road, Garvagh, Coleraine

BT Payphones consulted the Council on 30 August 2018 on the removal of a public payphone at Mayogill Road, Garvagh.

BT have advised that the phone box has received no use during the last twelve months and are therefore proposing to permanently cease the service at this location. The telephone box is of the traditional design painted red.

BT has advised that they are meeting their obligation to provide a Universal Service as there are other kiosks in the vicinity. The nearest phone box is located at Moneydig Road, Kilrea.

BT have an obligation to consult with the relevant public bodies on the proposed removal. They require the Council to respond after 42 days and within 90 days giving their comments or any objections received from the local community.

It was **NOTED** that the recommendation within the report had been changed to **retain and maintain** the public payphone.

AGREED – that BT would be advised that the payphones be retained and maintained.

8.3 BT Consultation on Removal of Public Payphone at Moycraig Road, Dervock, Ballymoney

BT Payphones consulted the Council on 30 August 2018 on the removal of a public payphone at Moycraig Road, Dervock, Ballymoney.

BT have advised that the phone box has received no use during the last twelve months and are therefore proposing to permanently cease the service at this location. The telephone box is of the traditional design painted red.

BT has advised that they are meeting their obligation to provide a Universal Service as there are other kiosks in the vicinity. The nearest phone box is located at Orby Drive, Liscolman, Ballymoney.

BT have an obligation to consult with the relevant public bodies on the proposed removal. They require the Council to respond after 42 days and within 90 days giving their comments or any objections received from the local community.

AGREED – that BT would be advised that the payphones be retained and maintained.

8.4 BT Consultation on Removal of Public Payphone at Turragh Garage, Glenshesk Road, Armoy, Ballymoney

BT Payphones consulted the Council on 30 August 2018 on the removal of a public payphone at Turragh Garage, Glenshesk Road, Armoy.

BT have advised that the phone box has received no use during the last twelve months and are therefore proposing to permanently cease the service at this location. The telephone box is of the traditional design painted red.

BT has advised that they are meeting their obligation to provide a Universal Service as there are other kiosks in the vicinity. The nearest phone box is located at Glenshesk Road, Armoy.

BT have an obligation to consult with the relevant public bodies on the proposed removal. They require the Council to respond after 42 days and within 90 days giving their comments or any objections received from the local community.

AGREED – that BT would be advised that the payphones be retained and maintained.

8.5 BT Consultation on Removal of Public Payphone outside The Coast Bar and Restaurant, 144 Seacoast Road, Limavady

BT Payphones consulted the Council on 30th August 2018 on the removal of a public payphone outside the Coast Bar and Restaurant, 144 Seacoast Road, Limavady.

BT have advised that the phone box has received no use during the last twelve months and are therefore proposing to permanently cease the service at this location. The telephone box is of the traditional design painted red.

BT has advised that they are meeting their obligation to provide a Universal Service as there are other kiosks in the vicinity. The nearest phone box is located at Linenhall Street Junction, Catherine Street, Limavady.

BT have an obligation to consult with the relevant public bodies on the proposed removal. They require the Council to respond after 42 days and within 90 days giving their comments or any objections received from the local community.

AGREED – that BT would be advised that the payphones be retained and maintained.

MOTION TO PROCEED ‘IN COMMITTEE’

Proposed by Councillor Hunter
Seconded by Councillor Nicholl and

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

9. LEGAL ISSUES

Council’s Solicitor provided a verbal update in relation to ongoing legal proceedings and responded to Members questions.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Nicholl
Seconded by Councillor Loftus and

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

9. 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.

Chair