

**PLANNING COMMITTEE WEDNESDAY 28 FEBRUARY 2018**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>1</b>	Apologies	<b>Councillors McCandless, McCaul, McLaughlin and Nicholl</b>
<b>2</b>	Declarations of Interest	<b>Councillor Fielding LA01/2015/0953/RM, LA01/2016/1487/F &amp; LA01/2016/1157/F</b>  <b>Alderman McKillop LA01/2016/1218/F</b>  <b>Councillor McKillop LA01/2016/1218/F</b>
<b>3</b>	Minutes of Planning Committee Meeting held Wednesday 24 January 2018	<b>Confirmed</b>
<b>4</b>	Order of Items and Registered Speakers	<b>Approve</b>
<b>5</b>	Schedule of Applications	
	5.1 LA01/2017/0833/A St Canice's GAC, Garvagh Road, Dungiven	<b>Defer for Site Visit</b>
	5.2 LA01/2017/0524/F Pebble Cottage, 71 Tircreven Road, Tircrevan TD, Limavady	<b>Approve</b>
	5.3 LA01/2017/1263/LDP 31 Moys Road, Limavady	<b>Refuse</b>
	5.4 LA01/2016/1570/F Lands Adjacent to 10 Sunnyvale Avenue, Portrush	<b>Approve</b>
	5.5 C/2014/0507/F	<b>Approve</b>

	Golf Links Holiday Park, Bushmills Road	
5.6	LA01/2016/1218/F 5 Shore Street, Cushendall	<b><i>Refuse</i></b>
5.7	LA01/2017/1287/F & LA01/2017/1289/LBC Adelphi Hotel, 67-71 Main Street, Portrush	<b><i>Approve &amp; Consent Granted</i></b>
5.8	LA01/2017/0250/LBC & LA01/2017/0251/F Adelphi Hotel, 67-71 Main Street, Portrush	<b><i>Consent Granted &amp; Approve</i></b>
5.9	LA01/2015/0953/RM 806 Seacoast Road, Castlerock	<b><i>Decision delegated to Planning Officers pending submission of revised plans within 1 week</i></b>
5.10	LA01/2016/1204/O 10 Bendooragh Road, Ballymoney	<b><i>Refuse</i></b>
5.11	LA01/2017/1219/DC 154 & 156 Lower Main Street, Portrush	<b><i>Defer to reconvened Planning Committee meeting</i></b>
	Decision To Reconvene the Planning Committee Meeting	<b><i>Agreed to adjourn the meeting and reconvene on a date to be advised</i></b>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS  
WEDNESDAY 28 FEBRUARY 2018 AT 2.00 PM**

**In the Chair:** Alderman McKeown

**Committee Members Present:** Aldermen: Cole, Finlay, King and McKillop  
Councillors: Fielding, Fitzpatrick, Hunter, Loftus,  
MA McKillop, McLaughlin and P McShane

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

**In Attendance:** A Gillen, DFI Roads  
Alderman Hillis  
C Gourley  
D Millar  
M Bell  
J Hill  
M Gardiner  
P McKillop  
T Doyle  
M McNeill  
M Holmes  
E Holmes  
A Holmes  
M Kennedy  
D Donaldson  
M Little  
N Perry  
M Howe  
P Bradley  
S Bailey  
J Wilson  
R McPeake  
  
Press (1 No.)  
Public (9 No.)

## 1 APOLOGIES

Apologies were received from and Councillors McCandless, McCaul, McLaughlin and Nicholl.

## 2 DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

- Councillor Fielding - LA01/2015/0953/RM, LA01/2016/1487/F, LA01/2016/1157/F
- Alderman S McKillop - LA01/2016/1218/F
- Councillor MA McKillop - LA01/2016/1218/F

Alderman Cole stated that he felt the Planning Committee Agenda was too congested and that given there could be speaking rights on the majority of applications this would result in a lengthy meeting. He felt that there was a need to revise the planning protocol.

The Chair informed Members that the agenda for this meeting was particularly long and that there was a need to look at the referral process. He suggested that a Planning Workshop be held to look at the referral process and how long Members dedicate to each application.

Proposed by Councillor P McShane  
Seconded by Councillor Lofts and

**AGREED** - to recommend that a Planning Workshop be held to review the planning application referral process, the length of time Members dedicate to each application and site visits.

Alderman S McKillop informed the Chair that D Hunter, Council Solicitor had already been tasked to review aspects of the Planning Committee Protocol.

## 3 MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 24 JANUARY 2018

Proposed by Alderman King  
Seconded by Alderman Cole and

**AGREED** – that the minutes of the 24 January 2018 Planning Committee Meeting 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.

- Agenda Item 5.18 - LA01/2017/0852/O had been withdrawn from the system by the applicant.
- Agenda Item 5.16 - LA01/2017/0544/O – withdrawn from the agenda for further consideration with DfI Roads.

Proposed by Councillor P McShane  
Seconded by Councillor Hunter and

**AGREED** – that application LA01/2017/0833/A be received first.

Proposed by Councillor Loftus  
Seconded by Councillor MA McKillop and

**AGREED** – that application LA01/2017/0524/F and LA01/2017/1263/LDP be received after application LA01/2017/0833A.

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

- LA01/2017/0833/A – St Canice’s GAC, Garvagh Road, Dungiven
- LA01/2017/0524/F – Pebble Cottage, 71 Tircreven Road, Tircreven TD, Limavady
- LA01/2017/1263/LDP – 31 Moys Road, Limavady
- LA01/2016/1570/F– Lands Adjacent to 10 Sunnyvale Avenue, Portrush
- C/2014/0507/F– Golf Links Holiday Park, Bushmills Road, Portrush
- LA01/2016/1218/F – 5 Shore Street, Cushendall
- LA01/2017/1287/F & LA01/2017/1289/LBC – Adelphi Hotel, 67-71 Main Street, Portrush
- LA01/2017/0250/LBC & LA01/2017/0251/F– Adelphi Hotel, 67-71 Main Street, Portrush
- LA01/2015/0953/RM – 806 Seacoast Road, Castlerock
- LA01/2016/1204/O – 10 Bendooragh Road, Ballymoney
- LA01/2017/1219/DC – 154 & 156 Lower Main Street, Portrush
- LA01/2016/1311/F – 70m West of 213 Baranailt Road, Limavady
- LA01/2016/1487/F – 60m NW of 76 Station Road, Garvagh
- LA01/2017/0111/O – 430m South West of 41 Dunamallagh Road, Ballycastle
- LA01/2017/0331/F – Bushfoot Road, Portballintrae
- LA01/2017/0908/F – Old Dreen Primary School, 339 Townhill Road, Rasharkin
- LA01/2017/0937/O – Land Adjacent to 94 Macfin road, Ballymoney

- LA01/2016/1157/F – 36 Ballyrogan Road, Garvagh
- LA01/2017/0648/F – 7 Lever Court, Portstewart
- LA01/2017/1018/O – Adjacent to 83 Tartnakilly Road, Limavady

## 5 SCHEDULE OF APPLICATIONS:

### 5.1 LA01/2017/0833/A – St Canice’s GAC, Garvagh Road, Dungiven

**App Type:** Advertisement Consent  
**Proposal:** Proposed mounted sign with LED screen incorporated in sign.

Report circulated.

Prior to the Principal Planning Officer presenting the report to the Committee it was:

Proposed by Councillor P McShane  
 Seconded by Councillor Hunter

- that the Committee defer consideration and a site visit be arranged.

The Chair put the proposal to the Committee to vote, 9 Members voted for, 0 Members voted against and 1 Member abstained.

The Chair declared the proposal carried.

### 5.2 LA01/2017/0524/F – Pebble Cottage, 71 Tircreven Road, Tircreven TD, Limavady

**App Type:** Full Planning  
**Proposal:** Retention of building as permanent dwelling.

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

The Chair invited C Gourley, Agent to address the Committee in support of the application. She responded to points of clarification and queries from Members relating to a previous case taken to appeal, the applicants ill health and exceptional circumstances, tourism figures and confirmed that it was not possible for the applicants to sell the property due to its location and sharing of infrastructure.

In response to Members' queries the Senior Planning Officer referred Members to Paragraph 8.4 and 8.5 of the report relating to the upturn in tourism statistics and 8.13 relating to the outcome of the appeal of 2016/A0210 (Ballyleagh Village).

Proposed by Councillor Hunter  
Seconded by Councillor Fielding

**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 subject to the conditions set out in Section 10 for the following reason:

- that the Planning Committee are satisfied that the applicant has complied with Policy CTY4 the conversion and re-use of existing buildings under PPS21 sustainable development in the countryside and considers there are exceptional circumstances in this case relating to medical issues .

The Chair put the proposal to the Committee to vote, 8 Members voted for, 2 Members voted against and 0 Members 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.

Alderman S McKillop wished it to be noted that these were exceptional circumstances.

### 5.3 LA01/2017/1263/LDP – 31 Moys Road, Limavady

**App Type:** Certificate of Lawful Development Proposed  
**Proposal:** Proposed erection of two storey dwelling with detached garage/store. A material start was made on site early 2011 when the buildings to be replaced were demolished and cleared from site.

Dwelling house and accompanying outbuildings on site were removed and site cleared by July 2011. By April 2012 the site was completely cleared of all buildings and the foundations for a garage were laid. Material start was made on site in 2011 by clearing the site of all buildings. Garage foundations were laid in April 2012. Development to which approval relates was begun by 10<sup>th</sup> June 2012 (two years from date of RM approval – B/2010/0065/RM).

Report circulated.

The Principal 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 consideration set out in section 8 and resolves to **REFUSE** to certify the proposed development as lawful for the reason set out in Section 10.

The Chair invited C Gourley, Agent to address the Committee in support of the application. She responded to points of clarification and queries from Members relating to demolition of existing buildings on site, site lines the positioning of garage foundations within the approved red line.

In response to Members queries the Principal Planning Officer confirmed that the garage foundations that had been laid were not in accordance with the relevant planning permission and therefore this did not constitute a material start.

The Head of Planning referred Members to paragraph 8.4 of the report and confirmed that the development must be in accordance with approved planning permission to be lawful.

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 consideration set out in section 8 and resolves to **REFUSE** to certify the proposed development as lawful for the reason set out in Section 10.



The Chair put the proposal to the Committee to vote, 6 Members voted for, 0 Members voted against and 4 Members abstained. The Chair declared the proposal to **REFUSE** carried.

#### 5.4 LA01/2016/1570/F – Lands Adjacent to 10 Sunnyvale Avenue, Portrush

**App Type:** Full Planning  
**Proposal:** Retrospective Application for 3 no. stone pillars, double and single gates and stone wall to replace previous metal railings and gates.

Report circulated.

The Principal 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 section 7 & 8 and resolves to **APPROVE** planning permission for the reasons set out in section 10.

The Chair invited D Millar, in objection to the application, to address the Committee. He responded to points of clarification and queries from Members relating to unauthorised access on to the private lane, locking of gates, anti-social behaviour and the omission of a buffer zone. He also felt that the erection of the pillars and gates was a significant change of use.

He confirmed that the pedestrian access was having an adverse effect on resident's amenities i.e. dog fouling, drug use, urination and noise.

The Principal Planning Officer clarified points relating to vehicular and pedestrian access, the proposed buffer zone and advised Members that it was not clear if the previous gates had included a pedestrian access.

Councillor P McShane enquired if any other speakers were registered to address the Committee. He requested that Murray Bell, Agent be allowed to address the Committee.

The Chair invited M Bell, Agent to address the Committee. He confirmed that the main gate would be locked at all times except for

maintenance access and emergencies, and would be happy to provide a password control for the lock for this gate.

In response to Members queries on the pedestrian access M Bell confirmed that the pedestrian access would be restricted via a timer and access codes.

The Principal Planning Officer responded to points of clarification and queries from Members relating to anti-social behaviour, controlled pedestrian access and boundary planting.

Proposed by Councillor P McShane  
Seconded by Councillor 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 section 7 & 8 and resolves to **APPROVE** planning permission subject to the conditions set out in Section 10 and to include the additional following conditions with formal wording delegated to insert in decision notice:

- Vehicular and pedestrian access gates to be controlled by access code and timer and implemented within 3 months from date of approval of application.
- Boundary planting to be carried out before 31 March 2018.

The Chair put the proposal to the Committee to vote, 9 Members voted for, 0 Members voted against and 1 Member abstained. The Chair declared the proposal to **APPROVE** carried.

#### **5.5 C/2014/0507/F – Golf Links Holiday Park, Bushmills Road, Portrush**

**App Type:** Full Planning  
**Proposal:** Proposed additional 9 no. caravan plots accessing through existing holiday park roads.

Report circulated.

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

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

8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair invited J Hill and M Gardiner to address the Committee in objection to the application.

J Hill informed Members that he and M Gardiner were not objecting to the proposed additional 9 caravans but to the exclusion of a buffer zone which, if implemented, would minimise noise and sight of traffic and tractors etc. and made reference to Policy TSM7 relating to the requirement of an appropriate boundary and means of enclosure.

J Hill also responded to points of clarification and queries from Members in relation to anti-social behaviour and access via a security code.

The Chair invited M Bell, Agent to address the Committee in support of the application. He stated that the issues mentioned were neighbouring issues and were not in the bounds of the application as they were outside the red line area of the application site. The application was only for the proposed additional 9 caravans, however, he would be open to meeting with neighbours to find some form of resolution outside application process.

M Bell also responded to points of clarification and queries from Members in relation to vegetation, buffer zone and removal of lodges and other ancillary parts from application.

- \* Alderman Finlay joined the meeting at 4:15 pm during consideration of this item and requested permission to speak on this application.

The Head of Planning referred Alderman Finlay to Paragraph 6.2 (x) of the Protocol for the Operation of the Causeway Coast and Glens Borough Council Planning Committee, ***“Elected Members must be present in the Council Chamber for the entire item, including the Officer’s introduction and update; otherwise they cannot take part in the debate or vote on that item.”***

Alderman Finlay’s request to speak was denied.

The Principal Planning Officer responded to Members’ queries in relation to the separation distance between dwellings, impact on residents on Bushmills Road, removal of red line, light, noise and boundaries issues.

Proposed by Councillor Fitzpatrick  
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 **APPROVE** planning permission subject to the conditions set out in section 10 and to include the additional following condition with formal wording delegated to insert in decision notice:

- landscaping plan to be agreed with Planning Department prior to any development taking place and implemented in the first landscaping season thereafter.

The Chair put the proposal to the Committee to vote, 9 Members voted for, 1 Member voted against and 0 Members abstained. The Chair declared the proposal carried.

\* A recess was held from 4:35 pm – 4:55 pm.

#### **5.6 LA01/2016/1218/F – 5 Shore Street, Cushendall**

**App Type:** Full  
**Proposal:** Amendment to planning approval E/2014/0125/F, change of use from Bank to single dwelling, to allow car access/egress between no 7 and no 5 Shore Street.

Report circulated.

\* Alderman S McKillop and Councillor MA McKillop left the meeting at 4:57 pm during consideration of this item.

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

\* E McCaul, Committee and Member Services Officer joined the meeting at 5:10 pm.

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

The Chair invited T Doyle and P McKillop to address the Committee in objection to the application. They commented on inaccurate drawings, visibility splays, on street parking, noise, fumes and continuous disruption.

P McKillop also responded to points of clarification and queries from Members in relation to loss of privacy and previous use.

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

At this juncture Alderman S McKillop re-joined the meeting as she was under the impression that she should be in attendance when the Agent was invited to speak.

The Head of Planning referred Members to Paragraph 6.2 of the Protocol for the Operation of the Causeway Coast and Glens Borough Council Planning Committee relating to the procedure that applies for each of the planning applications.

Mr McNeill referred to PAC decisions that advise that DCAN 15 is an advice note and should not be applied slavishly or in a doctrinaire fashion.

Mr McNeill responded to points of clarification and queries from Members in relation to the condition of the existing vehicle access and disability access.

- \* Alderman S McKillop re-joined the meeting at 5:20 pm.

The Chair invited Alderman S McKillop to address the Committee in support of the application. She stated that the applicant had addressed all of the objectors concerns and responded to Members queries in relation to disability access, residential amenity, visual amenity, traffic speeds and the existing vehicular access and commented on DFI Roads objection to the application.

- \* Alderman S McKillop left the meeting at 5:36 pm.

The Chair welcomed A Gillen, DFI Roads to the meeting. In response to Members queries A Gillen clarified that DCAN 15 was a guidance document used to fulfil PPS 3, for all access proposals and applying different criteria for each case submitted. He clarified the width required for this type of access and lack of visibility splays.

The Senior Planning Officer responded to Members' queries in relation to existing vehicle access, previous PAC decisions, and confirmed that this was a very busy key tourist route

Proposed by Councillor Loftus  
Seconded by Alderman King

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

Proposed by Alderman Finlay  
Seconded by Councillor Fielding

**Amendment** - that the Committee defer consideration and a site visit be arranged.

The Chair put the amendment to the Committee to vote, 2 Members voted for, 5 Members voted against and 2 Members abstained. The Chair declared the amendment **lost**.

The Chair put the proposal to the Committee to vote, 6 Members voted for, 0 Members voted against and 3 Members abstained. The Chair declared the proposal **carried**.

**AGREED** - 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 **REFUSE** planning permission subject to the reason set out in section 10.

- \* Alderman S McKillop and Councillor MA McKillop re-joined the meeting at 5:57 pm.
- \* D Allen, Committee & Member Services Officer left the meeting at 6:00 pm.

#### **5.7 LA01/2017/1287/F and LA01/2017/1289/LBC – Adelphi Hotel, 67-71 Main Street, Portrush**

**App Type:** Full Planning and Listed Building Consent  
**Proposal:** Regularisation of existing structures build 2006. Works involved demolition of entire rear of old premises, with site excavation to rock. New build concrete flat roofed concrete structure to rear

including 8 person lift. Whole project creates twenty eight en-suite four star guest rooms.

Reports circulated.

The Principal Planning Officer presented the reports 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 and listed building consent subject to the reasons set out in section 10 of the reports.

\* A recess was held from 6:15 – 6:20 pm.

The Chair invited M Holmes, A Holmes and E Holmes, applicant and hotel owner to address the Committee in support of the applications.

The speakers advised of details of proposed hotel extension in relation to other buildings in the area and changes made to the building since 2006 and that there was no merit in having the Antrim House section of the hotel designated as a listed building given that it had no recognisable features; requirement for additional bedrooms; equity of treatment; and extension granted to adjacent property would screen visual impact.

The speakers responded to points of clarification and queries from Members in relation to listing of building, height, materials, need for lift shaft, enforcement.

\* Alderman Robinson joined the meeting at 6:50 pm during consideration of the applications and took no part in the vote.

Head of Planning advised Members of Section 89 of the Planning Act (Northern Ireland) 2011 in relation to requirement to notify the Department for Infrastructure on Listed Building Consent applications if decision is to grant consent contrary to statutory consultee advice, Department for Communities HED advice, and informed Members that DfI had 28 days from notification to 'Call In' the application.

Planning Officials responded to queries on impact of remedial works to the roof structure and lift shaft, which would have

significant visual impact from Bath Street, and other approvals in vicinity of site.

The Committee viewed extract from the 2012 report from Historic Environment Division (HED) on the Listed Building.

Proposed by Councillor McShane  
Seconded by Councillor Loftus and

**AGREED** – that the Committee grant Alderman Hillis speaking rights.

Alderman Hillis advised of his opinion that the building should not be listed as this hampers development of the hotel, the front section of Antrim House was not original, and that economic conditions should play a part in Members opinion on the application.

The Principal Planning Officer advised that a letter of support on the applications had been submitted from J Allister, MLA and outlined its content.

Head of Planning again advised of legislative requirement to notify DfI if decision is to grant Listed Building Consent against DfC HED consultation advice.

Proposed by Councillor Fitzpatrick  
Seconded by Councillor Hunter

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

- Benefit to tourism industry
- Economic generation
- Minimal visual impact
- Does not detract from appearance and character of listed building
- Acceptable design and scale.

The Chair put the proposal to the Committee to vote, 9 for, 0 against and 1 abstention. The Chair declared the proposal to **APPROVE** the applications carried.



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

The Head of Planning agreed to notify DfI on the Planning Committee decision.

#### **5.8 LA01/2017/0250/LBC and LA01/2017/0251/F – Adelphi Hotel, 67-71 Main Street, Portrush**

**App Type:** Listed Building Consent and Full  
**Proposal:** Proposed works involve an additional three storey extension to the existing flat roof in order to accommodate 6 no. additional guest rooms per floor.

Reports circulated.

The Principal 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** listed building consent and planning permission subject to the reasons set out in section 10 of the reports.

The Chair invited M Holmes, A Holmes and E Holmes, applicant and hotel owner to address the Committee in support of the applications.

The speakers disagreed with the reasons for refusal in relation to PPS 6, advised that the rooms would be world class, extension would add to the building overall, make its own statement and requested parity of treatment. The speakers also disagreed that the application would have an adverse impact on the listed building.

The speakers responded to points of clarification and queries from Members in relation to design.

The Principal Planning Officer responded to questions from Members on design and comparison to other permissions granted.

Head of Planning advised Members of Section 89 of the Planning Act (Northern Ireland) 2011 in relation to requirement to notify the Department for Infrastructure on Listed Building Consent

applications if decision is to grant consent contrary to statutory consultee advice, Department for Communities HED advice, and informed Members that DfI had 28 days from notification to 'Call In' the application.

Proposed by Councillor Fielding  
Seconded by Councillor Fitzpatrick

**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** listed building consent and full planning permission for the following reasons:

- Benefit to tourism industry
- Economic and job generation
- Minimal visual impact
- Acceptable design and scale.

The Chair put the amendment to the Committee to vote, 7 for, 0 against and 3 abstentions. The Chair declared the proposal to **APPROVE** the applications carried.

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

The Head of Planning agreed to notify DfI on the Planning Committee decision.

- \* Alderman Cole and Councillor Fitzpatrick left the meeting at 7:50 pm.
- \* A recess was held 7:50 – 8:05 pm.

Following the recess the Chair sought the views of the Committee on setting a limit on the business being discussed for the rest of the meeting.

**AGREED** – that the Committee would continue with next 3 items of business, with any unfinished business being discussed at a reconvened Planning Committee meeting.

## **5.9 LA01/2015/0953/RM – 806 Seacoast Road, Castlerock**

- \* Councillor Fielding left the meeting at 8:06 pm having previously declared an interest in the application.

**App Type:** Reserved Matters  
**Proposal:** Proposed replacement dwelling (LA01/2016/0935/F – Permission already granted for variation of condition 4 – ridge height of outline permission on site – DOE Ref. No: C/2014/0056/O)

Report circulated.

The Principal 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 Chair invited M Kennedy, Agent to address the Committee in support of the application. The speaker queried why the size of the replacement dwelling had not been raised before the meeting; that the design issue was subjective; that the new replacement building would add to the AONB area; and, that a similar sized dwelling was situated 200m from the site.

The speaker responded to points of clarification and queries from Members in relation to design, size of site, levels, rockfall.

The Principal Planning Officer answered queries from members regarding design, scale and size in comparison to existing structures on site.

Proposed by Councillor P McShane  
Seconded by Councillor Loftus

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

Councillor McShane withdrew his proposal with the consent of the seconder Councillor Loftus.

Proposed by Councillor Loftus  
Seconded by Alderman King

- that decision be delegated to Planning Officers without having to bring the application back to the Planning Committee pending submission of revised plans within 1 week by the applicant.

The Chair put the proposal to the Committee to vote, 4 for 3 against and 1 abstention. The Chair declared the proposal carried.

\* Councillor Fielding re-joined the meeting at 8:45 pm.

#### **5.10 LA01/2016/1204/O – 10 Bendooragh Road, Ballymoney**

**App Type:** Outline Planning  
**Proposal:** Redevelopment of existing light industrial site to residential use.

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 Chair invited D Donaldson, Agent to address the Committee in support of the application. The speaker highlighted that the current site was an eyesore, complies with CTY4, that the well-designed housing development would enhance the area and that a contamination and drainage report would be submitted prior to approval.

The speaker responded to points of clarification and queries from Members in relation to impact and character on character of area, residential amenity and access.

Proposed by Alderman Finlay  
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 **REFUSE** planning permission subject to the refusal reasons set out in section 10

The Chair put the proposal to the Committee to vote, 5 for, 2 against and 2 abstentions. The Chair declared the proposal carried.

#### **5.11 LA01/2017/1219/DC – 154 & 156 Lower Main Street, Portrush**

**App Type:** Discharge of Condition  
**Proposal:** Discharge of Archaeological Planning Condition 05 of Application Approval C/2012/0244/F.

Report circulated.

The Principal 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 section 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

The Chair invited M Little applicant and N Perry, Agent to address the Committee in support of the application.

The speakers pointed out he had followed stipulations on the planning process and arrived at this stage due to advice from a Planning Official when he had received an archaeological report and was advised to make a material start on site before the application expired.

The speaker responded to points of clarification and queries from members in relation to works carried out on site and when archaeological report submitted.

The Principal Planning Officer responded to points of clarification and queries in relation to conditions not been complied as the carrying out of the archaeological programme of works had not been completed before carrying out any site works.

The Head of Planning explained the requirements of a Discharge of Condition application and what is required to be taken into consideration in the determination of such an application.

Proposed by Councillor Hunter  
Seconded by Alderman S McKillop

- that decision on the application be deferred to the reconvened planning meeting to allow the head of Planning to clarify the conversation between M Little and the Planning Officer.

The Chair put the proposal to the Committee to vote, which was carried unanimously.

**6. DECISION TO RECONVENE THE PLANNING COMMITTEE MEETING**

Proposed by Alderman Finlay  
Seconded by Councillor Loftus and

**AGREED** – that the Planning Committee Meeting be reconvened to a date to be advised.

The meeting adjourned at 9:40 pm.

**RECONVENED PLANNING COMMITTEE MEETING  
(28 FEBRUARY 2018)**

**MONDAY 12 MARCH 2018**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
<b>1</b>	Apologies	<b><i>Aldermen King and McKeown. Councillors McCaul and Loftus</i></b>
<b>2</b>	Declarations of Interest <i>(declared at 28 February 2018 meeting)</i>	<b><i>Councillor Fielding – LA01/2016/1487/F &amp; LA01/2016/1157/F</i></b>
<b>3</b>	Order of Items and Registered Speakers	<b><i>Approved</i></b>
<b>4</b>	Schedule of Applications	<b><i>Continued from Agenda Item 5.11 meeting of 28 February 2018</i></b>
	4.12 LA01/2016/1311/F 70m West of 213 Baranailt Road, Limavady	<b><i>Approve</i></b>
	4.13 LA01/2017/1219/DC 154-156 Lower Main Street, Portrush	<b><i>Grant</i></b>
	4.14 LA01/2016/1487/F 60m NW of 76 Station Road, Garvagh	<b><i>Defer for Site Visit</i></b>
	4.15 LA01/2017/0111/O 430m South West of 41 Dunamallagh Road, Ballycastle	<b><i>Approve</i></b>
	4.16 LA01/2017/0331/F Bushfoot Road, Portballintrae	<b><i>Approve</i></b>
	4.17 LA01/2017/0908/F Old Dreen Primary School, 339 Townhill Road, Rasharkin	<b><i>Approve</i></b>

	4.18 LA01/2017/0937/O Land adjacent to 94 Macfin Road, Ballymoney	<b>Refuse</b>
	4.19 LA01/2016/1157/F 36 Ballyrogan Road, Garvagh	<b>Approve</b>
	4.20 LA01/2017/0648/F 7 Lever Court, Portstewart	<b>Refuse</b>
	4.21 LA01/2017/1018/O Adjacent to 83 Tartnakilly Road, Limavady	<b>Refuse</b>
<b>5</b>	Development Management Performance	
	<b>5.1</b> Development Management and Enforcement Statistics from 1 April 2017 – 31 January 2018	<b>Note</b>
<b>6</b>	Development Plan	
	<b>6.1</b> Request to hold a Special Planning Committee Meeting	<b>Agreed 20 April 2018</b>
<b>7</b>	Correspondence	
	<b>7.1</b> Consultation on NI Planning Monitoring Framework	<b>Agree to the Head of Planning responding to Dfl</b>
<b>8</b>	Legal Issues	<b>Note Update</b>
<b>9</b>	Any Other Relevant Business	<b>None</b>



**MINUTES OF THE PROCEEDINGS OF THE RECONVENED MEETING OF  
THE PLANNING COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC  
HEADQUARTERS MONDAY 12 MARCH 2018 AT 6.00 PM**

**In the Chair:** Councillor M A McKillop

**Committee Members Present:** Aldermen: Cole, Finlay, S McKillop and Robinson  
Councillors: Fielding, Fitzpatrick, Hunter, McLaughlin, McCandless, P McShane and Nicholl

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

**In Attendance:**

M Howe	{ Item 4.12 and 4.17
M Little	{ Item 4.13
N Perry	{ Item 4.13
P Bradley	{ Item 4.14
S Bailey	{ Item 4.15
D Donaldson	{ Item 4.16
J Wilson	{ Item 4.18
R McPeake	{ Item 4.19

Public (3 No.)

## **CHAIR OF MEETING**

In the absence of the Alderman McKeown, Councillor M A McKillop assumed position of Chair.

### **1 APOLOGIES**

Apologies were received from Aldermen McKeown and King.  
Councillors Loftus and McCaul.

### **2 DECLARATIONS OF INTEREST**

Declarations of Interest were recorded for:

- Councillor Fielding - LA01/2016/1487/F (Minute Item 4.14), LA01/2016/1157/F (Minute Item 4.19)

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

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

- LA01/2016/1311/F – 70m West of 213 Baranailt Road, Limavady
- LA01/2017/1219/DC – 154 & 156 Lower Main Street, Portrush
- LA01/2016/1487/F - 60m NW of 76 Station Road, Garvagh
- LA01/2017/0111/O – 430m South West of 41 Dunamallagh Road, Ballycastle
- LA01/2017/0331/F – Bushfoot Road, Portballintrae
- LA01/2017/0908/F – Old Dreen Primary School, 339 Townhill Road, Rasharkin
- LA01/2017/0937/O – Land Adjacent to 94 Macfin Road, Ballymoney
- LA01/2016/1157/F – 36 Ballyrogan Road, Garvagh
- LA01/2017/0648/F – 7 Lever Court, Portstewart
- LA01/2017/1018/O – Adjacent to 83 Tartnakilly Road, Limavady

### 4 SCHEDULE OF APPLICATIONS

#### 4.12 LA01/2017/1311/F – 70m West of 213 Baranailt Road, Limavady

**App Type:** Full Planning  
**Proposal:** Proposed two storey dwelling with garage.

Report and site visit details circulated.

The Senior Planning Officer presented the report and made a recommendation to the Committee for consideration. She said that the application failed the characteristics in scale, mass and design.

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

The Chair invited M Howe, Agent to address the Committee in support of the application. Mr Howe stated that the reasons for refusal were subjective; other properties in area had higher ridge height; the proposed dwelling would be screened by trees and barely visible.

- \* Alderman McKillop joined the meeting at 6:12 pm.
- \* Alderman Robinson joined the meeting at 6:15 pm.

The Senior Planning Officer responded to points of clarification and queries from Members in relation to design and that the case officer and Principal Planning Officer had met with agent to discuss design.

Proposed by Alderman Finlay  
Seconded by Councillor Fitzpatrick

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

- The application was acceptable in principle
- Acceptable ridge height when taking account of ridge height of adjacent properties

The Chair put the amendment to the Committee to vote, 5 for, 2 against and 2 abstentions. The Chair declared the proposal to **APPROVE** the application carried.

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

#### **4.13 LA01/2017/1219/DC – 154 & 156 Lower Main Street, Portrush**

**App Type:** Discharge of Condition  
**Proposal:** Discharge of Archaeological Planning Condition 05 of Application Approval C/2012/0244/F.

Report circulated.

The Head of Planning advised that the Committee had decided at the 28 February 2018 Planning meeting to defer decision on the application to the reconvened meeting and that only those members present during discussions on this application at the meeting held on 28 February 2018 could enter into discussions and vote on this application.

The Head of Planning informed the Committee that she had spoken to staff who had been in contact with the applicant by phone or via email with regard to the application and relayed advice given.

Proposed by Alderman Finlay  
Seconded by Ald Robinson and

**AGREED** –that the Applicant be granted speaking rights.

The Chair put the proposal to the Committee to vote, 3 for and 2 abstentions. The Chair declared the proposal to grant speaking rights carried.

The Chair invited M Little, Applicant to address the Committee in support of the application.

M Little stated that the account given by the Head of Planning on meetings and telephone calls that he had with planning officials were in his opinion inaccurate. He stressed that he had been given advice to make a start on the site and felt he had followed the advice accurately.

Proposed by Alderman Finlay  
Seconded by Councillor Hunter and

**AGREED** – that the Agent be granted speaking rights.

The Chair put the proposal to the Committee to vote, 3 for and 2 abstentions. The Chair declared the proposal to grant the Agent speaking rights carried.

The Chair invited N Perry, Agent to address the Committee in support of the application.

Mr Perry confirmed that he had been with the Applicant on 2 occasions and overheard conversations with planning officials and corroborated what the applicant had advised.

**MOTION TO PROCEED ‘IN COMMITTEE’**

Proposed by Cllr Hunter  
Seconded by Cllr P McShane and

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

\* Public left the meeting at 6:45 pm.

The Head of Planning advised the Committee of timeline and content of emails between staff and the applicant. She responded to a number of queries on discharge of condition. Legal adviser commented on judgement and precedent.

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

Proposed by Alderman Finlay  
Seconded by Councillor Hunter and

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

- \* Public returned to the meeting at 7 pm.

The Principle Planning Officer responded to points of clarification and queries from Members in relation to works carried out and advised that work carried out to date included foundations, kerbs, disconnect of electricity and site being secured.

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

Proposed by Alderman S McKillop  
Seconded by Alderman Finlay

**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 and 8 and resolves to **GRANT** discharge of the condition for the following reasons:

- That sufficient works had been carried out to discharge the condition and these can be finalised prior to any other works taking place on site.

The Chair put the proposal to the Committee to vote, 3 for, 1 against and 1 abstention. The Chair declared the proposal to **GRANT** discharge of condition carried.

- \* Having previously declared an interest, Councillor Fielding left the meeting for the next agenda item.

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

**App Type:** Full Planning  
**Proposal:** Proposed replacement dwelling.

Report circulated.

The Senior Planning Officer presented the report and made a recommendation to the Committee for consideration. She advised the application was unacceptable on scale, design and lacked integration.

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

The Chair invited P Bradley, Agent to address the Committee in support of the application. Mr Bradley advised that the replacement dwelling was situated 90m from main road and was not visible due to the mature vegetation on site; the ridge height was smaller than those of surrounding properties. He also advised of application LA01/2016/0903/F which had been approved by Planning Committee which was similar in nature to current application.

Mr Bradley responded to questions from Members regarding previous planning decisions; vegetation at site and setting.

Proposed by Alderman Cole  
Seconded by Cllr P McShane to

**DEFER** for site visit and to receive information relevant to application LA01/2016/0903/F.

The Chair put the proposal to the Committee to vote, 7 for, 0 against and 3 abstentions. The Chair declared the proposal to **DEFER** carried.

Head of Planning clarified that Mr Bradley would be able to answer further questions from Members when the application comes back before the Committee for determination as this stage in the Format of the Planning Committee had not yet been complete.

\* Councillor Fielding re-joined the meeting.

#### 4.15 LA01/2017/0111/O – 430m South West of 41 Dunamallagh Road, Ballycastle

**App Type:** Outline Planning  
**Proposal:** Replacement Dwelling.

Report circulated.

The Senior Planning Officer presented the report and made a recommendation to the Committee for consideration. She responded to points of clarification and queries from Members regarding the relevant planning policy and advised that the existing structure does not exhibit the essential characteristics of a dwelling.

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

The Chair invited S Bailey, Agent to address the Committee in support of the application. Mr Bailey advised that the windows and doors were characteristics of a dwelling and that although there was no evidence of a fireplace, the fire could have been situated in the centre of the building before conversion to shed.

Mr Bailey responded to questions from Members in relation to census information and Griffiths Valuation.

Proposed by Councillor Fitzpatrick  
Seconded by Councillor McShane

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

- The dwelling has the characteristics of a building used in the past due to doors and windows.

The Chair put the proposal to the Committee to vote, 8 for 3 against and 1 abstention. The Chair declared the proposal to **APPROVE** carried.

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

#### **4.16 LA01/2017/0331/F – Bushfoot Road, Portballintrae**

**App Type:** Full Planning  
**Proposal:** Lands adjacent to public car park and approximately 10m east of No 53 Bushfoot Road Portballintrae.

Report, addendum and site visit details circulated.

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration. He said the development failed to meet the permitted exceptions allowed in the setting of the Giants Causeway and in addition ancillary development associated with the use of the building as a dwelling would fail to integrate.

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

**Addendum to the Recommendation** - that the Committee notes the content of this addendum and agrees with the recommendation to refuse as set out in paragraph 9.1 of the Planning Committee Report.

The Principal Planning Officer responded to questions from Members in relation to land ownership.

The Chair invited D Donaldson, Agent to address the Committee in support of the application. Mr Donaldson advised that approval of the application would give the building a new lease of life and in his view, the application complied with planning policy; this is a rigid interpretation of NAP policy and that only need to have regard to area plan; material considerations can outweigh policy; no operational policy for private amenity for barn conversions; can remove Permitted Development Rights; and to approve would result in positive contribution to landscape.

Mr Donaldson responded to questions from Members in relation to the impact a refusal would have on the area; history of the building;



amenity provision and land outlined in blue owned by Ross Sweeney.

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

Proposed by Councillor P McShane  
Seconded by Councillor Nicholl and

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

- \* Public left the meeting at 8:00 pm.

Members discussed the legal consideration of land outlined in blue on map circulated; ownership; and Right of Way.

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

Proposed by Councillor McShane  
Seconded by Councillor McLaughlin and

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

- \* Public re-joined the meeting at 8:05 pm.

Mr Donaldson responded to further questions from Members in relation to amenity space; ownership, the car park, and curtilage.

The Principal Planning Officer responded to points of clarification and queries from Members in relation to designated landscape Setting boundary; amenity and red line of application site.

The Head of Planning reminded the Committee of the requirement to be consistent in the implementation of planning policy in decision making.

Proposed by Alderman Finlay  
Seconded by Councillor Fielding

**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 and 8 and resolves to **APPROVE** planning permission for the following reasons.

- Consider that the conversation of the barn is acceptable in principle
- No policy requirement for private amenity space
- Proposed development would be an improvement to what currently on site

The Chair put the proposal to the Committee to vote, 6 for, 3 against and 2 abstention. The Chair declared the amendment to **APPROVE** carried.

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

- \* A recess was held from 8:40 – 8.50 pm.
- \* Councillor McCandless left the meeting at 8:40 pm.

#### **4.17 LA01/2017/0908/F – Old Dreen Primary School, 339 Townhill Road, Rasharkin**

**App Type:** Full Planning  
**Proposal:** Proposed economical replacement of existing primary school with a dwelling using design previously approved under LA01/2015/0754/F.

Report, addendum and site details circulated.

The Senior Planning Officer presented the report and made a recommendation to the Committee for consideration. She advised that the proposal was contrary to Para 6.73 of the Strategic Planning Policy for Northern Ireland and policy CTY1 and 3 of PPS 21.

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

**Addendum to the Recommendation** – that the Committee notes the contents of the addendum and agrees with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited M Howe, Agent to address the Committee in support of the application. Mr Howe advised that a previously

unknown problem regarding walls had been identified once work had commenced on site and to repair those would mean nothing of significant of the original building would be retained. He advised that it would not be economically viable to convert and extend.

The Principal Planning Officer responded to points of clarification and queries from Members in relation to previous permission by Planning Committee regarding replacement of Orange Hall; and structural report.

Proposed by Councillor Fitzpatrick  
Seconded by Councillor Fielding

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

- Current historic structure unsuitable for conversion and extension approved
- Precedent had already being set as outlined in para 8.10 of Planning Committee Report

The Chair put the proposal to the Committee to vote, 8 for, 1 against and 2 abstentions. The Chair declared the amendment to **APPROVE** carried.

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

#### **4.18 LA01/2017/0937/O – Land Adjacent to 94 Macfin Road, Ballymoney**

**App Type:** Outline Planning  
**Proposal:** Proposed replacement dwelling.

Report and addendum circulated.

The Senior Planning Officer presented the report and made a recommendation to the Committee for consideration. She advised the building did not exhibit the essential characteristics of a dwelling and the proposed access impacts on archaeological sites.

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

**Addendum to the Recommendation** – that the Committee notes the contents of the Addendum and with the exception of the archaeological issues, agrees with the recommendation to refuse as set out in paragraph 9 of the Planning Committee Report.

The Senior Planning Officer responded to questions from Members in relation to information submitted by the agent.

The Chair invited J Wilson, Agent to address the Committee in support of the application. Mr Wilson advised that there was evidence that the building was used as a residential dwelling in the past.

Mr Wilson responded to questions from Members in relation to use as a workshop; adaptations to building; characteristics of dwelling.

The Head of Planning reminded the Committee of the requirement to be consistent in the implementation of planning policy in decision making and reminded Members of previous decisions by Members to refuse a similar application.

Proposed by Alderman Cole  
Seconded by Cllr 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 section 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, 3 for, 2 against and 6 abstentions. The Chair declared the recommendation to **REFUSE** carried.

- \* Alderman S McKillop and Councillor Fielding left the meeting at 9:30 pm.

#### **4.19 LA01/2016/1157/F – 36 Ballyrogan Road, Garvagh**

**App Type:** Full Planning

**Proposal:** Proposed change of house and garage type with repositioning of dwelling and garage with increased curtilage, approved under extant planning approval C/2005/1272/F. Revocation of previous planning approval and removal of existing strip foundation laid under planning approval C/2005/1272/F.

Report, 2 addendums and site visit details circulated.

The Principal 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 section 7 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

**Addendums to the Recommendation** – that the Committee notes the contents of the Addendums and agrees with the recommendation to refuse, as set out in paragraph 9.1 of the Planning Committee Report.

The Principal Planning Officer responded to questions from Members in relation to flooding.

The Chair invited R McPeake, Agent to address the Committee in support of the application. Mr McPeake advised that the request to reposition the dwelling was due to building costs and it being a wet area. He said the applicant was willing to remove the existing foundations and would accept conditions on the current site. He also referred to PAC decision on similar site on change of house type.

Mr McPeake responded to questions from Members in relation to change of circumstances from grant of previous permission; only want one site and this application site has better ground conditions for building than previously approved site.

The Head of Planning advised Members of the option of considering a Section 76 Agreement to ensure only one dwelling built.

Proposed by Alderman Finlay  
Seconded by Councillor Fitzpatrick

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

- Section 76 Planning Agreement that only 1 application can be built on site.

The Chair put the proposal to the Committee to vote, 9 for 0 against and 0 abstentions. The Chair declared the amendment to **APPROVE** carried.

It was **AGREED** that the Section 76 Agreement, conditions and informatives would be delegated to Officers to insert in the decision notice.

\* Councillor Fielding re-joined the meeting.

#### **4.20 LA01/2017/0648/F – 7 Lever Court, Portstewart**

**App Type:** Full Planning  
**Proposal:** Proposed alteration to existing first floor window to provide patio doors and screen to access proposed first floor balcony at rear of dwelling.

Report and site visit details circulated.

The Principal Planning Officer presented the report and made a recommendation to the Committee for consideration. He advised that the proposal was out of keeping with character of the area by reason of design, scale and materials and was unacceptable due to overlooking and potential noise disturbance.

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

The Principal Planning Officer responded to questions from Members in relation to objections and balcony.

Proposed by Councillor P McShane  
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 section 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, 8 for and 2 abstentions. The Chair declared the recommendation to **REFUSE** carried.

#### **4.21 LA01/2017/1018/O – Adjacent to 83 Tartnakilly Road, Limavady**

**App Type:** Outline Planning  
**Proposal:** Proposed single dwelling to form part and round off a cluster in accordance with Planning Policy CTY 2A.

Report circulated.

The Senior Planning Officer presented the report and made a recommendation to the Committee for consideration. She advised that the proposal would result in ribbon development and suburban build-up.

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

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 section 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, 6 for, 2 against and 2 abstentions. The Chair declared the recommendation to **REFUSE** carried.

## **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.

The number of applications received in December dropped to 91 applications. This was likely attributed to the holiday period. Staff issued 87 planning application decisions, plus 2 Non Material Change applications and 3 Proposal of Application Notice (PAN).

Resources continue to be targeted to reduce the over 12 month applications. The weekly monitoring of figures continues and staff are conscious of the need to prioritise their efforts in this area of work. The breakdown of over 12 months applications shows that while the number of applications over 18 months has remained relatively static, the number of 12 and 18 months has increased. An Action Plan for 2017/18 has been implemented and additional staff resources are currently being recruited. It will take time for all staff to be appointed and substantive progress in this area is unlikely to be realised until quarter 4. The Action Plan is currently subject to review.

From April 2017, 9 out of 40 referral recommendations have been overturned by the Planning Committee.

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

**AGREED** - that the Planning Committee note the update on the Development Management statistics.

## **7. DEVELOPMENT PLAN**

### **7.1 Request to Hold a Special Planning Committee Meeting in April 2018**

Members was reminded to the detailed work being carried out by Council's Planning Department in relation to the preparation of its Local Development Plan (LDP).

Members had been presented with 14 discussion papers covering a range of LDP topics. Numerous Member workshops, LDP Steering



Group and LDP Project Management Group meetings have also taken place. These events identified the main issues affecting the Borough and the alternative options for dealing with such issues.

Currently all the information is being pulled together and will be progressing towards the publication of the Preferred Options Paper (POP) and its associated documents in June of 2018.

Under the current Scheme of Delegation, the Planning Committee has the powers to approve the contents of the Preferred Options Paper and associated documents prior to its publication in June.

Members will be issued with a large volume of information. There would not be sufficient time to discuss if the POP were to be presented in line with the normal agenda at the monthly Planning Committee meeting. It is therefore considered necessary to hold a separate Special Planning Committee meeting to allow for proper and detailed discussion.

Two possible dates for consideration are Monday 16 April at 7 pm or Friday 20 April at 2.00 pm.

**It is recommended** – that Members agreed to hold a Special Planning Committee Meeting on one of the dates detailed in the report to agree the contents and publication of the Council's Local Development Plan: Preferred Options Paper (POP) and associated documents.

Proposed by Cllr Hunter  
Seconded by Cllr McLaughlin

**Amendment** - that Members agreed to hold a workshop and Special Planning Committee Meeting Friday 20 April 2018 to agree the contents and publication of the Council's Local Development Plan: Preferred Options Paper (POP) and associated documents. Workshop to commence at 3 pm and Special Planning Committee to commence at 4.30 pm

The Chair put the proposal to the Committee to vote, 5 for 2 against and 1 abstention. The Chair declared the amendment carried.

## **8. CORRESPONDENCE**

### **8.1 Consultation on NI Planning Monitoring Framework**

The Planning Committee received a report previously circulated which outlined that DfI had commissioned the Head of Planning at Monmouthshire Council to work with the 11 Planning Authorities to devise and agree a set of indicators for planning in order to develop a Planning Performance Monitoring Framework circulated. The objective was to make recommendations for a framework to measure performance in a proportionate and meaningful way and to use the data collected to help drive service improvements.

The Framework is an ongoing piece of work that Planning Committee provided comment on previously. This Framework has taken account of some of the previous comments received.

It is intended to commence monitoring from 1 April 2018 with the first quarterly report being issued after June for internal purposes only. DfI will publish quarterly reports to Councils to input data collated by Council and agree content of the reports. It is proposed that these additional performance targets will form part of the published official statistics and will be used annually by DfI within an overall NI-wide planning report.

Further to Council's letter of 27 September 2017, DfI have amended the indicators to take account of the main points raised. However, there remain a couple of points of note.

The amended performance Monitoring Framework has introduced a year annotation to Indicators 1 and 2. There is no explanation to what these bracketed years refer to and there is no justification as to why they are required. Therefore, reference to years should be removed.

It is acknowledged and welcomed that account has been taken of the submission of Environmental Statements under Indicator 3.2. However, the time to process should not be calculated from the date the application is valid but rather from date the Environmental Statement (ES) or submission of Further Environmental Information (FEI) is received.

Furthermore, this should not be restricted to the major category of planning applications as it is equally applicable to the local category of planning applications which may also be ES applications.

Therefore, a similar Indicator to 3.2 should be included for the local

planning applications again time commencing from date ES or FEI received.

**It is recommended** – that the Committee agrees to the Head of Planning responding to DfI welcoming the changes made to the Framework and requesting further consideration of:

- Indicator 1: Removal of reference to year in brackets
- Indicator 2: Removal of reference to year in brackets
- Indicator 3.2: Should read ‘Average time taken to determine major applications requiring an environmental statement from date Environmental Statement / Further Environmental Information received to decision or withdrawal’
- Indicator 4: include indicator for local applications similar to amended 3.2 for major applications.

Proposed by Councillor Hunter

Seconded by Councillor McLaughlin and

**AGREED** - that the Committee agrees to the Head of Planning responding to DfI welcoming the changes made to the Framework and requesting further consideration of:

- Indicator 1: Removal of reference to year in brackets
- Indicator 2: Removal of reference to year in brackets
- Indicator 3.2: Should read ‘Average time taken to determine major applications requiring an environmental statement from date Environmental Statement / Further Environmental Information received to decision or withdrawal’
- Indicator 4: include indicator for local applications similar to amended 3.2 for major applications.

## **9. LEGAL ISSUES**

Council’s solicitor updated Members of the status of Judicial Review proceedings which have been issued against Council and indicated that a further update would be provided in due course.

## **10. ANY OTHER RELEVANT BUSINESS (NOTIFIED IN ACCORDANCE WITH STANDING ORDER 12 (O))**

There was no other relevant business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 10:15 pm.

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Chair