

PLANNING COMMITTEE WEDNESDAY 28 AUGUST 2019

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	None
2.	Declarations of Interest <ul style="list-style-type: none"> • Councillor Scott, Councillor McGurk and Councillor Dallat O'Driscoll - LA01/2018/1172/F 6 Broighter Gardens, Limavady • Alderman Duddy - LA01/2016/1230/O, 60m NE of 32 Newmills Road, Coleraine • Councillor McMullan - LA01/2019/0285/F and LA01/2019/0286/LBC, 20m South East of Dungiven Castle 145 Main Street, Dungiven; LA01/2019/0287/LBC and LA01/2019/0288/F, Caisleán Dhún Geimhin 145 Main Street Dungiven 	Note in Register
3.	Minutes of Planning Committee Meeting held Wednesday 26 June 2019	Confirmed
4.	Terms of Reference	Approve subject to amend para. 1.5 Meeting to refer to meeting to be held on 4th Wednesday of the month
5.	Order of Items and Confirmation of Registered Speakers/Applications Withdrawn and Site Visit Requests	Agreed to receive Order of Business commencing with Agenda 10.1 Legal Issues North West Hotel Judicial

		Review, followed by Agenda Item 6.4, Agenda Item 6.1 then as set out on the Agenda
	<ul style="list-style-type: none"> LA01/2018/1085/F, 22 Portbradden Road, Bushmills 	Withdrawn from Schedule
	<ul style="list-style-type: none"> LA01/2019/0051/O Lands adjacent to 64 Dunlade Road, Killywill, Greysteel 	Application Withdrawn
	<ul style="list-style-type: none"> LA01/2018/1400/F, 13 Lisnamuck Road, Blackhill, Garvagh 	Application Withdrawn
	<ul style="list-style-type: none"> LA01/2018/1520/O, 197m North West of 18 Ballybogey Road, Ballymoney 	Application Withdrawn
	<ul style="list-style-type: none"> LA01/2018/1291/O, Adj. to 41 Lisconnan Road, Beerhill, Ballymoney 	Application Withdrawn
	<ul style="list-style-type: none"> LA01/2019/0079/O, Between 31 & 33 Killymaddy Road, Ballymoney 	Defer for Site Visit
	<ul style="list-style-type: none"> LA01/2018/1085/F, 22 Portbradden Road, Bushmills 	Defer for Site Visit
	<ul style="list-style-type: none"> LA01/2019/0284/F, 75 Mettican Road, Garvagh 	Defer for submission of amended plans
6.	Legal Issues	
6.1	North West Hotel Judicial Review	Verbal update
7.	Schedule of Applications	
7.1	Objection LA01/2018/0809/F, Lands immediately south of 60 Benvardin Road, Ballymoney	Approve
7.2	Objection LA01/2018/1172/F, 6 Broughter Gardens, Limavady	Refuse
7.3	Objection LA01/2018/1414/F, Golf Links Holiday Homes Park, Bushmills Road, Portrush	Approve
7.4	Council LA01/2019/0474/F, Council space at the playpark, The Crescent, Portstewart. Approx. 110m West of Portstewart Town Hall	Approve

7.5	Council LA01/2018/0693/F, Lands within Benone Tourist Complex site, 53 Benone Avenue, Limavady	<i>Approve</i>
7.6	Council LA01/2019/0285/F - 20m South East of Dungiven Castle, 145 Main Street, Dungiven	<i>Approve</i>
7.7	Council LA01/2019/0286/LBC - 20m South East of Dungiven Castle, 145 Main Street, Dungiven	<i>Grant</i>
7.8	Council LA01/2019/0287/LBC - Caisleán Dhún Geimhin 145 Main Street Dungiven	<i>Grant</i>
7.9	Council LA01/2019/0288/F - Caisleán Dhún Geimhin 145 Main Street Dungiven	<i>Approve</i>
7.10	Referred LA01/2018/1343/F, 83 Dogleap Road, Limavady	<i>Disagree and Approve</i>
7.11	Referred LA01/2016/1230/O, 60m NE of 32 Newmills Road, Coleraine	<i>Disagree and Approve</i>
7.12	Referred LA01/2018/0339/O, 158m South East of 243 Garryduff Road, Dunloy	<i>Disagree and Approve</i>
7.13	Referred LA01/2019/0150/O, Between 105 & 107 Knocknacarry Road, Cushendun	<i>Defer for Site Visit</i>
7.14	Referred LA01/2018/1341/F, 6 Leeke Road, Bushmills	<i>Disagree and Approve</i>
7.15	Referred LA01/2018/0903/F, The Stores, Woodvale Park, Bushmills	<i>Defer for 3 months and arrange a site visit</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 28 AUGUST 2019 AT 2:00 PM**

- In the Chair:** Councillor Hunter
- Committee Members Present:** Aldermen Boyle, Duddy, Finlay, McKeown and McKillop.
Councillors Anderson, Baird, Dallat O’Driscoll,
Laverty, McGurk, McLaughlin, McKillop MA,
McMullan, Nicholl and Scott
- Officers Present:** D Dickson, Head of Planning
S Mathers, Development Management &
Enforcement Manager
S Mulhern, Development Plan Manager
J Lundy, Senior Planning Officer
E Hudson, Senior Planning Officer
J McMath, Senior Planning Officer
M Wilson, Senior Planning Officer
B Edgar, Head of Health & Built Environment
D Hunter, Council Solicitor
M Quinn, Director of Corporate Services
P Donaghy, Democratic & Central Services Manager
E Keenan, Solicitor
D Allen, Committee & Member Services Officer
S Duggan, Civic Support & Committee & Member
Services Officer
- In Attendance:** Alderman Hillis: Councillors Fielding and Holmes
A Gillan, Department for Infrastructure, Roads (DfI)
- Registered Speakers:** L Ross, Mr & Mrs McIlhatton – LA01/2018/0809/F
M Smyth, M Bradley, J Dallat MLA - LA01/2018/1172/F
M Bradley MLA, S Millar, K Millar – LA01/2018/1172/F
M Crothers, M Bell – LA01/2018/1414/F
Dr J Hill, M Gardiner – LA01/2018/1414/F
Councillor M Fielding – LA01/2019/0474/F
G Jobling – LA01/2018/1343/F
M Bradley MLA, M Bell – LA01/2016/1230/O
J Simpson – LA01/2018/0339/O
S Bradley - LA01/2019/0150/O
D Monaghan, A McDonald – LA01/2018/1341/F
S Caithness, G Montgomery – LA01/2018/0903/F

1. APOLOGIES

There were no apologies recorded.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded as follows:

- Councillor Scott – LA01/2018/1172/F 6 Broighter Gardens, Limavady
- Councillor McGurk – LA01/2018/1172/F 6 Broighter Gardens, Limavady
- Councillor Dallat O’Driscoll – LA01/2018/1172/F 6 Broighter Gardens, Limavady
- Alderman Duddy - LA01/2016/1230/O, 60m NE of 32 Newmills Road, Coleraine
- Councillor McMullan - LA01/2019/0285/F, 20m South East of Dungiven Castle, 145 Main Street, Dungiven; LA01/2019/0286/LBC, 20m South East of Dungiven Castle 145 Main Street, Dungiven; LA01/2019/0287/LBC, Caisleán Dhún Geimhin, 145 Main Street Dungiven and LA01/2019/0288/F, Caisleán Dhún Geimhin 145 Main Street Dungiven

3. MINUTES OF MEETING HELD WEDNESDAY 26 JUNE 2019

AGREED - that the minutes of the Planning Committee Meeting held on Wednesday 26 June 2019 be confirmed as a correct record.

4. TERMS OF REFERENCE

Causeway Coast and Glens Borough Council decided to utilise the traditional committee system as its preferred form of governance and, as a result created a number of Committees to progress the work of the new Council from 1st April 2015. This report updates the Terms of Reference for the Planning Committee for the current term of office.

The Planning Committee is the only Committee of Council to have full Council powers.

The Terms of Reference included scope of the Planning Committee, Membership, Chair, Meetings, Sub-Committee and Working Group Communications and Reporting.

It is recommended – that the Planning Committee approve the terms of Reference as set out in the report.

The Head of Planning informed Members that at the Governance Working Group held on 1 August 2019 it was recommended that Council adopt **Option B** to move the Planning Committee Meeting to the 4th Thursday of the month which would create a one day gap after the Council Meeting. This recommendation was taken to the Corporate Policy and Resources Committee Meeting who recommended that Council adopt **Option C**, to move the Council Meeting to the first Tuesday of the following month. At the Council Meeting on Tuesday 27 August it was **AGREED** that Council would adopt **Option C**. The Planning Committee would therefore remain as the 4th Wednesday of each month.

In response to a query from Alderman Finlay the Head of Planning informed members that the Scheme of Delegation and Protocol would be brought back to the Planning Committee and suggested that a Workshop could be held.

Proposed by Councillor Baird
Seconded by Alderman McKillop and

AGREED – that the Planning Committee approve the terms of Reference as set out in the report.

Councillor Dallat O'Driscoll informed the Chair of an error in the spelling of her name in Annex A.

5. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS/APPLICATIONS WITHDRAWN AND REQUESTS FOR SITE MEETINGS

The Head of Planning advised of the following application had been withdrawn from the Schedule:

- LA01/2018/1085/F, 22 Portbradden Road, Bushmills
(*Agenda Item 6.3*)

The Head of Planning advised of the following application had been withdrawn from the planning process:

- LA01/2019/0051/O Lands adjacent to 64 Dunlade Road, Killywill, Greysteel (*Agenda Item 6.12*)
- LA01/2018/1400/F, 13 Lisnamuck Road, Blackhill, Garvagh (*Agenda item 6.15*)
- LA01/2018/1520/O, 197m North West of 18 Ballybogey Road, Ballymoney (*Agenda Item 6.17*)
- LA01/2018/1291/O, Adj. to 41 Lisconnan Road, Beerhill, Ballymoney (*Agenda Item 6.22*)

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

Proposed by Alderman Finlay
Seconded by Councillor Anderson and

AGREED – that consideration of application LA01/2019/0079/O be deferred and a site visit arranged (*Agenda Item 6.16*).

Proposed by Councillor McLaughlin
Seconded by Councillor Nicholl and

AGREED - that consideration of application LA01/2018/1085/F, be deferred and a site visit arranged (*Agenda Item 6.3*).

Proposed by Alderman Finlay
Seconded by Councillor Anderson and

AGREED – that consideration of application LA01/2019/0284/F be deferred for one month for submission of amended plans (*Agenda Item 6.20*).

AGREED – to receive the Order of Business commencing with Agenda 10.1 Legal Issues North West Hotel Judicial Review, followed by Agenda Item 6.4, Agenda Item 6.1 then as set out on the Agenda.

The Chair informed Members that the 'In Committee' Agenda Item 10.1 Legal Update on the North West Hotel Judicial Review was to be brought forward and would be discussed before the scheduled Planning Applications. She referred Members to Standing Order 26.1 Suspension

and Amendment of Standing Orders and suggested that 11.1 of the Protocol of the Operation of the Planning Committee be set aside to allow Members who do not sit on the Planning Committee to remain in the Council Chambers to hear the discussion.

11.1 In the event that the Planning Committee resolve to go 'In Committee' only Members of the Planning Committee, Council Officers in attendance and Legal Adviser(s) shall remain within the Council Chamber. All members of the public, press etc. must leave the Chamber including those Members of the Planning Committee who have declared an interest on that item and other Members of the Council who do not sit on the Planning Committee.

The proposal was not seconded by another Member.

In response to a query, E Kennan, Solicitor clarified that if 11.1 of the of the Protocol of the Operation of the Planning Committee was not set aside then Members who did not sit on the Planning Committee would be required to leave the Chamber during discussion of this item. Members must comply with Protocol and Standing Orders.

Proposed by Councillor Baird
Seconded by Alderman Boyle and

AGREED – that the legal update on the North West Hotel Judicial Review also be heard at a full Council Meeting so that all forty Elected Members be updated.

Amendment

Proposed by Alderman S McKillop
Proposed by Alderman Boyle

- that Council set aside 11.1 of the Protocol of the Operation of the Planning Committee and allow Members who did not sit on the Planning Committee to remain in Chamber but be excluded from taking part in any discussions on the North West Hotel Judicial Review.

Proposed by Councillor Baird
Seconded by Alderman Boyle

- that Council set aside 11.1 of the Protocol of the Operation of the Planning Committee and allow Members who did not sit on the Planning Committee to remain in Chamber but be excluded from taking part in any

discussions on the North West Hotel Judicial Review and that the update is also taken to full Council meeting for discussion with all forty Members.

The Chair put the proposal to the Committee to vote. 6 Members voted for, 10 Members voted against and 0 Members abstained.

The Chair declared the motion **LOST**.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Duddy
Seconded by Councillor MA McKillop and

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

- * **Non Planning Committee Members, press, public and registered speakers left the meeting at 2.45pm.**

6. Legal Issues

6.1 North West Hotel Judicial Review

Elaine Keenan, Solicitor verbally updated Members on the timeline of events and the current position on the North West Hotel Judicial Review.

The Head of Planning informed Members that the Protocol of the Operation of the Planning Committee will be revised and will be brought back to the Committee for consideration.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Baird
Seconded by Alderman Finlay and

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

It was **AGREED** that a recess be held at **3.40pm**.

The meeting resumed at **4.00pm**.

- * **Non Planning Committee Members, press, public and registered speakers re-joined the meeting at 4.00pm.**

7. SCHEDULE OF APPLICATIONS

7.1 Objection - LA01/2018/0809/F, Lands immediately south of 60 Benvardin Road, Ballymoney (*Agenda Item 6.4*)

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

The Senior Planning Officer described the site and its context at Lands immediately south of 60 Benvardin Road, Ballymoney for the proposed farm diversification scheme involving the use of an existing agricultural building and a new building to house boarding kennels. The site is rectangular in shape and comprises part of an agricultural field which is relatively flat and is accessed via the existing lane from Benvardin Road. The site also contains an existing single storey building with a pitched roof. North of the site is the farm dwelling at No. 60, associated farm buildings, and large poultry sheds. Boundary treatment of the site includes a post and wire fence with mature trees along the northern boundary while the other boundaries are undefined. Other residential properties are located north and west of the application site.

The site is located within the countryside outside the limit of any settlements. It is situated east of Ballybogy which is 4.3miles from Coleraine. The wider area is characterised by pastoral agricultural land with farming clusters and dwellings scattered throughout.

The proposal is a farm diversification scheme involving the reuse of an existing farm shed and the construction of a new building to facilitate a new boarding kennel. An external dog exercise area will also be provided.

The Senior Planning Officer informed Members that 16 letters of objections had been received in relation to the application from 8 different addresses and a MLA. The main issues raised are summarised in paragraph 5.1 of the Planning Committee Report.

The Senior Planning Officer provided Members, via Powerpoint, with maps of the overhead view of the site location, layout and elevation of proposed dog kennels and existing building with access to current farm grouping.

In conclusion, the proposal is considered acceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal meets the requirements of Policy CTY 11 of PPS 21 in terms of farm diversification. The farm is currently active and established. The design of the building is of acceptable scale and massing with proposed materials/finishes in keeping with traditional rural design guides. There is no adverse impact on the natural or built heritage. The proposal does not adversely impact on neighbouring residential amenity in terms of noise, smells and pollution. Consultation with Environmental Health raised no issues subject to proposed conditions included in the Planning Committee Report. The proposal is not unduly prominent in the landscape nor does it result in build-up and is not considered to damage rural character. The proposal is acceptable in terms of the car parking provision necessary for this development and road safety. Approval is recommended subject to Conditions as 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 **APPROVE** planning permission subject to the conditions set out in section 10.

The Chair invited L Ross, Agent and Mr & Mrs McIlhatton, applicants to address the Committee in support of the application.

L Ross informed Members that the application was a farm diversification which would create extra income for the farm and family; it would also provide a facility for the community. He added that the noise issue had been assessed by Officers and conditions had been set out in relation to this and that through negotiation with Officers adjustments had been made to the scheme. It was a well thought out and designed scheme and requested that approval be granted.

Members had no question for the speakers.

In response to Members queries, the Head of Health and Built Environment made following points:

- The acoustic barriers would not completely eliminate noise levels but reduce them to between 10-15dB; there is no agreed methodology with respect to assessment of noise in relation to dog kennelling.

- Acoustic barriers, double glazing, acoustically lobbied doors, total number of dogs at the complex, dogs housed at night, restricted vehicle movements, prohibited use of exercise area would all mitigate noise originating from the development.
- Applicants would undertake a Noise Survey within one month of completion of the development and on any complaint received. Council may state when a Noise Survey should be taken to obtain a true record of any noise pollution.

Proposed by Councillor Baird

Seconded by Councillor MA McKillop

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

The Chair put the motion to the Committee to vote, 16 Members voted for, 0 against and 0 abstentions.

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

7.2 Objection - LA01/2018/1172/F, 6 Broighter Gardens, Limavady (Agenda Item 6.1)

- * **Councillor Scott, Councillor McGurk and Councillor Dallat O'Driscoll left the meeting at 4:15pm as they had previously declared an interest in this item.**

Planning Committee Report, Addendum, Addendum 2, Addendum 3 and site visit report were circulated and presented by Senior Planning Officer, M Wilson. The site visit report from 27 March 2019 was also tabled.

The Senior Planning Officer provided a verbal addendum to an objection received from Councillor Watton on 22 August 2019 in relation to the garage being out of proportion, neighbouring gardens being saturated from rainwater and an adverse impact on property values.

The Senior Planning Officer described the site and its context for retrospective application for retention of domestic garage with alterations to the building's exterior finishes. The application dwelling is a two storey semi-detached dwelling. The front of the site contains a grass amenity area and a paved amenity area that allows for in-curtilage

parking. The rear of the site contains a paved amenity area and a grass amenity area, it is enclosed via a 2m high wooden fence, separating the site from all of the surrounding properties at the rear. The detached garage is located to the side of the site.

The Senior Planning Officer informed Members that 15 letters of objections had been received from 7 objectors. He referred Members to the previous history and fall-back in Paragraphs 8.17 to 8.21 of the Planning Committee Report. In response to a Members query he clarified that a Certificate of Lawfulness of Proposed Development (CLUD) was a different process to that of a planning application and referred Members to Paragraph 8.20 of the Planning Committee Report.

In conclusion, the proposed garage is unsympathetic in scale, design and materials in relation to the existing dwelling. The scale, design and materials of the garage detrimentally impact the character and appearance of the area. The development is dominant and incongruous in this area given its appearance is more similar to a light industrial or commercial use, rather than a domestic use. The proposal offers a more inappropriate design solution relative to the design certified by the CLUD. The proposal's location sited within a residential area further exacerbates the unsympathetic nature of the proposal.

Addendum 3 conclusion - the further planning concerns raised are similar to the objections already received which have been previously considered within the Planning Committee Report. Paragraph 8.0 – Considerations and Assessment includes a full assessment of the proposal with the impact upon the neighbouring residential amenity fully explored under paragraphs 8.8 - 8.14.

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

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

Addendum 2 Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** as set out in paragraph 9.1 of the Planning Committee Report.

Addendum 3 Recommendation - that the Committee note the contents of this Addendum and agree with the recommendation to **REFUSE** the revised application as set out in paragraph 9.1 of the Planning Committee Report. While the proposed materials can be considered acceptable; the scale, massing and design of the proposal remain unacceptable.

The Chair invited S Millar and K Millar to address the Committee in objection to the application.

They informed Members that the application would have a detrimental effect on neighbouring houses; it was not in keeping with the existing residential environment as it had a commercial/agricultural appearance. The proposal was contrary to Addendum to PPS7 in relation to scale, massing and design and was inappropriate for domestic purposes. The van that was to be garaged was under 2m in height and did not justify the structure. The planning application should have regard to all material considerations; CLUD should not be a stepping stone.

They also informed Members that the proposal would adversely affect property values; rear of properties were flooding; gardens were being overshadowed; the applicant had not stored their van in the shed until objections had been made and the applicant did not converse with the objectors.

The Chair invited M Bradley MLA, to address the Committee in objection to the application.

He informed Members that the size, mass and structure were not in keeping with a domestic garage but had the appearance of a commercial shed. There was loss of light to properties, no adequate drainage as water built up in neighbouring gardens. If the application was to be approved it would be setting a dangerous precedence for all properties in Broihter Gardens as it was stepping outside of the planning policy guidelines.

The Chair invited M Smyth, Agent and M Bradley Applicant to address the Committee in support of the application.

M Smyth informed Members that at the Planning Committee on 27 March 2019 the Committee voted to approve the application subject to amendments and that no further objections had been received. In November 2017 a domestic garage with a Dutch Barn appearance had been approved. He stated the height of the eaves had been increased by 80cm but the floor area had remained the same. The garage would also be used for the storage of children's play equipment, bikes and lawnmowers. He did not feel that the garage created any issues with loss of light to neighbouring properties and that the applicant would address the issues in relation to the guttering and rain water issues. He confirmed that the van was garaged at night.

In response to Members queries in relation to the cladding M Smyth confirmed that the shed was bolted from the inside and that it would be taken down a section at a time for the cladding to be installed.

The Chair invited J Dallat, MLA to address the Committee in support of the application.

He stated that if he was of the opinion that the garage was an unreasonable structure he would not be in support of it. He added that the applicants did not wish to inflict discomfort on their neighbours but wanted a garage to store and protect their van and tools. He explained that the reason the garage height increase was to accommodate the roof rack on the van for carrying pipes etc. The water drainage improvements/amendments had been approved and what was built today was more desirable than what could have been there. Many garages on other estates are far more offensive than what has been erected.

Members sought clarification from Councils' Solicitor in relation to the previous Planning approval in March 2019.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Duddy
Seconded by Alderman Finlay and

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

- * **Non Planning Committee Members, press, public and registered speakers left the meeting at 4.45pm.**

Councils' Solicitor clarified the query in relation to the previous Planning approval in March 2019.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman Duddy
Seconded by Alderman Finlay and

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

- * **Non Planning Committee Members, press, public and registered speakers re-joined the meeting at 4.50pm.**

The Senior Planning Officer clarified Addendum to PPS7 and provided Members with photographs, via Powerpoint, of the view outside of No 6 and No 2 Brighter Gardens, photographs of the guttering and cladding and maps of a Dutch Barn versus the existing build.

He also referred Members to the Site Visit Report which was read out to Members.

Proposed by Alderman Duddy
Seconded by Councillor Lavery

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

The Chair put the motion to the Committee to vote. 9 Members voted for, 3 Members voted against and 1 Member abstained.

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

- * **S Duggan, Civic Support & Committee & Member Services Officer joined the meeting at 5.00pm.**
- * **D Allen, Committee & Member Services Officer left the meeting at 5.00pm.**
- * **Councillor Scott, Councillor McGurk and Councillor Dallat O'Driscoll re-joined the meeting at 5.00pm as they had previously declared an interest in this item.**

7.3 Objection, LA01/2018/1414/F, Golf Links Holiday Homes Park, Bushmills Road, Portrush (Agenda Item 6.2)

Planning Committee Report was circulated and presented by Senior Planning Officer, M Wilson via a PowerPoint presentation; a retrospective application for 3 no. caravan plots and access road from that approved under C/2011/0116/F (caravan plots have been completed).

The Senior Planning Officer outlined the planning proposal, 6 objections had been received relating to:

- The plans do not conform to previous applications;
- The caravans are closer to neighbouring dwellings than previous applications;
- The proposal involves the closure of an entrance to the storage compound forcing heavy vehicles to use the Bushmills Road;
- Residential amenity is unduly impacted in reference to privacy and noise disturbance;
- The caravans are unsightly.

The Senior Planning Officer illustrated photographs and a block plan, the plan presented caravans facing North and further advised the main windows should face South, reducing impact, a Condition had been suggested in that regard, to include planting. Further landscaping was proposed and necessary.

In conclusion, the proposal by reason of its specific siting is considered acceptable in terms of visual amenity and integration. The proposal will not unacceptably harm the residential amenity of neighbouring dwellings. The proposal has taken account of open space provision and access arrangements are satisfactory. The Senior Planning Officer advised the proposal was acceptable and recommended approval.

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

In response to request for clarification from Elected Members the Senior Planning Officer advised that the application was a revision to a previously approved application to regularise 3 plots that had not been

built in the correct place, the proposed Condition in accordance with what was in the plan and not on the ground, Enforcement would ensure the caravans were turned 180°.

The Senior Planning Officer clarified, referring to Point 3.4 of the Planning Committee Report, discharge of Landscaping Condition had been delegated, was submitted on 9 March 2018 and acceptable. With reference to a query surrounding a buffer zone within the previously approved application, the Senior Planning Officer invited the Committee to view amended drawings submitted after the Condition had been put in place.

The Senior Planning Officer moved to discuss hard copy plans with the Committee.

The Chair invited Dr J Hill to speak, representing Objectors. Dr Hill advised he had been before the Planning Committee twice. He advised the 3 caravans had not been in the original proposal and was in addition to the 9 approved. Dr Hill advised the planting Condition was due to be commenced last autumn and had not taken place. He expressed concern that development had occurred and stated Planning Officers were aware of the development in July 2018 and that a retrospective application for approval had been submitted after the caravans had been put in place. He further advised the caravans were re-directed and not facing residential properties, there was noise and disturbance and the planting scheme essential. Dr Hill stated the border was originally 45m away and was now 20m away. He advised the closed off access had the most detrimental effect that drove lorries between numbers 7C and 8A under the approval issued in 2011. He advised that vehicular access from the storage compound to the Bushmills Road added traffic problems for pedestrians and cyclists using the Bushmills Road, jeopardised road safety. He stated that there should be a compromise and that a neighbour's house is now up for sale due to noise and disturbance.

In response to questions from Elected Members, Dr Hill advised the 2011 approved access impact was not assessed by Planning. He advised caravan numbers D10 and D11 were much closer, would move any future planting 20m away and that planting would give a degree of protection. He clarified the Condition had not been met on the first planting season following commencement of development and repositioning was required.

The Chair clarified a similar Condition at Item 9 point 3 of the Planning Committee Report.

Dr Hill clarified the laneway did not have pedestrian access for caravaners, and residents walk onto this laneway. Planning had confirmed there was no approved access for caravans from the lane. The lane was for temporary use while the site was being developed. He advised of an historic Right of Way for agriculture land, not industrial business. He clarified that foundations were laid in July 2018; a retrospective application had been submitted afterwards.

The Chair invited M Crothers and M Bell to speak in support of the application.

M Crothers stated he was pleased approval had been recommended, 3 caravan plots on an established holiday home park, was compatible with Policy, and the surrounding area. He advised that the objections raised had been fully considered in the Planning Committee Report. M Crothers sought to address the representations made against the proposal:

- the retrospective application for the 3 caravan plots was to regularise and was separate from the previous applications;
- proximity adjacent to residential properties 7A, 7B and 7C – the separation distance was assessed and acceptable, to include siting and was set back;
- lack landscaping and screening - vegetation boundaries were being retained and would augment the buffer, a requirement of Condition 3 within the report;
- visual impact unsightly – siting was set back from main public roads and within the existing Park, there was vegetation that would assist integration;
- entrance/exit Bushmills Road – closure of entrance. Access onto the Bushmills Road was long standing, separate and existing access. DFI Roads had no issues or objections, and proposal is compliant with planning policy and legislation and objectors concerns had been fully considered.

M Bell spoke in support of the proposal, the storage yard was used to support the development of hundreds of caravan sites over the last number of years, was a very tidy site and there was now little activity as usage of the storage yard is now in recess and there is an expectation that traffic will not be required to go down the lane access road.

In response to questions from Elected Members, M Bell clarified it was vital to uphold the planning conditions, vital to build where you are supposed to be built, but that things do change on site from time to time. M Bell clarified that if planting had been done, that would not have meant some caravans would not have been built. He clarified the layout may have been changed to endeavour to achieve an efficient and organised caravan site to do well economically, the site was tidy and organised and supported economic activity in Portrush. M Bell advised activities on the site had been reduced as 95% of the site is now developed and vehicular traffic through Right of Way was significantly reduced.

The Senior Planning Officer clarified the access road in the previous approval of 2011. He clarified the distances to the nearest caravan approved previously was 45m from the rear of dwelling, the proposed application was 36m, 18-20m to the boundary, not the dwelling, the previous closest was 30m to boundary.

The Senior Planning Officer quoted from the Minutes of the meeting of the previous approval of February 2018, landscaping along the red line of the boundary adjacent to caravan 09, the landscaping plan to be agreed.

Alderman S McKillop sought legal advice from Council's Solicitor with regard to her recollection of the February 2018 Planning Committee meeting and that within the minute cited.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman McKillop
Seconded by Alderman Anderson and

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

* **Press and Public left the meeting at 5.55pm.**

Alderman McKillop sought advice on her recollection of the previous approval of a buffer zone at the red line, delegated.

The Head of Planning advised it had been recorded in the Minute of the meeting that it was a, 'landscaping scheme'. The Head of Planning advised of Council's Enforcement process. Details of the enforcement case were discussed.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Anderson
Seconded by Alderman Duddy and

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

* **Public re-joined the meeting at 6.10pm.**

The Chair put the report recommendation to Committee.

Proposed by Alderman Finlay
Seconded by Alderman 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 **REFUSE** planning permission for the reasons set out:

- Over development of the site and negative impact on residential amenity;
- the proposal will have a detrimental effect on local residents;
- the landscaping Conditions on the previous permission were to be enforced.

The Chair put the proposal to the committee to vote. 6 Members voted For, 8 Members voted Against and 2 Members Abstained.

The Chair declared the motion fell and advised that the direct opposite carried:

- 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.

- that Council inspect the site in twelve months' time to ensure the landscaping has been carried out in accordance with Condition 3.

The Chair declared a 15 minute recess be held at **6.15pm**.

* **Ald McKeown and Councillor Lavery left the meeting at 6.15pm.**

The meeting resumed at **6.36pm**.

7.4 Council, LA01/2019/0474/F, Council space at the playpark, The Crescent, Portstewart. Approx. 110m West of Portstewart Town Hall (Agenda Item 6.5)

Planning Committee Report and Addendum were circulated and presented by Senior Planning Officer M Wilson, via PowerPoint; presentation for a full application for temporary siting and operation of a panoramic viewing wheel from 24/06/2019 to 04/09/2019. Operational from 28/06/2019 to 01/09/2019, the wheel has illumination.

The Senior Planning Officer advised revision was sought to the red line of the development, suspended over land and referred to the Addendum to the committee report, correspondence had been received on 22nd August 2019 seeking clarification on Section 5.0 of the Planning Committee Report and in particular 5.1 which stated that a total of 64 neighbour notifications had been issued.

The Senior Planning Officer provided an update since publication of the report and addendum, a further objection had been received on 27 August regarding impact of a diesel generator and fumes, the objector was unable to open their balcony for 9 hours each day, there had been illumination for 9 hours per day and impact of flashing images.

The Senior Planning Officer provided a summary of objection letters and a summary of letters of support. He advised substantial weight had been given to the temporary siting of the proposal and short term duration. The proposal had been considered under PPS 2, 3, 15 and 16 and approval recommended.

In conclusion, while in the longer term the proposal would unlikely comply with relevant policies regarding land use and design, substantial weight is given to the temporary period sought as a material consideration. On that basis the temporary siting of the panoramic viewing wheel at this location is considered to be acceptable. Therefore given the short term duration of the application at this location, there are no unacceptable effects on amenity, access arrangements, open space, built or natural heritage. 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 Condition 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.

In response to Elected Members questions, the Senior Planning Officer, clarified that a video had been forwarded directly to Councillors by an objector that had been taken during the lighter hours. He advised Environmental Health and the Health and Safety Executive had been consulted on the proposal. The closest property was 90m away and on balance, the level of flashing lights was acceptable for the temporary period applied for. The Senior Planning Officer clarified the Wheel was located in the North West corner of the play area.

The Chair invited Alderman Fielding to speak in support of the proposal.

Alderman Fielding spoke in support of the proposal, he advised this is a temporary application and a welcome to the tourist value of the town during the summer season of Portstewart for a short term duration.

Alderman Fielding advised that quite often he did not see the lights. He stated the position of the fountains was further away, the wheel sited in the far corner and did not interfere, rather complimented the play park. He advised the structure was not permanent, operated from 12noon – 9pm and did not conflict with funeral services at Star of The Sea. Alderman Fielding referred to point 8.8 of the planning committee report, was a tourist amenity of high quality and to point 8.9 of the planning committee report, was compatible with a seaside resort and PPS 16.

Alderman Fielding referred to Item 8.22 within the planning committee report, parking and ease of access, and stated DfI Roads had no objections; the proposal would bring economic benefit, was positive, the Portstewart Community Association and three other Councillors from Portstewart across parties expressed their support along with the Portstewart Traders Association. He advised there were no unacceptable effects on amenity, access, built and open heritage.

Proposed by Alderman Duddy
Seconded by Councillor Anderson

- 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 Condition set out in section 10.

- 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 Chair put the motion to the committee to vote. Committee voted unanimously in favour.

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

7.5 Council, LA01/2018/0693/F, Lands within Benone Tourist Complex site, 53 Benone Avenue, Limavady (*Agenda Item 6.6*)

Planning Committee Report and Addendum were circulated and presented by Senior Planning Officer, J McMath via PowerPoint presentation for a full Planning Application for Proposed development to comprise of a new Wastewater Pumping Station (WwPS).

The Senior Planning Officer presented the site location and description, the application would include 1 wet well, 1 valve chamber and 1 flow meter chamber, 1 control panel kiosk and wash water kiosk, 1 5m high site lighting column, 1 high false lighting column, 1 high false lighting column to vent the WwPS, surfacing in concrete, 1.8, high fence.

The Senior Planning Officer also advised there were no objections to the proposal. She advised the proposal was to help meet current and future demand for the sewer network, especially during peak tourist influx. There was a need for the proposal, the proposal was acceptable in terms of visual impact, the proposal was sympathetic to the AONB and would be mitigated by planting at the front of the site. The Senior Planning Officer referred to the Addendum to the report, and further Condition added.

In conclusion, the proposal is considered acceptable at this location having regard to the Northern Area Plan and other material considerations, including the SPPS and Planning Policy Statements 2, 3, 11 and 21. Consultee responses have been considered. The proposal serves to upgrade the sewage network in Benone and it is not a dominant feature in the landscape and integrates into the surrounding landscape and would not result in a detrimental change to the rural character of the countryside. As the proposal is 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** planning permission subject to the Conditions set out in section 10.

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

The Chair put the report recommendation to Committee.

Proposed by Councillor Baird
Seconded by Councillor Scott

- 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;

- that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair put the motion to the committee to vote.

Committee voted unanimously in favour. The Chair declared the motion to **APPROVE** carried.

7.6 Council, LA01/2019/0285/F - 20m South East of Dungiven Castle, 145 Main Street, Dungiven (Agenda Item 6.7)

* **Councillor McMullan declared an Interest in the following applications: LA01/2019/0285/F LA01/2019/0286/LBC, LA01/2019/0287/LBC, LA01/2019/0288/F and left the Chamber.**

Planning Committee Report was circulated and presented by Senior Planning Officer, J McMath, via PowerPoint; a full Planning Application for retention of modular building and proposed extension to provide additional accommodation. The accommodation would provide general classrooms, science rooms, home economics room and supporting ancillary accommodation. Site works would include drainage, new pathways, fencing and gates to secure the school grounds.

The Senior Planning Officer referred to the addendum, Condition added.

In conclusion, the proposed development is considered acceptable in this location having regard to the area plan and other material considerations. The development is considered appropriate in terms of its scale, layout and appearance. It is sympathetic to the land uses within the locality and does not impact on the residential amenity of the neighbouring properties. The provision of additional school accommodation is therefore a development which serves the present and future needs of the school's population and the wider community. 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.

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

The Chair put the report recommendation to Committee.

Proposed by Councillor McGurk
Seconded by Councillor Nicholl

- 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.

- that the Committee notes the contents of the Addendum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair put the proposal to the committee to vote.

Committee voted unanimously in favour. The Chair declared the motion to **APPROVE** carried.

7.7 Council, LA01/2019/0286/LBC - 20m South East of Dungiven Castle, 145 Main Street, Dungiven (Agenda Item 6.8)

*** Councillor Baird left the meeting at 7.02pm and re-joined at 7.03pm**

Planning Committee Report was circulated and presented by Senior Planning Officer, J McMath for Listed Building Consent for retention of modular building and proposed extension to provide additional accommodation. The accommodation would provide general classrooms, science rooms, home economics room and supporting ancillary accommodation. Site works include drainage, new pathways, fencing and gates to secure the school grounds. The Senior Planning Officer advised one letter of support had been received from the Education Authority, was associated with the previous application and recommended approval.

In conclusion, this proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The proposed nature and scale of the proposal have a minimal impact on the listed building and it is considered acceptable having regard to the policy guidance set out in the SPPS and PPS 6. 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 **GRANT** Listed Building Consent subject to the reasons set out in section 10.

Proposed by Councillor Nicholl
Seconded by Councillor MA McKillop

- 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** Listed Building Consent subject to the reasons set out in section 10.

The Chair put the proposal to the committee vote.

Committee voted unanimously in favour. The Chair declared the motion to **GRANT** carried.

*** Councillor Baird did not vote on the application.**

7.8 Council, LA01/2019/0287/LBC - Caisleán Dhún Geimhin 145 Main Street Dungiven (Agenda Item 6.9)

- * **Alderman Finlay left the meeting at 7.05pm.**
- * **Alderman McKillop and Cllr Scott left the meeting at 7.05pm. Cllr Scott re-joined at 7:07pm.**

Planning Committee Report was circulated and presented by Senior Planning Officer, J McMath; application for Listed Building Consent for retention of Irish Medium Post Primary School. The works will consist of extra electrical and data sockets surfaced mounted to walls, walls repainted and new proposed fencing and gates to secure the school grounds. The Senior Planning Officer advised one letter of support had been received from the Education Authority.

In conclusion, this proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The proposed nature and scale of the proposal have a minimal impact on the listed building and it is considered acceptable having regard to the policy guidance set out in the SPPS and PPS 6. 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 **GRANT** Listed Building Consent subject to the reasons set out in section 10.

The Chair put the report recommendation to Committee.

Proposed by Councillor Nicholl
Seconded by Councillor McGurk

- 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** Listed Building Consent subject to the reasons set out in section 10.

The Chair put the proposal to the committee to vote.

Committee voted unanimously in favour. The Chair declared the motion to **GRANT** carried.

- * **Councillor Scott did not vote on the application.**

7.9 Council, LA01/2019/0288/F - Caisleán Dhún Geimhin 145 Main Street Dungiven (Agenda Item 6.10)

Planning Committee Report and Erratum were circulated and presented by Senior Planning Officer, J McMath for a full Planning Application for retention of Irish Medium Post Primary School. The works consists of extra electrical and data sockets surfaced mounted to walls, walls repainted and new proposed fencing and gates to secure the school grounds.

The Senior Planning Officer referred to the erratum, circulated.

The Senior Planning Officer advised one letter of support had been received from the Education Authority.

In conclusion, the proposed development is considered acceptable in this location having regard to the area plan and other material considerations. The development is considered appropriate in terms of its use, scale, layout and appearance. It is sympathetic to the land uses within the locality and does not impact on the residential amenity of the neighbouring properties. The continued use of the building for the provision of school accommodation is therefore a development which serves the present and future needs of the school's population and the wider community. 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.

Erratum Recommendation - that the Committee notes the contents of the Erratum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

Proposed by Councillor Nicholl
Seconded by Councillor McGurk

- 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.

- that the Committee notes the contents of the Erratum and agrees with the recommendation to **APPROVE**, as set out in paragraph 9.1 of the Planning Committee Report.

The Chair put the proposal to the committee to vote.

Committee voted unanimously in favour. The Chair declared the motion to **APPROVE** carried.

- * **Alderman Finlay re-joined the meeting at 7.07pm.**
- * **Councillor McMullan and Alderman McKillop re-joined the meeting at 7.09pm.**
- * **Aldermen Finlay and McKillop and Councillor McMullan did not vote on the application.**

7.10 Referred, LA01/2018/1343/F, 83 Dogleap Road, Limavady (*Agenda Item 6.11*)

Planning Committee Report and Site Visit Report were circulated and presented by Senior Planning Officer, J McMath for a full Application for proposed replacement storey and a half dwelling, detached garage and associated site works. The Senior Planning Officer referred committee to the site visit report, circulated, (attached as appendix i).

The Senior Planning Officer described a rural site replacement, outside the development limit as defined in the Northern Area Plan. She stated the site red line was adjacent to an agricultural field, to the roadside bound by a low wall, the western field defined by a hedgerow. The Senior Planning Officer referred to SPPS 21, CTY3, CTY13, CTY 3 and advised that proposals for a replacement dwelling would only be permitted where 5 criteria were met. She advised the first criteria required the proposed replacement dwelling be sited within the established curtilage, the existing curtilage had a frontage of approximately 31m, 8.12. The Senior Planning Officer stated the planning history on the site, although expired, was a material consideration in the assessment. The current proposal was an increase in scale and massing from the previous approval on site as well as an increase to the curtilage.

The Senior Planning Officer advised it had not been demonstrated landscape, heritage, access or amenity benefits. The application had double the frontage, would have a greater visual impact than the dwelling currently on site, was contrary to CTY3 and 13. She advised new landscaping proposed was inadequate to overcome Policy objections and recommended refusal for the two reasons set out in the committee report.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, Planning Policy Statement 21 – Sustainable development in the Countryside, Policy CTY 1, CTY 3, Policy CTY 13 and CTY 14, in that design is unacceptable and coupled with the extension of the curtilage it will not integrate. Refusal is recommended as 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** full planning permission subject to the reasons set out in section 10.

The Chair invited G Jobling to present in support of the application. Gemma Jobling advised the existing dwelling occupies a smaller roadside site with not much space to the rear, limited play area. She stated that the adjacent field is a vacant small field and rising land to the rear. She advised that the rear boundary is very well enclosed and there are only short term views from Dogleap Road. The proposal is only apparent from very localised views. Gemma Jobling stated the application amended the ridge height, was approved for a one and a half storey dwelling and the principle established, the proposal was for an extension and move the boundary East only by about 5m.

G Jobling advised the application made an amendment centrally from to field beside it by 5m and therefore was no longer double the curtilage. She advised this was needed to ensure the septic tank is a minimum 15m from the dwelling, to provide better private amenity space, private garden, and complies CTY3. She advised that SPPS recommends refusal only to be justified if demonstrable harm. She made reference to a PAC decision where the house was built 10M from where approved.

The Chair sought clarification, as the details on the plan were different to what G Jobling had described the site.

G Jobling further clarified that the extension of the curtilage was by only 5m but this was not what was in front of Committee. She advised that a plan had been submitted showing a new hedge line running closer to the house, and perpendicular to the road. G Jobling advised that following an email request from the case officer to move inside the original curtilage of the house, there was a row of trees 5m off the original existing boundary which demarcated the new boundary of the curtilage and that this had been submitted 03 May 2019.

The Head of Planning advised that what had been described was not what had been submitted and showed the drawing submitted on 03 May 2019 to G Jobling. She advised Members that subject to the submission of amended plans, reducing the red line of the extension of the curtilage to an additional 5m beyond the existing site, Officers would not object to the application, and the boundary to be defined by trees.

Proposed by Councillor Hunter
Seconded by Councillor Baird

- that the Committee has taken into consideration and agrees with the reasons for the verbal recommendation to **APPROVE**, subject to the submission of amended plans reducing the red line of the application site to 5m beyond the existing eastern boundary and for the new boundary to be defined by vegetation.

The Chair put the proposal to the committee to vote.

Committee voted unanimously in favour.

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

7.11 Referred, LA01/2016/1230/O, 60m NE of 32 Newmills Road, Coleraine (Agenda Item 6.13)

- * **Alderman Duddy, having declared an interest, left the Chamber at 7.25pm.**
- * **Alderman Boyle had left the meeting at 7.25pm**

Planning Committee Report, Addendum and Site Visit (attached as appendix i) were circulated and presented by Senior Planning Officer, J Lundy; application for outline Planning Permission for Site for replacement dwelling and garage.

The Senior Planning Officer described the red line of the boundary, a replacement dwelling. She advised the Agent had asked committee to consider two access options, A) existing and B) new access. The Senior Planning Officer advised the dwelling was in a ruined state, the proposal would cause intensification of the lane contrary to DCAN 15 and PPS3 due to intensification of access requiring improvement to visibility splays, the Planning history was set out in the Planning Committee Report. She advised that the Applicant was unwilling to set back bridge at the existing access to provide the necessary visibility splays for access onto Newbridge Road and wished Option B a new access. The Option B meets DfI Roads standards for access provision, however the length of laneway running parallel to the roadway of some 100m would impact on visual character and lack integration, contrary to PPS21 policy CTY 13 and 14. Furthermore, the proposal is contrary to policy FLD1 of PPS15, as no flood risk assessment had been submitted for consideration.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS, PPS 21 and PPS 15. The proposal fails to meet the tests of the SPPS, Policy CTY 1, CTY 13 and CTY 14 of PPS 21, and FLD 3 of PPS 15 in that the access fails to integrate and would be detrimental to rural character. It has also not been demonstrated that the proposed development would not lead to an increase in flood risk. Refusal is recommended as set out in Section 10 of the Planning Committee Report.

Recommendation - that the Committee has taken into consideration and agrees with the reasons for 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 Conditions set out in section 10.

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

In response to Elected Members questions, the Senior Planning Officer, clarified if the bridge was moved back 6m as required under previous permissions on the site, DfI Roads would have no objections to this Option.

The Chair invited M Bell to speak in support of the application. M Bell advised the site previous approved barn conversion under PPS 14 did not allow reuse without improvements to the land, conversion, splay

improvements and under Policy CTY 3 of PPS 21, would meet replacement criteria. M Bell advised it was not possible to undertake hugely expensive improvements suggested by DfI Roads. He stated that you can see over the bridge and parapet and that the access is safe and has been for decades, the use of the existing access does no harm, and suggested new access due to difficulties of get this approved. He advised that the current existing lane is currently used by a dwelling and that other Roads Divisions give a more generous interpretation to the policy than Northern Division. He stated that outside of Northern Division a replacement dwelling does not require amendments but that amendments are welcomed.

In response to Elected Members questions, M Bell clarified moderate changes to the existing access would include trimming of the hedge to provide a clear line of sight all the way up the road. M Bell clarified the owners of the farm use this lane but it is not their primary lane.

The Chair invited M Bradley, MLA, to present in support of the application. He stated he was a resident of the area where this site is located and cited a short history of nearby Mill and its owners and workers and that the proposal would boost life into the area. He referred to Council's Nursery, located on the right hand side of the Coleraine Road, which accommodated lorries and eleven green poly tunnels and did not require access improvements. He requested the application be treated fairly in this regard. He advised that it is possible to see right up to the top of the hill from this access.

In response to a request for clarification regarding DfI Roads correspondence from another Division, the Chair invited A Gillan, DfI Roads, to respond.

AGREED – that committee view the DfI Roads correspondence referred to.

A Gillan responded, the dwelling referred to in the correspondence was occupied, there was no intensification. However, advised further specific comment may not be made. A Gillan clarified the new access had been recommended for approval by DfI Roads.

The Senior Planning Officer advised Members that policy CTY3 of PPS21 states as one of the criteria that provision of access to the public road must not prejudice road safety. She advised that perhaps the correspondence from the other Roads Division referred to a dwelling that was vacant and readily able for residential occupation rather than derelict

as is the case in this application. She referred to a ruling by then Minister Atwood that referred to replacement dwellings which had the fall back position of being readily occupied without the need for planning permission for any works and that such cases were not considered to be intensification of the access. However, she stated that this is not the case here and works to the visibility splays are required under policy as the parapet of the bridge impacted on visibility. She stated at the site visit that morning she had found it difficult to view up the road to exit the laneway and required someone to direct her out.

Proposed by Alderman Finlay
Seconded by Alderman McKillop

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

- the Powerpoint slide showed the existing access and it is possible to see clearly to the left and right;
- the sight lines will benefit from hedge trimming;
- other DfI Roads letter accepts replacement dwellings where existing access and do not request improvements to visibility splays.
- Alderman McKillop stated that she had no problem seeing vehicles from left and right at the site visit that morning but that it would benefit from hedge trimming.

The Head of Planning advised the proposal demonstrated serious road safety implications and concerns had been raised by the Senior Planning Officer and DfI Roads regarding a safe access due to lack of visibility splays.

The Chair put the proposal to the committee to vote. 8 Members voted For, 2 Members voted Against and 2 Members Abstained.

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

AGREED – that Conditions are delegated.

* **Alderman Duddy re-joined the meeting at 8.00pm.**

* **Councillor Anderson left the meeting at 8:05pm**

AGREED - the time being **8.00pm**, that Committee does consider the four remaining applications with Speakers.

Committee voted unanimously in favour.

7.12 Referred, LA01/2018/0339/O, 158m South East of 243 Garryduff Road, Dunloy (Agenda Item 6.14)

Planning Committee Report and Addendum were circulated and presented by Senior Planning Officer, E Hudson; outline Planning Application for Site of dwelling and garage on a farm.

The Senior Planning Officer referred to an amended site location plan, there had been two site visits and both Site Visit Reports were circulated. She described the roadside site, outside the settlement of Dunloy in the rural area; there were no designations in the Northern Area Plan. The application was a minimum of 80m from farm buildings, there had been no sell off's of land in the last ten years. The proposal failed to meet CTY10, was not sited to cluster with or visually link with a group of buildings on the farm; there were no verifiable plans for expansion. The proposed site would result in ribbon development and create an infill site potential, alter rural character leading to suburbanisation under contrary to Policies CTY10, 8, and 14 of PPS21.

In conclusion, 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 the SPPS and Policies CTY 1, CTY8, CTY 10 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that; the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, would create or add to a ribbon of development and would result in a detrimental change to rural character. The proposal is recommended for refusal as 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**

planning permission as set out in Section 9.0 and 10.0 of the Planning Committee Report.

The Chair invited J Simpson to speak in support of the application. J Simpson cited from CTY 10 C, *Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.* John Simpson stated the proposal from the road was visually linked due to the storage of the round bales, and the farm buildings. He stated that the farm holding is located along the roadside and the ground to the west rises steeply forming a backdrop to the farm holding. The proposed dwelling will integrate with the area of hard standing for machinery and around 700 round bales which were visible at the site visit that morning. He advised that the proposed site is the nearest location for a dwelling to the farm holding without interfering with the operation of the farm. He advised the red line was amended to remove the road frontage by setting it back some 5 m off the roadside and therefore would not have road frontage and remove any infill opportunity. He advised of the 75m separation distance that farm buildings must be from a residential dwelling not on a farm and that this first site is for the applicant's son.

In response to Elected Members questions, J Simpson clarified that at some stage in the future it is proposed to develop a silage pit and is willing to accept a dwelling in either of the locations within the red line of the application site. The space between the dwelling and farm buildings and the proposed site is for amenity to the existing house and storage of round bales and machinery.

In response to Elected Members questions, the Senior Planning Officer clarified the principle of development was established under policy CTY10 A and B but Not Criteria 'C' and was therefore not acceptable under Policy CTY10 overall, and concurred the farm was active and established. The Senior Planning Officer clarified the proposal could not move to the other side, inside the red line, as the applicant was not in ownership of the dwelling, farm maps indicated Robert O'Neill was not part of the farm holding and therefore would not cluster or visually link with a group of buildings on the farm.

Members debated the consideration of the application in terms of the principle of development demonstrated on the farm a site; integration with land rising to the rear and the roadside location of the farm holding. Discussion took place on the visual linkage with buildings on the farm and infill opportunities.

The Head of Planning read policy CTY10 to Members refreshing them of the criteria required to comply with the policy.

Proposed by Alderman Duddy
Seconded by Councillor Baird

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

The Chair put the proposal to the committee to vote. 3 Members voted For, 7 Members voted Against and 1 Member Abstained.

The Chair declared the proposal **APPROVED**.

Members provided reasons why they considered the application to be acceptable and to approve the proposed development as follows:

- The applicant meets the criteria for dwelling on a farm as this is an active farm and the site will visually link with buildings on the farm;
- The separation will allow for private amenity for the existing dwelling and storage of bales and machinery for the farm;
- Site is in line with the farm buildings and no land available to rear to site a dwelling;
- The site integrates due to the rising land to the rear;
- Do not consider that an infill opportunity will arise;
- The farm is succeeding transition to the son.

Proposed by Councillor Hunter
Seconded by Councillor Nicholl

Subject to the reasons set out:

- Condition to be applied – siting condition to be included for the dwelling to be located within part of the 'storage area' so as not to create an infill opportunity;
- Conditions delegated.

Committee wished to have sight of the siting location before taking the vote.

The Head of Planning moved to view plans with the Committee.

The Chair put the proposal to the Committee to vote. 9 members voted For, 1 Member voted Against and 1 Member Abstained.

The Head of Planning agreed to bring the Item back as an information item, the Reserved Matters application.

AGREED – that committee hold a 5 minute recess.

Committee resumed 5 minutes later.

* **Councillor McLaughlin left the meeting at this point.**

7.13 Referred, LA01/2019/0150/O, Between 105 & 107 Knocknacarry Road, Cushendun (Agenda Item 6.18)

Planning Committee Report and Site Visit Report of 17 June 2019 were circulated and presented by Senior Planning Officer, E Hudson; outline Application for Site for infill dwelling via PowerPoint presentation.

The Senior Planning Officer described the red line of the development, the concept, neighbouring properties, and illustrated an aerial photograph of the neighbouring properties. She illustrated the side garden, an average plot size of 25.5m, application site 9.4m and would not respect the existing pattern of development. The Senior Planning Officer advised the site was cramped when viewed in the context of the neighbouring properties, the proposed development would be out of keeping with the existing settlement pattern and would add to a ribbon of development and would cause a detrimental impact to neighbouring properties. The Senior Planning Officer advised DfI Roads have responded, provision could not be made clear of the highway for the parking and turning of vehicles. She recommended refusal and referred to Point 10 of the planning committee report, Policies CTY 1, 8, 14 of PPS 21 ribbon development, detrimental impact on neighbouring properties, under Policy PPS 3.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal is considered contrary to Policies CTY 1, 8, and 14 (c and d) in that the proposed gap site is too narrow and does not respect the existing pattern of development along the frontage in terms of size, scale and plot size and would add to a ribbon of development. The proposal is contrary to Policy AMP7 of PPS 3 as it

has not been demonstrated that adequate provision can be made clear of the highway for the parking and turning of vehicles on the site and it would therefore prejudice the safety and convenience of road users. The proposal is also contrary to Policy NH 6 of PPS 2 in that the plot size and layout is not appropriate to the AONB location. As no overriding reason has been forthcoming as to why the development is essential and could not be located within a settlement, the proposal is contrary to CTY 1 of PPS 21 and paragraph 6.73 of the SPPS. Refusal is recommended as 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.

The Chair invited S Bailey to speak in support of the proposal. S Bailey advised the application site, 107 Knocknacarry Road, under Policy CTY8 of PPS 21, meant the gap was sufficient to take two dwellings, a larger proposed gable, detached garage and utility and would not have a negative effect. Seamus Bailey stated Number 107 garden had large wide frontage and was consistent with the development. He referred to Number 105 & 103 gables towards Knocknacarry Road, and the concept of the proposed dwelling would be gable would face the road. He stated that the dwelling would have a minimum vantage point, and would accept a ridge height restriction. He advised that there was a severe shortage of homes in Knocknacarry and that the visibility splays only required minimal amendments. He stated the dwelling is for the applicant's daughter.

Proposed by Councillor McMullan
Seconded by Alderman Duddy

- that consideration be **DEFERRED** and a site visit be held.

The Chair put the proposal to the committee to vote. 9 Members voted For and 2 Members voted Against.

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

7.14 Referred, LA01/2018/1341/F, 6 Leeke Road, Bushmills (Agenda Item 6.19)

Planning Committee Report and Addendum were circulated and presented by Senior Planning Officer, M Wilson via PowerPoint presentation for a full application for retention of garage alterations/extension.

The Senior Planning Officer referred to an addendum, a "Briefing Note" and aerial photograph of the application site from the Agent, for Committees' attention. He advised one letter of objection had been received and 12 letters of support and that works had commenced in the Summer of 2013, the building constructed at that time was immune from enforcement. However, once the alterations were made to the building in 2018 it was considered to be no longer substantially complete and therefore was subject to enforcement action again. M Wilson read Section 132(1) of the Planning Act (Northern Ireland) 2011 to Members.

The Senior Planning Officer stated the roof had been removed, the structure was not watertight, new building work had been carried out raising the eaves 80cm and ridge height 1.1m and was unauthorised. He referred to point 8.10-8.12 of the planning committee report, which he advised, covered points 10,11 and 12 of the Briefing Note. He advised that the building as now constructed was an unauthorised building and therefore permission cannot be granted for an extension to an unauthorised building and refusal was recommended.

In conclusion, the proposal is considered unacceptable having regard to the Northern Area Plan, relevant policies and other material considerations. As the garage building is unauthorised, it is not possible to permit or regularise an extension or alteration to an unauthorised building. The proposed garage is unsympathetic in terms of the design, scale, massing and finish, and is disproportionate to the modest sized dwelling. The proposal is unsympathetic to the character of the dwelling and area, and has a negative impact on the adjoining dwelling. Refusal is recommended as 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** permission for the full application subject to the reason set out in section 10.

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

In response to Elected Member queries the Senior Planning Officer advised the eaves were raised at the front and back and the entirety of the roof of part of the building was removed and a new roof constructed. He confirmed the Applicant could have submitted a Certificate of Lawfulness at that time.

The Head of Planning clarified there had been an extension of the walls and new roof, a triangular section of the structure were all new, the application submitted as a result of enforcement investigation.

The Chair invited D Monaghan to speak in support of the application. The Applicant, A McDonald accompanied to answer questions. D Monaghan advised part of the roof improved the appearance of the structure, enforcement was unlawful as the building was substantially completed more than 6 years and was lawful. He advised the roof did not make it unlawful, the extension, alteration to the roof in 2018 was regularised through this application. D Monaghan advised the porta cabin was moved to rear of the site. He referred to photographic evidence, advising that there was no overshadowing, a neighbouring shed adjoined and complied with PPS7.

In response to Elected Member questions, D Monaghan clarified the proposal complied with PPS7 and all guidance, the height of the eaves increased by 80cm, was of no detriment, sympathetic and improved appearance of the building. He clarified, 'not substantially complete', in June 2012, 6 years was substantially complete and became lawful, and subsequent alterations are lawful, the application to retain alterations to the building is minimal.

Dermot Monaghan cited from the Planning Act section 132, "*Where there has been a breach of planning control consisting in the carrying out without planning permission of building, engineering, mining or other operations in, on, over or under land, no enforcement action may be taken after the end of the period of 5 years beginning with the date on which the operations were substantially completed*". He referred to section 169, Part 2 of the Planning Act.

Alderman Finlay sought a legal opinion, considering what he felt was a presentation of conflicting information.

The Chair withdrew a personal health question put to the Applicant by an Elected Member, referred to within the Agent's briefing note to committee.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Finlay
Seconded by Councillor Baird and

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

* **Public left the meeting at 9.30pm.**

Council's Solicitor considered the issue of the definition of 'substantially complete'.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman Duddy
Seconded by Councillor McGurk and

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

* **Public re-joined the meeting.**

Proposed by Alderman McKillop
Seconded by Alderman Duddy

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

- that the Committee note the contents of the Addendum and *disagrees* with the recommendation to refuse, as set out in Paragraph 9.1 of the Planning Committee Report.

Subject to the reasons set out:

- the roof being taken off did not make the structure unlawful;
- the structure was substantially complete for more than 5 years;

- the extension development is acceptable when compared to adjacent structures;
- the roof only removed to allow increase in walls of 80cm, brings in to line with building next door to it;
- extension is acceptable and will not create overshadowing;
- Conditions delegated.

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

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

7.15 Referred, LA01/2018/0903/F, The Stores, Woodvale Park, Bushmills (Agenda Item 6.21)

Planning Committee Report was circulated and presented by Senior Planning Officer, J Lundy via Powerpoint Presentation for a full Planning Application for existing warehouse to be converted into 4 no. apartments, with access and associated parking at ground floor level within the building footprint.

The Senior Planning Officer described the proposal within the development limits of Bushmills, and the Causeway Coast AONB, access down one side of numbers 44-47 Woodvale, proposed elevations were illustrated. She advised the replacement opportunity would not provide a quality residential environment, would not meet the minimum standards and recommended refusal for reasons 1-4 set out in the planning committee report. The Senior Planning Officer advised the proposed small windows would result in limited sunlight, overlooking and failed to meet the space standard required under Addendum to PPS7 Policy LC1. The Senior Planning Officer stated notice had not been served on relevant properties by the applicant.

The Senior Planning Officer advised the building was a candidate for conversion, subject to an acceptable design. DfI Roads advised ownership of land for visibility splays is outside of the red line of the application site. She moved to discuss hard copy plans with committee, the Head of Planning invited G Montgomery (public) to observe.

In conclusion, the proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS.

The proposal does not result in a quality residential environment. Apartments do not meet the space standards identified and would have inadequate outlook and private amenity for prospective residents. The proposed layout for the Apartments contributes to unacceptable overlooking/loss of privacy to neighbouring properties harming residential amenity. The proposal is unacceptable in terms of providing access since visibility splays of 2 metres x 33 metres cannot be provided in accordance with the standards contained in DCAN 15. Refusal is recommended as 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.

Proposed by Alderman Duddy
Seconded by Councillor Hunter

- that consideration is **DEFERRED** for 3 months and site visit be held; or sooner, whichever is earliest.

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

The Chair declared the motion to **DEFER** for 3 months and a site visit be held carried.

Proposed by Alderman Duddy
Seconded by Councillor Hunter and

AGREED – the time being **10.10pm**, that the Committee defer the remaining items on the Agenda to the beginning of the next Planning Committee meeting.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at **10.11pm**.

Chair

SITE VISIT REPORT: WEDNESDAY 28 AUGUST 2019

Committee Members: Alderman Boyle, Duddy, Finlay, S McKillop, McKeown; Councillors Anderson, Baird, Dallat O'Driscoll, Hunter (Chair), Lavery, McGurk, MA McKillop, McLaughlin (Vice Chair), McMullan, Nicholl, Scott

1. LA01/2018/1343/F 83 Dogleap Road, Limavady BT49 9NN

App Type: Full

Proposal: Proposed replacement storey & a half dwelling, detached garage and associated site works

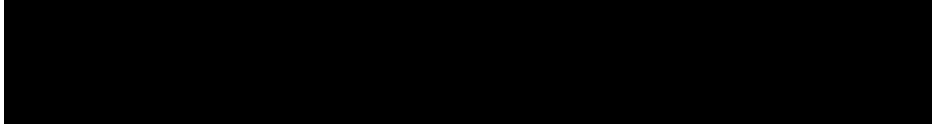
Present: Alderman Duddy, McKeown, Boyle; S McKillop Councillors Anderson, Baird, McLaughlin (Vice Chair), Nicholl, Scott, Hunter (Chair) McMullan, Dallat O'Driscoll, M A McKillop

Officials Present: Shane Mathers, Julie McMath

Comments: Councillors viewed replacement opportunity and adjacent field subject to extension of curtilage. Officials explained the policy context under policies CTY3 and 13 of PPS21. Officials explained that building was a genuine replacement opportunity but under policy CTY3 other criteria must be met which include that the replacement should be sited within the established curtilage of the existing dwelling unless the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling or that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

Officials explained that curtilage currently accommodated the existing dwelling, garage and amenity space and given the details of the 2012 planning history the curtilage could accommodate a dwelling of the size currently proposed therefore the curtilage was not so restricted that it could not accommodate a modest dwelling. Officials were also advised that no landscape, heritage, access or amenity benefits had been demonstrated. The repositioning of the dwelling on site was discussed and officials explained that during the

processing of the application officials requested that the dwelling was situated within the existing curtilage, the dwelling had been moved but still remained outside existing curtilage. As the dwelling would have a significantly greater visual impact than existing the recommendation was to refuse.



2. LA01/2018/1172/F 6 Brighter Gardens, Limavady BT49 0GH

App Type: Full

Proposal: Retrospective application for retention of domestic garage with alterations to building's exterior finishes

Present: Alderman Duddy, McKeown, Boyle; Councillors Anderson, Baird, McLaughlin (Vice Chair), Nicholl, Scott, Hunter (Chair) McMullan, Dallat O'Driscoll, M A McKillop

Officials Present: Shane Mathers, Michael Wilson

Comments:

Members began site visit at no. 6 Brighter Gardens and officials showed the application site and Members viewed the front of the existing property and the relationship with the constructed garage. Members were then shown to the rear garden of No.6 to observe the development from there, and officials pointed out that an example of the render cladding and rainwater goods had been put in situ to demonstrate how the finished development would appear with the addition of rendering boards.

Members then viewed the development from the rear gardens of No.2 & No.4 Brighter Gardens and officials provided a summary of objections. Officials explained there had been an objection from No.56 Petrie Place and the proximity and siting of the development to no.56 was shown. Members queried Permitted Development Rights and looked at the Certified Proposal and compared this to the existing development with the proposed changes.



3. LA01/2016/1230/O 60m NE of 32 Newmills Road, Coleraine BT52 2JB

App Type: Outline Planning Permission

Proposal: Site for replacement dwelling and garage

Present: Alderman McKeown, S McKillop, Boyle; Councillors Anderson, Baird, McLaughlin (Vice Chair), Nicholl, Hunter (Chair) McMullan; Dallat O'Driscoll; MA McKillop

Officials Present: Shane Mathers, Jennifer Lundy

Comments: Planning Officials pointed out the existing access and the proposed access and advised that the agent has asked that they consider the two options. The existing visibility splays were pointed out and the bridge parapet that obstructs the view. The DFI Roads requirements were also discussed.

In terms of the new access, Officials pointed out their concerns in relation to integration and rural character.

The location of the flood plain was also discussed and shown on the map.

Members then viewed the replacement opportunity. The Officials advised that it was considered a valid replacement as it displayed the essential characteristics of a dwelling and was substantially intact. Members were also advised that due to the ruinous state the applicant did not have any fall back to move back into the property. To replace the building would be intensification of the lane and visibility splays would be required.



