

PLANNING COMMITTEE WEDNESDAY 23 NOVEMBER 2016

Table of Key Adoptions

No	Item	Summary of key Adoptions
2	Declarations of Interest	<p>Alderman Finlay - LA01/2016/0299/O LA01/2015/1035/O</p> <p>Alderman Cole - LA01/2016/0492/F</p> <p>Councillor Baird - LA01/2016/0787/F</p>
3	Minutes of Planning Committee Meeting held Wednesday 26 October 2016	Confirmed
5.1	LA01/2016/0299/O Lands approx. 30m West of 51 Coolnasillagh Rd, Garvagh	Refuse subject to reasons set out
5.2	LA01/2016/0337/F, site approximately 430m SSW of 72 Carnamuff Rd, Limavady	Refuse subject to reasons set out
5.3	LA01/2015/1035/O 176m NW of 18 Glenullin Rd, Garvagh	Refuse subject to reasons set out
5.4	LA01/2016/0685/F 42 Garvagh Rd, Dungiven	Refuse subject to reasons set out
5.5	LA01/2016/0395/O Lands between 30 & 34 Drumsaragh Rd, Kilrea	Refuse subject to reasons set out
5.6	LA01/2016/0459/O 78m SE of Shandragh, Knockans South, Rathlin Island	Approve for reasons set out and subject to conditions and informatives

5.7	LA01/2016/0787/F 65m NW of 23 Ballinlea Rd, Ballycastle	<i>Deferred; site visit to take place</i>
5.8	LA01/2016/0492/F 92 Millbank Ave, Portstewart, BT55 7DG	<i>Approve for reasons set out and subject to conditions and informatives</i>
5.9	LA01/2015/0605/F 32-44 Maghera Street, Kilrea	<i>Approve for reasons set out and subject to conditions and informatives</i>
5.10	LA01/2015/0967/F Rossmar School, 2 Ballyquin Rd, Limavady	<i>Approve subject to stated conditions</i>
6	Development Management Statistics	<i>Noted</i>
6.1	Section 26 Application - Notice of Opinion	<i>Accept opinion to approve proposal; Head of Planning to respond</i>
7	Development Plan: Discussion Paper: Countryside Pressure Analysis Paper	<i>Endorse, in preparation of Local Development Plan</i>
8	Correspondence <ul style="list-style-type: none"> • Letter from Department for Communities – Coastguard Cottages, Ballintoy proposed listing • Letter from Internal Audit • Department for Infrastructure – Letter of Agreement to revised Scheme of Delegation 	<i>Option 3: Agree to oppose all 4 listings</i>
9	Matters for Reporting to Partnership Panel	<i>Nil</i>
10	Any other relevant Business Councillor Fielding Re consultation with NIEA and objection lodged to LA01/2016/0023/LDP and LA01/2015/0370/F	<i>Application to be brought back following NIEA consultation response on letter of objection</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 23 NOVEMBER 2016 AT 2 PM**

In the Chair: Councillor B Fitzpatrick

Committee Members Present: Alderman Cole, Finlay, King, McKeown, McKillop, S
Councillors Baird, Fielding, McCandless, McLaughlin,
McKillop, M A

Officers Present: D Dickson, Head of Planning
S Mathers, Principal Planning Officer/Development
Management Manager
S Mulhern, Principal Planning Officer/Local Development
Plan Manager
S Duggan, Committee & Member Services Officer

In Attendance: D McGill - LA01/2016/0299/O
M Tierney - LA01/2016/0337/F
C Gourley - LA01/2015/1035/O and
- LA01/2016/0395/O
K Burke - LA01/2016/0685/F
B McFaul - LA01/2016/0459/O
J McCotter - LA01/2016/0787/F
M McNeill - LA01/2016/0787/F
R Burnside - LA01/2016/0492/F
D Monaghan - LA01/2015/0605/F

Press (1 no.)
Public (18 no.)

1 APOLOGIES

Apologies were recorded for Alderman Robinson; Councillors Loftus, P
McShane, McCaul and Nicholl.

2 DECLARATIONS OF INTEREST

- Alderman Finlay - Applications LA01/2016/0299/O and LA01/2015/1035/O;
- Alderman Cole - Application LA01/2016/0492/F;
- Councillor Baird - Application LA01/2016/0787/F.

3 MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 26 OCTOBER 2016

The Chair advised the minutes of the 26 October 2016 Planning Committee were adopted at the 22 November 2016 Council Meeting and were confirmed as a correct record.

4 ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Head of Planning advised application LA01/2016/0198/F, 100m NW of 11 Haw Road and Application LA01/2016/0710/O, adjacent to 9 Glenlough Road, Ballymoney, were withdrawn from the Agenda.

AGREED: to receive the Order of Business as presented, subject to LA01/2016/0198/F and LA01/2016/0710/O being withdrawn from the Agenda.

5 SCHEDULE OF APPLICATIONS:

5.1 APPLICATION LA01/2016/0299/O

Alderman Finlay withdrew from the table.

Reports and addendum were tabled and circulated.

Address: Lands approx.30m West of 51 Coolnasillagh Road, Garvagh.

Proposal: Proposed detached dwelling with associated site works.

The Principal Planning Officer/Development Management Manager presented the reports and made a recommendation to the Committee for consideration. The officer answered queries from members.

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 speaker addressed the Committee and responded to queries from Members.

Proposed by Councillor Baird

Seconded by Councillor McCandless

- 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, 3 members voted for, 0 members voted against, 4 members abstained, the Chair declared the proposal carried.

Alderman McKeown arrived at the meeting at 2.04 PM

Alderman Cole arrived at the meeting at 2.10 PM

Alderman S McKillop arrived at the meeting at 2.10 PM

5.2 APPLICATION LA01/2016/0337/F

Alderman Finlay re-joined the meeting.

Reports were tabled and circulated.

Address: Site approximately 430m SSW of 72 Carnamuff Road, Limavady

Proposal: Replacement dwelling in substitution for LA01/2015/0611 (16 Dec 2015)

The Principal Planning Officer/Development Management Manager presented the reports and made a recommendation to the Committee for consideration. The officer answered queries from members.

RECOMMENDATION

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

The speaker addressed the Committee and responded to queries from Members.

Proposed by Alderman Cole

Seconded by Alderman S McKillop

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

The Chair put the proposal to the committee to vote, 8 members voted for, 2 members voted against, 0 members abstained, the Chair declared the proposal carried.

5.3 APPLICATION LA01/2015/1035/O

Alderman Finlay withdrew from the table.

* Councillor Baird left the meeting at 3.10 PM.

Reports were tabled and circulated.

Address: 176m NW of 18 Glenullin Road Garvagh

Proposal: Outline planning application for proposed off-site replacement

The Principal Planning Officer/Development Management Manager presented the reports and made a recommendation to the Committee for consideration. The officer answered queries from members.

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 & 8 and resolves to REFUSE planning permission for the reasons set out in section 10.

The speaker addressed the Committee and responded to queries from Members.

Proposed by Councillor MA McKillop

Seconded by Alderman S McKillop

- 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 & 8 and resolves to APPROVE planning permission.

The Chair put the proposal to the committee to vote, 2 members voted for, 4 members voted against, 3 members abstained, the chair declared the motion fallen.

AGREED – as recommended, 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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

5.4 APPLICATION LA01/2016/0685/F

Reports and addendum were tabled and circulated.

Address: 42 Garvagh Road, Dungiven

Proposal: Two storey front and rear extensions to house and erection of single storey detached garden shed.

The Principal Planning Officer/Development Management Manager presented the reports and made a recommendation to the Committee for consideration. The officer answered queries from members.

RECOMMENDATION

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

The speaker addressed the Committee and responded to queries from Members.

Proposed by Alderman Cole

Seconded by Alderman S McKillop

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

The Chair put the proposal to the committee to vote, 3 members voted for, 0 members voted against, 5 members abstained, the Chair declared the proposal carried.

Alderman Finlay re-joined the meeting at 3.25 PM during early consideration of the above matter.

- * Councillor Baird returned to the meeting at 3.25 PM during early consideration of the above matter.

5.5 APPLICATION LA01/2016/0395/O

Report tabled and circulated.

Address: Lands between No 30 & 34 Drumsaragh Road Kilrea

Proposal: Proposed infill dwelling and garage.

The Principal Planning Officer/Development Management Manager presented the report and made a recommendation to the Committee for consideration. The officer answered queries from members.

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 speaker addressed the Committee and responded to queries from Members.

Proposed by Alderman Finlay

Seconded by Councillor M McKillop

- 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.

The Chair put the proposal to the committee to vote, 5 members voted for, 5 members voted against, the Chair applied a casting vote against the proposal. The Chair declared the proposal fallen.

AGREED – as recommended, 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.

Recess 4.00 PM-4.15 PM

5.6 APPLICATION LA01/2016/0459/O

Report and addendum tabled and circulated.

Address: 78m South East of Shandragh, Knockans South, Rathlin Island

Proposal: New House on a farm

The Principal Planning Officer/Development Management Manager presented the report and made a recommendation to the Committee for consideration. The officer answered queries from members.

RECOMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in

section 7 & 8 and resolves to REFUSE planning permission subject to the refusal reasons set out in section 10.

The speaker addressed the Committee and responded to queries from Members.

Proposed by Alderman Cole

Seconded by Alderman Finlay

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

- Consideration of circumstances of the case as exceptional in order to set aside the Policy;
- Genuine hardship to the Applicant would occur if refused as he would move to the mainland;
- Sustainability of employment on the Island;
- A further Site preferred by Planning is on arable land and required for this use;
- Outpricing of local people in connection with the housing market;
- Subject to the conditions and informatives:
 - Ridge height of 5.5 metres;
 - Conditions and Informatives as delegated to the officers.

The Chair put the proposal to the committee to vote, committee voted unanimously in favour, the Chair declared the proposal carried.

5.7 APPLICATION LA01/2016/0787/F

Councillor Baird withdrew from the table at 4.45 PM.

Report and addendum tabled and circulated.

Address: 65m NW of 23 Ballinlea Road, Ballycastle

Proposal: Retrospective application for the retention of a farm shed for animal shelter and machinery store

The Principal Planning Officer/Development Management Manager presented the report and made a recommendation to the Committee for consideration. The officer answered queries from members.

RECOMENDATION

That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in

section 7 & 8 and resolves to REFUSE planning permission subject to the refusal reasons set out in section 10.

The speaker addressed the Committee and responded to queries from Members.

Councillor Baird addressed committee and spoke in favour of the application.

Proposed by Alderman King

Seconded by Councillor McCandless

- that the Application is deferred to allow a site visit to take place.

The Chair put the proposal to the committee to vote, 4 members voted for, 4 members voted against, 2 members abstained, the Chair applied a casting vote in favour of the proposal, the Chair declared the proposal carried.

5.8 APPLICATION LA01/2016/0492/F

Alderman Cole withdrew from the table.

Report tabled and circulated.

Address: 92 Millbank Avenue, Portstewart, BT55 7DG

Proposal: 2 storey extension to side/front of dwelling incorporating open plan living on ground floor and additional bedroom on first floor.

The Principal Planning Officer/Development Management Manager presented the report and made a recommendation to the Committee for consideration. The officer answered queries from members.

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 & 8 and resolves to REFUSE planning permission for the reasons set out in section 10.

The speaker addressed the Committee and responded to queries from Members.

Proposed by Alderman Finlay

Seconded by Councillor Baird

- 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 & 8 and resolves to **APPROVE** planning permission for the reasons set out:

- Complies with SPPS and PPS7;
- does not make material difference to the character of the streetscape;
- Conditions and Informatives as delegated to the officers.

The Chair put the proposal to the committee to vote, 8 members voted for, 0 members voted against, 2 members abstained, the Chair declared the proposal carried.

5.9 APPLICATION LA01/2015/0605/F

Alderman Cole re-joined the meeting at 5.25 PM.

* Alderman Finlay left the meeting at 5.25 PM.

Report and addendum tabled and circulated.

Address: 32-44 Maghera Street, Kilrea

Proposal: Variation of condition No. 3 (development to be carried out in accordance with approved plans) of approval C/2014/0173/F (demolition of No. 32 and relocation of alleyway, refurbishment, alterations and extension to existing shop premises).

The Principal Planning Officer/Development Management Manager presented the report and made a recommendation to the Committee for consideration. The officer answered queries from members.

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 speaker addressed the Committee and responded to queries from Members.

Proposed by Alderman Cole

Seconded by Councillor Fielding

- 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, 3 members voted for, 4 members voted against, 3 members abstained the Chair declared the proposal fallen.

AGREED - 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:

- New material considerations raised;
- Cladding already used on an iconic N. Ireland building and does not detrimentally affect the streetscape;
- Design meets criteria of Policy SET2 Development Within Settlement Development Limits and DES2 of A Planning Strategy for Rural NI

* Alderman Finlay returned to the meeting at 5.35 PM during consideration of the matter.

5.10 APPLICATION LA01/2015/0967/F

Report tabled and circulated.

Address: Rossmar School 2 Ballyquin Road, Limavady

Proposal: Development of new school for Rossmar Co-Educational special school for 100 pupils on existing school site with school meals accommodation, associated playing grass pitch and playing areas, along with car parking, service area, landscaping and site works.

The Principal Planning Officer/Development Management 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 section 7 & 8 and resolves to **APPROVE** full planning permission.

Proposed by Councillor Fielding

Seconded by Alderman King

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

Committee voted unanimously in favour of the proposal, the Chair declared the proposal carried.

- * Press left the meeting at 5.45 PM.

6 DEVELOPMENT MANAGEMENT: DEVELOPMENT MANAGEMENT STATISTICS

Report tabled and circulated.

Committee was provided with the monthly update on the number of planning applications received and decided as well as the number of live planning applications in the system and those in the system over 12 months.

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

AGREED – as recommended, that Committee note the update on the development management statistics.

6.1 SECTION 26 APPLICATION - NOTICE OF OPINION

Report tabled and circulated.

The Department for Infrastructure has provided a Notice of Opinion to approve an application for an “extension to basalt quarry (part retrospective)” at lands to the West and South of 93 Bridge Road, Dunloy (Ref: D/2014/0011/F)

This application fell under Section 26 of the Planning Act (NI) 2011 which relates to developments that are of regional significance. Applications for extraction of minerals in a quarry are categorised as regionally significant if the area of the site exceeds 25Ha. This site relates to an area of approximately 32.5 Ha. As such, this application was processed by the Department for Infrastructure.

The Department has now processed this application and provided the Council with a Notice of Opinion on 01 November 2016, under Section 26 (6), to approve it subject to conditions. The Council has 28 days to respond from the date of service of the Notice. If the Council has any representations to make to the Department beyond accepting the recommendation for approval, then these will be heard at a hearing. Any hearing could be held by the Planning Appeals Commission (PAC) or another person appointed by the Department for that purpose. If such a hearing is held, the Department must take into account any report of the

PAC (or other appointed person). The decision of the Department is final in such cases.

Full details of the proposal were provided.

RECOMMENDATION

That the Council accepts the Notice of Opinion to approve this proposal and resolves that the Head of Planning responds accordingly to the Department by 29 November 2016 (within 28 days of the service of the Notice of Opinion) as required by Section 26 (11) of the Planning Act (NI) 2011.

AGREED – as recommended that the Council accepts the Notice of Opinion to approve this proposal and resolves that the Head of Planning responds accordingly to the Department by 29 November 2016 (within 28 days of the service of the Notice of Opinion) as required by Section 26 (11) of the Planning Act (NI) 2011.

7 DEVELOPMENT PLAN: DISCUSSION PAPER: COUNTRYSIDE PRESSURE ANALYSIS PAPER – PREPARATORY PAPER

Report tabled and circulated.

Committee was advised this is the thirteenth topic-related preparatory paper presented and relates to Countryside Pressure Analysis. The purpose of the paper is to provide Members with background information relating to development pressure in the countryside in relation to housing development and wind turbine (single and farm) development.

IT IS RECOMMENDED that Members endorse the use of the information contained within the paper in the preparation of the Local Development Plan.

AGREED – as recommended, that Committee endorse the use of the information contained within the paper in the preparation of the Local Development Plan.

8 CORRESPONDENCE:

Report tabled and circulated.

- **Letter from Department for Communities – Coastguard Cottages, Ballintoy proposed listing**

Members were advised the Department for Communities (DfC); HED wrote to Council on 21st October 2016 advising that they are considering the

listing of No's 1-4 Coastguard Cottages, Harbour Road, Ballintoy, Ballycastle, BT54 6NA under Section 80(1) of The Planning Act (Northern Ireland) 2011 (appendix circulated).

Options were presented to consideration:

OPTION 1: Agree to support all four listings:

- Evaluation refers to:
 - Built c.1873.
 - Dramatic exposed cliff top location
 - The group has considerable maritime history significance
 - Group retains much of the original proportions and detailing
 - Communal gardens with individual kitchen garden plots
 - Each building has a single storey lean-to outbuilding and toilet
 - The rear (south) of the properties connected by a raised platform
 - Shared rubble masonry northern boundary wall

OPTION 2: Agree to support the listing of No.2 but oppose listing of No's 1, 3 & 4:

- Evaluation refers to:
 - Replacement of original windows detracts from original historic character (No.1);
 - PVC windows detract from original historic character (No.3); and
 - PVC windows and rainwater goods detract from original historic character (No.4).

OPTION 3: Agree to oppose all 4 listings:

- Evaluation refers to:
 - Replacement of original windows detracts from original historic character (No.1);
 - PVC windows detract from original historic character (No.3); and
 - PVC windows and rainwater goods detract from original historic character (No.4).

IT IS RECOMMENDED that Members agree either Option 1, 2 or 3 above to the proposed listing as detailed at Appendix 1 and to the Head of Planning responding to DfC on behalf of Council.

Proposed by Councillor Baird

Seconded by Councillor MA McKillop

- Option 3: Agree to oppose all 4 listings

The Chair put the proposal to the committee to vote, 4 members voted for, 1 member voted against, 3 members abstained, the Chair declared the proposal carried.

It was further **AGREED** – that committee note the correspondence: Letter from Internal Audit; Department for Infrastructure – Letter of Agreement to Revised Scheme of Delegation.

9 MATTERS FOR REPORTING TO PARTNERSHIP PANEL

There were no matters for reporting to the Partnership Panel.

10 ANY OTHER RELEVANT BUSINESS

In accordance with Standing Order 12 (o) the following Item was raised:

Councillor Fielding:

Can you confirm if the consultation with NIEA is complete regarding the objection lodged during the Planning Meeting of 26th October 2016 to LA01/2016/0023/LDP and LA01/2015/0370/F.

The Head of Planning stated comment would be sought from NIEA to the specific objection stated and will bring the application back to the Planning Committee following receipt of response.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 6.10 PM

Chair