

**PLANNING COMMITTEE WEDNESDAY 27 FEBRUARY 2019,  
RECONVENED MONDAY 4<sup>TH</sup> MARCH 2019**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>4</b>	Order of Items and Confirmation of Registered Speakers/Applications Withdrawn and Site Visit Requests	<b><i>Agreed</i></b>
	LA01/2017/0732/RM Lands at former Maxwell's Spittal Hill Quarry, 209 Bushmills Road, Coleraine	<b><i>Withdrawn from Schedule for further Neighbourhood Notification</i></b>
	LA01/2017/1183/F 95 and 97 Prospect Road, Portstewart	<b><i>Withdrawn from Schedule due to exceptional circumstances</i></b>
	LA01/2017/0791/F Approx 80m South and South West of No 150 Torr Road, Cushendun	<b><i>Withdrawn from Schedule due to submission of AQIA</i></b>
	LA01/2017/1293/F 55 Causeway Street, Portrush	<b><i>Deferred and arrange site visit</i></b>
	LA01/2017/1231/O Lands 25m North East of No. 307 Clooney Road, Ballykelly	<b><i>Deferred and arrange site visit</i></b>
	LA01/2018/1209/O Land approx. 50m East of 57a Drumavoley Road, Ballycastle	<b><i>Deferred and arrange site visit</i></b>
	LA01/2018/0339/O 158m South East of 243 Garryduff Road, Dunloy	<b><i>Deferred and arrange site visit</i></b>
	LA01/2018/0474/O Lands 50m North West of Dungiven FC, Ballyguddin Road, Dungiven	<b><i>Deferred to reconvened Planning Committee meeting</i></b>
	LA01/2018/0476/O Lands 30m East of 7 Ballyguddin Road, Dungiven	<b><i>Deferred to reconvened Planning Committee meeting</i></b>
<b>5</b>	<b>Schedule of Applications</b>	

	<b>5.1</b> LA01/2017/1449/O Lands between 10 & 12 Upperlane Road, Greysteel	<b><i>Refused</i></b>
	<b>5.2</b> LA01/2018/1060/F 10 Terrydermot Road, Limavady	<b><i>Approved</i></b>
	<b>5.3</b> LA01/2018/0833/O Adjacent to No. 3 Warke Place, Castlerock	<b><i>Refused</i></b>
	<b>5.4</b> LA01/2017/1113/O Land adjacent to 17 Strandview Road, Ballycastle	<b><i>Refused</i></b>
	<b>5.5</b> LA01/2015/0459/F Former Castle Erin Hotel and Conference Centre, Castle Erin Road, Portrush	<b><i>Deferred for legal advice</i></b>
	<b>5.6</b> LA01/2018/0197/F 75 Ballyreagh Road, Portstewart	<b><i>Refused</i></b>
<b>6.</b>	Order of Business	Consider LA01/2018/0474/O Lands 50m north west of Dungiven FC, Ballyguddin Road, Dungiven LA01/2018/0476/O Lands 30m East of 7 Ballyguddin Road, Dungiven at the reconvened meeting on Monday 4 <sup>th</sup> March 2019
	<b><i>In Committee (Item 7)</i></b>	
<b>7.</b>	Legal Issues	<b><i>Information</i></b>
	<b><i>RECONVENED to MONDAY 4<sup>TH</sup> MARCH 2019 AT 6.30PM</i></b>	
<b>8.</b>	<b>SCHEDULE OF APPLICATIONS</b>	
	<b>8.1</b> LA01/2016/1482/F Tramway Halt, Bushmills Station, Ballaghmore Road, Bushmills	<b><i>Approved</i></b>
	<b>8.2</b> B/2014/0155/F Lands 90m SSE of 21 Derrychrier Road and 320m SSW of 756 Feeny Road, Dungiven	<b><i>Approved</i></b>
	<b>8.3</b> LA01/2018/1172/F 6 Broughter Gardens, Limavady	<b><i>Deferred and arrange site visit</i></b>

	<b>8.4</b> LA01/2018/0652/F 24a Clare Road, Ballycastle	<b><i>Approved subject to Condition applied</i></b>
	<b>8.5</b> LA01/2018/0888/F Parks Store, The Bowl, Portrush	<b><i>Approved</i></b>
	<b>8.6</b> LA01/2018/1116/F 48 Main Street, Portrush	<b><i>Approved</i></b>
	<b>8.7</b> LA01/2018/0474/O Lands 50m north west of Dungiven FC, Ballyguddin Road, Dungiven	<b><i>Approved</i></b>
	<b>8.8</b> LA01/2018/0476/O Lands 30m East of 7 Ballyguddin Road, Dungiven	<b><i>Approved</i></b>
<b>9.</b>	<b>DEVELOPMENT MANAGEMENT PERFORMANCE</b>	
	<b>9.1</b> Update on Development Management and Enforcement Statistics 01/04/18 –31/01/19	<b><i>Noted</i></b>
<b>10.</b>	<b>DEVELOPMENT PLAN</b>	
	<b>10.1</b> 6 month LDP Work Programme	<b><i>Approved</i></b>
	<b>10.2</b> POP Public Consultation – summary Report on Representations Received	<b><i>Noted</i></b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS  
WEDNESDAY 27 FEBRUARY 2019 AT 2:05 PM**

- In the Chair:** Alderman Blair
- Committee Members Present:** Alderman Cole, Finlay, King, McKeown and Robinson  
Councillors Baird, Fielding, Hunter, Loftus, McGurk,  
McKillop MA, McShane P and Nicholl
- Officers Present:** D Dickson, Head of Planning  
S Mathers, Development Management & Enforcement Manager  
S Mulhern, Development Plan Manager  
M Wilson, Senior Planning Officer  
J Lundy, Senior Planning Officer  
E Hudson, Senior Planning Officer  
J McMath, Senior Planning Officer  
E McCaul, Committee & Member Services Officer  
S Duggan, Civic Support & Committee & Member Services Officer
- In Attendance:** A Gillan, Department for Infrastructure, Roads (DfI)  
  
Public (25 No.)

**1. APOLOGIES**

Apologies were recorded for Councillors McCaw and McLaughlin.

**2. MINUTES OF MEETING HELD WEDNESDAY 23 JANUARY 2019**

Proposed by Alderman King  
Seconded by Alderman Cole and

**AGREED** – that the minutes of the Planning Committee Meeting held on Wednesday 23 January 2019 were confirmed as a correct record.

Alderman Finlay voiced his disappointment at a change to the Protocol for the Operation of the Planning Committee and said he would be submitting a rescinding motion with regard to this.

### 3. DECLARATIONS OF INTEREST

Declarations of Interest were recorded as follows:

- Councillors Hunter, Baird and Fielding– LA01/2018/1116/F, 48-50 Main Street, Portrush
- Alderman Cole – LA01/2018/1060/F, 10 Terrydremont Road, Limavady
- Alderman Robinson – LA01/2017/1449/O, Lands between 10 & 12 Upperlane Road, Greysteel
- Councillor Baird – LA01/2018/0652/F, 24a Clare Road, Ballycastle
- Councillor Fielding – LA01/2018/0833/O, Adjacent No. 3 Warke Place, Castlerock; LA01/2018/1172/F, 6 Brighter Gardens, Limavady.

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

The Head of Planning advised the following applications had been withdrawn from the Agenda:

- LA01/2017/0732/RM Lands at former Maxwell's Spittal Hill Quarry, 209 Bushmills Road, Coleraine – withdrawn for further neighbourhood notification.
- LA01/2017/1183/F 95 & 97 Prospect Road, Portstewart – withdrawn due to exceptional circumstances.
- LA01/2017/0791/F Approx. 80m South and South West of No. 150 Torr Road, Cushendun – withdrawn due to submission of AQIA.

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

Proposed by Councillors Fielding and Baird  
Seconded by Councillor P McShane and

**AGREED** – that consideration of application LA01/2017/1293/F (Agenda Item 5.8) is deferred and site visit arranged.

Proposed by Councillor P McShane  
Seconded by Councillor MA McKillop and

**AGREED** – that consideration of application LA01/2018/1209/O (Agenda Item 5.17) is deferred and site visit arranged.

Proposed by Councillor Nicholl  
Seconded by Councillor P McShane and

**AGREED** – that consideration of application LA01/2017/1231/O (Agenda Item 5.10) is deferred and site visit arranged.

Proposed by Councillor Nicholl  
Seconded by Councillor P McShane and

**AGREED** - that consideration of application LA01/2018/0339/O (Agenda Item 5.19) is deferred and site visit arranged.

Proposed by Councillor Fielding  
Seconded by Alderman Robinson

- That consideration of applications LA01/2018/0474/O and LA01/2018/0476/O be deferred to the next Planning Committee Meeting when the Agent would be back from holiday.

The Chair put the motion to the Committee to vote, with 7 Members voting for, 4 against and 1 abstention.

The Chair declared the motion carried.

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

- LA01/2017/1449/O (Agenda Item 5.4)
- LA01/2018/1060/F (Agenda Item 5.5)
- LA01/2018/0833/O (Agenda Item 5.6)
- LA01/2017/1113/O (Agenda Item 5.7)
- LA01/2015/0459/F (Agenda Item 5.13)
- LA01/2018/0197/F (Agenda Item 5.12)
- LA01/2016/1482/F (Agenda Item 5.15)
- B/2014/0155/F (Agenda Item 5.9)
- LA01/2018/1172/F (Agenda Item 5.11)
- LA01/2018/0652/F (Agenda Item 5.18)
- LA01/2018/0888/F (Agenda Item 5.20)
- LA01/2018/1116/F (Agenda Item 5.21)

\* **Alderman Robinson left the Chamber at 2:25 pm.**

## **5. SCHEDULE OF APPLICATIONS**

## 5.1 Referred LA01/2017/1449/O Lands between 10 & 12 Upperlane Road, Greysteel

Planning Committee Report and Site Visit 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 subject to the reasons set out in section 10.

The Senior Planning Officer presented via powerpoint, described the proposed setting and context for site for 2 dwellings and garages submitted as infill dwelling within a substantial and continuous built up frontage. She outlined that a site visit had been held and those in attendance were able to see that the site rises steeply in a north western direction. The application site is located along the roadside and north west of the site is a bungalow (No 12), with a garage to the rear, to the South West is another bungalow (No 10) also with a garage to the rear and to the north of No 10 is an agricultural building set back behind the building line and serviced by an agricultural laneway. The agricultural building has no common frontage and cannot therefore be regarded as forming part of a substantial and continuously built up frontage as defined by Policy CTY8.

The Senior Planning Officer explained the relevance of SPPS and PPS21. The application site is not within a substantial and continuously built up frontage and as a result would create ribbon development. The gap in which the site is proposed is not a small gap, in that it could accommodate more than 2 dwellings. No other reasons as to why the development is essential in the rural area have been provided. Additional dwellings on the site would fail to sufficiently integrate within the site due to little meaningful vegetation and exposed nature of the site. As such the proposal is contrary to Paragraphs 6.70 and 6.73 of SPPS and Policies CTY1, 8, 13 and 14 of PPS21 and is recommended for refusal for the reasons set out in section 10 of the Planning Committee Report.

The Chair invited A Tate, Agent to address the Committee in support of the application within the 5 minutes allocated for speaking rights.

A Tate outlined that the application was for a gap site. He advised that this is a gap in a line of 3 buildings; dwelling and garage at no. 12, shed, and dwelling and garage at no.10. He advised that the shed was located and serviced by an agricultural lane and was of the view that this has a common frontage, is visible and intervisible with no.10 and no.12; and, is orientated gable to the road. He

referred to policy CTY8 and read para. 5.33 from the policy on common frontages and was of the view that frontages could be set back, staggered or at angles. He said that the PAC decision referred to in the Planning Committee Report was not comparable to this site. He advised that the average plot size is 34m frontage and the site application site has a total frontage of 70m allowing for 2 x 35m frontage plots. He advised the proposed development would integrate and fit in with developments in the area and with relevant planting the development would be screened from view. He stated that the applicant would be content with a condition for the design of the dwellings to reflect that of the surrounding area.

\* **Councillor McGurk joined the meeting at 2:35 pm.**

A Tate responded to Members questions and made the following points:

- The site size and frontage would be same as the average of the adjacent frontages.
- The stone shed meets the policy for a gap site as the policy allows for buildings to be set back, staggered or at angles.
- There was a need for more houses in the area.
- Common frontage was down to interpretation.

The Senior Planning Officer J McMath referred to paragraph 8.5 of the Planning Committee Report and said that the PAC had a settled position on what constitutes a frontage. Within planning appeal 2015/A0221, it was clarified that a building has a frontage to a road if the plot on which it stands abuts or shares a boundary with that road; an access lane does not constitute a road frontage. She advised that only no.10 and no.12 have a frontage to the road and therefore the site is not within a substantial and built up frontage of 3 or more buildings along a road frontage.

The Senior Planning Officer responded to Members questions and made the following points:

- 'abut' is where the curtilage of the site adjoins the road frontage
- PAC are very clear that a lane does not constitute road frontage
- The garden of no.10 abuts the road but the farmyard surrounding the agricultural building does not abut the road; the grass verge along the laneway does not constitute road frontage development under the provisions of policy CTY8

The Head of Planning reminded Members that policy CTY8 states that buildings set back, staggered or at angles must have a frontage to the road and



PAC decisions clearly state that accesses cannot be considered as frontage in terms of policy CTY8.

Proposed by Councillor Nicholl  
Seconded by Councillor P McShane

*- 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:*

- *The proposal is not contrary to CTY8 as there is a substantial built up frontage*
- *Definition of common frontage is not clear as frontage can be set back and is open to interpretation*
- *Condition around planting could be stipulated as part of approval as this is only outline permission*
- *Refusal reason 3 can be dealt with by condition*
- *The additional planting will enable the site to integrate.*

The Chair put the motion to the Committee to vote, 3 Members voted for, 6 voted against and 2 Members abstained from the vote.

The Chair declared the application refused.

Councillor P McShane proposed that the applicant be given a week to withdraw the application. No Member seconded the proposal.

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

Proposed by Councillor P McShane  
Seconded by Alderman Finlay and

**AGREED** – that the Committee receive advice on the decision making process 'In Committee'.

#### \* **Public left the meeting at 3 pm.**

Councillor P McShane and Alderman Finlay commented on decision making process.

Head of Planning reminded Members of the need to provide robust reasons for overturning policy in approving/refusing planning applications.

Reference was made to ongoing Judicial Review and the Solicitor advised that all documentation relating to applications under review were looked at in detail.

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

Proposed by Alderman King  
Seconded by Councillor Baird and

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

- \* **A recess was held from 3:10 to 3:30 pm.**
- \* **Alderman Robinson re-joined the meeting at 3:30 pm.**
- \* **Alderman Cole left the meeting at 3.30pm.**
- \* **Public returned to the Chamber at 3:30 pm.**

Before moving to the next item of business, Alderman Finlay apologised to the Head of Planning and said remarks made earlier were not meant to offend.

### **5.2 Referred LA01/2018/1060/F 10 Terrydermot Road, Limavady**

Planning Committee Report and Site Visit Report, previously circulated, 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 sections 7 and 8 and resolves to **REFUSE** permission for the full application subject to the reason set out in section 10.

The Senior Planning Officer described the site and its context for retention of a large detached domestic shed. She advised that a site visit had been held earlier in the week and that amended plans had been submitted. The footprint of the shed measures 6.7m x 1.9m with a ridge height of 5.65m. The appearance of the shed is akin to a commercial or light industrial use. She advised that the shed was not subordinate to the dwelling house. She referred to para. 8.14 of the Planning Committee Report referencing a PAC decision and advised that this garage is approximately twice the size of the one that was subject to the appeal decision.

The Senior Planning Officer advised that the main consideration in the determination of the application relate to design, scale, massing and finish of the proposal and impact upon rural character and the character of the existing dwelling on site. She advised that there are views of the shed when travelling

along Ballyleagry Road with minimal vegetation to assist integrating the shed into the landscape. She advised Members that the shed is contrary to policy EXT1 of the Addendum to PPS7 for the reasons set out in section 10 of the Planning Committee Report.

The Head of Planning responded to a Member's question regarding the implication of refusing permission highlighting the potential for demolition if formal enforcement action proceeds. However, the applicant could submit an application for a smaller scale shed and would also have the right to appeal to the PAC if the application was refused.

The Chair invited C McIlvar, Agent to address the Committee in support of the application in the 5 minutes allocated for speaking rights.

The Agent advised that the original shed on site had fallen into disrepair two years previously from flood damage and that the applicant had put up the new shed with like for like. She said the applicant wanted to work with Council and had submitted amended plans in November. She added that the applicant was willing to plant vegetation around the boundary of the site and to reduce the size of the shed by 4 or 5 metres.

The Agent stated that the cladding on the shed was similar to others in the area and the new domestic shed was a visual betterment, set back from the road. She advised that the applicant would amend the finish so that the shed further integrated. She stated that the shed is subordinate to the dwelling and that no two cases are the same. She advised that the shed could be approved subject to condition to reduce the shed in length with a timeframe for carrying this out. In relation to the appeal referenced in the Planning Committee Report, she advised that it related to two sheds along the roadside whereas this shed is within the curtilage of the dwelling. She further advised that other sheds had been allowed at appeal to the front of dwellings.

The Agent responded to Members questions and made the following points:

- The new shed was more or less on the same position as the original shed but is the same width and length
- Original shed was more like a mobile classroom
- Appeal in Armoy EN/2018/0096 – allowed in November 2018 (paras 12, 13 and 14); built in front of house; base same as the house; considered character of the area, cluster of buildings, roadside vegetation, cladding similar to other sheds in the countryside.
- Shed is for domestic purposes, repairs to family cars only and domestic storage, storage of caravan.

- Willing to reduce length of shed by 4-5m and height is same as original shed
- Set at lower ground level than house and other garage
- Site is well screened
- The previous shed had been on site for at least 10 years and there has been no gap between the old shed being there and the new shed
- There were no objections to the shed
- There were about 10 comparable sheds in the Limavady area set beside houses; they don't duplicate finishes and are not subordinate to the dwelling; granted some may not have planning permission. It is not an uncommon occurrence to see sheds of steel construction.
- The timeline for reducing the length of the shed would be 6 months
- Further revised plans would be submitted as soon as possible

The Senior Planning Officer advised that there was no planning permission for the previous demolished shed and that google images shows it was a low level portacabin type whereas this shed is higher with a pitched roof; the boundary has been removed with planting only to the eastern side. She advised that the Larch Road appeal was two separate appeals for single sheds, 1 of which was within the curtilage and not subordinate in scale to the dwelling. She referred to Addendum to PPS7 para. 8.11 and read to Members. She advised that the size, scale, massing, design and external materials were all of concern against this policy. She advised that the agent was aware of the concerns and that plans had been submitted to render 2/3 of the building with the remainder remaining as metal cladding.

The Senior Planning Officer advised that the shed is unsympathetic in scale, design and materials to the existing dwelling. In particular in terms of scale the shed is completely disproportionate to the modest sized dwelling. It has not been demonstrated that a shed of this scale is required for domestic purposes. The shed, in conjunction with the other buildings and dwelling on the site, does not form an integrated group of buildings given the incongruous nature of the development to the rear of the site, linear development pattern and scale of the shed. The proposal is unsympathetic to the character of the dwelling and area; this is exacerbated by the accumulation of buildings on the site. Refusal is recommended for the reasons set out in section 10 of the planning committee Report.

Proposed by Alderman Robinson  
 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 permission for the full application for the following conditions:*

- Scale reduced
- Landscaping
- Rendering outside of the shed.

Alderman Robinson was of the view that given that there were no objections to the shed; a previous structure had been on the site for some time; applicant prepared to render the outside of the shed; that in greater public interest it would not be right to ask the applicant to remove the new shed; and there was a need to be fair and compromise with the reduction of the shed and proposed rendering; additional landscaping can also be conditioned.

The Chair put the motion to the Committee to vote, 9 Members voted for and 2 Members abstained from the vote.

The Chair declared the motion to approve carried.

Members agreed to delegate the conditions and informatives to Planning Officers.

- \* **Alderman Cole re-joined the meeting at 4:10 pm.**
- \* **Alderman Fielding left the meeting at 4:10 pm.**

### **5.3 Referred LA01/2018/0833/O Adjacent to No. 3 Warke Place, Castlerock**

Planning Committee Report and Site Visit Report previously circulated and 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** outline planning permission for the reasons set out in section 10.

The Senior Planning Officer described the proposed development, site and its context for single storey dwelling with roof space utilised. She advised that a site visit had taken place on 25 February 2019.

The Senior Planning Officer advised that the site is within the settlement limit of Castlerock in the Northern Area Plan 2016. Key policy to assess this application is PPS7 policy QD1 and Addendum to PPS7 policy LC1. She outlined that the proposal is sited within an existing residential area which is

characterised by single storey detached and semi-detached dwellings with gardens. She advised that the proposed single storey dwelling within the side garden of dwelling no 3 Warke Place would reduce the spacing between buildings and give the appearance of cramming on the site, which would fail to respect the character of the established residential area. The dwelling at No 3 Warke Place fronts onto the proposed site and there is potential for overlooking of the rear private amenity space of the proposed dwelling. PPS 7 – Policy QD1 notes that all proposals for residential development should not create conflict with adjacent land uses or have no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. She advised that Dfl Roads has requested amendments but these had not been asked for as the principle of development was not considered acceptable by Planning Officers.

The Senior Planning Officer responded to a Member's question and made the following points:

- Dfl Roads had advised that the proposed access required to be moved towards no.3 and the wall to remove. However, this was not pursued due to the concern over the principle of development however the land and wall are indicated within the applicant's ownership.

The Chair invited B Baird, Agent to address the Committee in support of the application in the 5 minutes allocated for speaking rights.

The Agent pointed out that the site was for a single storey retirement dwelling for the applicant. He advised that the site was similar in size to other sites in the area and there was no cramming. He stated that the site has a frontage of 33m, depth 15m and the proposed house has a footprint of 72m<sup>2</sup> leaving 70-77% free space. He advised that the proposal dwelling would be 1.4m below the levels of the level of the house behind the site. He said that this was outline plans and final design would take note of space on the site. He added that the space behind the building line is 46sqm; 90m<sup>2</sup> to side of dwelling and is set back on the building line. He stated that the sightlines and access amendments had not been requested but were available. In reference to para. 8.13 of the Planning Committee Report, he advised that the distance to other properties was 17m and 8m at closest, proposes 6m to the fence and no.4 and no.5 have only some 4-6m from boundary; there were no objections; site is lower than site to rear; and the door is to side of the building.

There were no questions for the Agent.

The Chair read the recommendation at para. 1.1 of the Planning Committee Report to Members.

Proposed by Councillor Baird  
Seconded by Councillor P McShane

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

The Chair put the motion to the Committee to vote, with 8 Members voting for, 0 against and 4 abstentions.

The Chair declared the motion to refuse planning permission carried.

\* **Councillor Fielding re-joined the meeting**

**5.4 Objection LA01/2017/1113/O Land adjacent to 17 Strandview Road, Ballycastle**

Planning Committee Report and Addendums, Site Visit Report, 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 reasons set out in section 10.

The Senior Planning Officer described the proposed development, site and its context for the proposed two storey house and double garage situated on a steep slope accessed via a narrow public right of way which leads from Strandview Road to Quay Road.

The Senior Planning Officer outlined that 14 objectors had submitted 27 letters of objection, with main issues being landownership in relation to Bo Lane – no vehicular access over the laneway has been permitted to access the site; road safety, increased traffic and congestion; width of access, poor visibility and impact on residential amenity in terms of overlooking, overshadowing and dominance and that these are detailed at para. 5.1 of the Planning Committee Report.

The Senior Planning Officer advised the Committee that this application had been deferred for submission of amended plans in December 2018.

An addendum was circulated to clarify the position of Dfl Roads in response to an email sent 22 November 2018.

Dfl Road confirmed that the recommended refusal reason given in previous consultation response still applied. Dfl Roads set out that the land width renders it unsuitable to intensification of vehicular use.

**Addendum 1 Recommendation** - That the Committee note the contents of the Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

A second addendum was circulated to advise that additional plans had been submitted on 15 January 2019, showing cross sections of the site. Further neighbour notification has been carried out and 11 letters of objection were received. The sections do not show existing and proposed ground levels or height of existing / proposed structures. She further advised that the cross-sections show a dwelling of 1 1/2storey rather than 2 storey.

**Addendum 2 Recommendation** - That the Committee note the contents of the Addendum and agree with the recommendation to refuse the planning application as set out in Section 1, and the first refusal reason as set out in Section 9, of the Planning Committee Report.

The Senior Planning Officer advised Members that the proposed 2 storey dwelling would be dominant at this location. She advised that the site is located 65m from Strand Road and that Dfl Roads had advised that the proposal would result in unacceptable intensification of the access onto Strand Road. She advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan and other material considerations, including the SPPS. The proposal fails to meet the requirements of planning policies and does not provide a quality residential development. The proposal is contrary to criteria (a) and (h) of Policy QD1 of PPS 7. The proposal in terms of scale is inappropriate to the topography of the site harming local character. The proposal will harm neighbouring residential amenity in terms of overlooking/loss of privacy and overshadowing/dominance. Access requirements cannot be met and the proposal would prejudice road safety due to insufficient width of the existing access laneway rendering it unsuitable for intensification. Refusal is recommended for the reasons set out in Section 10 of the Planning Committee Report and Addendums.

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

Proposed by Councillor Baird

Seconded by Councillor MA McKillop and



**AGREED** – that the Committee receive Legal Advice, 'In Committee'.

- \* **Public left meeting at 4:25 pm.**

Council Solicitor provided Legal Advice on correspondence received.

- \* **Councillor P McShane left the meeting at 4:40 pm**

**MOTION TO PROCEED 'IN PUBLIC'**

Proposed by Councillor Hunter  
Seconded by Councillor Baird and

**AGREED** – that the Committee move 'In Public'.

- \* **Public returned to the Chamber at 4:44 pm.**

The Chair invited M McCurdy, Agent to address the Committee in support of the application in the 5 minutes allocated for speaking rights.

The Agent stated that the issues raised by the objectors in relation to design can be addressed at reserved matters stage. He advised that no.17 changed from a bungalow to a 1 ½ storey dwelling. he stated that the applicant is willing to work with the neighbours to resolve. In reference to DfI Roads consultation response, he advised that Bo Lane did have vehicular access and referred to the 1<sup>st</sup> Edition Ordnance Survey maps advising that it was accessed via horse and cart. He stated that Bo Lane had been adapted in the 20<sup>th</sup>C to accommodate no. 17 Strandview Road and in 1957 after a third plot on the lane required access. He advised that bollards were not placed as stated in the document but placed beyond this site and keys for the bollards had been given to the family of the applicant who have access. In summary he advised that the design issues can be dealt with under the full application; always has been vehicular access; if refused, give the applicant 2 weeks to withdraw the application.

- \* **S Duggan, Civic Support and Committee & Member Services Officer joined the meeting at 4:55 pm.**

The Agent responded to Members questions and made the following points:

- Cars will still require to reverse to access no.15 and this site is adjacent to no.15.
- the applicant had legal right to drive on laneway for maintenance of site but could not confirm how often this occurs

- adjacent sites behind no.15 and no. 17 have a large retaining wall
- require a retaining wall for this development of 4 - 4½ m in height
- site slopes toward Beechwood Avenue

The Chair invited G Rolston and J Bradley WSP to address the Committee in objection to the application in the 5 minutes allocated for speaking rights.

G Rolston outlined that the residents had serious concerns about residential amenity and use of Bo Lane and they also had concerns on the accuracy of the drawing submitted of the cross sections of the site. The development would have a serious impact on no's 5 and 7 Beachwood Avenue by dominance and overlooking, with residents looking at a structure 25 m high which cannot be mitigated. He stated that a 4 – 5m high hedge would take years to grow and that a barrier or fence would further exacerbate the problem. He said that he agreed with the comments made in the Addendum 2 report.

J Bradley pointed out that a minimum width of the laneway needed to be 6 metres to ensure that two vehicles can satisfactorily pass unhindered and that insufficient width would obstruct vehicle movements with vehicles having to reverse onto the public road. He stated that motorist cannot see a vehicle on Bo Lane until they are travelling along it. He added that Bo Lane was designated a pedestrian right of way and the residents had an expectation of no cars on the Right of Way.

\* **Councillor Loftus joined the meeting at 5 pm.**

The Speakers in objection to the application responded to a Members questions and made the following points:

- no.5 Beechwood Avenue has a 2½m high retaining wall and another 4m high retaining wall for this site would create significance dominance effect
- highlighted the RoW was for pedestrian use and is on the Heritage Trail Map promote for such use.
- Can only assess based on the information provided in the application
- The recommendation to refuse on road safety issues was endorsed;

The Chair invited A Gillen, Dfl Roads to address the Committee. Mr Gillen advised that currently 3 houses uses the laneway to access their properties and that this resulted in around 30 movements per day, with the current access being substandard due to existing width. To approve another dwelling would exacerbate the problem. He advised that wood pellets are delivered to one of the dwellings once every 3 weeks to be compared to a dwelling which has 10

vehicle movements per day. Applicant is assessed against DCAN15 and requires widening of the access.

Proposed by Alderman Finlay  
Seconded by Alderman Cole

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

*- That the Committee note the contents of the Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report;*

*- That the Committee note the contents of the Addendum and agree with the recommendation to refuse the planning application as set out in Section 1, and the first refusal reason as set out in Section 9, of the Planning Committee Report.*

The Chair put the motion to the Committee to vote, with 9 Members voting for, 2 Members voted against and 2 Members abstained from the vote.

The Chair declared the motion to refuse planning permission carried.

- \* **E McCaul, Committee & Member Services Officer left the meeting at 5:20pm.**
- \* **A recess was held at 5:20PM.**
- \* **The meeting reconvened at 5.45PM.**
- \* **Councillor MA McKillop did not re-join the meeting.**

#### **5.5 Referred LA01/2015/0459/F Former Castle Erin Hotel and Conference Centre, Castle Erin Road, Portrush**

Planning Committee Reports, Addendums, Erratum and Site Visit Report previously circulated, presented by Principal Planning Officer, S Mathers via PowerPoint, who referred Committee to the Addendums and erratum Condition requiring a PSD to be submitted before any dwellings would be occupied.

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

**Addendum 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.

**Addendum 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. All the conditions remain relevant from the Planning Committee Report with the exception of conditions 2, 9, 10, 11 and 12 which are updated below (report circulated).

**Addendum 3 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.

The Principal Planning Officer, described the site layout, apartments and semi-detached units, Barry's Amusements and its outdoor area, the promenade and beach. The Principal Planning Officer advised the proposed development had been reduced from 11 units to 10 units since it was last presented to Planning Committee. He stated that the site had been vacant for many years and outlined the history of the application and amendments to date, the ridge height, of which, was not higher than that on Kerr Street and Eglinton Street. The Officer described a modern, contemporary design, slate roof that assimilated with the townscape. He advised that there was adequate amenity provision, access and parking was acceptable and DFI Roads were satisfied.

The Principal Planning Officer advised the main issue was noise and compatibility with Barry's Amusements. He advised in June 2018 after discussion with Barry's, an amended proposal dropped a detached unit, replaced by semi-detached and block of 3 apartments; a 2.5m high wall between the application site and Barry's Amusements Car Park. The Officer advised of an acoustic wall shelter proposed for apartments 1-3, an outdoor building to attenuate noise levels, that Environmental Health were satisfied and that whilst decibels may be high, there were mitigating factors. Consideration had been made to the seasonal opening of Barry's; the noise was not continuous; any prospective purchaser would know that Barry's was in operation and efforts had been made to reduce noise to its lowest level.

The Principal Planning Officer presented a montage of views from the West Strand, the Promenade, Barry's, view of the proposed access, view of the Extreme Orbiter and of 3 large rides outside Barry's and within their compound and further presented the recommendation to approve to Committee.

The Principal Planning Officer responded to Members questions and made the following points:

- relating to noise, cited from a paragraph within the Environmental Health report, that whilst 55dB would not ordinarily be acceptable, the Guidelines British Standard noise levels advised less than 55dB would not be achievable in all circumstances, for example, in city centres and urban areas. The Officer advised of factors that had been taken into account and was therefore satisfied it was not unacceptable to refuse the application.
- Regarding any prospective future noise complaint, cited Addendum 3 and amended informative; advised Environmental Health have advised they will take the issue of Buyer Beware into account when dealing with future complaints.
- Regarding acoustic shelter; advised that this is a garden type building located outside and has two solid sides, the acoustic shelter would be in the communal area to service 3 apartments, and clarified the outlook was towards the sea.
- Regarding environmental impact; described a ground level reduction of 2-3m; construction considered as the site is adjacent a Special Area for Conservation designated due to porpoises and sea caves and conditions would govern marine mammal observation during any proposed works, advised there would be gardens at the back running down the slope and steps to promenade to be relocated.

In relation to a question regarding Paragraph 8.45a within the Planning Committee Report, Council's Solicitor advised that this had been before the Land and Property Committee in March 2018.

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

Proposed by Alderman Cole

Seconded by Councillor Loftus and

**AGREED** – that Committee move 'In Committee'.

#### \* **Members of the Public left the meeting.**

Council's Solicitor referred to Land and Property Sub Committee Minutes dated March 2018 regarding Lands at West Bay, Portrush and provided details on ownership issues.

#### \* **Councillor K McGurk left the meeting at 6.15PM.**

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

Proposed by Councillor P McShane

Seconded by Alderman King and

**AGREED** - that Committee move 'In Public'.

The Principal Planning Officer, responded to further questions by Members and made the following points:

- surrounding character; cited paragraph 8.50 of the Planning Committee Report. The Officer described the original hotel building that was dominant in the landscape, the application was more sympathetic to the site, at a lower level and matched the townscape and drew Members' attention to the illustrated silhouette of the former building in the PowerPoint image.

The Chair invited D Donaldson, Agent, D Ewing, Architect and S Hetherington, Acoustic Consultant, to the Committee to present in support of the application in the 5 minutes allocated for speaking rights.

D Donaldson stated McLaughlin and Harvey were a reputable construction company who had purchased the site in 2007 and submitted this application in 2015. He advised that extensive supporting reports had been made with the application and all consultees were satisfied. D Donaldson advised that, following deferral of this application when last presented to Planning Committee, the proposal had been further amended, removing a detached dwelling, amending the 2 nearest houses to Barry's to 3 apartments, and provided mitigation measures relating to noise for worst case scenarios including provision of a 2.5m wall and landscaping.

D Donaldson stated planning considerations had been made in relation to the Development Plan for Portrush, Northern Area Plan, previous development site on the site of the hotel, sustaining development, housing in an urban areas. He stated that great care had gone into the design to ensure no overlooking. In relation to the relationship with Barry's Amusements, he advised that this is a seasonal activity and is not a continual noise source; there will be no sleep disturbance. He stated that the new dwellings will have adequate noise levels based on BS8233 which has a guidance of 55dB. He advised that this is a busy resort town and people are attracted to the sea side and the buzz of a seaside resort. He stated that the noise generated is largely from the patrons and music and not the machines themselves. He stated that occupants would be buying into the seasonal setting, the beach and promenade and the presumption in favour of sustainable development. The amended proposal would restore quality, interest, pride and vitality into Portrush.

D Donaldson stated the Environmental Health response had raised issues, it did not support a refusal, but recommended an Informative,

S Mathers, Principal Planning Officer, clarified there was no Condition on noise and cited Informative 7 Addendum 3. The Officer further clarified the Developer would be required to comply with Planning Conditions, if noise readings were done and levels exceeded, Planning would look at the attenuation measures undertaken and whether they had been done in accordance with Conditions. An assessment had been made of the current situation, current hours and

current noise levels. He clarified any complaint from a resident would be dealt by Environmental Health regarding the circumstances.

The Head of Planning responded on references to Fens Tiger case law and information within Addendum 3, that the Committee could consider deferring the determination of the application until Environmental Health officers have received legal advice, if they found the noise issue compelling in determination of the application.

Councillor Baird considered the application may be deferred until Committee was appraised of the outcome and ramifications concerning Fens Tiger case law. Alderman Finlay further queried the legalities surrounding an Informative, however he held the question.

Proposed by Councillor Baird  
Seconded by Alderman Finlay

- that consideration is deferred.

The Head of Planning advised she would investigate the timeframe for receipt of the legal opinion.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

\* **Councillor P McShane had left the Chamber and re-joined the meeting at 6.45PM and did not vote on the application.**

The Head of Planning reminded Committee the revised Protocol for the Operation of the Planning Committee stated the meeting would conclude no later than 8pm unless otherwise agreed by Committee Members.

Proposed by Alderman Cole  
Seconded by Councillor Fielding

- that Committee consider one more application for the evening, the remainder of business to a reconvened meeting.

The Chair put the motion to the Committee to vote.

5 Members voted For, 4 Members voted Against, 2 Members Abstained.

The Chair declared the motion carried.

The Head of Planning advised the reconvened Planning Committee would be held on Monday 4<sup>th</sup> March 2019 at 6.30pm, registered Speaking Rights would carry over.

## 5.6 Referred LA01/2018/0197/F 75 Ballyreagh Road, Portstewart

Planning Committee Report and Addendum, previously circulated, presented by Senior Planning Officer, J Lundy via PowerPoint.

The Senior Planning Officer, described the application site and context on the Ballyreagh Road. The Officer referred to an addendum and a further letter of support and cited the points made within. J Lundy advised foundations were in place from a previous application approved in 1999 and had a commencement of development certificate for lawful development, the revised proposal was for 3 self-catering units in the countryside and associated works.

The Senior Planning Officer, presented photographs of the road between Portstewart and Portrush, the site to the rear of the dwelling and to the side and a view from the Coastal Path looking up towards the site.

The Senior Planning Officer, referred to policy TSM 5 of PPS 16 paragraph 8.6 of the Planning Committee Report, the application had been assessed on Criteria 'B', cited. The Officer advised the Agent argued the proposal did meet the test, the significant tourist amenity being the North West 200 Road Race which she advised would take place for one week annually. She stated a refusal was recommended as it did not meet Policy TSM 5, the 3 self-catering units were not close to an existing, or approved tourist amenity, or significant visitor attraction in its own right.

**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.

The Senior Planning Officer, responded to questions by Members and made the following points:

- clarified 'Significant Tourist Amenity in its own right' within the glossary of PPS 16 and cited from the Policy. Comparison was drawn with Barry's Amusements which, the Officer considered, was a significant Tourist Amenity, it drew visitors from far and wide; Ballyreagh Golf Course is not a significant tourist attraction in its own right; clarified walks, car parks, headlands and the Coast are tourist assets.

The Head of Planning asked Committee to be mindful of any precedent to be set for groups of 3 self-catering Units and cited from Policy TSM 5, Criteria (b) and further clarified definition of tourist amenity within PPS 15.



The Chair invited D Monaghan, Agent, to speak in support of the Application in the 5 minutes allocated for speaking rights.

The Agent addressed Committee, referring to the issue of close to a tourist amenity attracting a significant number of visitors and cited from PPS 16, that tourism include people travelling to places, overnight and same day visitors and cited the definition of 'Tourist Amenity' from the PPS glossary, to include sports facilities or services for example golf courses, mountain bike trails that people would visit. Referring to the North West 200 Race, D Monaghan quoted from a newspaper article Tourism NI had issued naming the NW200 as the largest outdoor sporting event attracting 80,000 visitors to the area. D Monaghan argued there was no requirement for a permanent attraction, it was illogical, the Policy had been properly applied and was fully compliant for development. D Monaghan referred to the history of the application for a large unattractive house, the design was now a significant improvement more in keeping with design; consultees were content; there were no objections, two letters supported the proposed build that was attractive and modern and would benefit the economy; it was a tourist hot spot between two golf courses; it was consistent with accommodation in the area, amenities at Juniper Hill, Inn on The Coast, the application would bring benefits and no planning harm. He stated that this is a policy compliant application.

D Monaghan responded to questions by Members and made the following points:

- clarified there was no record a Tourist Amenity had to be a building, but was to give comfort, convenience and enjoyment and was consistent with Policy TSM 5, which did not suggest a permanent attraction; clarified the NW200 had hard standing, the development required planning permission and had a physical all year round presence. The site is in the middle of an area focused on providing tourist amenities; unique circumstances of site.
- The 3 apartments could be rented out to families so there would be more than 3 people staying; development would cause no planning harm; granting permission would be a planning gain providing tourist accommodation close to tourist amenities.
- advised the Causeway Coast was a Tourist Asset.

The Senior Planning Officer responded to further questions from Members and made the following points:

- clarified Policy TSM5 advising that the tourist amenity must be significant attractions in its own right, imperative that they are in place and consider the nature and scale of the tourist amenity. The North West 200 Race is held for just one week in the year.

Proposed by Alderman Finlay  
Seconded by Councillor Loftus and

- 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 reasons set out:

- Committee takes the view the North West 200 Road Race is a serious tourist attraction, 70,000-100,000 people attract to it per year in itself and is an attraction;
- there is a need for self-catering accommodation used all year round;

Alderman King stated a precedent would be set in the area and proposed the Officer recommendation.

Proposed by Alderman King  
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 refuse planning permission subject to the reasons set out in section 10;
- That the Committee note the contents of the Addendum and agree with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

The Head of Planning advised the amendment from Alderman King was a direct negative, the proposal by Alderman Finlay, seconded by Councillor Loftus would therefore be considered.

A Member questioned whether consideration could be made to a material start having already been made.

The Head of Planning clarified the proposal was accepting that the North West 200 as a significant tourist amenity in the area although it only takes place 1 week in the year. She advised that the hotel approved under LA01/2016/1328/F met the requirements of policy TSM3 of PPS16 and the North West 200 race was not a determining factor in that decision.

Councillor Loftus stated Committee may move to the Vote.

The Chair put the proposal by Alderman Finlay, seconded by Councillor Loftus to the Committee to vote.

4 Members voted For, 5 Members voted Against, 2 Members Abstained.  
The Chair declared permission refused.

\* **Alderman McKeown left the meeting during consideration of the item.**

## **6. ORDER OF BUSINESS**

Councillor Hunter requested that Committee further consider the Order of Business.

Proposed by Councillor Hunter  
Seconded by Councillor Baird and

**AGREED** - that Applications LA01/2018/0474/O Lands 50m borth west of Dungiven FC Ballyguddin Road, Dungiven and LA01/2018/0476/O Lands 30m East of 7 Ballyguddin Road, Dungiven are considered at the reconvened meeting to be held on Monday 4<sup>th</sup> March 2019.

Proposed by Councillor Hunter  
Seconded by Councillor Baird and

**AGREED** – those applications are considered last on the Agenda of Business for the reconvened meeting to be held on Monday 4<sup>th</sup> March.

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

Proposed by Alderman Finlay  
Seconded by Councillor Loftus

- that Committee move ‘In Committee’.

## **7. LEGAL ISSUES**

Council’s solicitor advised of a Judicial Review that was being held the following morning at 9.45AM.

Council’s Solicitor advised of the timescale of the Judicial review final Hearing in March regarding the North West Hotel Development.

### **MOTION TO PROCEED ‘IN PUBLIC’**

Proposed by Alderman Finlay  
Seconded by Councillor Hunter

- that Committee move ‘In Public’.

**The time being 7.36pm, the Chair declared the meeting closed, to be reconvened Monday 4<sup>th</sup> March 2019 at 6.30PM.**

**Minutes of the Proceedings of the Reconvened Meeting of the Planning  
Committee held in the Council Chamber, Civic Headquarters on  
Monday 4<sup>th</sup> March 2019 at 6.30pm.**

**In the Chair:** Alderman Blair

**Committee Members Present:** Alderman Cole, Finlay, King and Robinson  
Councillors Baird, Fielding, Hunter, McGurk, Nicholl, P  
McShane.

**Officers Present:** D Dickson, Head of Planning  
S Mathers, Development Management & Enforcement Manager  
S Mulhern, Development Plan Manager  
J Lundy, Senior Planning Officer  
E Hudson, Senior Planning Officer  
R McGrath, Planning Officer  
J McMath, Senior Planning Officer  
M Wilson, Senior Planning Officer  
E Keenan, Council Solicitor  
S Duggan, Civic Support & Committee & Member Services Officer

**Registered Speakers:**

D Monaghan, LA01/2018/0197/F	M Smyth, Item LA01/2018/1172/F
D Donaldson, LA01/2016/1482/F	M Bradley, LA01/2018/1172/F
S Sweeney, LA01/2016/1482/F	J Dallat, MLA, LA01/2018/1172/F
A Stephens, LA01/2018/0474/O and LA01/2018/0476/O	Councillor J Baird, LA01/2018/0652/F

Apologies were received from Councillor Loftus.

The Head of Planning reminded Committee of the Order of Business for the evening.

**8. SCHEDULE OF APPLICATIONS**

**8.1 Referred LA01/2016/1482/F Tramway Halt, Bushmills Station, Ballaghmore Road, Bushmills**

Planning Committee Report, previously circulated, presented by Senior Planning Officer, J Lundy via PowerPoint presentation.

J Lundy advised of error in the Planning Committee Report, 3no. objections had been received, not 2 as printed.

The Senior Planning Officer described the proposal site and context, adjacent to the settlement of Bushmills, the location of the site in relation to the

development of Bushmills and within the Distinctive Landscape Setting of the Giant's Causeway. The Officer advised 3 no. objections had been received and cited issues set out in paragraph 5.1 of the Planning Committee Report. She advised of a change in legislation and policy since the previous permission granted within the site and referred to paragraph 6.1 of the Planning Committee Report. She advised the principle of development was unacceptable as the café and apartments are for general use and the impact on the Skerries and causeway SAC requires a Construction Management Plan (CEMP). She advised members that the recommendation is to refuse permission for the reasons set out in paragraph 10 of the Planning Committee Report.

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

The Senior Planning Officer responded to questions by Members and made the following points:

- clarified the car park referred to by the Member was outside the red line of the proposed site.

The Chair invited D Donaldson, Agent and S Sweeney, Applicant to speak in support of the application in the 5 minutes allocated for speaking rights.

The Agent stated an application had been submitted in November 2016 prior to the expiry of the previous permission to renew planning permission granted by the Department of Environment in 2012. D Donaldson outlined the history of the Giants Causeway and Bushmills Railway Company, a Registered Charity preserving the hydro-electric tram track which had been rescued from liquidation. The application will provide a necessary ticket office etc and would enhance the quality of the visitor experience and restore the Charity to profit.

The Agent referred to the recommended refusal reasons, policy COU4, only 3 exceptions. He advised that the starting point is that planning permission should be granted unless material considerations determine otherwise. He advised that this is the renewal of a previous permission and referred Members to para. 8.14 of the Planning Committee Report. He advised that the core purpose of the development is to meet the needs of visitors and that the building design, scale and traditional materials is visually pleasing. He stated that DAERA Protected Landscape Branch are content that the development will integrate into the surroundings. The Tram is a signature project by NITB and serviced the World heritage Site and will improve facilities and will be of benefit to visitors to the World Heritage Site, relieving pressure on carparking. He advised that the 2 apartments are required to make the development

economically viable as this operated by a registered charity which was in a loss position for the past 15 years. He advised that PPS23 Enabling Development and SPPS allow development where they secure the long term future of a significant place and advised that the site has a long industrial heritage history linked to the World Heritage Site that should be secured long term. He stated that a Biodiversity checklist had been completed and that Natural Environment Division had no concerns subject to conditions. He advised that these numerous material considerations should be taken into consideration and by approving this development the public interest would be served.

In response to questions from Members the Agent and Applicant made the following points:

- clarified there was no additional parking to bring people from the centre to Bushmills to use the Railway. The current car park would facilitate people coming from Bushmills Town Centre and travel to the Causeway as most of the tickets are purchased at the Bushmills end reducing the need to drive to the World Heritage Site. There is sufficient parking provided beside existing halt for those using the apartments.
- parking is long established within the site and there will be no loss of parking. The use of the Station and the apartments will be catered for by dedicated parking spaces.
- The application is identical to that granted planning permission in 2012
- Enabling Development cited from PPS 23. Enabling development allowed to secure the long term future of as significant place included Industrial Heritage, a number of criteria where development would need to be subsidised such as by two apartments as there are significant costs in building the development and the railway is running at a marginal loss; building needs to be viable to be constructed and operated; café is only 6 tables, otherwise would be financially unviable. Without the 2 apartments the scheme would be financially unviable; there was no material harm and met Heritage values.
- outlined the history of the project in detail, it had been identified as a significant project by NITB in 2011 amongst 8 others and had been rescued from liquidation. The applicant set out financial matters in relation to the railway, the significant investment made, considered Bushmills as a tourist destination which needs to grow. The applicant clarified historic and current opening times for the Railway, that users travelling on the Railway also would obtain parking at a fee. New stock had been purchased in 2010 which is an exact replica of the system in 1880s with no toilet facilities or anywhere to have a cup of tea; 3 carriages that can accommodate 30-35 people each.
- clarified with regard to a plan led system and Statutory plan. He advised the relevant Officers had accepted the core proposal meets the direct

need to the World Heritage Site and referred to para. 8.14 of the Planning Committee Report and therefore complies with policy COU4; question is apartments and these are required as enabling development for this industrial heritage restoration and will not cause harm to the landscape setting

- entrance is just to serve the café and apartments

The Head of Planning sought clarification from Elected Members concerning the documentation referred to by the applicant that had been circulated directly by email. The applicant confirmed the email had also been copied to the Planning email address.

Committee was invited to hold a recess for Members to consider the electronic information.

\* **Recess 7.25pm.**

**The meeting reconvened at 7.33PM.**

In response to further questions from Members the Senior Planning Officer, clarified HED were content regarding the distinctive landscape setting and cited from paragraphs 8.25 and 8.26 of the Planning Committee Report. The Senior Planning Officer considered the kitchen and toilet facilities could be smaller and café and apartments located in the settlement limits of Bushmills to accord with policy. She clarified the railway track to the Causeway would not affect the AONB designation, however, considered that the café and apartments would not be to meet the specific needs of visitors to the World Heritage Site but instead the wider tourists. The Officer clarified DfI Roads had been consulted on car parking and were content with the proposal.

Proposed by Alderman Finlay  
Seconded by P McShane

- 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 subject to the reasons set out:
  - renewal of Planning Permission already granted and same proposal as before;
  - Design acceptable, building integrated and cited from paragraph 8.30 within the Planning Committee report;
  - DAERA Protected Landscapes are content;
  - tourist economic benefit to the area, issue of parking let restaurants open every day use public car parking roads; this is only a small café;

- Preserve historic asset and Railway Heritage as in PPS23;
- is exceptional, as does serve the World Heritage Site visitors;
- was a NITB significant project, of regional significance;
- Rural development, edge of Town development rather than country, justified by images beside development line;
- Registered Charity requiring enabling development to secure Industrial Heritage;
- Apartments qualify as enabling development to allow the development;
- essential for the Visitor experience, toilets and coffee shop;
- meets concerns regarding the World Heritage Site and lack of toilet facilities for the Visitor;
- Bushmills is a hub for tourism;
- Important link to the Railway for its future, ingenuity and engineering
- Feasible future use of Railway and building

The Head of Planning advised that the apartments could be sold off and were not self-catering, they were stand alone and advised of outstanding information and recommended holding issuing a decision until the outline conservation management plan would be submitted.

The Chair put the motion to the Committee to vote.

8 Members voted For, 1 Member voted Against, 2 Members Abstained.

The Chair declared the motion carried and planning permission granted subject to submission of CEMP.

**AGREED** – Conditions and Informatives delegated to Officers.

## **8.2 Objection B/2014/0155/F Lands 90m SSE of 21 Derrychrier Road and 320m SSW of 756 Feeny Road, Dungiven**

Planning Committee Report, previously circulated, presented by Senior Planning Officer, R McGrath via PowerPoint presentation.

The Senior Planning Officer described the proposal and the site, 13 no. objections had been received to include Ulster Angling Federation and Roe Angling Association. Concerns related to the impact on salmon and eel, fish dam design and flow rate. The Senior Planning Officer stated that the site formed part of the River Roe and Tributaries SAC and a Habitats Regulation Assessment had been considered. He advised that the SPPS and PPS 18 support renewable energy provided it does not impact on the conservation of the SAC.



The Senior Planning Officer advised consideration had been undertaken on impact on the SAC and representations received; consultations had included NIEA, DAERA, Loughs Agency, Environmental Health, and that there were no grounds for objection and approval was recommended.

**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.

In response to questions from Members, the Senior Planning Officer made the following points:

- Loughs Agency raised concern in relation to the design of the fish pass and screening arrangements. However, he advised that the requirements of the Fisheries Act (Northern Ireland) 1966 specifically in relation to appropriate fish pass design and screening arrangements is the responsibility of DAERA Inland Fisheries. He advised that an Abstraction License had been granted and on reaching a balanced assessment of the application weight had been given to the fact that DAERA Inland Fisheries is the competent authority on fish pass design and screening referring to paragraph 8.35 within the Planning Committee report.
- Proposal will introduce a new smolt pass which will improve the current situation; DAERA Inland Fisheries had not raised concerns and were satisfied with the design.
- Monitoring will be via the Abstraction Licence by DAERA and outlined steps of revocation of extraction license in the event of non-compliance of Conditions and Informatives.
- Detailed the proposal in terms of what is being retained and what removed and advised that the proposal will be a betterment with a more modern regulated hydro scheme.

Councillor Baird observed the Fisheries Act was dated 1866, that Council would require further expert advice on the issue before consideration may be made. Alderman Cole sought clarification of the requirement for smolt screens

Proposed by Councillor Baird  
Seconded by Alderman Cole

- That consideration is deferred for further expert advice.

The Senior Planning Officer advised the competent authority DAERA Inland Fisheries had been consulted and it is not within the remit of Planning to monitor the compliance with the abstraction licence.

## Amendment

Proposed by Alderman King  
Seconded by Councillor Hunter

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

The Chair put the Amendment to the Committee to vote.

8 Members voted For, 2 Members voted Against, 1 Member Abstained.

The Chair declared the motion carried.

\* **Councillor Fielding left the Chamber at 8.22PM.**

### **8.3 Referred LA01/2018/1172/F 6 Brighter Gardens, Limavady**

Planning Committee Report, previously circulated, presented by Senior Planning Officer, M Wilson via PowerPoint.

The Senior Planning Officer described the proposal, site and context. He advised that 2 objections had been received and cited from paragraph 8.1 of the Planning Committee Report. M Wilson, Senior Planning Officer, advised that this is a retrospective planning applications and referred to paragraphs 8.17-8.21 in the Planning Committee Report. The footprint had been similar to that approved under the Certificate of Lawful Development however the eaves of this application are 0.8m higher. He advised that the garage was unsympathetic in scale, massing and design, had a detrimental impact on neighbouring properties particularly no.4 Brighter Gardens, was a commercial use and refusal was recommended as outlined in section 10 of the Planning Committee Report.

**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** permission for the full application subject to the reason set out in section 10.

The Chair invited M Smyth (agent) and Martin Bradley (applicant) to speak in support of the application in the 5 minutes allocated for speaking rights.

The Agent advised that a Certificate of Lawful Development had been issued in November 2017, granting the size and location of the shed under Permitted Development Rights and that this application only increases the eave height by

80cm. he advised that the increased height is required to secure the height for storage of vans and equipment for the applicant's plumbing business. He stated that the shed is of similar style to others throughout the countryside. The Agent referred to policy EXT1 of Addendum to PPS7 and advised that only the eaves height and materials were considered unacceptable. He stated that the applicant is willing to change the colour to match the dwelling. He advised that a fence and bollards are not optional and would not be in character with the area.

In response to questions raised by Members the Agent made the following points:

- clarified the property to the rear that backed on to the site was probably taller.
- clarified a change of colour for the pedestrian door to a buff cream, the roller door to brown, the same as the front door of the property to tie in.

Proposed by Councillor Baird

Seconded by Councillor Hunter

- that the Committee view the CLUD application

The Chair put the proposal to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

The Senior Planning Officer provided Members with the CLUD application to view the plans.

The Chair invited J Dallat, MLA, to speak in support of the application in the 5 minutes allocated for speaking rights.

J Dallat, MLA, advised he had had not previously met the applicant. J Dallat, MLA, advised the applicant was a self-employed plumber originally from a rural area and as planning had changed it was difficult to obtain approval for a garage in the rural area to store his van and equipment for his business. He advised that the garage needed to be retained for the Applicant's work and that the van and equipment was required often on an emergency basis at night. J Dallat, MLA, observed the height of the eaves was the focal point of concern. He stated that the height of the eaves was the minimum space required to make the shed fit for purpose and as a functional base to the Applicant's

business activities. He stated that the design is better than what the Planners have suggested and that the Applicant is trying to harmonise with neighbours.

In response to further questions from Members, the Senior Planning Officer clarified the objections and referred to paragraph 5.1 of the Planning Committee Report, and that loss of light was considered at paragraph 8.22 of the Planning Committee Report. He advised that loss of light was not considered to have a significant impact on neighbouring amenity to justify refusal on that basis. He clarified the Certificate of Lawful Use of Development submitted was for a different garage to that under this planning application, which is a retrospective application for a domestic garage yet speakers have advised it is to store commercial vehicles and equipment which is a different policy context and not the proposal in front of Committee.

The Senior Planning Officer clarified the ridge height of the dwelling to be 7-7.5M, gable 8.5M, frontage 6.5m, with a footprint of 55.25 m<sup>2</sup> along with an extension to the back of approximately 2m<sup>2</sup>, totalling approximately 58-59m<sup>2</sup> and 2 storey, approximately 2-2 ½ m taller than the garage. He advised that the garage was not subordinate to the dwelling and clarified the garage roller door to be 3m in height, and car park barriers are approximately 2.2m high.

The Head of Planning clarified the issue of precedent would be a matter for the Planning Committee to consider, whether the application was ancillary to the main dwelling and for domestic purposes.

Proposed by Councillor McGurk  
Seconded by Councillor P McShane

- That consideration is deferred and site visit held.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

The Head of Planning advised Speaking Rights would carry forward.

- \* **The Chair declared a recess at 9PM.**
- \* **The meeting reconvened at 9.15PM.**
- \* **Councillor Fielding re-joined the meeting.**
- \* **Councillor Baird left the Chamber.**

#### 8.4 Referred LA01/2018/0652/F 24a Clare Road, Ballycastle

Planning Committee Report, previously circulated, presented by Senior Planning Officer, E Hudson, via PowerPoint presentation. The Senior Planning Officer advised Members that this is a retrospective planning application as the dwelling and garage constructed are not in compliance with planning permission granted previously. She described the site in Ballycastle on the Clare Road, between numbers 22 and 24. The building had moved 1m further away from the northern boundary from that which was approved and the garage has increased in size and height. Amended plans had been submitted removing the window on the southern gable facing towards no.4 Rathlin View to address objections from no. 4 Rathlin View. She referred to the letter of objection received and detailed within the Planning Committee Report. The Senior Planning Officer advised that taking into account the extant approval and the removal of the window on the southern gable facing no. 4 Rathlin View, it is considered that the development should be granted planning permission for the reasons set out in the Planning Committee Report.

**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 recommends to **APPROVE** full planning permission for the reasons set out in section 10

In response to questions from Members, the Senior Planning Officer clarified that the window in the first application was at a lower elevation.

The Chair invited Councillor Baird to speak on behalf of the Objector in the 5 minutes allocated for speaking rights.

Councillor Baird advised the Objector had helped facilitate the development and had no wish to object to the house or garage, however, a window had been opened up in the gable wall of the garage and had been bricked up again. It was envisaged this would cause severe overlooking onto a small back garden, kitchen and bedroom window. Councillor Baird requested a condition be applied accordingly to the planning permission going forward.

E Hudson, Senior Planning Officer, clarified planning permission did not show the window and if opened up would therefore be an enforcement issue.

Proposed by Alderman Finlay  
Seconded by Councillor P McShane 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 recommends to **APPROVE** full planning

permission for the reasons set out in section 10, subject to the Condition that there will be no window on the southern gable of the garage at first floor level.

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

\* **Councillor Baird re-joined the meeting at 9.28PM.**

#### **8.5 Council LA01/2018/0888/F Parks Store, The Bowl, Portrush**

Planning Committee Report, previously circulated, presented by Senior Planning Officer, M Wilson via PowerPoint presentation.

The Senior Planning Officer described the site and its context in Portrush. He described the current Civic Amenity site and its location within the LLPA as designated in the Northern Area Plan 2016. He advised that only some shrubs would be lost as a result of the proposed development and the community benefit gained outweighed the loss of this small portion of open space referring to para.s 8.3-8.13 of the Planning Committee Report. He advised that the proposed development will not impact on archaeology and illustrated the access position.

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

Proposed by Councillor P McShane  
Seconded by Alderman King and

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

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

\* **Councillors Baird, Fielding and Hunter left the meeting at 9.35PM.**

## **8.6 Council LA01/2018/1116/F 48 Main Street, Portrush**

Planning Committee Report, previously circulated, presented by Senior Planning Officer, M Wilson via PowerPoint presentation.

The Senior Planning Officer described the proposed site in Portrush and its context. He advised that the proposal is only for a temporary period pending redevelopment to include artificial grass, benches, bins.

**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.

Proposed by Alderman King  
Seconded by Alderman Cole and

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

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

The Chair declared the motion carried.

\* **Councillor Baird re-joined the meeting at 9.37PM.**

## **8.7 Referred LA01/2018/0474/O Lands 50m north west of Dungiven FC, Ballyguddin Road, Dungiven**

Planning Committee Report and Site Visit Report, previously circulated, presented by Senior Planning Officer, J McMath via PowerPoint presentation.

The Senior Planning Officer described the proposed site and its context and advised that the application is for outline permission for an infill dwelling under Policy CTY8 infill small gap site. The Senior Planning Officer described the Football Club pitch area to include a container and portacabins as temporary changing, not permanently fixed, and not regarded as permanent structures for the purposes of policy CTY8. She advised that therefore, there is no substantial and continuous built up frontage.

The Senior Planning Officer advised that the site has a frontage of 85m yet the frontages of the dwellings at No. 7 and no. 9 are of 25.5m and 20m respectively and the football pitch has a frontage of 160m. The Senior Planning Officer advised that the application site did not therefore respect the character of the area in terms of plot frontages as the site frontage failed to respect the average plot size and was contrary to Policy CTY8 as the site could accommodate more than 2 dwellings and, due to the open and exposed boundaries and lack of definition was contrary to policies CTY 13, CTY 14 and contrary to policy CTY1 as there is no exceptional reason for a dwelling in the countryside and recommended refusal.

**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.

In response to questions from Members, the Senior Planning Officer made the following points:

- clarified Policy CTY8 in relation to substantial and continually built up frontage of three or more buildings and referred to a PAC decision referred to in the Planning Committee Report that did not accept a corrugated shelter or container as providing buildings in the Countryside under CTY 10.
- clarified temporary, as, for example, can be removed with ease, clarified there was no planning permission for the temporary buildings or CLUD, and clarified she was unaware of the timeframe that the temporary buildings have been in place.
- Reminded Members that the size of the gap site did not reflect the character of the area in terms of dwellings at no.7 and 9.

The Chair invited A Stephens, Agent, to speak in support of the application in the 5 minutes allocated for speaking rights.

The Agent advised there was no clearly identifiable harm for the proposal, no third party objections and planning permission should be granted. He stated that this is only a technical infringement and that the PAC refers to the wording of policy CTY8 as confusing and contradictory. In such cases, the interpretation should favour applicants. He stated that the site is within a ribbon, no.7 and no. 9 and football Club to the East, and that Policy refers to buildings not dwellings, garages and therefore outbuildings can be included. He advised that the policy makes no reference to anything other than the number of buildings. He referred to the planning permission for the football club and advised that the building were considered as buildings during the assessment of that application. The Agent stated that the context is very important for a gap site and that large rural dwellings have large plots sizes and that the average



plot size does not need to be exact. The average plot frontage is 68.5m, the site is 85m and therefore 2 sites at 42.5m each accommodate maximum two dwellings. He referred to para. 5.58 of policy CTY13 stating that integration is not a test of invisibility and therefore the decision to grant planning permission is in the hands of the Planning Committee.

In response to questions from Members the Agent made the following points:

- Policy CTY8 allows for a maximum of 2 dwellings; Building on Tradition states that where there are irregular plot sizes take the average which is 68.5m; 42.5m site frontage is therefore broadly in line.
- Can't discount the Football pitch as it has hard standing areas, advertising boards, concrete paths, palisade fencing which are all considered development.
- Planning Appeal 2010/A0272 replaced prefabricated structures on site with dwelling. In 2017 Lisburn & Castlereagh accepted policy. Policy CTY8 simply says 3 buildings and does not say they need to be permanent buildings.
- Officers accepted football club as replacement of those buildings. If there is ambiguity then rule in favour of applicant.
- Buildings have been there for more than 5 years which is the test of immunity and there is an extant permission to redevelop with permanent building.
- Haven't had time to consider comparable appeals however the appeal referenced in the Planning Committee report was in relation to an iron shelter and storage container in relation to policy CTY10

The Senior Planning Officer, advised Officers has not had a chance to consider the PAC decision referred to by the Speaker and the appeal decision referred to in the Planning Committee Report was comparable in relation to constituting a group under Policy CTY10 and that a similar interpretation was likewise for policy CTY8 in relation to buildings.

Proposed by Councillor McGurk  
Seconded by Councillor Nicholl

- 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 subject to the reasons set out:
  - Met policy CTY8 as an infill opportunity;
  - Met policy CTY8 plot size below average for development there and currently three buildings in a frontage;
  - Integration planting to be conditioned and ensure not prominent, scale and design to be considered at reserved matters stage

The Chair put the motion to the Committee to vote.

7 Members voted For, 2 Members voted Against, 2 members Abstained.

The Chair declared the motion carried.

**AGREED** – that Conditions and Informatives are delegated to Planning Officers.

### **8.8 Referred LA01/2018/0476/O Lands 30m East of 7 Ballyguddin Road, Dungiven**

Planning Committee Report and Site Visit Report previously circulated and presented by the Senior Planning Officer, J McMath via powerpoint presentation.

The Senior Planning Officer described the proposed site and its context and advised that the application is for outline permission for an infill dwelling under Policy CTY8 infill small gap site. She advised that this site constituted the 2<sup>nd</sup> site referred to in the discussions for the previous planning application LA01/2018/0474/O and referred to previous discussions regarding site frontages and temporary buildings.

**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.

Referring to the discussions and determination for planning application LA01/2018/0474/O, Committee sought clarification from the Speaker as to whether he wish to speak on the application.

A Stephens, Agent, withdrew his request to speak.

Proposed by Councillor McGurk

Seconded by Councillor Nicholl

- 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 subject to the reasons set out:

- second of the two infill sites;

- Met policy CTY8 as an infill opportunity;

- Met policy CTY8 plot size below average for development there and currently three buildings in a frontage;
- Integration planting to be conditioned and ensure not prominent, scale and design to be considered at reserved matters stage.

The Chair put the motion to the committee to vote.

7 Members Voted For, 2 Members voted Against, 2 Members Abstained.

The Chair declared the motion carried.

**AGREED** – that Conditions and Informatives be delegated to the Officers.

## **9. DEVELOPMENT MANAGEMENT PERFORMANCE**

### **9.1 Update on Development Management and Enforcement Statistics 01/04/18 –31/01/19**

Planning Committee Report, previously circulated, presented by the Head of Planning.

The “Protocol for the Operation of the Planning Committee’ sets out the requirement to provide monthly updates on the number of planning applications received and decided.

Committee was provided with a list of planning applications received and decided respectively by Causeway Coast and Glens Borough Council in the month of January 2019. Please note that Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, have to be excluded from the reports to correspond with official validated statistics published by DFI.

Table 1 detailed the number of Major planning applications received and decided as well as the average processing times, (unvalidated statistics). In comparison to the same period last year, the number of major applications received has decreased by 2 as the same period last year however the number of major applications decided has increased by 6.

Table 2 detailed the number of Local planning applications received and decided as well as the average processing times, (unvalidated statistics). In comparison to the same period last year, the number of decisions issued has increased by 122 applications (14.8% increase) and more decisions have been issued than applications received.

Table 3 detailed the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the target of 39 weeks, (unvalidated statistics). In comparison to the same period last year, the number of cases brought to conclusion has increased by 12 and the percentage of cases concluded within the 39 weeks increasing to 77.6% year to date.

Committee was advised resources continue to be targeted to reduce the over 12 month applications. Table 4 provided a further breakdown of the over 12 month applications in the system and also the percentage of over 12 months applications in relation to the number of live planning applications. The monitoring of these figures continues in line with the Over 12 Month Action Plan and staff are conscious of the need to prioritise their efforts in this area of work. The aim is for progress to be evident in this area by end of Q4.

Table 5 detailed the number of appeal decisions issued since 1 April 2018, (unvalidated statistics), extracted from internal management reports.

Table 6 detailed the number of referral requests received from Elected Members and Head of Planning under Part B of the Scheme of Delegation. From April 2018 until January 2019, 43 referral recommendations were determined by the Planning Committee, 41.9% of which have been overturned.

Table 7 detailed the number of referral requests outstanding from pre April 2018 that are requested to be presented to the Planning Committee.

**IT IS RECOMMENDED** that the Planning Committee note the update on the development management statistics.

**AGREED** - that Planning Committee note the update on the development management statistics.

## **10. DEVELOPMENT PLAN**

### **10.1 6 month LDP Work Programme**

Report previously circulated, presented by S Mulhern, Principal Planning Officer/Local Development Plan Manager.

The 6-month indicative Work Programme (Appendix 1, circulated) covers the period from January to June 2019. It outlines the work to be carried out by the Local Development Plan (LDP) Team within this timeframe.

POP Consultation - Following the completion of the LDP: POP Consultation (26<sup>th</sup> June to 21<sup>st</sup> September 2018) the representations received have now

been logged and classified. A separate “Report on Representations Received” is presented to Members at this meeting. The representations will now be analysed to ascertain if any further work and/or consultation/workshops are required.

When completed, this information will be presented in the form of a Final Consultation Report. This report will outline Planning Department comments on representations received as well as the views of our Members. This information will form part of the robust evidence base that informs the preparation of the next Plan document – the Draft Plan Strategy.

LDP Timetable - As per the Council’s published LDP Timetable, the indicative date for publication of the Draft Plan Strategy is Autumn/Winter 2019. Members are advised that this date will be kept under review, based on the amount of work required following on from the analysis of the POP representations received.

LDP Steering Group & Project Management Team - The LDP Steering Group and Project Management Team are operational as per the Council’s “Statement of Community Involvement in Planning (SCI)”. Meetings will be convened as and when required throughout the work programme.

Working Groups/Collaborative Working - Input into and attendance at a number of regional working groups will also continue throughout the programme (as and when required), including:

- NI Minerals Group;
- NI Coastal/Marine Group;
- NI Development Plan Group; and
- Cross-Border Development Plan Group.

Collaborative working will also continue on the following:

- Cross-Boundary Group (adjoining councils);
- Sperrin AONB Group; and
- Community Plan: Strategic Partnership Board.

Sustainability Appraisal - Sustainability Appraisal (SA) of the LDP is an iterative process. As such, this will be carried out as and when required throughout the work programme.

Settlement Appraisal - An appraisal will be carried out of the Settlements within the Borough, in line with the Evaluation Framework set out in the Regional Development Strategy (RDS) 2035.

Landscape Character Assessment - Members will be aware that at the 23<sup>rd</sup> January 2019 Planning Committee Meeting, the Committee resolved to employ consultants to undertake a review of the existing Landscape Character Assessment (LCA) covering the Borough. The tender process is well underway and it is envisaged that the successful tenderer will be appointed and work commenced early March 2019. This project will last 4 months.

Monitors - Preparatory work will commence on the Council's annual Housing and Employment Land Monitors in the latter half of the work programme. Urban Capacity Studies will also be commenced during this work programme.

Reviews - The existing Local Landscape Policy Areas (LLPAs) and Sites of Local Nature Conservation Importance (SLNCIs) identified in the Northern Area Plan 2016 will be reviewed to ascertain if they should be brought forward into the new Plan.

Ad Hoc Meetings/Workshops - There may be ad hoc meetings and/or workshops required within this period.

Building Preservation Notices (BPNs) - Ad hoc requests for the serving of BPNs will be processed throughout the work programme, as and when required.

Trees - Ad hoc requests for Tree Preservation Orders (TPOs) and Works to Trees will be processed throughout the work programme, as and when required.

**IT IS RECOMMENDED** that Members agree to the 6-month (indicative) work programme attached at Appendix 1 (circulated).

Proposed by Councillor Hunter

Seconded by Alderman Cole and

**AGREED** - that Planning Committee approve the 6-month (indicative) work programme attached at Appendix 1 (circulated).

The Chair put the motion to the Committee to vote.

Committee voted unanimously in favour.

## **10.2 POP Public Consultation – summary Report on Representations Received**

In line with the Council's published LDP Timetable and Statement of Community Involvement in Planning (SCI), consultation on the Local Development Plan (LDP) Preferred Options Paper (POP) took place over a 12 week period from Tuesday 26<sup>th</sup> June to Friday 21<sup>st</sup> September 2018 (inclusive).

The report entitled “POP Consultation: Report on Representations Received” (Appendix 2, circulated) outlines the Council’s POP consultation process and the representations received (within the specified timeframe). An Executive Summary was also circulated. It should be noted, however, that the Report does not provide an analysis or consideration of the issues raised, as this (and any resultant work or further consultation) will continue throughout the current 6-month LDP Work Programme (Jan-June 2019).

**Public Consultation Process** - The POP consultation period commenced on the 26th June 2018, the same date on which it was formally launched and published. The consultation period lasted for 12 weeks ending at 5.00pm on the 21st September 2018. This time scale is in line with Regulation 11(3) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 (‘the LDP Regs’), which states that the consultation period *‘must be a period of not less than 8 weeks or more than 12 weeks’*.

A number of key documents, including a Sustainability Appraisal/SEA (Scoping and Interim Reports) and an Equality Screening: Interim Progress Report were prepared in tandem with the POP and published for comment.

The following types of consultation took place:

- Launch Event/Public Notice/Press Release;
- Council Website/Social Media;
- Public Libraries/Local Planning Office;
- Public Engagement Events/Display Exhibitions;
- Register of Interest Group/Section 75 Groups;
- Statutory Bodies & Stakeholder/Adjoining Councils; and
- Chambers of Commerce/Youth Forum/Community Groups/Older Adults & Aging Population.

In terms of the public engagement events, Appendix 1 (circulated) of the main Report provides an overview of attendance numbers and the main issues raised at each event. Information boards were displayed at all engagement events to provide an overview of the Borough and highlight key strategic issues and the Council’s ‘Preferred Options’. Hard copies of the POP and associated documents were made available to view and planning officers were in attendance to answer questions.

**Representations Received** - Under Regulation 11(2)(a) of the LDP Regs “*Any such representation must be – made within a period which the council specifies,*” In this case, the 12 week period specified closed at 5.00pm on Friday 21<sup>st</sup> September 2018.

The Council received a total of 112 wide-ranging representations (see Section 4 of the main Report). Of these, 101 were received within and 11 without the

specified time (Tables 1 & 2). Table 3 set out the nature of representations received (questionnaire or letter/e-mail).

The POP Questionnaire contained questions specific to the key issues and the associated preferred options contained in the published POP document, with additional questions relating to the Sustainability Appraisal Scoping & Interim Reports and an opportunity to provide additional comments on matters the respondent considered the POP should have addressed.

The attached Report (circulated) has been prepared to inform Members and other interested parties on the nature of representations received to the POP.

Section 4 of the Report details the representations under each of the questions, following the format set out in the POP document. Each question is presented with the following information:

- a graph to show the level of response to that particular question, followed by a summary of;
- Department for Infrastructure (DfI) response; and
- Other responses - including other statutory consultees.

DfI has a key role in overseeing the production of LDP's. Their commentary will assist the Council in determining the most appropriate way forward in the production of its draft Plan Strategy, highlighting any areas of additional work that will be required to ensure that the Council's policy approach is found to be 'sound' at Independent Examination.

The public consultation also sought commentary on the accompanying reports to the POP:

- Sustainability Appraisal (Scoping Report & Interim Reports); and
- Equality Screening: Interim Progress Report.

Section 4 of the Report also provides information on the representations received on these reports and other key issues that were not raised in the POP.

**Initial Public Consultation Outcomes** - The POP process has been beneficial in that it has highlighted the following:

- areas of work that require further consideration;
- matters that would benefit from further clarification;
- issues that are particular to the local community;
- additional sources of information that are beneficial to the plan process; and



- administrative issues that should improve the subsequent stages in the plan's production.

**Future Work Programme** - The current 6-month LDP Work Programme (Jan – June 2019) will focus on an analysis of the POP representations received and any further work and/or consultation required.

Following completion of this work, a final report will be prepared. It will set out how the Council has considered the representations in the preparation of its Plan, to ensure compliance with the Council's Statement of Community Involvement, and Regulation 11(4) of the LDP Regs which states that, with regard to public consultation on the POP: *"A council must take account of any representations made in accordance with paragraph (2) before it prepares a development plan document."*

New data sources including updated guidance from central government, NISRA research and the Council's proposed Landscape Character Assessment, will also help inform the preparation of the draft Plan Strategy.

Councillor Hunter noted the work and was pleased with the number of representations.

**IT IS RECOMMENDED** that Members note the content of the attached Report and agree to planning officials proceeding to analyse the representations received, carrying out any further work and/or consultation deemed necessary by the Head of Planning.

**AGREED** - that Committee noted the content of the attached Report (circulated) and agree to planning officials proceeding to analyse the representations received, carrying out any further work and/or consultation deemed necessary by the Head of Planning.

**The Chair thanked everyone for their attendance and the meeting closed at 10.20PM.**

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Chair