PLANNING COMMITTEE WEDNESDAY 25 APRIL 2018

Table of Key Adoptions

No	Item	*Summary of Key Decisions*
1.	Apologies	***Councillors Fielding, McCandless, McCaul and McKillop M A***
2.	Declarations of Interest • Councillor Hunter • Alderman Robinson	***LA01/2017/0812/F*** ***LA01/2017/0857/O*** ***LA01/2017/0858/O*** ***LA01/2017/0859/O*** ***LA01/2017/0860/O*** ***LA01/2017/0861/O*** ***LA01/2017/0862/O*** ***LA01/2017/0544/O***
3.	Minutes of Planning Committee Meeting held Wednesday 28 March 2018	***Confirmed***
4.	Order of Items and Registered Speakers	***Approve***
	LA01/2017/0544/O	***Withdrawn from Schedule***
	LA01/2017/0240/O	***Withdrawn from Schedule***
5.	Schedule of Applications	
	5.1 LA01/2017/0162/F Lands adjacent to Broad Road Petrol Filling Station and 25m NE of 57 Knockanban, Bovally, Limavady	***Approve***
	5.2 LA01/2016/1487/F 60m NW of 76 Station Road, Garvagh	***Approve***
	5.3 LA01/2016/1070/F	***Approve***

		Exorna Filling Station, 170 Mussenden Road, Castlerock	
	5.4	LA01/2017/0167/O Land adjacent to 33 Ballyeamon Road, Cushendall	***Refuse***
	5.5	LA01/2017/0544/O 80m South of 261 Ballyquin Road, Drumdreen, Limavady	***Withdrawn from Schedule***
	5.6	LA01/2017/0693/F 123m NE of 28 Killymaddy Road, Ballymoney	***Approve***
	5.7	LA01/2017/0812/F 155m NW of 185 Whitepark Road, Bushmills	***Approve***
	5.8	LA01/2017/0857/O 25m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle	***Refuse***
	5.9	LA01/2017/0858/O Adjacent to 59 Ballinlea, Ballinlea Lower, Ballycastle	***Refuse***
	5.10	LA01/2017/0859/O 35m North East of 59 Ballinlea, Ballinlea Lower, Ballycastle	***Application Withdrawn by agent***
	5.11	LA01/2017/0860/O 60m North West of 59 Ballinlea, Ballinlea Lower, Ballycastle	***Application Withdrawn by agent***
	5.12	LA01/2017/0861/O 45m North West of 59 Ballinlea, Ballinlea Lower, Ballycastle	***Application Withdrawn by agent***
	5.13	LA01/2017/0862/O 30m North of 59 Ballinlea, Ballinlea Lower, Ballycastle	***Application Withdrawn by agent***
	5.14	LA01/2017/0240/O Lands Opposite 66 Ballyavelin Road, Drumgesh, Limavady	***Withdrawn from Schedule***
	5.15	LA01/2017/1422/F Magilligan Community Centre, Seacoast Road, Limavady	***Approve***

6.	Development Management Performance	
	6.1 Update on Development Management & Enforcement Statistics 1 April 2016 – 31 March 2017	***Note; Visit Neighbouring Council***
7.	Correspondence	
	7.1 BT Consultation on Removal of Public Payphone outside Boyds Garage, Bendooragh, Bann Road, Ballymoney	***Agree Option 2 oppose the removal of the phone box; support retaining and maintaining all red telephone boxes***
8.	Legal Issues	***Note Updates***
9.	Any Other Relevant Business (Notified in Accordance with Standing order 12 (o))	***Pre Determination Hearing may be held on Wednesday 23rd May AM***

MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS WEDNESDAY 25 APRIL 2018 AT 2.00 PM

In the Chair: Alderman McKeown

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

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

In Attendance: P Bradley – Item 5.2
F Wheeler – Item 5.4
M Howe – Item 5.6
J Simpson – Item 5.7
M McNeill – Items 5.8, 5.9, 5.10, 5.11, 5.12, 5.13

Press (Nil)
Public (4 No.)

1. APOLOGIES

Apologies were received from Councillor Fielding, McCaul, McKillop and McCandless.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for**:**

- Councillor Hunter – LA01/2017/0812/F, LA01/2017/0857/O, LA01/2017/0858/O, LA01/2017/0859/O, LA01/2017/0860/O, LA01/2017/0861/O, LA01/2017/0862/O
- Alderman Robinson – LA01/2017/0544/O

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 28 MARCH 2018

Proposed by Councillor Fitzpatrick
Seconded by Alderman King and

AGREED – that the minutes of the Planning Committee Meeting held on Wednesday 28 March 2018 be confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Head of Planning advised that the following applications had been withdrawn from the agenda due to special circumstances and would be referred to a future meeting:

- Item 5.5 - LA01/2017/0544/O
- Item 5.14 - LA01/2017/0240/O

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

5. SCHEDULE OF APPLICATIONS:

5.1 LA01/2017/0162/F – Land adjacent to Broad Road Petrol Filling Station and 25m North East of 57 Knockanbaan, Bovally, Limavady

App Type: Full Planning
Proposal: Erection of hot food café commercial unit

Report and erratum circulated.

The Development Management & Enforcement Manager presented the report and made a recommendation to the Committee for consideration.

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

The Committee were advised that whilst there were objections to the application, it was acceptable to Environmental Health Department and DfI Roads.

A discussion took place on noise levels, parking, access, and to the possibility of putting condition of approval on delivery times and reference made to para. 9.15 of the Planning Committee Report.

* Councillor McShane P joined the meeting at 2:19 pm during consideration of the application.

The Development management & Enforcement Manager advised that both Environmental Health and DfI Roads had not raised concerns in their consultation responses.

In response to queries from Members on background noise, the Head of Planning advised that conditions could be inserted in the approval on night time noise levels.

Proposed by Councillor McLaughlin
Seconded by Councillor Nicholl

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

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

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

- Add condition on noise levels, especially at night.

5.2 LA01/2016/1487/F – 60m NW of 76 Station Road, Garvagh

App Type: Full Planning
Proposal: Proposed replacement dwelling

Report and site visit details circulated.

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

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

The Senior Planning Officer advised that the proposal fails to meet the tests of the SPPS and Policy CTY 3 in that the proposal would have a visual impact significantly greater than the existing building and does not have regard to local distinctiveness. She advised that the principle of replacement was acceptable; the ridge height of the previous permission; concerns regarding scale and massing of proposal.

The Senior Planning Officer responded to points of clarification from Members regarding access, eaves height and advised that DfI Roads were satisfied.

The Chair invited P Bradley, Agent to address the Committee in support of the application. He advised he had revised his supporting case; examples of approvals and in particular one case that was four times larger and retaining existing building; design is based on Glebe House which is praised in Building in tradition; site is established under previous planning policy but the design was acceptable under the PPS. He advised that only vegetation to be removed is for the access and proposed dwelling would be very difficult to see as set among vegetation.

P Bradley responded to points of clarification and queries from Members relating to local distinctiveness, design compatible with surrounding area, visual impact and minimal vegetation being removed to gain access to the site. He also pointed out that this is not a 'trophy house' as has no dormers and no projecting chimneys.

Proposed by Alderman Finlay
Seconded by Alderman Robinson

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

- Consider that the design reflects character of area and other dwellings and of similar height
- Complies with local distinctiveness
- Condition that vegetation to be retained along the lane and roadside access

The Chair put the amendment to the Committee to vote, 11 Members voted for, and 1 Member abstained. The Chair declared the proposal to **APPROVE** carried.

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

- vegetation along lane and roadside access.

5.3 LA01/2016/1070/F – Exorna Filling Station, 170 Mussenden Road, Castlerock

App Type: Full Planning
Proposal: Provision of mobile hot food trailer on forecourt of existing filling station

Report and addendum circulated.

The Development Management & Enforcement Manager advised that following on from circulation of the report, amended plans had been received to address the issues raised through consultation with DfI Roads.

DfI Roads advised on 23 April 2018 that they had no further objection to the proposal. Officials now consider that the proposal meets the requirements of PPS 3 Policy AMP 2.

As the single reason for refusal has been addressed, the proposal is considered acceptable.

Addendum to the Recommendation – that the Committee notes the contents of the Addendum and agrees that as the proposal is now acceptable, the recommendation is now to **APPROVE** the application subject to the conditions set out below. This recommendation to approve supersedes the recommendation to refuse as set out in paragraph 9.1 of the Planning Committee Report:

Conditions:

- As required by Section 6.1 the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: time limit.

- Before the development hereby approved becomes operational, the existing vehicular access on to Exorna Lane indicated on Drawing No. 01/8 bearing the date stamp 22 March 2018 shall be permanently closed and the verge properly reinstated to DfI Roads satisfaction. Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

Proposed by Alderman King
Seconded by Councillor Loftus

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in the addendum and resolves to **APPROVE** planning permission.

The Chair put the recommendation to approve to the Committee to vote, 11 Members voted for and 1 Member abstained. The Chair declared the motion to **APPROVE** carried.

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

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

Report, addendum, erratum and site visit details circulated.

The Head of Planning advised that this application had previously been before the Planning Committee but deferred for site visit.

AGREED that Officers represent to refresh Members of issues and allow agent to represent.

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

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

Addendum to the Recommendation – paragraph 8.7 of the Planning Committee report refers to a consultation DFI Roads on 7

March 2018. The consultation response has now returned. DFI Roads require further amendments. The refusal reason as set out in Section 10 of the Planning Committee Report still remains.

The proposal is contrary to Policy CTY 2a and CTY 8 of PPS 21 in that the dwelling is not located within the cluster of development or within a small gap within a substantial and built up frontage. The Senior Planning Officer explained to Members the size of plot frontages and separation distances between buildings and of the six refusal reasons.

The Chair invited F Wheeler, Agent to address the Committee in support of the application. He said that he had covered all the relevant points at the 28 March 2018 Planning Committee Meeting around ribbon development, gap site and character of existing dwellings in the area. He pointed out that entrance to the site would not change character of the road as this well screened and would blend in with the development; this is a gap in the built up area of Tully; there is a mature hedge to the south and west; perceived gap adjacent site will always be there; space in existing garden is ample for dwelling.

The Senior Planning Officer responded to points of clarification from Members relating to DfI comments; location of site and vegetation; and policy criteria in that gap sufficient to accommodate maximum of 2 dwellings.

Proposed by Alderman King
Seconded by Alderman Finlay

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

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

5.5 LA01/2017/0544/O – 80m South of 261 Ballyquin Road, Drumdreen, Limavady

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

NOTE – that the application had been withdrawn from the Schedule due to exceptional circumstances and will be presented at a later meeting.

5.6 LA01/2017/0693/F – 123m NE of 28 Killymaddy Road, Ballymoney

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

Report, addendum and site visit details circulated.

The Head of Planning advised that this application had previously been before the Planning Committee but deferred for site visit.

AGREED that Officers represent to refresh Members of issues and allow agent to speak on the application.

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

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

Addendum to the Recommendation – that the refusal reason set out in paragraph 10.3 of the Planning Committee Report is withdrawn.

The Senior Planning Officer outlined that the size, scale and design of the proposed dwelling was not appropriate to the site and its locality and if approved would be dominant in the landscape and would not integrate into the landscape.

The Chair invited M Howe, Agent to address the Committee in support of the application. He said that the principle was acceptable and refusal issues were subjective; the dwelling was modest comparative to other dwellings in the area and the design was typical of houses in the area. He referenced a neighbouring house which had similar frontage to that proposed, smaller site than that proposed, higher than proposed, and referred top para. 8.8 of the Planning Committee Report. M Howe advised Members that the design had been amended a number of times, stepping in the

side gable so that it is 10.5m wide with 10m extension 4m of which could be built under permitted development. He referred to other hip roof dwellings on Vow Road, Bendooragh Road and Veer Road and referred to application earlier on the agenda which Members have just approved with hipped roof.

The Senior Planning Officer responded to points of clarification from members regarding neighbouring property advising that the neighbouring site was set back approx.. 220m from road whereas this site is roadside with a 21m side elevation and hipped roof.

Proposed by Alderman Finlay
Seconded by Alderman Robinson

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

- The dwelling would not look out of place and would reflect the character of the area when compared to other houses in the area of similar size
- Add condition on vegetation to rear of visibility splays and laneway.

The Chair put the amendment to the committee to vote, 4 Members voted for, 3 Members voted against and 4 Members abstained. The Chair declared the amendment to **APPROVE** carried.

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

- vegetation along lane and roadside access.

* Councillor Hunter left the meeting at 3:15 pm.

5.7 LA01/2017/0812/F – 155m NW of 185 Whitepark Road, Bushmills

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

Report and site visit details circulated.

The Chair advised that this application had previously been before the Planning Committee but deferred for site visit.

AGREED that Officers represent to refresh Members of issues and allow agent to speak.

The Development Management & Enforcement Manager presented the report and made a recommendation to the Committee for consideration.

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

The Development Management & Enforcement Manager outlined that the site is located in the AONB and that it meet the active and established farm test however due to the site it was not visually linked or sited to cluster with established group of building on the farm when viewed from critical viewpoints. It failed to integrate scale and design was unacceptable and would harm rural character within the AONB location. He added that there were options for alternative sites within the cluster of farm buildings.

In response to questions from Members regarding similar applications, the Head of Planning advised there was a similar application last month determined by the Committee as acceptable however the Committee had considered it visually linked with another dwelling that they considered to be on the farm.

The Development Management & Enforcement Manager responded to points of clarification from Members regarding size of proposed dwelling advising that no dwelling would be acceptable on this site, that the proposed dwelling would be approx., 2m higher than the adjacent shed and there was a distance of some 35m between the proposed dwelling and side of existing clamp. He advised that the proposed finished floor levels would be 0.5m higher than the road.

The Head of Planning clarified the site levels and proposed finished levels.

The Chair invited J Simpson, Agent to address the Committee in support of the application. He said that it was important that the dwelling was located beside the farm cluster for ease when gathering crops; a similar application in the Coleraine area had been submitted in 2016 and that the application adhered to Policy CTY10; there are other 2 storey dwellings in the area; there would be no impact on visual amenity with a backdrop of agricultural buildings; that the proposed dwelling would be the same height as the new agricultural building being erected; will not harm character of AONB as it meets policy CTY10 and that ground levels can be level with road and reduce angle of roof pitch to lower. However applicant needs to be located on the farm.

In response to Members, the Agent said that pitch of the roof could be changed to 31 degree pitch and that a Planning Consultant had advised that this was the best site for the farm dwelling. There are no other opportunities on the farm holding due to expansion of the farm and impact on existing bungalow.

The Development Management& Enforcement Manager responded to points of clarification regarding there was an option of alterative site to rear of 183; spectacular coastal scenery in this part of AONB; openness of the headland and sea beyond; dwelling on site would spoil these views.

Proposed by Alderman Finlay
Seconded by Alderman McKillop S

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

- Proposal clusters with group of buildings on farm
- Site levels and pitch could be lowered to reduce height and
- Landscaping to rear of visibility splays and along laneway will aid integration

The Chair put the amendment to the Committee to vote, 7 Members voted for, 3 Members voted against and 1 Member abstained. The Chair declared the amendment to **APPROVE** carried.

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

- Vegetation along lane and roadside access.

* A recess held from 4:10 – 4:22 pm

5.8 LA01/2017/0857/O – 25m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle

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

The Chair advised that this application had previously been before the Planning Committee but deferred for site visit.

AGREED that Officers represent to refresh Members of issues and allow agent to speak.

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

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

The Senior Planning Officer outlined that the proposed dwelling was not acceptable at the proposed site under PPS21; the dwelling would add to ribbon development and have detrimental impact on the character of the rural area. She referred to the previous planning history of the site and the change in planning policy and Development Plan since their approvals. The Senior Planning Officer advised that the application has been considered under both policies CTY2A and CTY8; that the roadside vegetation would require removal for provision of visibility splays; the site is not within a cluster; there is no visual linkage to the cluster; and advised of the average gap from building to building. Also the proposal in combination with the 5 related applications submitted should be considered through the development plan process, in particular the housing needs strategy.

The Senior Planning Officer responded to points of clarification from Members regarding infill development advising that the gap is sufficient to accommodate 3 dwellings and policy only allows for maximum of 2 dwellings; that the clustering policy does not allow for development to further extend the cluster into the countryside; the site is outside the cluster and is not bound on two sides by development in the cluster. She also referred to the application LA01/2017/0167/O determined earlier in the agenda by the Committee regarding the size of the gap between the buildings. She clarified that the previous planning history in the site was assessed under a different policy in the then NEAP and that the Northern Area Plan has since been adopted in September 2015 and it did not include the relevant policy that allowed the approval previously. The Senior Planning Officer clarified the position of the church and graveyard and the standards required for visibility splays.

The Chair invited M McNeill, Agent to address the Committee in support of the application. He said that each of the 6 applications submitted should be taken on merit; the Planning Committee should take regard to other material considerations and that this application could be approved under CTY8 with caveats. He advised that it was impossible to get 3 sites of average 20.8m within the 60m gap; only 2 if the garage is to the side; needed to ensure land to rear was not landlocked for future development; that the proposal respects the development Plan and respects adjacent development and referred to another established housing site in the area which would be similar to this. He advised that all material considerations must be taken into account and that appeal decisions not relevant as not similar size of gap and this site is not in AONB. He referred to PAC decision 2016/A0119 where the planning history was taken into account and advised that to approve this site would be planning gain (contaminated soil); create economic growth in terms of jobs; and meet a need for private housing in the area; and can meet consultee requirements.

M McNeill responded to points of clarification from Members regarding location of St. Mary's Church; distance between buildings and distance to the focal point of the cluster; previous history of the site as industrial site and planning gain in relation to removal of contaminated soil; applicant entitled to remove trees along frontage at any time; create homes for 6 families; create construction jobs; need for 6 private dwellings; application should be assessed under CTY8 and not CTY2A and that St. Mary's Church is associated with the focal point.

The Senior Planning Officer responded to points of clarification from Members regarding distance to the focal point; distance between buildings; Gaults Road PAC decision made reference of 70m being too far from focal point to be associated with it; application also fails a number of other criteria for compliance with CTY2A – outside the cluster; should only be 1 dwelling; not bounded by other development in the cluster; change in planning policy since previous approvals which have all expired. In response to query in relation to brownfield land the Senior Planning Officer read the definition of a brownfield site from the Regional Development Strategy. She also explained the difference between policy CTY2A and CTY8

***** S Duggan, Committee & Member Services Officer joined the meeting at 4:56 pm.

Proposed by Councillor McShane P
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 refusal reasons set out in section 10.

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

* E McCaul, Committee & Member Services Officer left the meeting at 5:10 pm.

5.9 LA01/2017/0858/O – Adjacent to 59 Ballinlea Road, Ballinlea Lower, Ballycastle

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

Report and site visit details circulated.

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

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

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

The Senior Planning Officer outlined the context of the site; the infill policy CTY8; site further along Ballinlea Road; and separation distances; bounded by development on 1 side only.

The Chair invited M McNeill, Agent to address the Committee in support of the application. He said that this should be approved under policy CTY2A as a new dwelling in an existing cluster as it meets all of the criteria except criteria 3 and 5.

The Senior Planning Officer responded to points of clarification from Members regarding errors in previous Planning Committee Report circulated to Members for March Planning Committee and the verbal addendum and that these errors and addendums had been corrected and inserted in the Planning Committee Report for this meeting. She referred to page 8 of the Planning Committee Report which refers to PAC Decision for the application on Gaults Road.

Proposed by Councillor Nicholl
Seconded by Councillor McLaughlin

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

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

5.10 LA01/2017/0859/O – 35m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle

App Type: Outline Planning
Proposal: Proposed Site for new dwelling and garage

Report and site visit details circulated.

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

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

She advised that the site does not meet policy CTY1; there is no frontage to the road; no policy justification for dwelling at this location; no development bounding the site.

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

LA01/2017/0859/O – 35m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle;
LA01/2017/0860/O – 60m North West of 59 Ballinlea Road, Ballinlea Lower, Ballycastle;
LA01/2017/0861/O – 45m North West of 59 Ballinlea Road, Ballinlea Lower, Ballycastle;
LA01/2017/0862/O – 30m North East of 59 Ballinlea Road, Ballinlea Lower, Ballycastle.

The Head of Planning advised that if applications are formally withdrawn from the planning system there will be no opportunity for the applicant to appeal these applications to the PAC.

M McNeill confirmed that planning applications LA01/2017/0859/O; LA01/2017/0860/O; LA01/2017/0861/O; and LA01/2017/0862/O are withdrawn.

No further discussion took place on these applications as they were considered to be formally withdrawn from the planning system by the agent.

5.11 LA01/2017/1422/F Magilligan Community Centre, Seacoast Rd, Limavady

App Type: Full

Proposal: Provision of a replacement Community Centre consisting of a single storey structure and associated site works

The Development Management & Enforcement Manager presented the report and made a recommendation to the Committee for consideration.

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

He advised that the proposal is for the replacement of an existing building; explained the design of the proposed building; that the Flood Risk Assessment confirmed that there is unlikely to be flooding; proximity of listed building and that HED were consulted and considered design acceptable; located in AONB.

Proposed by Councillor Nicholl
Seconded by Alderman King

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

The Chair put the Motion to the committee to vote. Committee voted unanimously in favour.

The Chair declared the Motion carried.

*** J Lundy left the meeting at 5.25PM.**
*** Councillor Fielding re-joined the meeting at 5.25PM**
*** Councillor Hunter re-joined the meeting at 5.25PM.**

6. DEVELOPMENT MANAGEMENT PERFORMANCE:

6.1 Update on Development Management & Enforcement Statistics

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

At the time of issuing report, statistics for March with regard to major applications, local planning applications, enforcement cases opened and concluded as well as average processing times had not been published.

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

Resources continue to be targeted to reduce the over 12 month applications. The weekly monitoring of these figures continues and staff are conscious of the need to prioritise their efforts in this area

of work. The breakdown of over 12 month applications shows that while the number of applications over 18 months has remained relatively static, the number between 12 and 18 months has increased. An Action Plan for 2017/18 has been implemented and additional staff resources are currently being recruited. Substantive progress in this area is unlikely to be realised in this Business year. The Action Plan is currently subject to review.

The breakdown of over 12 month application in the system; appeal decision issued and number of referrals by elected members was set out within the report.

It is recommended - that the Planning Committee note the update on the Development Management statistics.

The Head of Planning responded to questions from Elected Members regarding impact on staff as a result of the number of applications referred to the Planning Committee for determination.

The Head of Planning advised Members a report would be brought with recommendations to amend the Protocol for the Operation of the Planning Committee; it was suggested a workshop would also be held on the efficiency of the application process.

Proposed by Councillor Fielding
Seconded by Councillor Loftus and

AGREED - that the Planning Committee visit a neighbouring Council; that the Planning Committee note the update on the development management statistics.

7. CORRESPONDENCE

7.1 BT Consultation on Removal of Public Payphone outside Boyd's Garage, Bann Road, Bendooragh, Ballymoney

BT Payphones consulted the Council on 9 April 2018 on the removal of a public payphone outside Boyds Garage, Bann Road, Bendooragh, Ballymoney.

BT advise that the phone box has been damaged beyond economical repair. BT further advise that the phone box has received very little use during the past twelve months and are therefore proposing to permanently remove the service at this location.

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

BT have an obligation to consult with the relevant public bodies on the proposed removal and require a response within 90 days on the following options:

Option 1: Agree to support the removal or
Option 2: Agree to oppose the removal.

IT IS RECOMMENDED that Members agree either Option 1 or 2 above to the proposed removal of the phone box and to the Head of Planning responding to BT on behalf of Council.

Proposed by Councillor Loftus
Seconded by Councillor Hunter

- that Planning agree Option 2 to oppose the removal to the proposed phone box; that Council support retaining all red telephone boxes and to the Head of Planning responding to BT on behalf of Council.

Amendment
Proposed by Alderman King
Seconded by Councillor Fitzpatrick

- that Council agree Option 1; to support the removal of the phone box and to the Head of Planning responding to BT on behalf of Council.

Alderman McKillop stated she considered that Councils position should be to retain red telephone boxes, they were landmarks and should be restored and supported the Proposer. Alderman Cole considered red telephone boxes should be kept and maintained as they look well and were antique.

The Chair put the Amendment to the Council to vote, 1 Member voted For, 8 Members voted Against, 4 Members abstained.

The Chair declared the Amendment lost.

The Chair put the Motion to the council to vote 8 Members voted For, 1 Member voted Against, 4 Members abstained.

The Chair declared the Motion carried:

AGREED - that Planning agree Option 2 to oppose the removal to the proposed phone box; that Council support retaining and maintaining all red telephone boxes and to the Head of Planning responding to BT on behalf of Council.

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

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

8. LEGAL ISSUES

Councils Solicitor provided a verbal update on Judicial Review proceedings due at the High Court.

Councils Solicitor provided a verbal update on a Pre action Protocol letter reply that had been issued.

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

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

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

The Head of Planning advised a Pre Determination Hearing may be held on Wednesday 23rd May 2018 if the relevant planning application was ready to be presented to Planning Committee and this may impact on being able to carry out site visits that morning.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 6.05PM.

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Chair