

**PLANNING COMMITTEE WEDNESDAY 28 NOVEMBER 2018**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>1.</b>	Apologies	<b>Councillors Hunter, McCaw</b>
<b>2.</b>	Declarations of Interest	<b>Councillor P McShane – LA01/2017/0221/F Councillor M Fielding – LA012017/0441/F</b>
<b>3.</b>	Minutes of Planning Committee Meeting held Wednesday 24 October 2018	<b>Confirmed</b>
<b>4.</b>	Order of Items and Registered Speakers / site visit requests	
	LA01/2018/0162/O LA01/2017/1101/O LA01/2017/1226/F LA01/2017/1207/F LA01/2017/1113/O LA01/2018/0456/F	<b>Application Withdrawn Application Withdrawn Withdrawn from Schedule Withdrawn from Schedule Site Visit Requested Site Visit Requested</b>
<b>5.</b>	<b>Schedule of Applications</b>	
<b>5.1</b>	LA01/2017/1208/O Adjacent to 277 Frosses Road, Cloughmills (Agenda Item 18)	<b>Approve</b>
<b>5.2</b>	LA01/2017/1654/F Lands approx. 615m East of 16 Coolkeeran Road, Armoy (Agenda Item 5.1)	<b>Refuse</b>
<b>5.3</b>	LA01/2017/0221/F Lands to the rear of 86 Lodge Road, Coleraine (Agenda Item 5.2)	<b>Approve with conditions</b>

	<b>5.4</b> LA01/2017/0441/F 36 Ballywoodock Road, Castlerock (Agenda Item 5.3)	<b>Approve</b>
	<b>5.5</b> LA01/2018/0556/O Site 40m North West of 123c Agivey Road, Aghadowey (Agenda Item 5.4)	<b>Refuse</b>
	<b>5.6</b> LA01/2018/0595/O Adjacent to 9 Killykergan Road, Garvagh, Coleraine (Agenda Item 5.5)	<b>Refuse</b>
	<b>5.7</b> LA01/2017/1270/O Immediately west of No's 57 & 59A Brisland Road, Eglinton (Agenda Item 5.13)	<b>Defer for Legal Advice on tied or protected tenancy</b>
	<b>5.8</b> LA01/2017/1183/F 95 and 97 Prospect Road, Portstewart (Agenda Item 5.16)	<b>Defer for One Month to allow agent to submit amended design</b>
	<b>5.9</b> LA01/2016/1580/F Lands along Coleraine Road, Portstewart (frontages of no's 184, 191 & 174 Coleraine Road & in front of No's 1-4 Cappagh More Square (Agenda Item 5.7)	<b>Approve</b>
	<b>5.10</b> LA01/2017/0477/LBC Market Yard, Lime Market Street, Coleraine (Agenda Item 5.22)	<b>Approve</b>
	<b>5.11</b> LA01/2017/0506/F Market Yard, Lime Market Street, Coleraine (Agenda Item 5.23)	<b>Approve</b>
	<b>5.12</b> LA01/2018/0911/F Approximately 5.8m East of Town Hall, 35 The Diamond, Coleraine (Agenda Item 5.24)	<b>Approve</b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS  
WEDNESDAY 28 NOVEMBER 2018 AT 2:00 PM**

**In the Chair:** Councillor D Nicholl

**Committee Members Present:** Alderman Cole, Finlay, King, McKeown and Robinson  
Councillors Baird, Blair, Fielding, Loftus, McKillop  
MA, McLaughlin, McGurk, and P McShane.

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

**In Attendance:** A Gillan, DfI Roads

**Registered Speakers:**

I McClean	LA01/2017/1208/O
J Allister MLA	LA01/2017/1208/O
T Frazer	LA01/2017/1654/F
G Anderson	LA01/2017/0221/F
R Kerr	LA01/2017/0221/F
B Wilson	LA01/2017/0221/F
M Bradley MLA	LA01/2017/0221/F
M Kennedy	LA01/2017/0441/F
B Wilson	LA01/2018/0566/O
O Quigg	LA01/2018/0595/O
M Kennedy	LA01/2017/1270/O
M Howe	LA01/2017/1183/F
M Kennedy	LA01/2016/1580/F

Public (10 No)

## **1. APOLOGIES**

Apologies were received from Alderman Finlay and Councillor Loftus who would arrive late to the meeting.

## **2. DECLARATIONS OF INTEREST**

Declarations of Interest were recorded as follows:

- Councillor McShane – LA01/2017/0221/F
- Councillor Fielding – LA01/2017/0441/F

### **3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 24 OCTOBER 2018**

Proposed by Alderman King  
Seconded by Alderman Cole and

**AGREED** – that the minutes of the Planning Committee Meeting held on Wednesday 24 October 2018 be confirmed as a correct record.

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

The Head of Planning advised that the following applications had been withdrawn from the planning system:

- LA01/2018/0162/O - Rural dwelling with garage/store (under CTY2 of PPS21, new dwellings in existing clusters) to the rear of 152 Seacoast Road, Limavady.
- LA01/2017/1101/O – Proposed demolition of existing dilapidated dwelling & 2-storey replacement dwelling and associated works, 77 Central Avenue Portstewart.

The Head of Planning advised that the following applications had been withdrawn from schedule and would be presented at a future meeting:

- LA01/2017/1226/F – proposed residential development consisting of 2 private detached dwellings with amenity space and parking provision as approved in principle in previous application C/2007/0969/F, 52b Main Street (Accessed via Strandview Cottages) Castlerock.
- La01/2017/1207/F – proposed extension to existing wholesale butcher supply business and construction of purpose built butchery facility with associated offices, 25 Mettican Road, Garvagh.

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

- LA01/2017/1113/O – proposed two storey house and double garage on land adjacent to 17 Strandview Road, Ballycastle.  
Proposed by Cllr McLaughlin  
Seconded by Cllr McGurk and

**AGREED** - defer for site visit.

- LA01/2018/0456/F – development of 6 no. modular classrooms in two single storey blocks, 31 no. car parking spaces, gas tank with surrounding enclosure, alterations to the existing internal road and associated landscaping (amended plans and information on lands at Loreto College, Castlerock Road, Coleraine.  
Proposed by Ald King  
Seconded by Cllr Fielding and

**AGREED** - defer for site visit.

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

- LA01/2017/1208/O – site of dwelling and garage on a farm, adjacent to 277 Frosses Road, Cloughmills.
- LA01/2017/1654/F – construction of wind farm on lands approx. 615m East of 16 Coolkeeran Road, Armoy in the townlands of Kilcroagh and Carrowlavery approx. 2.5 km south east of Armoy
- LA01/2017/0221/F – renewal of planning permission.  
C/2011/0309/F for erection of new dwelling and garage on lands to the rear of 86 Lodge Road, lands to the rear of 86 Lodge Road, Coleraine.
- LA01/2017/0441/F – proposed replacement 1 ½ storey dwelling and detached garage, 36 Ballywoodock Road, Castlerock.
- LA01/2018/0566/O – outline application for a new 1 ½ storey dwelling (7.5m ridge height) and detached garage incorporating footprint of existing historic wall stead dwelling, site 40m North West of 123c Agivey Road, Aghadowey.
- LA01/2018/0595/O – proposed single dwelling and garage, adjacent to 9 Killykergan Road, Garvagh.
- LA01/2017/1270/O – erection of farm dwelling, immediately west of no's 57, 59 & 59A Brisland Road, Eglinton.
- LA01/2017/1183/F – proposed demolition and replacement of no's 95 & 97 Prospect Road with 4 no. apartments.
- LA01/2016/1580/F – proposed right hand turning land and social housing development access road, including road widening and access alteration along Coleraine Road, Portstewart to service Social Housing zoning – PTH 51 in Northern Area Plan 2016, lands along Coleraine Road, Portstewart (frontages of no's 184, 191 & 174 Coleraine Road & in front of No's 1-4 Cappagh More Square.
- LA01/2017/0477/LBC and LA01/2017/0506/F proposed change of use for the Market Yard site to a multi-use space and car park which incorporates minor works to the gatehouse, lean-to structure and enlargement of vehicular opening between the years, new surface finishes and external lighting, Market Yard, Lime Market Street, Coleraine.

- LA01/2018/0911/F- erection of Ulster Defence Regiment Memorial, approximately 5.8m east of Town Hall, 35 The Diamond Coleraine.
- LA01/2017/1648/F – 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, 1 Strandview Drive, Portstewart
- LA01/2018/1112/F – Erection of dwelling (change of house type previously approved under LA01/2016/1200/F), lands to rear of 11 Randal Park, Portrush
- LA01/2018/0103/F – Proposed 2 storey dwelling, lands opposite 8 Roeville Terrace, Limavady
- LA01/2016/1370/O – Site for dwelling (In accordance with Policy CTY2a – Cluster Development – From PPS21), 265 Clooney Road, Greysteel
- LA01/2018/0426/O – dwelling on a farm, 46m North of 104 Corkey Road, Loughguile
- LA01/2017/1311/O – Proposed two storey dwelling with garage to replace existing school buildings, 168 Agivey Road, Coleraine.

## 5. SCHEDULE OF APPLICATIONS

The Vice Chair advised the addenda, erratum and site visit reports had been circulated.

### 5.1 LA01/2017/1208/O (Referred) – Adjacent to 277 Frosses Road, Cloughmills

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

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

J Lundy advised that the addendum circulated related to planning approval in Mid and East Antrim Council area for a replacement dwelling, which was not considered to be comparable to this application.

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

J Lundy described the proposed development, the site and its context and advised Members that the proposal is considered unacceptable in this location with regards to the SPPS and PPS 3. The proposal requires the use of an existing access onto a dual carriageway. She advised that this would be considered an intensification of the access and would not be permitted. Policy AMP3 only permits intensification of an existing access onto a dual carriageway in exceptional circumstances or where the proposal is of regional significance.

J Lundy highlighted paragraphs 8.15 – 8.18 of the Planning Committee Report which set out the policy in detail and said this proposal was not considered to be exceptional or of regional significance. She advised that replacement dwellings were not considered comparable as they do not involve intensification of an access.

The Vice Chair invited I McClean, Agent and J Allister MLA to address the Committee in support of the application.

I McClean advised that the access had been improved since the A26 upgrade and that the applicant was effectively land locked as there were no minor roads in which he would gain access to his land. The new A26 road alignment made entry onto the route safer; had improved the flow of traffic and that this was an exceptional case. He said that if forced to move away, coming and going to his place of work on the farm would be required. He referred to a replacement approved in Mid and East Antrim Borough Council area and stated that it met the bare minimum in terms of policy. He stated in his opinion, this application site is landlocked and therefore is an exceptional case and not contrary to planning policy.

J Allister stated that the first point of duty for Councillors was to fulfil statutory obligation to be orderly and consistent. He pointed out that 2 miles down the road, there was a similar property, which came onto the A26 and that there are 3 recent permissions that have been granted access onto the Protected Route. He said the access for this site was excellent and state of the art and excellent in terms of traffic safety. He stated that traffic is in one direction and cannot cut across the dual carriageway from at this access point.

J Allister pointed out that for the Committee to refuse the application was not consistent in terms of interpretation of policy as there could be exceptional circumstances. He indicated that the maximum impact on traffic would be an additional 2 or 3 vehicles a day and this would not impede safe movement of traffic. In his opinion planning policy needed to be applied fairly and the reasons for refusal was wrong. He advised the intensification of access would not compromise the function of facilitating free movement of traffic.

J Allister responded to a number of queries to similar applications that had permitted access on to the A26 and how policy would have allowed for access on to the protected route if it had not been dualled. He advised that in the submission by I McClean one application had been approved by planners mid and East Antrim Borough against Roads advice, one should have been refused but due to a mistake in the response from Roads was approved; third Roads were content with the proposed development meeting policy.

\* Councillor Loftus joined the meeting at 2.30 pm.

The Vice Chair invited A Gillian, DfI Roads to address the Committee. Mr Gillian advised that 2 of the 3 permissions referred to were for replacement dwellings and that no additional traffic would be coming on to the protected route. The other application should have been refused. He advised that this is not a high standard dual carriageway.

In response to questions from Members, A Gillan advised:

- Policy had been changed when the road had been upgraded and widespread consultation had taken place with local residents.
- Any new dwelling requiring access to the road would intensify traffic movements and would be a safety issue. This dwelling would result in 50% increase in use of the access. Each dwelling is considered to have 10 vehicle movements each way per day.
- The safety aspect on the road had been improved with upgrades.
- The application must be looked at as a new development.
- There had been in the region of 10 accidents in the last 3 years.
- Signage advising of farm vehicles on route should be considered.
- A service station along the route had been assessed under a different policy
- Roads had mistakenly recommended approval one of the three applications; two wrongs don't make it right.
- Replacement dwellings is a matter for Planners to determine if met replacement criteria
- Read the main points of Policy AMP3.
- High speed, high traffic volume with speed limit of 70mph

D Dickson, Head of Planning, reminded Members that this is a new dwelling onto a dual carriageway; planning policy AMP3 is clear and must be careful to consider safety issues.

J Lundy advised that the refusal reason set out in 10.1 should read:



*The proposal is contrary to Policy AMP3 of Planning Policy Statement 3, Access, Movement and Parking in that access would not be permitted on to a carriageway, thereby prejudicing the free flow of traffic and conditions of general safety.*

Proposed by Councillor McGurk  
Seconded by Councillor McLaughlin

- 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:

- ***Do not consider that there is enough evidence regarding traffic intensification and***
- ***That due to special circumstances, there is no other physical way of getting into the farmland dwelling.***

Before taking a vote, the Head of Planning reminded Members that approval would prejudice road safety and the issues discussed did not meet exceptional circumstances as there are approximately 10 other farms in the surrounding area; it does not meet the policy criteria.

9 Members voted for, 2 against and 2 abstentions.

Councillor Loftus took no part in the vote.

## **5.2 LA01/2017/1654/F (Major) – Lands Approx. 615m East of 16 Coolkeeran Road, Armoyle in the townlands of Kilcroagh and Carrowlaverty approx.. 2.5km South East of Armoyle**

Report previously circulated, presented by Development Management & Enforcement Manager S Mathers. Erratum, addendum and site visit report tabled.

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

S Mathers explained the proposal is considered unacceptable in this location having regard to Area Plan and other material considerations and refusal is recommended due to the following reasons:

- The proposal is contrary of Paragraph 6.8 of the SPPS and policy RE1 of PPS 18 in that it has not been demonstrated that it has the

development will not give rise to unacceptable adverse impact on public safety by virtue of proximity of turbines to occupied dwellings.

- The proposal is contrary of Paragraph 6.8 of the SPPS and policy RE1 of PPS 18 and policy BH1 of PPS6 in that it has not been demonstrated that the proposal would not result in an unacceptable adverse impact on the integrity of the setting of a scheduled state monument and insufficient information has been submitted to demonstrate any exceptional circumstances.
- The proposal is contrary to paragraph 6.12 of the SPPS and Policy RE1 of PPS8 and policy BH11 of PPs6 in that it has not been demonstrated that the proposal would not adversely affect the setting of a listed building.
- The proposal is contrary to Paragraph 6.224 of the SPPS and to Policy RE1 of PPS18 in that it has not been demonstrated that the proposal will not result in an unacceptable adverse impact on visual amenity and landscape character due to the size, scale and siting of the proposal.

S Mathers described the site and surrounding context. He highlighted the key critical viewpoints of the proposed development and the setting of the monument and listed building and concerns in relation to the impact of the proposed development when viewed on approach along the surrounding public roads.

In relation to public safety he demonstrated via powerpoint slide those dwellings within the 10 times rotor diameter and provided a hard copy poster format for Members to view.

He advised that the proposed development is considered acceptable on a number of grounds however, concerns relate to public safety, the setting of the listed building and scheduled monument, and unacceptable impact on the landscape and visual amenity.

\* Alderman Finlay joined the meeting at 3:20 pm.

In response to points of clarification from Members, S Mathews advised that account had been taken to Best Practice Guidance on public safety and read para. 1.3.51 of the Guidance to Members. He advised that the document had been produced by DoE, applies to all of Northern Ireland, and was prepared in 2009. He read the preamble to Members. S Mathers advised that the nearest turbine would be 1.29 miles from Armoy Round Tower; there was 1 other single turbine in close proximity to the Round Tower and read the Addendum to Members. He advised that economic benefits are taken into account however that there would only be job creation during the construction of the turbines, with minimal thereafter; social benefits in terms of payments cannot be taken into account and referred to para. 5.71 of the SPPS.

Members were shown a map outlining the position of the wind turbines.

The Vice Chair invited T Fraser, Applicant to speak in support of the application. T Fraser pointed out that PPS18 had been used in determining numerous wind farm applications in Northern Ireland and these were open to interpretation, with 13 applications being approved using the policy. She said there were no objectors to the proposal in terms of noise nor were there any 3<sup>rd</sup> party objections and contended that the recommendation to refuse was not balanced. She stated that the minimum distance of 500m should apply and cited a number of PAC decisions: Dunbeg, where the Commissioner Trevor Rue stated that the turbine was 750m from the nearest dwelling and that as there were no objections withholding permission for that turbine was not acceptable. Feystown appeal, the reasons on heritage grounds were not sustained and PAC state that PPS16 allows for permission even where there is some impact. She also made reference to Brockaboy, Garvis and Knockdun wind farms. She advised that the HED Guidance issued February 2018 hadn't changed any policy. In terms of landscape and visual impact, the Best Practice guidance accepts that wind turbines will be highly visible but that it doesn't exclude them from being acceptable. She stated that she did not consider the assessment to be balanced.

T Frazer responded to Members questions on turbine size and said that following assessment of the site, there was a need to maximise output from site. She made reference to other wind farms and their proximity to monuments or listed buildings. She advised that a Pre Application Notice had been submitted and Pre-Community Consultation had taken place. This included extensive consultation with the community and that leaflet drop had been carried out within 2 km zone outlining the proposal, plus consultation drop-in event had been held in Armoy, with up to 40 people in attendance. Information was circulated on how to get in contact with them. She advised that the Reverend of the Church had submitted a letter of support to the application.

Members made reference was made to Deputy Commissioner viewpoint on separation distances from properties and if no objections holding back planning permission was not justified. S Mathers advised that on that proposal, 1 property was involved, the current proposal involved 6 properties and that public safety was paramount. He advised that planning policy does not rest on whether anyone objects but the Planning Authority must act in the public interest whether any objections are received or not.

In response to a question from Members on accidents relating to wind farms, the Head of Planning provided statistics from an online article in The Telegraph on 11 December 2011 on incidents/accidents at windfarms that included statistics from Renewables UK advising there were 1,500 injuries (4 deaths and 300 injuries to workers).

The Vice Chair read the recommendation to the Members.

Proposed by Councillor P McShane

Seconded by Councillor K McGurk

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

11 Members voted for and 3 Members voted against.

- \* Recess 4:20 pm – 4:35 pm.
- \* Councillor McShane left the meeting at 4:35 pm.

### **5.3 LA01/2017/0221/F (Referred) Lands to the rear of 86 Lodge Road, Coleraine**

Report and addendum 1 and 2 previously circulated; site visit report circulated; presented by the Development Management & Enforcement Manager, S Mathers

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

**Addendum 1 & 2 Recommendation** - That the Committee notes the contents of the Addendum and agrees with the recommendation to approve as set out in paragraph 9.1 of the Planning Committee Report.

S Mathers provided a verbal addendum to Members on representation received from a neighbour who alleges that removal of the trees that protect his boundary would take away from area landscape character.

S Mathers described the proposed development, the site and its surroundings. He advised that the design and principle of the development had previously been approved. However, since that approval the adjacent property no. 88 Lodge Road had been listed. He advised that the existing boundary treatment did not provide adequate screening on site. However, the listed dwelling at no 88 Lodge Road is far enough removed from this boundary treatment to not be impacted upon in terms of its setting. The site boundary will be strengthened by condition to maintain the setting of the adjacent listed building and protect amenity. The proposed development would have no significant

impact on 84a, 86 and 88 Lodge Road in terms of residential amenity. He advised that Historic Environment Division had responded to advise that a condition should be placed on any approval to retain the existing hedge and trees. However, he advised that due to the proximity of the trees to the dwelling this would be unlikely to be acceptable due to the impact of the proposed development on the root system of the trees. In considering the historic boundary he referred Members to paras. 8.20-8.26 of the Planning Committee Report. He advised that the proposed scheme is therefore considered to be acceptable and in compliance with current planning policy subject to conditions. Approval is recommended.

In response to Members, S Mathers advised that the condition to retain the trees had been removed from the renewal for planning permission due to safety, leaf drop, overshadowing, impact on roots of the trees and amenity consideration. He said the size of the building was acceptable and there was no reason to keep the trees on site as it was not considered that they were critical to the setting of the listed building and are not in the public domain. He advised that the line of the boundary would be retained and that further planting would improve the boundary.

The Vice Chair invited R Kher Applicant, and B Wilson Agent to address the Committee in support of the application. The Chair invited S Mathers to read the requested written speakers submission to Members. He reminded the speakers that the 5 minutes speaking time would be shared to include the written submission.

S Mathers read a speakers written submission by J McFeely (in support) as follows:

*'As the Planning Committee Report of 24 October 2018 ("the PCR") acknowledges at 8.4 "The principle of this development has already been established on site".*

*Following extensive internal and external consultations with experts and agencies the planning department has recommended approval of the application with conditions, all of which are acceptable to Mr and Mrs Kher.*

*The planning department has applied and complied with all relevant policies and guidelines from the Northern Area Plan, Regional Development Strategy 2035 and Strategic Planning Policy Statement (SPPS) 2015 and has taken into consideration advice from:*

- *Northern Ireland Environmental Agency*
- *Northern Ireland Badger Group*
- *Centre for Environmental Data and Recording*

- *Landscape Architects Branch (LAB) DOE Planning HQ*
- *Bio-Diversity and Ecologist experts*
- *Tree preservation orders (TPO) – Three separate TPO requests have been considered by the planning department all of which have been rejected.*

*The sole remaining issue relates to **the existing planting** on part of the North Eastern boundary of the site between it and a grassed area that lies to the rear of the adjoining property at No. 88.*

*I draw your attention to the PCR at 5.4 where it is said that after submission of amended plans and information, HED responded for the final time on the 21<sup>st</sup> of May 2018 and stated that they had no objections to the scheme subject to one condition which was that the existing trees and hedgerow along the boundary between 86 and 88 Lodge Road shall be retained. The reason specified for this is that **the plot boundary** is part of the setting of the listed building at No. 88.*

*There is no application to remove the existing plot boundary. The sole issue relates to the gappy vestiges of thorn hedging and the poor trees that presently exist on that boundary which Mr and Mrs Kher wish to replace with new planting of native hedging to the satisfaction of the planning department.*

***Critically important** are the details of the opinions that HED had previously given when consulted:*

*HED Senior Conservation Architect Janis Lunn, stated on 28 July 2017:*

*“The North-East section of the boundary under consideration starts well past the rear of the houses on the Lodge Road. The boundaries immediately associated with the listed building would therefore be unaffected... In conclusion, the removal of the boundary planting along the edge of the new site does not represent significant harm to the setting, especially if appropriate new planting was to be restored.”*

*HED Assistant Director/Principle Architect Brian McKervey, in agreement with Ms Lunn’s assessment, stated on 2 August 2017 in response to Ms Sugden MLA:*

*“I can advise that it is the **actual boundary line** [set in the 1700s and connected to ‘The Lodge’] that is of special historic interest, in that it represents how the suburbs of Coleraine developed in relation to historic land holdings. The **current boundary planting** is of mixed ages and may not be historic.”*

*It may therefore be seen that any possible significance relates to the plot **boundary** and **not** the **planting** that presently exists upon it.*

*The early plot refers to the shape, scale and size of the plot not the manner or material by which it is defined. The objectors have attempted to conflate the early plot boundary of No.88 known as 'Lodge Cottage' dating c.1820s with the actual 'Lodge' dating c. 1700s (in the vicinity of what is now the Lodge Hotel complex).*

*Both No. 88 Lodge Road and the actual historic Lodge (the Lodge Hotel complex) are identified on the Ordinance survey map 6 Inch to 1 Mile County Series Edition 1 (1829 - 1835). The map clearly indicates the historically significant boundary near to the 'Lodge' which is demarcated by trees and is located hundreds of yards away from No. 88. In contrast, the early plot boundary of No. 88 (Lodge Cottage) has no trees on the boundary.*

*Therefore, the early plot boundary at 88 Lodge Road is **not** the boundary of 'special historic interest' referred to by HED.*

R Kerr (support) this proposed development has been ongoing for last 7 years and has never included a proposal to remove the plot boundary; propose to remove existing planting and replace with new planting as the existing planting is not significant.

The Vice Chair invited G Anderson, objector and M Bradley MLA in support of the objector to address the Committee.

G Anderson outlined that he had no objection to the new build so long as the planting along the boundary is retained. The 2011 had conditions retaining the planting and he doesn't understand what has changed but wished to have the hawthorn trees protected and permanently retained. He advised that no.88 has been listed since the previous permission was granted; listed in 2015. Part of the reasoning to protect residential amenity is to replace the mature boundary with 2m high hedge. He stated that this would expose his property to overlooking. He stated that the tree survey in 2012 stated that the trees are all healthy; happy for the trees to be lopped; and that they are high and wide. He stated that he is happy for the planting of additional hawthorns but with the retention of all that is there. He referred to HED consultation response that advised of the condition to retain existing vegetation. He pointed out that no.88 was the first property on Lodge Road and referred to PPS6 in that permission should not be granted if it would adversely affect the setting of the listed building. He stated that the site is also within an Area of Townscape Character and mature trees should therefore be retained.

In response to questions from Members, G Anderson advised that the post and wire fence was to retain the dogs and that the boundary is old with indigenous trees and hedgerow and the trees were significant in protecting amenity. He stated that the angle of the trees was likely due to the sun as all the vegetation leans that way. He advised that he the rear garden is used and enjoyed in better weather; it frames the house and likes the changes in the colour of the vegetation; and it gives a sense of being in the country. He stated that his family would enjoy playing games in this area.

M Bradley explained he was not objecting to the concept of the development but to the removal of conditions with regard to trees. He pointed out HED advice is to retain the existing trees and hedgerows due to the impact on the setting of the Lodge and advised that the listing covers both the buildings and its environs. The Area of Townscape Character is to maintain and enhance the character, retention of trees and should be integrated into the scheme. He advised the listed building status includes the boundary and mature vegetation and to ignore HED advice would set a precedent for other applications.

In response to questions S Mathers advised that following the last approval on site, condition regarding the trees was re-evaluated to consider if it was reasonable or feasible; it was considered neither reasonable nor feasible. He advised that this is a narrow site and the proposed dwelling is approximately 3m from the boundary with no.88 Lodge Road. He advised that it was not considered feasible nor reasonable to impose condition to retain the trees along this boundary due to safety from falling trees, the digging of foundations within 3m of centreline of the trees; no compelling reason why the trees should be retained; other trees along other boundaries could be retained. He advised that the function of the Planning Authority is to evaluate consultation responses. He advised that HED original response had not made reference to retention of trees and second response requested retention. However, reasoning was in relation to the importance of the boundary rather than the actual vegetation and a balanced judgement on all material issues was made.

\* Councillor McGurk left the meeting at 5:30 pm.

The Head of Planning advised that to make a balanced decision on the application all of the issues had to be considered – NAP and material considerations including plans submitted; taking into consideration consultation responses, impact on listed building and protection of the amenity. She advised that if members considered it important to retain the trees they could consider deferring for an amended design of



dwelling to reduce impact on the trees for their retention. She advised that the previous permission had lapsed and it is within the remit of the Members to reach their own determination on the application.

S Mathers advised that conditions attached to the recommended approval within the Planning Committee Report included retention of a horse chestnut tree to the rear of the site and planting of hedging.

Proposed by Councillor Fielding  
Seconded by Councillor Baird

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** full planning permission with additional condition on the retention of the trees for the following reason:

- *HED historic recommendation and to reinforce boundary with additional planting.*

11 Members voted for and 2 against.

- \* Councillor McShane re-joined the meeting at 5:45 pm.

At this point the Vice Chair sought the views of the Committee with regard to cut off point in making decisions on schedule of applications. The Committee was reminded that Monday 3 December had been put in calendar for a Reconvened Planning Committee meeting.

It was **AGREED** that the reconvened meeting would be held at 6 pm.

Also **AGREED** that the meeting would continue until agenda items 5,3, 5.4, 5.5, 5.13, 5.16, 5.7, 5.22, 5.23 and 5.24 were discussed.

- \* Councillors McLaughlin left the meeting at 5:50 pm
- \* Councillor Fielding left the meeting at 5:55 pm.

#### **5.4 LA01/2016/0441/F (Referred) 36 Ballywoodock Road, Castlerock**

Report, addendum previously circulated, presented by Senior Planning Officer, J Lundy. Site visit report tabled.

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

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

**Addendum 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.

J Lundy provided a verbal addendum explaining the planning histories and the content of the addendum. She described the proposal and the setting and context of the site. 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, PPS 2 and PPS 21. The proposal fails to meet the tests of the SPPS, PPS2 and Policy CTY3, in that the proposal would have a visual impact within the AONB significantly greater than the existing building due to its scale, design and not being attached to the other semi-detached.

J Lundy explained policy CTY3 to Members and that the proposal did not meet the criteria for replacement dwelling. She outlined that policy CTY3 requires a semi-detached dwelling to be replaced in situ. She highlighted the two dwellings in close proximity to the site and No 1 & 3 Springbank Road and advised of their planning history. No 3 was approved prior to the publication on PPS 7 Addendum and would not meet the current planning policy. No 1 was allowed taking into consideration the development of No 3 Springbank. She said that though it was a contemporary design it still was reflective of No 3 by way of its scale and massing. She added that this is not the case at the application site.

Refusal is recommended for the following reasons:

The proposal is contrary to Policies CTY 1 and CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building; the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.

The proposal is contrary to policy NH6 of Planning Policy Statement 2, Natural Heritage, in that the site lies within the Binevenagh Area of Outstanding Natural Beauty and would if permitted, adversely affect the special character of the AONB and design.

In response to questions from Members, J Lundy raised an appeal that had been recently dismissed on the ground of design and its location within the AONB which was similar to this application. She advised that

the 2005 permission had been granted prior to the implementation to the PPS7 Addendum and therefore would not meet today's policy. She advised that when the application came in to replace no.1, regard was had to the scale and massing within the AONB. She advised that this current application raises concerns in relation to eaves, side elevation and architectural features, that there have been 3 revisions to the design and concerns remain.

The Vice Chair invited M Kennedy, Agent to speak in support of the application.

M Kennedy referred to an addendum letter in support of the application by him which detailed that the recommendation to refuse could not be sustained for the following reasons:

- The proposal is located within a large cluster of 27 dwellings and building. Any visual impact of the proposal is absorbed within the visual entity of the cluster.
- There are a number of mature evergreen trees along the Springbank Road frontage, in next doors garden, which almost entirely screens views of the proposed side elevation, which is the view the Council are most concerned about.
- The very same thing has already been done next door, involving the detaching and replacement of a semidetached dwelling. C/2010/0276/F. This application was also approved under the exact same planning policy context – Policy CTY 3 of PPS21. The dwelling at no 3 Springback Road has also been extended with 3 front dormers. This planning history of the surrounding area is a significant factor in favour of the present proposal.
- The existing dwelling is small, built of stones and has dampness issues. Its replacement the red roof. It hardly enhanced the AONB.
- This cluster at Ballywoodock Road is located within the AONB. The proposal is of appropriate design and scale and enhances the cluster and the AONB. It is similar in scale and design to that next door. The original sketch for this site below was to front onto Ballywoodock Road but Planning considered it unacceptable and this is why the current proposal had a long site elevation, hidden by nature planting.

Mr Kennedy responded to queries from Members on trees that would screen the side elevation. He referred to the character of the surrounding development. He urged the Committee to reverse the refusal recommendation and approve the application.

J Lundy reminded Members that works to the adjacent attached dwelling is outside of the red line of the application site and reminded Members of the decision of the Planning Committee on an application at Seacoast Road on design which had been sustained at appeal.

Proposed by Councillor McShane  
Seconded by Alderman Finlay

- 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:

- *Visual design sympathetic and screening provided for scale of development.*
- *Scale mass and design acceptable taking account of character of area and other permissions.*

9 Members voted for, 2 Members voted against and 1 abstention.

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

- \* Councillor Fielding re-joined the meeting at 6:25 pm.
- \* Alderman Finlay left the meeting at 6:25 pm.

#### **5.5 LA01/2018/0566/O (Referred) Site 40m North West of 123c Agivey Road, Aghadowey**

Report, Addendum and Erratum previously circulated and site visit report tabled. Senior Planning Officer J Lundy presented the application.

**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 advised that a site visit had been carried out that morning. She described the proposed development, the site and its context. She said that the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS and PPS 21. She pointed out that there were 2 objectors and the reason for objections are as set out in the Addendum and Erratum circulated at October's meeting.

J Lundy advised that that the site was considered against policy CTY 2a and that Planning would contend that this is not a cluster of development or a visual entity, it has no focal point and is not bound by development.

J Lundy also advised that the proposal was also considered under ribbon development. This would not be considered as a small gap within an otherwise substantial and continuously built up frontage of more than 3 buildings.

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 PPS21, 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 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 2a of PPS21, New Dwellings in Existing Clusters in that the site is not located within the existing cluster, does not appear as a visual entity in the local landscape, is not bounding on at least two sides with other development is not considered to be rounding off and consideration with the existing cluster.
- The proposal is contrary of Paragraph 6.70 of the Strategic Planning Policy for Northern Ireland and Policies CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a suburban style build-up of development when viewed with existing and approved buildings. It does not respect the traditional pattern of settlement exhibited in the area and therefore would cause a detrimental change to the rural character of the area.

The Vice Chair invited B Wilson, Agent to speak in support of the application. B Wilson outlined that the statutory agencies had responded positively with regard to the application and DfI Roads had no objection, with the only objection being from neighbours. He advised that there was an historic wallstead on the site since 1882 and historic road network. The building had been inhabited until 1940s and only the footprint remains but could be incorporated into the design. He stated that this is an historic focal point in the area and the application site is bound on all sides by development. He stated that there is historical evidence of suburban build up of development and Planners have given this no weight. B Wilson advised that the design can be dealt with at reserved matters stage. He advised that it would have met the

replacement criteria if more of the walls had been substantially intact and that a dwelling would integrate into the site given the level of screening. He advised that the Ministerial Statement and PAC rulings advocate a relaxation in the interpretation of policy. He said that a balanced approach was needed and there was a need to be objective.

In response to questions from Members, B Wilson stated that in the round the proposal complies with policy CTY2a and CTY3; that the Ministerial Statement encourages a flexible approach to these policies and the proposal complies with the overall thrust of the policy. He stated that the Right of Way issue is not a planning issue and stated in the 1940s there were 2 or 3 houses in the area and has census information stating that these were dwellings and inhabited.

J Lundy advised that the planning histories had been approved under the Planning Strategy for Rural Northern Ireland and referred to Addendum which set out that there was no building to be replaced and whilst historically there was evidence of a building in the application site, it does not meet with current planning policy.

**Addendum Recommendation** – that the above refusal reason is accepted and added as a further reason for refusal as set out in section 10 of the Planning Committee Report.

Proposed by Councillor Loftus  
Seconded by Councillor McCaw

- 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.

7 Members voted for, 3 Members voted against and 2 abstained.

## **5.6 LA01/2018/0595/O (Referred) Adjacent to 9 Killykergan Road, Garvagh, Coleraine**

Report and site visit details previously circulated, presented by Senior Planning Officer, J Lundy.

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

J Lundy described the proposed development, the site and its context. She advised that the proposal failed to meet the policies contained within the SPPS and PPS 21 relating to Policy CTY 2a and CTY 8. She said that the site was located outside the cluster of development and was not part of the visual entity of the cluster. The site was not bound on at least two sides with other development in the cluster and would if approved visually intrude into the open countryside. The officer also advised that the proposal is contrary to policy CTY 8 in that it would add to a ribbon of development. Clarification of the miswording of the third refusal reason was also provided in that approval would add to a ribbon of development. She also referred to a recent appeal decision attached to the Committee Report where the Commissioner discounted the development to the rear of the site due to the physical gap and separation distance provided by the laneway and that the road side development could not be seen to be rounding off and would extend a ribbon of development if approved.

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 CTY 2a of PPS 21 and would not be considered an exception under Policy CTY 8 of PPS 21. The proposal would require further planting to assist with integration under Policy CTY 13 and would further erode the rural character of the area which would be contrary to Policy CTY 14 of PPS 21. Refusal is recommended for the following reasons set out in the Report amended to refer to adding to ribbon of development.

The Chair invited O Quigg, Agent to speak in support of the application. O Quigg advised that the PAC decision was not comparable to this site. He advised that there are 15 buildings in total in this cluster including a community building. He advised of 2 infill dwellings along the frontage with 6 additional dwellings and Gospel Hall. He advised that the application site will round off the cluster and that there is an appropriate degree of vegetation to make this an acceptable form of development in the countryside that will integrate and nestle into the landscape. O Quigg advised that the application met all 6 requirements of CTY 2a and requested that the application be approved.

In response to questions from Members, O Quigg advised that all 5 refusal reasons could be discounted if the proposal met CTY2A and considered the site to round off, consolidating the cluster. He stated that a single storey dwelling would be acceptable.

J Lundy responded to a number of queries around gap sites and ribbon development. She advised that it was not considered that the site was located within a cluster of development and instead it extended ribbon development along the road frontage.

Proposed by Alderman Cole  
Seconded by Alderman King

- 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 reason:

- *Given the representation made with regard to focal point of the site, the site was clearly part of the cluster, taking account of the dwelling to the rear.*

The Vice Chair put the motion to the Committee to vote, 4 Members voted for, 7 Members voted against and 1 Member abstained. The Vice Chair declared the motion to approve lost and recommendation to refuse carried.

- \* Alderman McKeown left the meeting at 7:20 pm.
- \* Alderman King left the meeting at 7:20 pm.

#### **5.7 LA01/2017/1270/O (Referred) – Immediately west of 57 – 59a Brisland Road, Eglinton**

Report, erratum and site visit details previously circulated presented by Senior Planning Officer, J McMath.

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

J McMath reminded Members of the site visit that morning. She advised the erratum referred to the final sentence of para. 9.1 of the Planning Committee Report. She advised Members that there was one letter of support and described the proposed development, the site and its context. She advised that the proposed development 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 Paragraph 6.73 of the SPPS and Policy CTY 10 of PPS 21 in



that the proposed dwelling would not cluster or visually link with an established group of buildings on the farm. The proposal is also contrary to Paragraph 6.70 of the SPPS and Policies CTY 8 and CTY 14 in that the proposal would add to an existing ribbon of development thereby resulting in a detrimental impact on rural character. Refusal is recommended as set out in Section 10 of the Planning Committee Report. Members were informed that the roads issue had been resolved. However, J McMath advised Members that the proposed development met some of the criteria of CTY10 but the site does not visually link or cluster with a group of buildings on a farm related to the farm business. She advised that the applicant owns dwellings adjacent to the site however they are not considered to be associated with the farm business. She advised that the Rent Office had confirmed that the tenancies were not agricultural tenancies.

In response to questions from Members, J McMath advised of the Rent Office advise.

The Vice Chair invited M Kennedy, Agent to address the Committee in support of the application. The Agent outlined that the current occupant of 61 Brisland Rpad was Mrs C Cooper, widow of W Cooper (deceased). He said that Mr Cooper worked on the Longfield Farm for 35 years occupying the property under an agricultural tenancy. He said the same applied to number 57 and 59 Brisland Road who are daughters of other previous employees on the farm. He stated that these dwellings are clearly a group of buildings on a farm and that this is a cluster of development on the farm rather than a ribbon of development. He advised that the site is well screened. M Kennedy stated that Policy had been met and CTY 10 refusal reasons could not be sustained. He said that there were no objections to the application and asked for the Committee to approve the application.

\* Alderman King re-joined the meeting at 7:40 pm.

In response to questions from Members M Kennedy advised that in correspondence of 31/01/18 he was advised that the applicant has to charge restricted rent on the dwellings; 2 or 3 sons help on the farm and they may take up the tenancy. He advised that the farm is 300-400 acres in size and advised that to cluster with the main farm buildings close to City of Derry Airport would be difficult as the land is likely to be mostly floodplain; the Longfield Cottages area is totally open and exposed. However, this site benefits from good screening and clusters with the group of buildings on the farm and complies with policy CTY10.

J McMath confirmed that the date of correspondence she had received from the Rent Office was dated August 2017 and 03/09/2018.

Proposed by Councillor Baird  
Seconded by Councillor Hunter

**AGREED** - that decision on the application be **DEFERRED** for legal advice on protected tenancy and tied tenancy. Also **AGREED** that the Agent to provide copy of tenancy agreement in so far as it relates to planning policy.

The motion was carried. Alderman King abstained from voting.

\* Councillor McKillop left the meeting at 7:50 pm.

### **5.8 LA01/2017/1183/F (Referred) 95 – 97 Prospect Road, Portstewart**

Report previously circulated, site visit details tabled. Report presented by Development Management & Enforcement Manager, S Mathers

**RECOMMENDATION** - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

S Mathers described the proposed development, the site and its context. He advised that having regard to the development plan and other material considerations, the proposal is considered unacceptable. The principle of apartment development is not acceptable at this location. The proposal by reason of its form, density, scale and design is out of character with this part of Prospect Road and would simply appear out of place. Refusal is recommended as detailed in the Planning Committee Report.

The Vice Chair invited M Howe, Agent to address the Committee in support of the application. The Agent outlined that the proposal would not have an adverse impact on the character of the area; the frontage was similar to the current house on site; roof level was the same height adjacent property and para. 9.5 of the Report was factually incorrect. M Howe advised that the density in the area is about 34 housed per hectare and that there is no policy against apartment development. He also advised that the proposed dwelling would not have an overbearing effect.

In response to queries from Members, M Howe advised that there are other similar properties in the area.

In response to queries from Members, S Mathers clarified the difference in levels; and character of surrounding area; breaking the building line of development with carparking to front rather than small driveways and gardens

Proposed by Councillor Hunter  
Seconded by Councillor Fielding

- that decision on the application be **DEFERRED** for 1 month and bring back to the Planning Committee revised building line for 2 semi-detached properties.

9 Members voted for, 0 against and 0 abstentions.

#### **5.9 LA01/2016/1580/F (Objection) Lands along Coleraine Road, Portstewart (frontages of no's 184, 191 & 174 Coleraine Road & in front of No's 1-4 Cappagh More Square**

Report previously circulated presented by Development Management & Enforcement Manager, S Mathers.

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

S Matters described the proposed development, the site and its context. He highlighted the issues raised by objectors. The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is located within the Settlement Development Limit for Portstewart and the access and right hand turning lane are proposed to facilitate an entrance to and from land zoned for housing in the Northern Area Plan. DFI Roads is content with the proposed development and it is considered that the proposed development would not prejudice road safety at Coleraine Road. The proposed development also meets with the relevant planning policy criteria and is recommended for approval.

M Kennedy, Agent, withdrew his request for speaking rights.

Proposed by Councillor Loftus  
Seconded by Councillor Baird

**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.

9 Members voted for, 0 against and 0 abstentions.

#### **5.10 LA01/2017/0477/LBC (Council Interest) Listed Building Consent**

It was **NOTED** that Members who sat on the Environmental Services Committee abstained from the vote for items 5.10 – 5.11 inclusive.

Report previously circulated presented by Development Management & Enforcement Manager, S Mathers.

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

The proposal is considered acceptable in this location having regard to the Northern Area Plan and other material considerations, including the SPPS. The proposed development will allow for the retention and re-use of the Market Yard which is considered sympathetic to the Listed Market Yard structure. The proposed development also meets with the relevant planning policy criteria and recommended for approval.

Proposed by Councillor Baird  
Seconded by Councillor McCaw 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 **GRANT** Listed Building Consent subject to the conditions set out in section 10.

5 Members voted for, 0 against and 0 abstentions.

#### **5.11 LA01/2017/0506/F (Council Interest) Market Yard, Lime Market Street, Coleraine**

Report previously circulated presented by Development Management & Enforcement Manager, S Mathers.

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

The proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is located within the town centre of Coleraine and the proposed multi use space and car park is considered an acceptable town centre use. The proposed development will allow for the retention and re-use of the Market Yards which is an important historical feature. The proposed scheme is considered sympathetic to the Listed element of these structures and the design to include mix of finishes will reduce the visual impact of the proposed scheme. The proposed development also meets with the relevant planning policy criteria and is recommended for approval.

Proposed by Councillor Baird  
Seconded by Councillor McCaw

**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.

5 Members voted for, 0 against and 0 abstentions.

#### **5.12 LA01/2018/0911/F (Council Interest) Approximately 5.8m East of Town Hall, 35 The Diamond, Coleraine.**

Report previously circulated presented by Development Management & Enforcement Manager, S Mathers.

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

The proposal is considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations. The memorial is of acceptable design, in a suitable location and does not detract from the visual amenity of the area. The proposal respects the built form of the area and is considered appropriate for the Coleraine ATC. The proposal does not result in archaeological concerns subject to the agreement and implementation of a developer-funded programme of archaeological works. The proposal does not impact upon the setting of listed buildings adjacent given its small height and structure. There are no issues in relation to road safety. Approval is recommended.

Proposed by Councillor Hunter

Seconded by Alderman Robinson 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 section 7 and 8 and resolves to **APPROVE** planning permission subject to the reasons set out in section 10.

6 Members voted for, 0 against and 0 abstentions.

The Vice Chair thanked everyone for their attendance and the meeting adjourned at 8:45 pm to be reconvened Monday 3 December 2018.

**RECONVENED PLANNING COMMITTEE MEETING**

(28 NOVEMBER 2018)

**MONDAY 3 DECEMBER 2018**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>1</b>	Apologies	<b><i>Alderman McKeown and Councillor McGurk</i></b>
<b>2</b>	Declarations of Interest <i>(not declared at 28 November 2018 meeting)</i>	<b><i>Councillor Loftus – LA01/2016/1370/O</i></b>
<b>3</b>	Order of Items and Registered Speakers	<b><i>Approved</i></b>
<b>4</b>	Schedule of Applications	<b><i>Continued from 28 November 2018</i></b>
<b>4.13</b>	LA01/2017/1648/F 1 Strandview Drive, Portstewart (Agenda Item 5.10)	<b><i>Approved</i></b>
<b>4.14</b>	LA01/2018/1112/F Lands to rear of 11 Randal Park, Portrush (Agenda Item 5.11)	<b><i>Refused</i></b>
<b>4.15</b>	LA01/2018/0103/F Lands Opposite 8 Roeville Terrace, Limavady (Agenda Item 5.12)	<b><i>Refused</i></b>
<b>4.16</b>	LA01/2016/1370/O 265 Clooney Road, Greysteel (Agenda Item 5.14)	<b><i>Defer for Site Visit</i></b>
<b>4.17</b>	LA01/2018/0426/F 46m North of 104 Corkey Road, Loughguile (Agenda Item 5:20)	<b><i>Approve</i></b>
<b>4.18</b>	LA01/2017/1311/O 168 Agivey Road, Coleraine (Agenda Item 5:19)	<b><i>Defer for Structural Report</i></b>

<b>5</b>	Development Management Performance	
	<b>5.1</b> Update on Development Management & Enforcement Statistics Period 1 April – 31 October 18	<b>Noted</b>
<b>6</b>	Development Plan	
	<b>6.1</b> Works to Trees: New Council Form (TW1) and guidance notes	<b>Noted</b>
<b>7</b>	‘Review of Protocol for the Operation of the Planning Committee’  and  ‘Scheme of Delegation for Development Management, Development Plan, Enforcement and Other Planning Functions’	<b>Reviewed and amendments agreed</b>  <b>Head of Planning writes to Dfl seeking agreement on amended Scheme of Delegation</b>
<b>8</b>	Schedule of Meetings for Planning Committee	<b>Option 3 – Keep ‘As Is’ for current Council term</b>
<b>9</b>	Correspondence	
	<b>9.1</b> Fermanagh and Omagh District Council Publication of Local Development Plan: Draft Plan Strategy	<b>Head of Planning to respond on behalf of Council</b>
	<b>9.2</b> Fermanagh and Omagh District Council – Local Development Plan 2030: Draft Plan Strategy Correction	<b>Noted</b>
<b>10</b>	Legal Issues	<b>Verbal Update</b>
<b>11</b>	Any Other Relevant Business	<b>None</b>



**MINUTES OF THE PROCEEDINGS OF THE RECONVENED MEETING OF  
THE PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC  
HEADQUARTERS MONDAY 3 DECEMBER 2018 AT 6.00 PM**

**In the Chair:** Councillor D Nicholl

**Committee Members Present:** Aldermen: Cole, Finlay, King and Robinson  
Councillors: Baird, Blair, Fielding, Hunter, Loftus, McCaw, McKillop M A, McLaughlin and P McShane

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

**In Attendance:**

R McBirney	LA01/2017/1648/F
A Stephens	LA01/2018/1112/F
B Etherson	LA01/2018/1112/F
Alderman Hillis	LA01/2018/1112/F
A Tait	LA01/2018/0103/F
M Smyth	LA01/2016/1370/O
J O'Neill	LA01/2016/1370/O
M Howe	LA01/2018/0426/F

Press (1 No)

**1 APOLOGIES**

Apologies were received from Aldermen McKeown and Councillor McGurk.

**2 DECLARATIONS OF INTEREST**

Declarations of Interest were recorded for:

- Councillor Loftus – LA01/2016/1370/O

**3 ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS**

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

- LA01/2017/1648/F
- LA01/2018/1112/F
- LA01/2018/0103/F
- LA01/2016/1370/O
- LA01/2018/0426/F
- LA01/2017/1311/O

## 4 SCHEDULE OF APPLICATIONS

### 4.13 LA01/2017/1648/F (Referred) 1 Strandview Drive, Portstewart

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

**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 condition set out in section 10.

E Hudson described the site and its context and reminded Members that the application had been presented to the Planning Committee in September 2018. She advised that amended plans had been submitted and the main considerations in the determination related to scale, massing and design, impact on residential amenity and impact on the character of the area.

E Hudson outlined that the plans included a first floor extension with addition of balcony to the front and side elevation. She advised that amended plans had been received to reduce the glazing to the front elevation and inserting a circular window with a section of wall cladding. She said the amendments did not address concerns on character, scale and massing and that there would still be a large glazed window from at first floor level. She added that the proposed alterations to the front of the property would be uncharacteristic to other properties, would detract from the appearance and character of surrounding area and had the potential to unduly affecting the amenity of neighbouring residents. Refusal was recommended.

In response to questions from Members, E Hudson advised that the only change to the plans from those previously refused by Planning Committee was an area of glazing to the front being replaced by a circular window.

The Vice Chair invited R McBirney, Agent to address the Committee in support of the application. The Agent explained that following Members concern raised in September, a number of amendments had been made to the scheme. The glazing had been reduced by 45% to fit in with character and residential amenity of area and the design would integrate into surrounding properties; the scheme was 27.2m from property across the road and as the balcony was already in place, overlooking was expected into front gardens, with up to 7 having balconies along the street. He pointed out that a neighbour had written a letter of support to the scheme, given that the balcony was already in place. He stated that the proposed dwelling reflected the character of the area and was a sustainable form of development that should be approved.

In response to questions from Members, R McBirney explained the differences in the design from that previously before the Committee in September. He advised that overlooking into front gardens is acceptable and the historic character of the area is that with balconies to the front. He advised that the existing balcony is set back in the frontage but that new balcony will run along the frontage.

\* Alderman Robinson joined the meeting at 6:20 pm.

E Hudson invited the Committee to view the revised plans which showed details of the balcony.

E Hudson responded to points of clarification and queries from Members in relation to access to balcony from external stairs and the impact this will have on the private amenity of the adjacent property due to overlooking and general disturbance

Proposed by Alderman Finlay  
Seconded by Councillor Loftus

- 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:

- *The applicant had went someway to meet Members concerns with regard to glazing as this had been reduced by 45% and*
- *The distance to property on other side of road was 27m and overlooked already as balcony was already in place.*

4 Members voted for, 3 Members voted against and 1 Member abstained.

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

- \* Councillor P McShane joined the meeting at 6:35 pm.
- \* Councillor S Hunter joined the meeting at 6:35 pm.

#### **4.14 LA01/2018/1112/F (Referred) Lands to rear of 11 Randal Park, Portrush**

Report and addendum previously circulated and presented by Development Management & Enforcement Manager, S Mathers.

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

S Mathers explained the proposal and described and setting and context of site. He said this was for a new dwelling, a change of house type to the house type approved under the previous application reference LA01/2016/1200/F. The main changes were the addition of a first floor balcony, extending the first floor rear bedroom/ensuite wall by 1.6m and an additional window proposed for first floor bedroom to the rear projection. He said that the first two changes were acceptable but this application re-introduces a window that was previously advised to be unacceptable under the previous application and the level of overlooking was unacceptable.

S Mathews advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal would unduly impact the amenity of neighbouring residents at no 13 Randal Park by reason of unacceptable overlooking. He advised the fall back position would require the existing construction to be demolished and the previous permission constructed before permitted development rights could be exercised to insert the window. Refusal was recommended.

S Mathers advised that an email had been received from the Agent in which the following points were raised:

- In an urban area some degree of overlooking is inevitable but account had to be taken of number of windows, type of glazing and if the room is for primary occupation.

- There is no material difference in the position of the previous bedroom window and the new window and the window could be installed closer under permitted development.

**Addendum 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.

In response to questions from Members, S Mathers advised that the construction ongoing is becoming increasingly retrospective as the house is substantially complete and materially different to what had previously been approved. He reminded Members of the changes between that approved and the proposal subject to this application.

S Mather invited Members to view the previously approved plans and the plans of the current application.

The Vice Chair invited A Stephens, Agent to address the Committee in support of the application. The Agent referred to paragraph 8.23 of the report whereby an amended proposal had been approved without the first floor rear bedroom window. This was acceptable to the applicant in that as a fall-back position, the window could have been later reinstated under permitted development rights. He referred to a similar application on Prospect Road and the fall-back position. He advised that the proposal is only a minor alteration to that previously approved. He advised that overlooking either occurs or it does not and advised Members that other PAC decisions had accepted obscured glazing. He stated that overlooking often occurs in urban areas.

A Stephens stated that the option for Council were:

- The application could be refused and the offending window implemented under permitted rights or
- The application could be conditioned to obscure the window.

In summing up, A Stephens pointed out that the planning report was factually inaccurate and imbalanced.

- \* Alderman Cole and Councillor McLaughlin joined the meeting at 6:55 pm.
- \* Councillor McShane left the meeting at 6:55 pm.

The Vice Chair invited B Etherson, to address the Committee in objection to the application.

- \* Councillor P McShane re-joined the meeting at 7 pm.

B Etherson stated that it was the right decision to refuse the application. She pointed out that once the build commenced with rear view window, she had reported this to Council but the work continued. She said that this proposal breached 3 conditions; balcony, moving closer to her property, and the window overlooked her property. She said she had no trust that the applicant would put in an obscure window and in her view the level of overlooking would be constant.

In response to questions from Members, B Etherson advised that she had discussions on the previous application and had raised the issue of the window due to overlooking her private amenity area.

The Vice Chair invited Alderman Hillis, in support of the objector to address the Committee. Alderman Hillis outlined that he supported the refusal of the application as in 2006 when the previous application had been submitted, the Agent had offered to remove the window if the objection was withdrawn. He said it had been a shock to the objector seeing house being built with the window which was now nearly 2 metres closer to her home. He added that if approved, it would cause severe overlooking to the property next door.

- \* Public left the Chamber at 7:15 pm.

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

Proposed by Councillor Hunter  
Seconded by Councillor Baird and

**AGREED** – that the Committee proceed to get enforcement advice in committee.

S Mathers responded to number of queries on enforcement.

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

Proposed by Alderman Finlay  
Seconded by Councillor Baird

**AGREED** – that the Committee proceed in public.

- \* Public returned to the Chamber at 7:20 pm.

Proposed by Councillor Fielding  
Seconded by Councillor Loftus

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

7 Members voted for, 1 Member voted against and 1 Member abstained.

#### **4.15 LA01/2018/0103/F (Referred) Lands Opposite 8 Roeville Terrace, Limavady**

Report previously circulated presented by Senior Planning Officer J McMath.

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

J McMath described the proposed development and the setting and context of the site. She advised that one objection had been received and issues raised were overlooking, privacy, potentially obscured views of Binevenagh and neighbour notification criteria. She said that the proposed development is considered unacceptable having regard to the Northern Area Plan and other material considerations. The development fails to comply with the SPPS, PPS 7 and PPS 11 in that the proposed 2 storey dwelling which is subject to the application is an unacceptable form of development that fails to respect local character and environmental quality and does not safeguard the amenity of existing residents. The proposal fails to ensure that the detrimental effects on people, the environment and local amenity associated with waste management facilities are avoided or minimised. As the proposal is unacceptable, refusal is recommended.

The Vice Chair invited A Tate, Agent to address the Committee in support of the application. The Agent advised that the report was inaccurate as no weight had been applied to previous approvals on the site; SPPS was not a new consideration and LC1 of PPS 7 should not apply. He said that the site currently had 2 sheds and several parking spaces therefore amenity of neighbours not impacted and the issues set out within the report on QD1 were false. As Environmental Health had no objections to the proposal, refusal reason could not be sustained.

J McMath responded to queries from Members on history of the site and that previous approvals had expired; plus policy had changed; the site was not within town centre and there was a possibility of noise and odours from the WWTW.

Proposed by Alderman Finlay  
Seconded by Alderman King

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

10 Members voted for, 1 Member voted against and 1 Member abstained.

#### **4.16 LA01/2016/1370/O (Referred) 265 Clooney Road, Greysteel**

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

\* Councillor Loftus left the meeting at 7:47 pm.

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

J McMath explained the proposed development, site and its context. She advised that the site had been cleared of the building which previously occupied the site and that previous approval on the site had expired. She said that proposed site is not located at an existing cluster of development as there is not the minimum of four buildings, three of which are dwellings outside a farm at this location and is therefore contrary to Paragraph 6.73 of the SPPS and Policy CTY2a. As there is no cluster of development at the location, the proposal would not result in rounding off or consolidation of a cluster and would result in the creation of ribbon development along Dunlade Road and is therefore contrary to policies CTY1, CTY8, CTY14 of PPS21.

In response to questions from Members, J McMath advised that buildings on a farm cannot be considered as part of a cluster under policy 2A and that the site was formerly the Faughanvale Public House which has since been demolished.

The Vice Chair invited M Smyth, Agent and J O'Neill applicant to address the Committee in support of the application. The Agent advised that the former Faughanvale Tavern was extended over the years, including approval for a 16 bedroom hotel and there was a history of significant development and approvals on the site. He also advised that in May



2010 outline planning approval was granted for residential development, thus clearly there is a precedent set with the principal of residential development being acceptable. This did not commence at the time due to the economic downturn.

The Agent outlined that having met with Council, it was considered that a new application for 1 or 2 dwelling could be considered on the basis of either infill or cluster policies from PPS21 and the redevelopment of the derelict site would improve visual amenity. Following assessment the application was deemed contrary to policy CTY2a for development within existing cluster in that although the site provided a suitable degree of enclosure, it was not bounded on at least two sides with other development in the cluster.

The Agent referred to the refusal reasons set out in the report that the development is not located within a cluster, given concern raised around CTY2a. With regard to ribbon development, the previous approval on site did not raise any concern regarding ribbon development and site would be accessed from Dunlade Road, which has been approved by DfI Roads. The Agent pointed out that taking into account the previous approval for 7 dwellings, a single dwelling cannot result in a detrimental change to rural character and if approved, this proposal would actually represent planning gain by improving rural character without protruding into the open countryside.

The Agent referred to Ministerial Statement into the operation of PPS21 - seeks to ensure a consistent and flexible approach when applying it, whilst still maintaining the overall aims and objectives of the policies and PPS as a whole. He said that having regard to long-term development of the site, planning history and characteristic, the application warrants consideration on flexibility. He added that a more consistent application of the policy would be a fairer as there are no objections and it will not set a precedent.

In response to questions from Members J O'Neill advised that the pub had been demolished in 2012 and he bought the site 2 years ago. M Smyth advised that the proposal will respect the roadside pattern of development; use existing access; that the previous permissions had no concerns on character of the area; will bring the site back into residential use and will result in sustainable development along the coastal route. He referred to PAC Decision that stated that even if there is no focal point it can still meet the spirit and intention of the policy.

\* Councillor McShane left the meeting at 8:10 pm.

In response to questions from Members, J McMath referred Members to Para.3 of the Planning Committee Report referencing planning history. She advised that the permission had lapsed and there is no longer a building on the site to replace and read the criteria for policy CTY2A.

The Head of Planning reminded Members to be consistent in interpretation of policy.

J McMath reminded Members that the site is not bound on 2 sides and is not a cluster; there are no buildings on site presently that could be considered under CTY8.

Proposed by Councillor Nicholl  
Seconded by Alderman Finlay

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

9 Members voted for and 1 Member abstained.

- \* Recess held 8:17 to 8:35 pm.
- \* Councillor Loftus re-joined the meeting at 8:35 pm

#### **4.17 LA01/2018/0426/F (Referred) 46m North of 104 Corkey Road, Loughguile**

Report previously circulated presented by Senior Planning Officer J Lundy.

**RECOMMENDATION** – that the Committee has taken into consideration and agreed 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 that full planning permission was being sought for a dwelling on a farm, with the site being located on a shared laneway and 48m from two poultry units. She informed the Committee that the proposal met with policy CTY10 but failed policy CTY14 in that it would create a gap site. She also pointed out that Environmental Health guidance recommends that a dwelling be sited at least 150m away from poultry units and concerns had been raised about the proposal. She referred to para. 8.9 of the Planning Committee Report regarding previous PAC decisions.

In response to questions from Members, J Lundy advised that the development approved at Vow Road by Planning Committee was against officer's recommendation. She advised that she had discussed the application with applicant in August. The proposed development is not sustainable so close to dust, odour, pests when an alternative site could be acceptable further away.

The Vice Chair invited M Howe to speak in support of the application on behalf of the Agent. M Howe outlined that the applicant currently lives in a house that was located less than the 150m guidance set by Environmental Health from the poultry units, which was in his opinion a rule of thumb and for guidance only. He referred to a similar proposal in which ribbon development had been reason for refusal but this had been overturned as CTY 10 outweighed CTY 8. He stated that this did not create an infill opportunity, it was unfair to refuse on something that a neighbour might do in the future and this application should have been approved without being debated by Council.

In response to Members, M Howe pointed out the Environmental Health did not say that the application must be refused and applicant would happily accept the informatives suggested by EHO. He advised that each application site is different.

J Lundy read para. 5.33 of policy CTY8 to Members. She advised that a dwelling on this site would visually link with the buildings to the left and would result in ribbon development. She reminded Members that EHO nor any other consultees make recommendations but instead give advice and read para. 2 and 3 of the EHO consultation response.

\* Public left the Chamber at 8:55 pm.

### **MOTION TO PROCEEDS 'IN COMMITTEE'**

Proposed by Alderman Finlay  
Seconded by Alderman Cole and

**AGREED** – that the Planning Committee receive legal opinion in committee.

Council Solicitor gave advice on legal ramifications of approving the application, given the concerns raised by Environmental Health.

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

Proposed by Alderman Finlay  
Seconded by Alderman Cole and

**AGREED** – that the Committee proceed in public

- \* Public returned to the Chamber at 9:05 pm.

In response to further questions from Members, J Lundy advised that the guidance applies to all agricultural animals. She advised that officials are always mindful in terms of siting and location of odour; and that the Planning Strategy for Rural northern Ireland would have required an occupancy condition however current policy does not.

- \* Councillor McCaw joined the meeting at 9:17 pm.

Proposed by Councillor Baird  
Seconded by Alderman Finlay

- 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:

- *That the concerns raised by Environmental Health were unfounded and that an occupancy condition be inserted in the approval conditions.*

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

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

#### **4.18 LA01/2017/1311/O (Referred) 168 Agivey Road, Coleraine**

Report previously circulated presented by Development Management & Enforcement Manager, S Mathers.

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

S Mathers described the proposed development, the site and its context. He advised that outline planning permission was sought for dwelling and garage on curtilage of a building formally used as a school. He informed the Committee that an objection letter had been received to the proposal

which highlighted that the existing building had been on site for over sixty years and was a landmark.

S Mathers stated that the proposal would involve the demolition of the existing building and that Natural Environment Division had noted that the building may have bat roost potential, in addition the site may provide foraging, nesting and breeding opportunities for a range of special, species.

S Mathers advised that the proposal was 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 CTY1 of PPS21; the proposal fails to comply with the SPPS and Policy CTY 3 of PPS21 in that the proposed redevelopment would not bring significant environmental benefits. Refusal is recommended as set out in the Planning Committee Report.

In response to questions from Members, S Mathers advised that the school is a locally important building, being there for over 60 years and referred to the objection letter and para. 8.8 of the Planning Committee Report.

Proposed by Alderman Cole  
Seconded by Councillor Hunter

- that decision on the proposal be **DEFERRED** and that a Structural Report be carried out.

10 Members voted for and 2 Members voted against.

\* Councillor McLaughlin left the meeting at 9:40 pm.

## **5. DEVELOPMENT MANAGEMENT PERFORMANCE:**

### **5.1 Update on Development Management & Enforcement Statistics**

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

From April to September 9 Major applications had been received, with 7 being decided/withdrawn. The number of decisions issued for local applications had increased by 79 compared to the same period last year and staff had issued more decisions than applications received.

The number of Enforcement case opened in year to date were 150 and 184 cases had been concluded. The percentage of cases concluded within the 39 weeks target was 81%.

Resources continue to be targeted to reduce the over 12 month applications and also the percentage of over 12 months' applications in relation to the number of live planning applications

The number of appeals to the Planning Appeals Commission for the year was 9, with 5 being upheld and 4 dismissed. From April to October 2018, 31 referral recommendations were determined by the Planning Committee, 35.48% of which had been overturned.

**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.

Proposed by Councillor Baird  
Seconded by Alderman Robinson and

**AGREED** – that the staffing structure for Planning be reviewed.

## **6. DEVELOPMENT PLAN**

### **6.1 Work to Trees: New Council Form (TW1) and guidance notes**

The Council's Planning Section has responsibility for processing applications for works to trees that are either covered by a Tree Preservation Order (TPO), or located within a Conservation Area.

Presently anyone wishing to apply for consent to carry out works to protected trees must provide the following information, in writing:-

- Clearly specify/identify each tree involved;
- Identify their locations on a suitably scaled map;
- Fully state the extent of the work you wish to carry out; and
- Provide reasons why you wish to carry out the work.

This information is currently provided in an ad hoc manner, with variations in both the amount and quality of submissions. This can lead

to difficulties in the consideration and assessment of the requests, and at times can lead to delays in processing times.

The use of a standardised form will help to establish a more consistent process, leading in turn to more effective management of tree works throughout the Borough. It will also provide greater clarity for agents/applicants involved as the form is accompanied by accompanying guidance notes.

The use of the form and guidance notes would also be consistent with the approach taken by other planning authorities, as discussion and agreement on content has already taken place through the Local Government Tree Officers Forum, which is open to all 11 Councils in Northern Ireland.

**IT IS RECOMMENDED** that Members note the new Form TW1 and associated Guidance Notes circulated.

## **7. REVIEW OF 'PROTOCOL FOR THE OPERATION OF THE PLANNING COMMITTEE' AND 'SCHEME OF DELEGATION FOR DEVELOPMENT MANAGEMENT, DEVELOPMENT PLAN, ENFORCEMENT AND OTHER PLANNING FUNCTIONS'**

The Planning Committee received a report which provided background details with regard to previous review of 'The Scheme of Delegation' and to request in 12 March 2018 for the 'Protocol for the Operation of the Planning Committee' to be reviewed.

A workshop to discuss current issues with regard to the Protocol took place on 20 April 2018. Issues raised related to:

- Delay in processing applications
- Agents/applicants requesting withdrawal of applications from Committee Schedule and presenting at a later date – should only be in exceptional circumstances
- Circulation of information to Members outside of planning process
- Receipt of late information when Committee Reports completed and circulated to Members
- Number of Speakers at Committee meetings and new information presented
- Increase in the number of delegated applications referred to Committee and impact on staff resources
- Material planning reasons for referral
- Increase in number of applications deferred for site visit
- Length of Committee meetings

- Reference to other Councils Schemes of Delegation

A report was presented to the Planning Committee on 22 August 2018 to include a number of proposals to amend the Scheme of Delegation and Protocol. A further workshop to consider the proposals contained in the report was held on 12 September 2018.

The points/proposals raised at the workshop was set out within the report.

- \* Councillor M A McKillop left the meeting at 10:10 pm.

**IT IS RECOMMENDED** that the

- Committee agree that the Head of Planning amends the Protocol for the Operation of the Planning Committee and Scheme of Delegation attached at Appendix 2 and 3 inserting agreed amendments.
- Committee agree Option for amendment of Proposal 2 and for the Head of Planning to insert into amended Protocol for Operation of the Planning Committee and Scheme of Delegation attached at Appendix 2 and 3.
- Agree that Head of Planning writes to DfI seeking agreement on the amended Scheme of Delegation.

Members raised the following points:

- More training around clustering, ribbon development. Provide Planning Committee with copy of PPS21
- Revised schedule on order of business would be put on website or Bann Gallery.
- Proposals for site visits to be submitted 2 days after Schedule is published

Proposal 1 – Proposed by Councillor Hunter, Seconded by Councillor Loftus and **AGREED**.

Proposal 2 – Proposed by Ald Finlay, Seconded by Hunter and **AGREED** that Applications where an Elected Member of Council who does not sit on the Planning Committee has requested the application to be referred to Planning Committee, accompanied by a statement outlining the material planning reasons for the referral. Footnote: Applications referred to Planning Committee exclude Pre Application Notices, Applications for Works to Trees, Discharge of Conditions, Non Material Changes, Certificates of Lawful Development and those applications where the refusal relates to road safety or flooding, or where additional



information including design changes required to determine the application has not been submitted following a reasonable request.

Proposal 3 – Proposed by Alderman Finlay, Seconded by Councillor Hunter and **AGREED**.

Proposal 4 – Proposed by Cllr Nicholl, Seconded by Councillor Loftus and **AGREED**.

Proposal 5 - Option 2 – Proposed by Alderman Cole, Seconded by Alderman Finlay and **AGREED**.

Proposal 6 – Proposed by Alderman Cole, Seconded by Councillor Fielding and **AGREED** to amend proposal that meetings conclude by 8 pm unless otherwise agreed by Members.

Proposed by Cllr Loftus and Seconded by Councillor Baird that requests for site visits from Planning Committee Members to be received within 2 days of publication of schedule issuing and **AGREED**.

Proposal 7 – Proposed by Councillor Hunter, Seconded by Councillor Loftus and **AGREED**.

Proposal 8 – Proposed by Councillor McCaw, Seconded by Councillor Cole and **AGREED**.

Proposal 9 – Proposed by Alderman Finlay, Seconded by Councillor Hunter and **DISAGREED**.

Proposal 10 – Proposed by Alderman King, Seconded by Alderman Cole and **AGREED**.

Proposal 11 – Proposed by Councillor Baird, Seconded by Alderman Robinson and **AGREED** - to include that only information sent to the Planning Department or emailed to [planning@causewaycoastandglens.gov.uk](mailto:planning@causewaycoastandglens.gov.uk) will be considered by Members in determining application.

Proposal 12 – Proposed by Councillor Hunter, Seconded by Councillor McCaw and **AGREED**.

Proposal 13 – Proposed by Alderman Cole, Seconded by Alderman Finlay and **AGREED**.

Proposal 14 – Proposed by Councillor Baird, Seconded by Alderman Finlay and **AGREED**.

Proposal 15 – Proposed by Councillor Hunter, Seconded by Alderman Cole and **AGREED**.

Proposal 16 – Proposed by Councillor Baird, Seconded by Alderman Cole and **AGREED**.

## **8. SCHEDULE OF PLANNING COMMITTEE MEETING 2019**

The Committee considered a report on schedule of dates for Planning Committee meetings for 2019 taken into consideration concerns raised that the current dates for the Planning Committee were held the day after the Council meeting.

Two options were put forward for consideration and decision by Members.

Option 1 – hold meetings on Thursday after Council Meeting.

Option 2 – hold meetings on third Thursday of each month.

**IT IS RECOMMENDED** - that the Planning Committee agree either option 1 or option 2.

Proposed by Alderman Finlay  
Seconded by Alderman Robinson and

- that the Planning Committee agree to option 3 – leave ‘as is’ for current Council term, with there being no Planning Committee meetings in May and July 2019 due to local government elections and summer recess.

The motion was **APPROVED**.

## **9. CORRESPONDENCE**

### **9.1 Fermanagh and Omagh District Council Publication of Local Development Plan: Draft Plan Strategy**

The Planning Committee received correspondence from Fermanagh and Omagh District Council (FODC) on publication of Local Development Plan: Draft Plan Strategy. The Draft Plan Strategy was published on 26 October 2018 for an 8 week public consultation period, closing on 21 December 2018.

**IT IS RECOMMENDED** – that Members agree to the Head of Planning submitting a response to FODC on behalf of the Council.

Proposed by Alderman Cole  
Seconded by Councillor Fielding and

**AGREED** – that Members agree to the Head of Planning submitting a response to FOCD on behalf of Council.

**9.2 Fermanagh and Omagh District Council – Local Development Plan 2030: Draft Plan Strategy Correction**

Correspondence was received from FODC to advise of a correction to the Draft Plan Strategy documents. The Settlement Hierarchy Map on page 37 does not fully reflect the classification of settlements as part Table 2: Settlement Hierarchy Classification at page 36. Page 36 is correct and takes precedence

The correction to the Draft Plan Strategy was **NOTED**.

**10. LEGAL ISSUES**

Council Solicitor provided a verbal update on ongoing legal issues in relation to planning applications.

The verbal update was **NOTED**.

**11. 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 11:10 pm.

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Chair