

PLANNING COMMITTEE WEDNESDAY 17 APRIL 2019

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	<i>Councillor McCaw</i>
2.	Declarations of Interest <ul style="list-style-type: none"> Councillor Fielding in LA01/2017/0596/F 	<i>Note in Register</i>
3.	Minutes of Planning Committee Meeting held Wednesday 27 February 2019	<i>Confirmed</i>
4.	Minutes of Planning Committee Meeting held Wednesday 27 March 2019	<i>Confirmed</i>
5.	Order of Items and Confirmation of Registered Speakers/Applications Withdrawn and Site Visit Requests	<i>Agreed</i>
	LA01/2018/0339/O 158m South East of 243 Garryduff Road, Dunlop	<i>Defer to June Meeting</i>
	LA01/2018/1400/F 13 Lisnamuck Road, Blackhill, Garvagh	<i>Withdrawn from Schedule due to submission of amended plans</i>
	LA01/2018/1167/F Lower Level of Promenade Opposite No. 62 The Promenade, Portstewart	<i>Withdrawn from Planning System</i>
6.	Schedule of Applications	
6.1	Objection - LA01/2018/0456/F Lands at Loreto College, Castlerock Road, Coleraine	<i>Approve</i>
6.2	Referred - LA01/2018/1209/O	<i>Disagree and Approve</i>

	Land approx. 50m East of 57a Drumavoley Road, Ballycastle	
6.3	Referred - LA01/2017/0765/F 80m North of 6 Burrenmore Road, Castlerock	<i>Disagree and Approve subject to amended plans and bio diversity report</i>
6.4	Major - LA01/2018/0955/F Old Bushmills Distillery, 2 Distillery Road, Bushmills	<i>Approve</i>
6.5	Referred - LA01/2018/1325/HSC Old Bushmills Distillery, 2 Distillery Road, Bushmills	<i>Consent</i>
6.6	Major – LA01/2018/1151/F Lands 600m South of 175 Gelvin Road and East of American Road, in Townlands of Evishagaran and Cruckanim approximately 5.5 km East of Dungiven	<i>Approve</i>
6.7	Major – LA01/2017/1250/F Lands of former Market Yard located to rear of no's 43-79 Catherine Street and rear of nos. 24-48 Linenhall Street and bounded by the River Roe to the West, Limavady	<i>Approve</i>
6.8	Referred - LA01/2017/1523/F Land opposite 79 Portstewart Road, Coleraine	<i>Disagree and Approve subject to amended plans</i>
6.9	Referred - LA01/2017/0596/F Land situated SE of 2 Mulberry Gardens, south of Burn Road and east of Dane's Hill Road, Coleraine	<i>Defer for Submission of Amended Plans</i>
6.10	Referred - LA01/2018/0224/F 50m South of 32 Glassmullen Road, Glenariffe	<i>Disagree and Approve</i>
6.11	Referred - LA01/2018/0910/F 485m NW of 95 Carnamuff Road, Ballykelly	<i>Defer for Site Visit</i>
6.12	Objection - LA01/2018/0311/F Fern House 1a Adelaide Avenue Coleraine	<i>Approve</i>
6.13	Objection LA01/2017/1005/F – Lands Abutting and South of 9-12 Princess Gardens, Cloughmills	<i>Defer for Site Visit</i>

7.	Development Management Performance <ul style="list-style-type: none"> Update on Development Management and Enforcement Statistics 01/04/18 – 31/03/19 	Noted
8.	Correspondence <ul style="list-style-type: none"> Department for Infrastructure – Planning Monitoring Framework Department of Agriculture, Environment and Rural Affairs - Update of the Register of European Sites for North Channel Special Area of Conservation 	Noted
9.	Legal Issues <ul style="list-style-type: none"> Knox JR Judgement 29.03.2019 	Verbal Update
10.	Notice of Motion proposed by Councillor McGurk, seconded by Councillor McGlinchey referred from 26 March 2019 Council Meeting <i>'This Council opposes plans to develop a goldmine and processing plant in the Sperrins and wider region. Given the serious health and environmental risks involved, this council is opposed to the use of cyanide for mining purposes, which also contravenes the European Parliament resolution of 27 April 2017 on the implementation of the Mining Waste Directive (2006/21/EC).'</i>	Note concerns and defer to Council Meeting June 2019
11.	Any Other Relevant Business	None

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 17 APRIL 2019 AT 2.00PM**

- In the Chair:** Alderman Blair
- Committee Members Present:** Aldermen Cole, Finlay, King, McKeown and Robinson.
Councillors Baird, Fielding, Hunter, Loftus,
McGurk, McKillop MA, McLaughlin, P McShane
and Nicholl
- Officers Present:** D Dickson, Head of Planning
S Mathers, Development Management &
Enforcement Manager
J Lundy, Senior Planning Officer
E Hudson, Senior Planning Officer
J McMath, Senior Planning Officer
M Wilson, Senior Planning Officer
E McCaul, Committee & Member Services Officer
D Allen, Committee & Member Services Officer
- In Attendance:** A Gillan, Department for Infrastructure, Roads (DfI)
- Registered Speakers:** N Mitchell and Rev McKelvey, L Hannigan, M
McKenna, M James, S Tomlinson, J Dallat MLA, M
Bradley MLA - LA01/2018/0456/F
S McHenry – LA01/2018/1209/O
M Howe – LA01/2017/0765/F
C Egan, P Glackin, H Harrison – LA01/2018/0955/F
and LA01/2018/1325/HSC
L McLaughlin, P McGrath, T Fraser –
LA01/2018/1151/F
E Loughrey – LA01/2017/1250/F
G Montgomery – LA01/2017/1523/F
D Thompson, M Bradley MLA – LA01/2017/0596/F
G Lyons MLA, K & E Graham – LA01/2018/0224/F
D Graham, J Devine – LA01/2018/0910/F
O Quigg – LA01/2018/1400/F
- Public (25 No.)

1. APOLOGIES

Apologies were recorded for Councillor McCaw.

2. MINUTES OF MEETING HELD WEDNESDAY 27 FEBRUARY 2019 & RECONVENED MEETING HELD MONDAY 4 MARCH 2019

Proposed by Councillor Hunter
Seconded by Alderman Cole

- That the Minutes of Meeting held 27 February 2019, reconvened to Monday 4 March 2019 be confirmed as a correct record.

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 1 Member abstained. The Chair declared the proposal to confirm the minutes carried.

3. MINUTES OF MEETING HELD WEDNESDAY 27 MARCH 2019 & RECONVENED MEETING HELD MONDAY 4 APRIL 2019

Proposed by Alderman King
Seconded by Councillor Baird

- That the Minutes of Meeting held 27 March 2019, reconvened to Monday 4 April 2019 be confirmed as a correct record.

The Chair put the motion to the Committee to vote. 13 Members voted for 0 Members voted against and 2 Members abstained. The Chair declared the proposal to confirm the minutes carried.

4. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

- Councillor Fielding in LA01/2017/0596/F – Lands situated SE of 2 Mulberry Gardens, South of Burn Road and East of Dane’s Hill Road, Coleraine.

5. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Head of Planning advised of the following:

- LA01/2018/1400/F, 13 Lisnamuck Road, Blackhill, Garvagh had been withdrawn from the schedule due to submission of amended plans.
- LA01/2018/1167/F, lower level of Promenade opposite No. 62 The Promenade Portstewart had been withdrawn from the planning system.

Proposed by Alderman Finlay
 Seconded by Councillor Loftus

- That Item 6.13 LA01/2017/0339/O be deferred until the June Planning Committee meeting.

The Chair put the motion to the Committee to vote. 13 Members voted for 0 Members voted against and 2 Members abstained. The Chair declared the proposal to defer the application carried.

AGREED – to receive the Order of Business as follows:

- LA01/2018/0456/F – Lands at Loreto College, Castlerock Road, Coleraine.
- LA01/2018/1209/O – Land approximately 50m East of 57a Drumavoley Road, Ballycastle.
- LA01/2017/0765/F – 80m North of 6 Burrenmore Road, Castlerock.
- LA01/2018/0955/F – Old Bushmills Distillery, 2 Distillery Road, Bushmills.
- LA01/2018/1325/HSC – Old Bushmills Distillery, 2 Distillery Road, Bushmills.
- LA01/2018/1151/F – Lands 600m south of 175 Gelvin Road and east of American Road in townlands of Evishagaran and Cruckanim approximately 5.5km east of Dungiven.
- LA01/2017/1250/F – Lands of former Market Yard located to rear of No's. 43-79 Catherine Street and rear of no's 24-48 Linehall Street and bounded by the River Roe to the West, Limavady.
- LA01/2017/1523/F – Lands opposite 79 Portstewart Road, Coleraine.
- LA01/2017/0596/F – Lands situated SE of 2 Mulberry Gardens, South of Burn Road and East of Dane's Hill Road, Coleraine.

- LA01/2018/0224/F – 50m South of 32 Glassmullen Road, Glenariffe.
- LA01/2018/0910/F – 485m NW of 95 Carnamuff Road, Ballykelly.
- LA01/2018/0311/F – Fern House 1a Adelaide Avenue, Coleraine.
- LA01/2017/1005/F – Lands abutting and South of 9 – 12 Princess Gardens, Cloughmills.

Prior to discussing items on the schedule, the Head of Planning reminded Members that those who had requested a site visit could not be allowed to vote if they had not been at the site visits.

6. SCHEDULE OF APPLICATIONS

6.1 Objection LA01/2018/0456/F – Lands at Loreto College, Castlerock Road, Coleraine (Agenda Item 6.8)

Planning Committee Report, Erratum, Addendum 1, 2 and 3 and Site Visit Report circulated and presented by the Development Management & Enforcement Manager S Mathers.

The Development Management & Enforcement Manager reminded Members that this application had been previously presented to Planning Committee at the December meeting and was deferred for submission of a Traffic Management Plan.

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

Addendum 1, 2 and 3 Recommendation – that the Committee note the contents of this Addendum and agree with the recommendation to **APPROVE** as set out in paragraph 9.1 of the Planning Committee Report.

The Development Management & Enforcement Manager advised that the applicant intended to submit a further planning application for a package of on-site and off-site works to address issues such as local congestion, unregulated parking and safety conflicts arising during peak times. A letter was issued to local residents on 9 April citing the intention

of the applicant to submit a further planning application to address such matters.

The Development Management & Enforcement Manager described the site and its context for development of 6 no. modular classrooms in two single storey blocks, 31 no. car parking spaces, gas tank with surrounding enclosure, alterations to the existing internal road and associated landscaping on lands at Loreto College.

The Development Management & Enforcement Manager outlined that following the closure of St Joseph's School, there would be an increase in pupils attending Loreto College and 17 additional members of staff. He said that the additional car parking for staff would not be visible from Castlerock Road and that HED were content that the proposal would have no greater demonstrable harm on the setting of Loreto Convent, Chapel and Gate Lodge as the listed buildings have sufficient presence to remain unaffected by the application.

The Development Management & Enforcement Manager advised that the site falls within the settlement of Coleraine as identified in the Northern Area Plan and within the Loreto College LLPA, however the proposed development would be located in a position which was far enough removed from the existing mature deciduous trees on site. He said that the proposal included 16 new mature trees which would add to the LLPA.

The Development Management & Enforcement Manager highlighted the following:

- The nearest dwelling was 160m away from the college and Environmental Health had been consulted regarding any potential noise issues.
- Objections were made with regard to parking and congestion. However, the access to the site does not require amendment to facilitate the proposed development. DfI Roads have been consulted and have not raised any issues subject to conditions and informatives.
- The Travel Management Plan included a number of measures to encourage walking/cycling to school; use of public transport and car sharing and included traffic issues. Neighbours and objectors had been notified of the Travel Management Plan and further objections had been received as detailed in Addendum 2. He further advised

that DfI Roads had been consulted on the Travel Management Plan and had raised no concerns.

In conclusion, the concept of the development is considered acceptable on a site which already has many buildings used for educational purposes. The scheme would not impact on residential amenity or have impact in terms of noise disturbance. Historic Environment Division has stated that the proposed development would have no impact on built heritage features on site. The development would not have a negative impact on the character of Loreto College LLPA and would enhance this protected location with the inclusion of 16 mature trees and hedging. The design is considered acceptable in the context of the site and the scheme would have a minimal impact on existing amenity provision on site. The letters of objection and support have been considered and on balance the proposed scheme is considered acceptable subject to conditions. Approval is recommended.

In response to questions from Members, the Development Management & Enforcement Manager advised that it was difficult to ascertain whether the letters of support were from local addresses as a number had only provided email addresses, however those that had provided addresses were from the Coleraine area. He advised that the Travel Management Plan contained elements of traffic management within it.

The Chair invited N Mitchell and Rev McKelvey to address the Committee in objection to the application.

N Mitchell outlined that the application had been previously deferred for the submission of a Traffic management Plan and a Travel Management Plan has been submitted instead. He states that there had been no consultation with residents on the Travel Management Plan. He advised that the plan was aspirational and the initiatives put forward were short term solutions. He was of the view that the letter received from the school principal regarding safety works did not provide detail. He stated that DfI have no objection to the development but is aware of the 2nd application to address safety concerns and queried why the safety concerns are not addressed through this application and suggested the application is held until details are known.

Rev. McKelvey pointed out that the reason for him speaking was due to his background in education and that he was supportive to a reduction in the speed limit from 40 to 30 mph. He stated that the most important element is the safety of the pupils and that it is very lucky that there have been no victims on this road. He suggested that all parking around the

school should be off-road, would insist that DfI Roads install traffic lights at the college and to have a pedestrian crossing in place.

In response to Members' questions the following points were made:

- Coleraine Grammar School provided car parking for senior pupils.
- A good drive and drop facility was needed.
- Sensible answers were needed to help the school.
- Children should not be exposed to danger.
- Traffic would increase on the back road from Limavady.
- Hazlett Primary School in Castlerock was an example of good road practices as they had flashing lights and reduced speed limits.
- There was no consultation with the residents since August 2018 by the applicant. Only letter 3 weeks ago from school principal.
- The devil was in detail of the Traffic Management Plan and second application should be linked to this application.
- The consultation on the Traffic Management Plan was carried out by Planning and details of the plan were set out in the website. Notification letters were sent to all objectors with regard to the Traffic Management Plan.
- Rev. McKelvey tried not to be in the area of the school at peak times but advised on Monday there was almost an accident.
- Often cars park on the right hand side of the road and passengers disembark onto the flow of traffic.
- The road leading to the school was the busiest in Coleraine.

Alderman King indicated that he knew the area well and that he had received a number of complaints about potential delays in getting to work and taking children to school. It was pointed out that this interest should have been declared.

* **Alderman King left the meeting at 2.50pm.**

The Chair invited L Hannigan and M McKenna, Agents; M James, Principal and S Tomlinson, Transport Engineer to address the Committee in support of the application.

L Harrigan outlined that the additional classrooms were needed due to the closure of St. Josephs College and subsequent intake of pupils to

Loreto College. He said that pupils and staff had inputted into the Travel Management Plan and DfI Roads had no objection to the development. He advised that a team had been appointed to proactively engage on matters outside of this application and a further application would be submitted around May 2019 with a view to carrying out works in January 2020. He advised that the comments made by residents had been taken into account. He welcomed the recommendation to approve the application highlighting the critical importance of the additional rooms to accommodate further pupils who would otherwise be placed in schools outside the Coleraine area.

Mr James stated that there were measures within the Traffic Management Plan to encourage safety habits. He advised that the points made by the objectors had been listened to and assured Members that the health and safety of pupils is of paramount importance to the school. He stated that he would not be looking for planning permission if health and safety impacts had not been considered. He was not aware of any accidents outside the school in over 30 years. He advised that he has listened to the concerns and has been able to secure funding to complete the works subject to the second application to be submitted; they are engaging with DfI roads on 20mph speed limit. He emphasised the need for the proposed accommodation for the new school year.

In response to questions from Members, speakers in support of the application made the following points:

- School Principal is on Castlerock Road at 9 am and 3:15 pm and did not perceive that the flow of traffic was any different from outside Coleraine Institute.
- Share concerns regarding speed limits but that is a matter for DfI roads and not the school. They have met with DfI Roads who are monitoring the speed on the Castlerock Road.
- Letter to residents from School Principal was only able to be sent after the Department had confirmed the funding for the travel management works; the works are not therefore aspirational but are not required for this application.
- Residents had been consulted on two separate occasions – 21 March and 2 August 2018. Consultation on Travel Management Plan was through the Planning system.
- Travel Plan submitted rather than traffic plan as it better addresses the issues within the control of the school and traffic management within the school is very good.

- Almost 2/3 of pupils coming to the school via bus.

Members put a number of questions to A Gillen from DfI Roads Division on details of the Traffic Management Plan. A Gillen that DfI Roads consider the proposed development to be acceptable. He advised that he has read the Travel Plan.

The Chair invited J Dallat MLA and M Bradley MLA to address the Committee in support of the application.

J Dallat MLA pointed out that he was a teacher of Road Traffic Studies and that everything possible had been done to address the objectors concerns and to delay approval of the application would mean the College had to defer further submissions. He advised that he has been at the school at 9am but infrastructure improvements to the road network are outside of the control of the school. He pleaded with the Committee to approve the additional classrooms.

M Bradley MLA outlined the serious implications of not granting planning permission. Other issues relating to the Castlerock Road need to be looked at separately.

Proposed by Councillor Loftus

Seconded by Councillor P McShane

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

In response to Councillor Baird, the Head of Planning said that a condition of traffic safety issues would not meet the tests of a condition in terms of reasonable, necessary for the application and that the Committee must decide based on information circulated. She also explained that the Travel Management Plan had an element of Traffic Management Plan within it.

The Chair put the motion to the Committee to vote. 11 Members voted for, 1 Member voted against and 2 Members abstained. The Chair declared the motion to **APPROVE** carried.

* **A recess was held 3.50pm – 4.08pm.**

6.2 Referred LA01/2018/1209/O – Land approximately 50m east of 57A Drumavoley Road, Ballycastle (Agenda Item 6.5)

Planning Committee Report, site visit report and Addendum circulated and presented by the Senior Planning Officer E Hudson.

The Senior Planning Officer described the site and its context within the countryside as identified in the Northern Area Plan and within the Antrim Coast and Glens Area of Outstanding Natural Beauty. She advised that the key policy consideration for a dwelling within a cluster is under policy CTY2a; policies CTY13 and CTY14 of PPS21 also apply. She provided a Verbal Addendum advising that the Agent had submitted additional information with regard to visual assessment and traditional buildings being on site.

The Senior Planning Officer outlined to Members the policy content and amplified the reasons for refusal that there was no policy support for the proposal under SPSS, policies CTY2a, CTY13, CTY14 of PPS21 and policy NH6 of PPS2. She said that the site was not bound on at least 2 sides; there was no focal point and it visually intrudes into the open countryside. She added that the site would look prominent and out of place; the pattern of development was linear in form on opposite side of the laneway.

Refusal is recommended for the reasons set out in section 10 of the Planning Committee Report.

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

Addendum Recommendation - that the Committee notes the contents of the Addendum and agrees with the recommendation to **REFUSE**, as set out in paragraph 10.1 of the Planning Committee Report.

The Chair invited S McHenry, Agent to address the Committee in support of the application. The Agent made the following points:

- There were no objections to the proposal.
- The application was supported by Councillor C McShane and M Storey MLA.

- The proposal is visually obscured and the cluster reads as a single entity. It is bound on three sides by mature vegetation with steeply rising land to rear.
- Ballycastle Forest Part is the focal point and under PPS21, the list of focal points was not exhaustive.
- Little weight was given to views of Elected Members.
- There were 4 existing houses and the policy allowed 6.
- He disagreed that the site lacked natural boundaries and was negligible to AONB when viewed from public vantage points.
- The proposal is bound on two sides and a pragmatic interpretation of policy is required. The proposed development is acceptable and policy compliant.
- The recommendation to refuse should be overturned.

In response to questions asked by Members S McHenry advised that the site sits centrally in the cluster with minimal impact on the landscape and dense mature trees around three sides.

In response to questions asked by Members the Senior Planning Officer advised that Ballycastle Forest was not considered to be a focal point for the proposed development under CTY2A. Furthermore, the site is not bound on 2 sides by development within a cluster, and extends development out into the countryside. She referred to a PAC decision which states that a laneway is not development for the purposes of CTY2A. She further advised that the SPPS is silent on the criteria for the development to be bound on 2 sides by other development in the cluster however, it is contained within PPS21 policy CTY2A. She further advised and showed photos in the visual slide show presentation of the boundaries of the application site showing post and wire fencing.

Proposed by Councillor P McShane
Seconded by Councillor McLaughlin

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

- *It was recognised that the site integrates the landscape*
- *Critical views from Glenshesk Road clearly shows site clustering and looks more naturally clustered*

- Ballycastle Forest is considered to be a focal point under policy CTY2
- *Strong natural boundaries, screening and topography assist the site integrating into the landscape of AONB*

In response to query over probity, the Member was advised that it was a matter for each Member to consider under the Code of Conduct for Councillors.

The Chair put the motion to the Committee to vote. 5 Members voted for, 4 Members voted against and 5 Members abstained. The Chair declared the motion to **APPROVE** carried.

AGREED - that the conditions and informatives to be delegated to Officers.

* **Alderman Finlay left the meeting at 4.35pm.**

6.3 Referred LA01/2017/0765/F – 80m North of 6 Burrenmore Road, Castlerock (Agenda Item 6.6)

Planning Committee Report, site visit report and Addendums 1 and 2 previously circulated and presented by Senior Planning Officer E Hudson.

The Senior Planning Officer described the site and its context for proposed conversion and reuse of a former concrete reservoir into a private residential dwelling, 80m north of 6 Burrenmore Road, Castlerock.

The Senior Planning Officer advised that a site visit had been held on the application earlier in the day. She advised that the site is located in the rural area as defined by the Northern Area Plan and within Binevenagh Area of Outstanding Natural Beauty. She outlined policy content and amplified the reasons for refusal under SPPS, PPS21 policy CTY4 and PPS2. She said that the proposed building was largely underground and not considered locally important. The extension work to the proposal is not considered sympathetic to the existing building and would not maintain or enhance the form. It is contrary to PPS 2 as it may cause harm to protected species and it is not sympathetic to the AONB. DEARA has also requested a preliminary ecological appraisal.

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

The Senior Planning Officer advised that Addendum 1 provided an update on amended Site Access Plan and Dfl Road had offered no objection to the proposal in relation to road safety, with the inclusion of a number of Conditions and Informatives.

Addendum 1 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 report.

The Senior Planning Officer referred to Addendum 2 attached to the report in which the Agent submitted a brochure for the sale of a converted reservoir to dwelling in the Hillsborough area. She said it would appear that the site due to its elevated location and steep grass embankment is visible from above ground and would feature in local landscape.

Addendum 2 Recommendation - that the Committee notes the contents of the Addendum and agree with the recommendation to refuse as set out in Section 9 and 10 of the Planning Committee Report.

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

- The amended plan submitted resolved concerns on road safety and the reason for refusal based on road safety has been removed.
- One of the criteria of policy CTY4 is that the building must be locally important. The site is well screened and public perception is not significant and referred to PAC decision.
- Other criteria of policy CTY4 is that the extension must enhance the existing building. The proposed development will look like a completely new building on the site as the existing building is underground.

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

The Agent advised that the applicant wanted to convert an abandoned building to a family home and was willing to work with planning officials on getting the application approved; this conversion was similar to the one completed in Hillsborough which has set a precedent as it was assessed under the same policy and to recommend refusal was wrong. He stated that the building was locally important as it supplied water to the local area and this was more important than an old barn and urged the Planning Committee to agree the principle and send this back to officers to resolve design and environmental issues.

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

- A meeting had taken place with planning officials on scale and design but the principle was not considered acceptable.
- The applicant will be more than happy to revise the design if principle accepted.
- The conversion in Hillsborough was less than the proposal in terms of design and scale.

In response to questions from Members the Senior Planning Officer advised that the reservoir structure is considered a building and referred to para. 8.8 of the Planning Committee Report. She advised that the existing building is largely underground and therefore not considered to be locally important under policy CTY4. She referred to a PAC decision regarding this issue and referred to Addendum 2 which references the Hillsborough case.

* **D Allen Committee and Member Services Officer joined the meeting at 4.50pm.**

Proposed by Alderman Robinson
Seconded by Councillor Nicholl

– that the Committee had 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 submission of amended plans are submitted on satisfactory design and submission of a biodiversity checklist, for the following reasons:

- Supply of water is a basic human right and therefore makes this building to be of significant local importance to the area

- The site is well screened and a suitably designed building will integrate into the landscape.
- Submission of biodiversity checklist can address concerns on protected species.

The Chair put the motion to the Committee to vote. 14 Members voted for, 0 Members voted against and 0 Members abstained. The Chair declared the motion to **APPROVE** carried unanimously.

- * **Alderman Finlay re-joined to the meeting at 5.03pm.**
- * **Alderman Cole left the meeting at 5.03pm.**
- * **Alderman McKeown left the meeting at 5.03pm.**
- * **Councillor P McShane left the meeting at 5.03pm.**
- * **E McCaul Committee and Member Services Officer left the meeting at 5.03pm.**

6.4 Major LA01/2018/0955/F – Old Bushmills Distillery, 2 Distillery Road, Bushmills (Agenda Item 6.1)

Planning Committee Report, Addendum and Erratum circulated and presented by the Development Management & Enforcement Manager S Mathers.

The Development Management & Enforcement Manager described the site and setting for proposed new distillery facility, including boiler house, cooling equipment and barrel store at Old Bushmills Distillery. He stated that this is a major planning application and a Pre Application Notice and Pre Application Community Consultation report had been submitted as required under legislation. He advised that the site is within the settlement of Bushmills on an area zoned for economic development as identified in the Northern Area Plan 2016. He also provided Members, via Powerpoint, with a drawing of the proposed South elevation and the superseded South elevation and informed Members of the economic benefits to the area. He advised that a Visual Impact Assessment and Air Quality Impact Assessment had been submitted.

Having taken into account the expert advice from the consultees, including impact on the setting of the listed buildings and conservation area and given the scale and location of the development on the site and the nature of the operations, it is not considered to have a significant effect on or to the relevant receptors such as soil, water, flora, fauna and the residential population. The proposed development is considered acceptable in this location having regard to the area plan and other

material considerations. The development is an appropriate use of the land and is acceptable in terms of its layout and appearance. All other matters can be secured by planning condition. The application is recommended for approval with conditions as set out within the report.

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

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

Committee sought clarification from the Speakers as to whether they wished to speak on the application. C Egan, P Glackin and H Harrison Agents withdrew their requests to speak.

Proposed by Alderman Robinson
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 **GRANT** planning permission subject to the conditions and informatives set out in section 10.

The Chair put the motion to the Committee to vote. 11 Members voted for, 0 Members voted against and 1 Member abstained.

The Chair declared the motion to **GRANT** carried.

6.5 Referred LA01/2018/1325/HSC – Old Bushmills Distillery, 2 Distillery Road, Bushmills (Agenda Item 6.2)

* **Councillor Baird left the meeting at 5.10pm.**

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

He described the site and context on application by Old Bushmills Distillery seeking permission to store a total of 70, 697.4 tonnes of hazardous substances at its premises at Distillery Road, Bushmills.

He advised that the site is within the settlement of Bushmills on an area zoned for economic development as identified in the Northern Area Plan 2016. He advised that the HSC application relates to the whole of the Old Bushmills Distillery site and is a reduction in the level of alcohol to be stored at the site. He advised that no objections had been received to the application.

In conclusion, having taken into account the expert advice from the competent consultees listed, the proposed granting of consent is considered acceptable in this location having regard to the regulations, Area Plan and other material considerations. The consent is for a development which is an appropriate use of the land and is acceptable in terms of its layout and appearance. Recommendation is approval with conditions as set out within the report.

Recommendation – that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 & 8 and resolves to provide **CONSENT** subject to the conditions and informatives set out in section 10.

Committee sought clarification from the Speakers as to whether they wished to speak on the application. C Egan, P Glackin and H Harrison Agents withdrew their requests to speak.

Proposed by Councillor Hunter
Seconded by Councillor Loftus

- that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 & 8 and resolves to provide **CONSENT** subject to the conditions and informatives set out in section 10.

The Chair put the motion to the Committee to vote. 10 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion to **CONSENT** carried.

* **Councillor Fielding re-joined the meeting at 5.11pm.**

6.6 Major LA01/2018/1151/F - Lands 600m South of 175 Gelvin Road and East of American Road in Townlands of Evishagaran and Cruckanim, Approximately 5.5pm East of Dungiven (Agenda Item 6.3)

Planning Committee Report and Addendum circulated and presented by Development Management & Enforcement Manager, S Mathers.

The Development Management & Enforcement Manager stated that this is a major planning application and a Pre Application Notice and Pre Application Community Consultation Report had been submitted as required under legislation. He described the site and its context for proposed amendment to the overall tip height of the consented Evishagaran Wind Farm (B/2013/0120/F/ 2014/A0169) to a maximum tip height of 140m; this includes blade length of between 45m and 56m and hub heights of between 72.5m and 100m; with capacity up to 48.3MW. No other amendments are proposed.

Members viewed Powerpoint slides showing views from the Gelvin Road, Kilhoyle Road and Glenshane Pass.

The Development Management & Enforcement Manager informed Members that one objector had withdrawn their objection as detailed in the Addendum previously attached. He also informed Members that a further objection had been received at 2pm, just prior to the commencement of the Planning Committee Meeting, relating to the Habitats Regulation Assessment which he claimed had not included the Gelvin River.

The Development Management & Enforcement Manager stated that this was incorrect as the Habitats Regulation Assessment relied on the environmental statement of 2013 application and Further Environmental information had been received to update the landscape assessment and referred Members to paragraph 11 and 12 of the Planning Committee Report where the issues had been addressed under the Construction and Environmental Management Plan (CEMP).

The Development Management & Enforcement Manager advised that the site is located in the countryside as detailed in the Northern Area Plan 2016 and within the Sperrins AONB. He detailed the planning history of the site and explained the difference between the previous permission and the proposed development for an increase in tip height, from 125m to 140m to an already approved windfarm which must be given significant weight as a fall-back position. He advised that one property is within the safety distance. He advised of the fall-back position and that it is considered that the proposal will not have a detrimental impact on the residential amenity of the surrounding landscape significantly beyond that of the original approval. Therefore,

the proposed nature and scale of the proposal is considered acceptable having regard to the policy guidance set out in policy RE1 of PPS18 and the SPPs. Approval is recommended.

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

Addendum Recommendation – that the Committee notes the content of this Addendum and agree with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

In response to questions from Members, the Development Management & Enforcement Manager made the following points:

- Referred to para. 8.22 of the Planning Committee Report in that the closest dwelling to the nearest turbine was at a distance of 618 metres.
- There had been no objection from the occupants of 175 Gelvin Road.

The Chair invited L McLaughlin to address the Committee in objection to the application.

L McLaughlin stated that the proposed amendment to the previously agreed application was detrimental to the landscape, tourism and presented many environmental issues. Evishagaran was in a designated Area of Outstanding Natural Beauty with many walking trails, beautiful views and that the data collected on the proposed environmental impact had been 5-6 years ago which was now out of date; there is a need for an up-to-date Environmental Impact Statement and consultation. He advised that the area is saturated by wind turbines and the proposed wind farm would be taller than Benbradagh Mountain; the landscape value should be protected. He advised that the turbines will be visible throughout the Roe Valley, and from Donegal, the Glenshane Pass.

L McLaughlin advised that consultation had only taken place in Glenuillin and very few knows about the application. He also informed Members that the occupants of 175 Gelvin Road had wished to object to this application but had signed an agreement when the current application had been agreed previously. The occupants of 175 Gelvin Road were

concerned with the potential of shadow flicker and noise generated by the turbines.

In response to questions from Members L McLaughlin made the following points:

- Understands regardless of decision of the application that plans have already agreed for Wind Farm, but with the proposed increase in height company stands to make more money.
- The vast amount of data collected was 5/6 years old which does not show the current habitats on the mountain; no survey on Flora on site, no study on insects; no study on migratory birds; focus on River Roe tributaries even though borders the River Bann. Environmental Statement should be carried out by an independent body and not on behalf of applicant.
- The RSPB first objected but then received additional information and withdrew their objection.
- Construction plans should have been made available before plans accepted.
- Consultation for local people had not been made widely available for the ongoing application; although consultations publicly advertised feels public not consulted where there is the most impact. Consultation in Glenullin and Garvagh and not the Roe Valley. Public not consulted appropriately.

The Development Management & Enforcement Manager responded to a Members' question in relation to how the consultation was carried out. He stated that the old application which had been approved would not have been subject to a pre application notice process. The new application did require a pre-application notice which was submitted. The applicant was also required to submit a Pre Application Community Consultation Report in conjunction with the new Planning Application; this too had been received.

The Chair invited P McGrath and T Fraser to address the Committee in support of the application; total time of 5 minutes.

P McGrath advised Members that the original application had been granted to ABO Wind NI in 2016 who were now seeking to increase the overall tip height from 125m to 140m. The turbines remain in the same location and no other changes have been requested. She also stated that turbine technology had evolved over the last few years and more

productive models had become available. She informed Members that the total investment would be £46M with £12M for direct investment in Northern Ireland; would provide an annual business rate of £330K and power to 50,000 homes each year.

P McGrath advised Members that the proposed development met with planning policy and consultees were content. She advised that a Public Consultation Exhibition was given in July 2018; event was widely publicised and attended and feedback was taken into account. She stated that an updated bird and bat monitoring had been submitted including a collision risk assessment. The NIEA and RSPB scrutinised the assessment and were content subject to conditions to mitigate any impact. She advised that the Habitat Regulations Assessment (HRA) had been undertaken and the proposal will not have an adverse effect on a European site.

P McGrath stated that 32 new conditions have been recommended by officers and all conditions will be implemented in full. The updated shadow flicker and noise impact on residential properties comply with planning guidance. All assessments and findings have been scrutinised by Councils' Environmental Services Department. The visual impact assessment has been deemed to be acceptable under policy RE1 of PPS18 and the application is consistent with planning policy.

In response to questions from Members P McGrath made the following points:

- Public Consultation under the original application was in Dungiven. However, due to criticism for this the consultation on this application took place in Glenullin which is closer to the site.. However the application was advertised in the Coleraine Chronicle and Limavady Chronicle and public notices put up in Dungiven, Garvagh and Glenullin under the new application. Leaflets had been distributed 2km around the site area; advertisement in Coleraine and Limavady Chronicle targeted the wider area.
- Occupants of 175 Gelvin Road were notified and spoken to in relation to the changes to tip height.

Proposed by Councillor Loftus
Seconded by Councillor Hunter and

AGREED – that Members be permitted to view the montage of photographs in Councils possession.

The Development Management & Enforcement Manager showed Members the Visual Impact Assessment.

Proposed by Alderman Finlay
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 & 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote. 7 Members voted for, 3 Members voted against and 2 Members abstained.

The Chair declared the motion to **APPROVE** carried.

It was **AGREED** that a short recess be held and that Members consider the remainder of the business for the evening.

- * **A recess was held from 6.00pm to 6.15pm.**
- * **Councillor McKeown left the meeting at 6.15pm.**

AGREED - that the meeting would continue until all business on the agenda had been considered.

6.7 Major LA01/2017/1250/F – Lands of Former Market Yard Located to Rear of Nos. 43-79 Catherine Street and Rear of Nos. 24-48 Linenhall Street and Bounded by the River Roe to the West, Limavady (Agenda Item 6.4)

Planning Committee Report previously circulated and presented by Development Management & Enforcement Manager S Mathers.

The Development Management & Enforcement Manager described the site and its context for retail unit with associated car parking, service yard, landscaping and retention of bank, site levelling works, access roads with entrance/egress from/to Catherine Street/Linenhall Street and associated site works. The access point at Catherine Street and exit points at Linenhall Street and Main Street were shown to Members via Powerpoint.

He advised Members that a small portion extended beyond the town centre boundary and settlement limit of Limavady and within a

development opportunity site as identified in the Northern Area Plan 2016. He referred to the SPPS and the town centre first policy approach and that the proposal will bring a previously redundant site back into use. He advised that the portion of the site outside the settlement limits was for access. He stated that DFI Roads have no objections, Archaeological Impact Assessment had been submitted; Historic Environment Division – Historic Monuments no objections; acoustic report submitted and accepted. He advised that residential amenity had been considered and the impact of the proposed development considered acceptable. He advised that the impact on the River Roe and Tributaries SAC had been assessed and impact on LLPA.

The Development Management & Enforcement Manager advised that the application proposes a new retail unit within the defined town centre of Limavady Town and the application represents a suitable land use within the town centre in compliance with the NAP and SPPS. The proposal would result in the re-development of a derelict site which is identified as a Development Opportunity Site within the Northern Area Plan 2016. The scale and design of the proposed retail unit is considered to be acceptable and would not result in any significant adverse visual impact on the wider landscape, streetscape, or upon the designated Area of Townscape Character or Listed Buildings. The proposal would not have any significant adverse impact on the natural environment or upon road safety. Approval is recommended.

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

In response to questions from Members the Development Management & Enforcement Manager confirmed that it had been stated in application that an average of 60 jobs part/full time would be created.

The Chair sought clarification from the Agent E Loughery if he wished to address the Committee in support of the application. He withdrew his request to speak.

Proposed by Alderman Robinson
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 **APPROVE** planning permission subject to the reasons set out in section 10.

The Chair put the motion to the Committee to vote. 11 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion to **APPROVE** carried.

6.8 Referred LA01/2017/1523/F - Lands opposite 79 Portstewart Road, Coleraine (Agenda Item 6.11)

Planning Committee Report and Addendum circulated and presented by Senior Planning Officer J Lundy.

The Senior Planning Officer described the site and its context for proposed two storey dwelling on a farm with attached garage on lands opposite 79 Portstewart Road, Coleraine. She informed Members that a letter of support had been received from the Ulster Farmers Unions which was referred to in the Addendum.

The Senior Planning Officer advised members that the site is located in the countryside as identified in the Northern Area Plan 2016 and the main policy consideration is contained within PPS21. She advised that the proposed dwelling would be 2 storeys high, 9m to ridge height, 8.7m to gable and 14m frontage and would include a 2 storey garage. The proposal does not visually integrate into the surrounding landscape and is deemed to be unduly prominent and would create a ribbon of development harming rural character contrary to policies CTY 8, 13 and 14.

The Senior Planning Officer also advised Members that Council previously refused a similar application in Ballyvoy which was dismissed at appeal on similar issues.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. Although the proposal meets the requirements of Policy CTY 10 of PPS 21 for a farm dwelling, it is contrary to Policies CTY 13 and 14 of PPS 21 in terms of unacceptable integration and inappropriate design for a prominent roadside site with public views. The application site does not have adequate enclosure to absorb a farm dwelling of this magnitude adjacent to Portstewart Road without detriment to the countryside. The proposal will result in a ribbon of development harming rural character.

The proposal is unacceptable in terms of Policy AMP 3 of PPS 3 and DCAN 15 as it would prejudice road safety or significantly inconvenience the flow of traffic due to lack of submission of amended plans to address all of DFI Roads concerns. Refusal is recommended.

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

Addendum Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9 and 10 of the Planning Committee Report.

The Chair invited G Montgomery to address the Committee in support of the application.

G Montgomery stated that the applicant is a sole Dairy Farm worker with no house situated on the farm; applicant needs to live on the farm. He advised that refusal reason 3 is routine in nature and at a site meeting with DFI Roads the applicant had agreed to surrender the current access to the existing farmyard for a new entrance point, so in principle there is no access to a protected Route to dispute. In relation to refusal reasons 2 and 4 he advised that the proposed site is clustered and visually linked to the farmyard. He advised that the character of the area is of single houses and clusters of farms with wide open fields. He stated that the field is too wide to accommodate an infill dwelling. He stated that there is no mention in policy CTY8 of frontage width and protected route policy would negate any future accesses. Regarding refusal reason 1 he advised that the applicant had reduced the ridge height already taken place to 8.5m. A further reduction would reduce the proposed 2 storey dwelling to a 1 and a 1/2 storey dwelling. He stated that it is hard to see how the ridge height is so significant given the dense boundary treatment on 3 out of the 4 boundaries.

In response to questions from Members G Montgomery made the following points:

- The proposed dwelling would be at a lower level than existing property i.e. 2.5m below level of road and ridge level with adjacent dwelling.

- Roads issues only require annotation on drawings and it is his understanding that access onto Protected Route can be addressed.
- If get principle of dwelling agreed applicant will look again at design however there is nothing in policy regarding specific ridge heights for a dwelling in the countryside; assessment is a visual assessment
- The applicant would like the opportunity to discuss any further amendments.

Proposed by Councillor Hunter
 Seconded by Councillor Fielding

- 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 amended design for the following reasons:

- *The proposal meets Policy CTY10 in that the farm is a registered farm business which has been in existence for more than six years and that the proposed dwelling is visually linked and clustered with an established group of buildings on the farm.*
- *The applicant has agreed to reduce the ridge height and is open to a design amendment which will help to reduce prominence into the landscape.*
- *The applicant has agreed to surrender the current access to the existing farmyard and a new entrance point created to address road safety issues raised.*
- *The proposal is not contrary to Policy CTY14 as further landscaping can be provided to assist integration.*

The Chair put the motion to the Committee to vote. 11 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion to **APPROVE** carried.

AGREED - that the conditions and informatives to be delegated to Officers.

6.9 Referred LA01/2017/0596/F – Lands Situated SE of 2 Mulberry Gardens, South of Burn Road and East of Dane’s Hill Road, Coleraine (Agenda Item 6.12)

- * **Councillor McLaughlin left the meeting at 6.54pm.**
- * **Councillors Nicholl and McGurk left the meeting at 6.55pm.**
- * **Councillor Fielding left the meeting at 7.03pm.**

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

The Senior Planning Officer described the site and its context for residential development of 36 units comprising 10 no. semi-detached and 26 no. townhouses with associated site works. The site is located within the settlement limits of Coleraine on land zoned for housing in the Northern Area Plan 2016. Policies CEH 40 and HOU2 of NAP apply.

The Senior Planning Officer referred to the key site requirements of policy CEH40. She advised that the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The scheme does not provide a quality residential scheme which would enhance the character of the townscape and detract from the urban form in this location. She advised that the proposal will result in overdevelopment of the site; poor provision of public and private open space; excessive hardstanding areas and unacceptable outlook from a number of proposed dwellings. She advised that under PPS8 public open space should be an integral part of the development equating to 10% of the site area with safe and easy access. The scheme is contrary to current requirements as defined in the NAP 2016. Refusal is recommended for the reasons set out in section 10 of the Planning Committee Report.

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

Addendum Recommendation –that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE**, as set out in paragraph 9.1 and refusal reasons 1,2,3,5 set out in section 10 of the Planning Committee Report.

The Senior Planning Officer presented Members with a map of the layout of the proposed development.

The Chair invited D Thompson MBA and P Hull to address the Committee in support of the application.

D Thompson stated that the Planning Committee Report did not contain all the relevant information to determine the application. She advised that this is phase 1 of a larger housing development of a total 100 houses. She advised that the 36 housing units are aimed at the 1st time buyer market. The developer is investing £50k to provide a community gardens which is part of the planning application and situated on opposite side of the road, but not included in Planning Committee Report. She advised that this area of open space is integral to the entire housing area both locally and the wider community. She advised that the investment in the open space will enhance the amenity and character of the area and provides 32% of the total area.

D Thompson advised that private amenity space has been measured and exceeds 40sqm in all cases and complies with Creating Places. She advised that the layout is not over dense or inappropriate to the character of the area. She stated that the proposal is consistent with the key characteristics of the area and flexibility should be applied. She stated that no objections were received and strongly recommends Members to approve proposed development.

In response to questions from Members D Thompson made the following points:

- The community garden is part of the planning application but not detailed in the Planning Committee Report.
- A Landscape management Plan had been submitted but not referred to in the Planning Committee Report.
- This is phase 1 of a larger housing development.

The Chair invited M Bradley MLA to address the Committee in support of the application.

M Bradley MLA stated that this is the 1st phase and 2nd phase consists of 100 houses in total providing energy efficient and co-ownership housing. He stated that there is a real need for the homes and no objections have been received. He advised that Hagan Homes have made a significant investment in Coleraine. The proposed landscaped gardens will bring social and community benefits and local community groups can become actively involved. The development will generate £28,800 per annum in rates for 36 homes.

In response to questions from Members the Senior Planning officer confirmed the following:

- Referred to para. 8.22 of the Planning Committee Report regarding the open space as existing open space.
- Advised that no details had been provided of further phases of development; no further applications received; and, this is not part of a larger housing zoning in the NAP.
- Policy CEH 40 of NAP states that development shall be within the range of 15-25 dwellings per hectare; the proposed scheme equates to 34 dwellings per hectare which does not meet this key site requirement and is not acceptable.
- Officers measured all gardens and some are reduced to 27 m² and 29.03m²; some back garden depths are only 6-7m and guidance advises of 10m.
- The site is adjacent to the Ballysally estate which was assessed and approved before the introduction of PPS7 and NAP 2016.
- Members must assess the proposed development under Policy PPS7 and be a quality residential environment.

The Head of Planning referred Members to the Northern Area Plan and PPS7 and PPS8 and confirmed that the Northern Area Plan states that dwellings should be within the range of 15-25 dwellings per hectare. She advised that Members consider the overall layout, private amenity space, overlooking of properties, hardstanding area and location of proposed open space. She also confirmed that the proposed open space was not a new open space but an existing one with upgrading and the repositioning of paths.

The Head of Planning also advised Members that a number of the dwellings backed onto gardens of other properties and car parking areas and creates problems in terms of overlooking; the scheme is not regarded to be a quality residential development. She further informed Members that children would have to cross a road to access the proposed open space which therefore creates safety issues and also causes problems in relation to surveillance and anti-social behaviour.

Alderman King raised a concern in relation to the over development of the proposed site and suggested that the applicant is given one month to come back to Council with a revised plan.

Councillor Loftus was concerned that the proposed community space could only be accessed by crossing a road and was not part of the current planning application and suggested the design could be looked at to incorporate a community space either side of the road.

Proposed by Alderman King
Seconded by Councillor Loftus

- that the application be deferred for submission of amended plans.

The Chair put the motion to the Committee to vote. 7 Members voted for, 0 Members voted against and 0 Members abstained.

The Chair declared the motion to **DEFER** carried.

* **Councillor Fielding re-joined the meeting at 7.24pm.**

6.10 Referred LA01/2018/0224/F – 50m South of 32 Glassmullen Road, Glenariffe (Agenda Item 6.14)

Planning Committee Report, Addendum and Erratum circulated and presented by Senior Planning Officer, E Hudson.

The Senior Planning Officer provided a verbal addendum on correspondence from Agent regarding views of the site and comparisons and amended design. She described the site and its context for proposed 2-storey replacement dwelling and detached garage/farm office, redesigned and slightly relocated from that approved under E/2013/0026/RM. She advised that the site is in the countryside as identified in the Northern Area Plan 2016 and within the Antrim Coast and Glens AONB.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material consideration, including the SPPS, PPS 2, PPS 21 and the Antrim Coast and Glens AONB Design Guide. The proposal fails to meet the tests of the SPPS, Policy NH 6 of PPS 2 and Policy CTY 3 of PPS 21, in that the proposal would have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. Refusal is recommended for the reasons set out in section 10 of the Planning Committee Report.

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

Addendum Recommendation – that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the planning application as set out in Section 9 and 10 of the Planning Committee Report.

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

- Amended plans have been discussed but full plans have not been submitted.

The Chair invited K and E Graham to address the Committee in support of the application.

E Graham referred to para. 8.7 of the Planning Committee Report advising that the proposed dwelling was not a 3-storey replacement but a 2-storey replacement that utilises the roofspace in an area of outstanding natural beauty and would be situated on the valley floor. He advised that the dwelling would not be visible from the two main roads, with only slight views from Glasmullen Road. He advised that the site would be surrounded by vegetation and therefore would not have a significant visual impact.

E Graham advised that the proposed dwelling would be of traditional design and a reduction of 1.2m would require a rear return which would have greater visual impact. He referred to the design and visibility of other dwellings in the vicinity of the site.

In response to questions from Members E Graham made the following points:

- The reduction in ridge height of the proposed dwelling to 7.5m as detailed in para. 8.15 of the Planning Committee Report would mean that the roof space could not be utilised and would therefore require a rear return which would result in a greater footprint and greater visual impact.

- Outline planning permission was granted to another application which is situated higher up than the proposed application which does not have vegetation or screening to obscure it.

Proposed by Alderman Finlay
Seconded by Councillor 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 for the following reasons:

- *The proposed replacement dwelling is situated on the valley floor and only visible from one minor road for short distance so is deemed of no significant visual impact and not prominent in the landscape.*
- *The proposal is not contrary to Paragraph 6.187 of the Strategic Planning Policy Statement for NI and Policy NH 6 of Planning Policy Statement 2, Natural Heritage; the dwelling will not be seen and has been designed with limited footprint.*

The Head of Planning sought clarification from the G Lyons MLA as to whether he wished to speak in support of the application. He withdrew his request to speak.

* **Councillors Nicholl and McGurk re-joined the meeting at 7:46pm.**

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

The Chair declared the motion to **APPROVE** carried.

AGREED - that the conditions and informatives be delegated to Officers.

* **A recess was held from 7.50pm to 7.56pm.**

6.11 Referred LA01/2018/0910/F – 485m NW of 95 Carnamuff Road, Ballykelly (Agenda Item 6.15)

Planning Committee Report circulated and presented by Senior Planning Officer, J McMath.

The Senior Planning Officer described the site and its context for proposed replacement detached 2 storey dwelling at 485m NW of 95 Carnamuff Road, Ballykelly. She advised that the site is located within the countryside as identified in the Northern Area Plan 2016 and PPS21 is the main policy context for the assessment of the application. She confirmed that the northern gable of the dwelling appeared to be substantially intact; the eastern elevation of the building has been completely removed; the southern elevation is completely missing only remnants remain and the western elevation was only partly visible.

Design, integration and access were acceptable and there is no detrimental impact on trees.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Paragraph 6.73 of the SPPS and Policies CTY 1 and CTY 3 of PPS 21 in that the subject building does not qualify for replacement as all external walls are not substantially intact and no overriding reasons have been forthcoming as to why this development is essential and could not be located within a settlement. Refusal is recommended for the reasons set out in section 10 of the Planning Committee Report.

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

In response to questions from Members the Senior Planning Officer stated that no evidence had been provided to substantiate that the existing building had previously been a dwelling, no roof existed and Policy CTY3 applies however all the external walls are not intact. She confirmed that no site visit had taken place.

The Chair invited D Graham and J Devine to address the Committee in support of the application.

D Graham stated that the applicant did not dispute that only 3 walls of the existing dwelling were substantially intact; one wall was missing but there is evidence that it was previously a dwelling; intact sash windows exists; evidence of chimney also exists; electric meter circa 1960. He stated that the proposal is referred to as 'dwelling' throughout the Planning Committee Report. He advised that the proposed dwelling is

essential for the applicant to run the farm business but is not applying under CTY10. He advised that one wall had been removed for health and safety reasons by the previous owner. He stated that the siting and design are acceptable and urged Members to grant permission.

J Devine, applicant advised that he has a herd no, flock no and Business ID number which was granted 23 April 2018 and has spent £70k on the farm land, £6k on a shed and has applied for a fencing grant. He stated that a dwelling on the farm is essential to be close to both the livestock for security purposes and his family. He stated that he travels 10-12 miles from his current house to the farm.

In response to questions from Members J Divine advised that he only had the farm business 1 year. D Graham stated that one wall had been removed for health and safety reasons as stonework was loose and falling onto the laneway.

In response to questions from Members the Senior Planning Officer advised that no letter had been received to confirm the reason for the removal of the wall. She also stated that more than one wall was missing; the first floor was missing, roof was missing, east elevation was missing and the south elevation was also missing.

Proposed by Alderman Finlay
Seconded by Alderman Robinson

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

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

The Chair declared the motion to **DEFER** carried.

The Head of Planning confirmed that speaking rights would be carried forward.

Councillor Loftus addressed the Chair and Planning Committee and stated that she would not be standing for re-election on 2 May 2019 and wished everyone the best. Alderman King commented that he appreciated all the good work done by Councillor Loftus and he and Alderman Finlay wished her well in her retirement.

* **Councillor Loftus left the meeting at 8.24pm.**

6.12 Objection LA01/2018/0311/F – Fern House 1a Adelaide Avenue Coleraine (Agenda Item 6.10)

Planning Committee Report previously circulated and presented by Senior Planning Officer M Wilson.

The Senior Planning Officer described the site and its context for construction of 3m masonry walls to Lodge Road and Adelaide Avenue elevations. He advised that the site is located within the settlement limit of Coleraine as identified in the Northern Area Plan 2016 and within Coleraine town centre, an Area of Townscape Character and an Area of Archaeological Potential. He confirmed that there had been 16 representations received from 6 different objectors. He informed Members that the walls would be constructed from red brick with 3m piers, which will have hit and miss panel fencing installed in-between.

In conclusion, revisions have been sought with a final scheme which retains all but 1 No. tree which is subject to TPO. Further planting of 2 No. heavy standard trees is proposed to compensate for the loss of this tree. The most critical and important trees would be retained. The size, scale and siting of the wall are necessary to serve the function of adequate security measures for the PSNI. The proposal has been assessed against Planning Policies DES 2, ATC 2, AMP 2 and ENV 3, and is considered, on balance, to be acceptable. Approval is recommended.

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

In response to questions from Members the Senior Planning Officer advised that there had been 16 representations received from 6 different objectors and that the design is similar to the existing wall with close boarded wooden fence rather than railings; Adelaide Avenue will be a 3m high wall but only a small stretch is proposed to be roadside along Adelaide Avenue.

Proposed by Alderman King
Seconded by Councillor Hunter

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

guidance in sections 7 and 8 and resolves to **APPROVE** permission for the full application subject to the conditions set out in section 10.

The Chair put the motion to the Committee to vote. Members voted unanimously in favour of the motion.

The Chair declared the motion to **APPROVE** carried.

6.13 Objection LA01/2017/1005/F – Lands Abutting and South of 9-12 Princess Gardens, Cloughmills (Agenda Item 6.7)

Planning Committee Report previously circulated and presented by Senior Planning Officer E Hudson for the proposed construction of 14 semi-detached dwellings and associated site works on lands abutting and south of 9-12 Princess Gardens, Cloughmills.

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

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations, including the SPPS. The principle of this low/medium density development is acceptable in this area which is characterised by residential development. It is acceptable in terms of layout and appearance and would have no significant harm in terms of residential amenity and road safety. Approval is recommended.

Proposed by Alderman Finlay
Seconded by Alderman Robinson

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

The Chair put the motion to the Committee to vote. Members voted unanimously in favour of the motion.

The Chair declared the motion to **DEFER** carried.

7. DEVELOPMENT MANAGEMENT PERFORMANCE

7.1 Update on Development Management and Enforcement Statistics 01/04/18 – 31/03/19

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

Table 1 within the report detailed the number of Major planning applications received and decided as well as the average processing times, these figures are unvalidated statistics. In comparison to the same period last year, the number of major applications remained the same, however the number of major applications decided had increased by 5.

Table 2 within the report details the number of local planning applications received and decided as well as the average processing times, these figures are unvalidated statistics. In comparison to the same period last year, the number of applications received has reduced by 73 applications but the number of decisions issued has increased by 105 applications.

Table 3 within the report details the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the target of 39 weeks, these figures are unvalidated statistics. In comparison to the same period last year, the number of cases brought to conclusion had increased by 2 and the percentage of cases concluded within the 39 weeks increased to 80.1% ytd.

Resources continue to be targeted to reduce the over 12 month applications. Table 4 within the report provides a further breakdown of the over 12 month applications in the system and also the percentage of over 12 months applications in relation to the number of live planning applications. The monitoring of these figures continues in line with the Over 12 Month Action Plan and staff are conscious of the need to prioritise their efforts in this area of work.

Table 5 within the report details the number of appeal decisions issues since 1 April 2018. Note that these figures relating to planning application decisions only are unvalidated statistics extracted from informal management reports.

Table 6 within the report details the number of referral requests received from Elected Members and Head of Planning under Part B of the Scheme of Delegation. From April 2018 until March 2019, 58 referral recommendations were determined by the Planning Committee, 44.83% of which have been overturned.

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

IT IS RECOMMENDED – that the Planning Committee note the update on the Development Management Statistics.

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

8. CORRESPONDENCE

The following items of correspondence were circulated to the Committee.

- Department for Infrastructure – SOLACE Planning Monitoring Framework
- Department of Agriculture, Environment and Rural Affairs - Update of the Register of European Sites for North Channel Special Area of Conservation.

The items of correspondence were **NOTED**.

9. LEGAL ISSUES

9.1 Knox JR Judgement 29 March 2019

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Councillor Hunter
Seconded by Alderman Finlay and

AGREED – that legal issues would be discussed 'In Committee'.

Councils' Solicitor updated Members on the Knox JR Judgement.

* **Alderman Robinson left the meeting at 8.35pm.**

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Hunter

Seconded by Alderman Finlay and

AGREED – that the Committee move 'In Public'.

10. NOTICE OF MOTION PROPOSED BY COUNCILLOR McGURK, SECONDED BY COUNCILLOR McGLINCHEY REFERRED FROM 26 MARCH 2019 COUNCIL MEETING

'This Council opposes plans to develop a goldmine and processing plant in the Sperrins and wider region. Given the serious health and environmental risks involved, this Council is opposed to the use of cyanide for mining purposes, which also contravenes the European Parliament resolution of 27 April 2017 on the implementation of the Mining Waste Directive (2006/21/EC).'

The Head of Planning advised Members to be mindful with their comments on this motion as smaller planning applications may be received by the Planning Department in the future for determination.

Councillor McGurk read out a statement in support of her Notice of Motion.

'As many of you may already know, there are plans to open Goldmines through the Sperrins and Binevenagh areas, with prospecting licences already in place for these areas. The problem with these mines is typically the processing to obtain the gold from the ore with the use of cyanide.

Gold typically occurs at very low concentrations in ores and the most commonly used process for gold extraction is gold cyanidation. In the gold-extraction process, rock is smashed to dust, mixed with water, then cyanide is added to "leach" the gold out. However for every tonne of rock mined, as little as 0.6g of gold can be produced.

More than half of all gold and silver mines in the world rely on the use of cyanide. The use of cyanide in mining is however controversial, as spills have the potential to inundate an ecosystem with toxic levels of cyanide. There have been a string cyanide-related disasters in the EU alone include Stava (Italy, 1985), Los Frailes (Spain, 1998) and Baia Borsa (Romania, 2000). The worst accident took place in 2000 at a gold mine

in Baia Mare, Romania, where heavy rain, ice, and snow caused a breach in a tailings dam (tailings are the cyanide-treated ore waste, from which gold has been removed), resulting in the release of 100,000 cubic meters of cyanide contaminated waste into the surrounding watershed. Drinking water supplies were cut off for 2.5 million people in neighbouring Hungary and Serbia and hundreds of tons of fish in the Danube River system were killed.

Industry claims cyanide is relatively safe because - even if it spills - it breaks down rapidly in surface water. But the compounds that cyanide breaks down into can be harmful. Cyanide spills into groundwater can persist for long periods of time and contaminate drinking water supplies. Cyanide contaminated groundwater can also pollute hydrologically connected neighbouring streams. However, recent disasters how very clearly the impact of cyanide spills can have on the environment over a large area and the local people in terms of health.

Now much has been made of the economic benefits of such mines, however it is worth noting that most of the companies that have prospecting licences for the wider Sperrins and Binevenagh areas are not owned by Irish companies, instead are foreign owned which means the profits from these mines will not be fed back into the local economy. In fact the company operating the current mine in West Tyrone is a Canadian company owned by a vulture fund. The jobs created by these mines would only last for a generation, the lifespan of the mine (25-30 years), however, the environmental impact of the mine would last for many generations to come and potentially impact on more sustainable options for economic growth in these areas such as tourism and hospitality.'

Proposed by Councillor Hunter
Seconded by Councillor Nicholl

- that Members note the concerns and serious issues raised in the Notice of Motion.

Alderman Finlay stated that he would not be able to give serious consideration to the Notice of Motion when voting on a planning application before the Planning Committee.

Councillor Hunter stated that she notes the concerns and would give serious consideration to future planning applications, if elected and selected to sit on the Planning Committee.

Amendment

Proposed by Councillor Hunter
Seconded by Councillor Fielding

- that the Committee notes the concerns and proposes that the Notice of Motion be deferred to the full Council Meeting to be held in May 2019 for consideration by those who do not sit on the Planning Committee.

The Chair put the amendment to the Committee to vote. 7 Members voted for, 0 Members voted against and 1 Member abstained.

The Chair declared the amendment carried.

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

There was no other relevant business.

Councillor Hunter thanked Councillor Blair for filling in as Chair, thanked the Head of Planning and all staff associated with the Planning Committee and wished Members good luck in the upcoming Local Elections.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **8:50pm**.

Chair