

**PLANNING COMMITTEE WEDNESDAY 23 OCTOBER 2019**

**Table of Key Adoptions**

<b>No</b>	<b>Item</b>	<b>Summary of Key Decisions</b>
1.	Apologies	<b>Councillor MA McKillop</b>
2.	Declarations of Interest <ul style="list-style-type: none"> <li>• Councillor Baird - Referral, LA01/2018/0334/O To rear of 668 Seacoast Road, Limavady</li> <li>• Alderman Finlay - Referral, LA01/2019/0039/F Approx. 40m east of 204 Straid Road, Bushmills</li> <li>• Councillor Scott - Referral, LA01/2018/1574/O Lands approx 10m SSW of 184 Baranailt Road, Limavady</li> </ul>	<b>Note in Register</b>
3.	Minutes of Meeting held Wednesday 25 September 2019	<b>Confirmed</b>
4.	Order of Items and Confirmation of Registered Speakers/Applications Withdrawn and Site Visit Requests	<b>Agreed to receive Order of Business Agenda Item 5.6 to considered after Item 5.10 to allow agent to attend a funeral</b>
	LA01/2017/0139/F, Nos. 52 to 62 Quay Road, Ballycastle.	<b>Application Withdrawn from Schedule</b>
	LA01/2019/0079/O, Between 31 & 33 Killymaddy Road, Ballymoney	<b>Application Withdrawn</b>
	LA01/2017/1586/F, The Old Flax Mill 26 Mill Lane, Moneybrannon Road, Aghadowey	<b>Application Withdrawn from Schedule</b>
	LA01/2019/0147/F, 220 metres South-West of 54 Burrenmore Road Castlerock	<b>Application Withdrawn from Schedule</b>

	LA01/2018/1186/O – 113M SE of 94 Macfin Road, Ballymoney	<b><i>Defer for submission of additional information</i></b>
	LA01/2018/1315/O, Between 22 & 26 Carrowdoon Road, Dunloy	<b><i>Defer for site visit</i></b>
<b>5.</b>	Schedule of Applications	
	<b>5.1</b> Major, LA01/2018/1412/F Causeway Coast Vineyard Church, 10 Hillmans Way, Coleraine	<b><i>Approve</i></b>
	<b>5.2</b> Major, LA01/2018/0077/O Lands on Northern side of Dunluce Road opposite and West of all-weather pitch at Dunluce School, 16 Dunluce Road, Bushmills	<b><i>Approve</i></b>
	<b>5.3</b> Major, LA01/2017/0999/F 47m N E of 67 Moneybrannon Road, Coleraine	<b><i>Approve</i></b>
	<b>5.4</b> Objection, LA01/2015/0459/F Former Castle Erin Hotel and Conference Centre Castle, Castle Erin Road, Portrush	<b><i>Defer to allow members to consider previous legal information</i></b>
	<b>5.5</b> Objection, LA01/2018/0467/F 1-3 West Park, Portstewart	<b><i>Refuse</i></b>
	<b>5.6</b> Objection, LA01/2018/1085/F 22 Portbradden Road, Bushmills	<b><i>Defer 1 month to allow consideration of PAC Decision</i></b>
	<b>5.8</b> Council, LA01/2019/0789/F Site at the corner of St Pauls Road & Fairview Park, Articlave	<b><i>Approve</i></b>
	<b>5.9</b> Council, LA01/2019/0520/F Lands to the East of 1-16 Mayo Drive and bounded by Ramoan Road, Ballycastle	<b><i>Approve</i></b>
	<b>5.10</b> Referral, LA01/2017/0216/F 22-26 Abbey Street, Coleraine	<b><i>Approve</i></b>
	<b>5.11</b> Referral, LA01/2019/0039/F Approx. 40m east of 204 Straid Road, Bushmills	<b><i>Refuse</i></b>
	<b>5.14</b> Referral, LA01/2017/1599/O Site between 196 Muldonagh Road and dwelling located	<b><i>Defer for submission of scaled drawings</i></b>

	100m North of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages	
	<b>5.15</b> Referral, LA01/2018/0334/O To rear of 668 Seacoast Road, Limavady	<b>Refuse</b>
	<b>5.16</b> Referral, LA01/2018/1574/O Lands approx 10m SSW of 184 Baranait Road, Limavady	<b>Approve</b>
<b>6.</b>	Development Management Performance:	
	<b>6.1</b> Update on Development Management and Enforcement Statistics 01/04/19 – 31/07/19	<b>Noted</b>
	<b>6.2</b> NI Planning Monitoring Framework 2018/19 Annual Report	<b>Noted</b>
	<b>6.3</b> Quarterly Report on Planning Performance	<b>Noted</b>
<b>7.</b>	Development Plan	
	<b>7.1</b> Department for Infrastructure – Revised Housing Growth Indicators (2016 based)	<b>Noted</b>
	<b>7.2</b> Mid & East Antrim Draft Plan Strategy	<b>Agreed</b>
<b>8.</b>	Business Plan	
	<b>8.1</b> Planning Department Business Plan	<b>Agreed</b>
<b>9.</b>	Correspondence	
	<b>9.1</b> Department for Infrastructure – Previous Visits to Planning Committee	<b>Noted</b>
	<b>9.2</b> Ulster Farmers Union – Changes to Planning Rules for Farms and Shared Environmental Services (SES)	<b>Noted</b>
<b>10.</b>	Legal Issues	<b>None</b>

<b>11.</b>	Any Other Relevant Business (in accordance with Standing Order 12 (o))	<i><b>Nil</b></i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING  
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS  
WEDNESDAY 23 OCTOBER 2019 AT 10:00AM**

**In the Chair:** Councillor Hunter

**Committee Members Present:** Alderman Duddy, Finlay  
Councillors Anderson, Baird, Dallat O’Driscoll,  
McGurk, McMullan, P McShane, Nicholl and Scott

**Officers Present:** D Dickson, Head of Planning  
S Mathers, Development Management & Enforcement Manager  
S Mulhern, Development Plan Manager  
E Hudson, Senior Planning Officer  
J McMath, Senior Planning Officer  
M Wilson, Senior Planning Officer  
D J Hunter, Council Solicitor  
Bryan Edgar, Head of Environmental Services  
Brona McLaverty, Environmental Health Officer  
A McGarry, Planning Business Support and Administration Manager  
*(Item 1 to Item 5.10)*  
W Browne, Planning Business Support Assistant *(Item 1 to Item 5.10)*  
S Duggan, Committee & Member Services Officer  
*(Item 5.10 to Item 10)*

**In Attendance:** T McKinney, Department for Infrastructure, Roads (DfI)  
Malachy Kearney, Shared Environmental Services  
Arlene Jamison, Shared Environmental Services

**Registered Speakers:** D Donaldson, D McCracken, R Kelly -  
LA01/2018/1412/F  
D Donaldson, S Sweeney - LA01/2018/0077/O  
G McGill, C Shanks - LA01/2017/0999/F  
D Donaldson, G McGhee, S Hetherington -  
LA01/2015/0459/F  
R Hunter – LA01/2015/0459/F  
M Kennedy - LA01/2018/0467/F  
M Howe - LA01/2018/1085  
S Holterman, F Boal – LA01/2018/1085  
M Kennedy - LA01/2017/0139  
C Cochrane, C McGirr, R Orr - LA01/2017/0216/F  
M Bradley MLA - LA01/2017/0216/F  
M Howe - LA2019/0039/F  
S Atkinson - LA01/2019/0079

D Gray - LA01/2019/0079  
D Donaldson, F Duncan - LA01/2017/1586/F  
D Parker - LA01/2017/1586/F  
C Duffy - LA01/2017/1599/O  
C McIlvar - LA01/2018/0334/O  
L Ross - LA01/2018/1574/O  
P Martin, PJ Carey - LA01/2018/1315/O

## 1. APOLOGIES

Apologies were recorded for the late arrival for Alderman S McKillop and Boyle and Councillor MA McKillop

## 2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded as follows:

- Councillor Scott – LA01/2018/1574/O, Lands approx 10m SSW of 184 Baranait Road, Limavady
- Councillor Baird - LA01/2018/0334/O To rear of 668 Seacoast Road, Limavady
- Alderman Finlay - LA01/2019/0039/F Approx. 40m east of 204 Straid Road, Bushmills

## 3. MINUTES OF MEETING HELD WEDNESDAY 25 SEPTEMBER 2019

Proposed by Councillor Baird  
Seconded by Councillor Nicholl and

**AGREED** - that the Minutes of the Planning Committee Meeting held on Wednesday 25 September 2019 be confirmed as a correct record.

## 4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

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

- Objection, LA01/2017/0139/F Nos. 52 to 62 Quay Road, Ballycastle. (*Agenda Item 5.7*)

- Referral, LA01/2017/1586/F The Old Flax Mill, 26 Mill Lane, Moneybrannon Road, Aghadowey (*Agenda Item 5.13*)
- Referral, LA01/2019/0147/F 220 metres South-West of 54 Burrenmore Road, Castlerock (*Agenda Item 5.18*)

The Head of Planning also advised that the following application had been withdrawn completely:-

- *Referral, LA01/2019/0079/O Between 31 & 33 Killymaddy Road, Ballymoney (Agenda item 5.12)*

The Chair advised the Order of Business would be changed to receive Agenda Item 5.6 after Item 5.10 to allow the Agent to attend a funeral

Prior to presenting the reports, site visits were requested for the following application.

Proposed by Councillor Nicholl  
Seconded by Councillor McGurk and

**AGREED** - that consideration of application LA01/2018/1315/O Between 22 & 26 Carrowdoon Road Dunloy is deferred and a site visit arranged (*Agenda Item 5.19*).

## **5. SCHEDULE OF APPLICATIONS:**

### **5.1 Major, LA01/2018/1412/F Causeway Coast Vineyard Church, 10 Hillmans Way, Coleraine (*Agenda Item 5.1*)**

Planning Committee Report and Addendum circulated, presented by the Development Management and Enforcement Officer, S Mathers via Power Point presentation.

The Development Management and Enforcement Officer described the site and its context for the partial use of the church building for the purpose of conferencing and community related events.

This is a major application which was subject to a PAN with a Community Consultation Report submitted with the application.

In terms of the Northern Area Plan 2016, the site is located within the settlement development limit for Coleraine, within an existing area of economic development.

The Development Management and Enforcement Officer advised that the main issues were:-

Existing Area of Economic Development - The building was approved for use as a church in 2011. It was considered that the proposed use as a church would provide for the redevelopment of part of the overall area which would not prohibit the future usage of surrounding industrial lands. The same principle applies to this proposal, consolidated by the non-industrial use of the existing buildings.

Land Use- Given that the proposal relates to the reutilisation of existing facilities and as the site has an established community use, the proposal is considered acceptable.

Traffic- The proposal will result in increased traffic movements to and from the site. Many of these movements, unlike that for the church, will be within normal working hours. Figures supplied with the application indicate an average increase of 20 vehicles per day. Information supplied with the application, states that there is only likely to be one or two large events per month with resultant significant traffic increases. Therefore there is unlikely to be sustained issues associated with increased traffic attracted to the site. DfI Roads has been consulted and are satisfied with the proposal.

In conclusion, the proposed use is considered acceptable at this location including having regard to traffic considerations. 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** full planning permission subject to the condition set out in section 10.

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

The Chair invited D Donaldson to speak in support of the proposal.

D Donaldson waived the right to speak unless members had any specific questions for him. Members had no questions.

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

- that the Committee notes the content of the letters of support 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.

## **5.2 Major, LA01/2018/0077/O Lands on Northern side of Dunluce Road opposite and West of all-weather pitch at Dunluce School, 16 Dunluce Road, Bushmills (*Agenda item 5.2*)**

Planning Committee Report, previously circulated, presented by the Development Management and Enforcement Officer, S Mathers, via Power Point presentation.

The Development Management and Enforcement Officer described the site and its context for outline planning permission for a proposed hotel comprising 60 bedrooms, restaurant and function room. In addition, car parking and extensive landscaping is proposed at lands on Northern side of Dunluce Road opposite and West of all-weather pitch at Dunluce School, 16 Dunluce Road, Bushmills.

This is a major application which was subject to a PAN with a Community Consultation Report submitted with application.

In terms of the Northern Area Plan 2016, the site is located outside the settlement development of Bushmills in the open countryside. The site is within the Causeway Coast Area of Outstanding Natural Beauty.

The Development Management and Enforcement Officer advised that the main issues were:

Principle of Development- The key policy for tourism development- CTY 3, makes specific provision for hotels in the countryside, subject to specific criteria. This proposal is considered to be within the category of a new build proposal on the periphery of a settlement. In complying with

the policy, evidence has been provided to indicate how firm or realistic the particular proposal is.

Alternative Sites- An alternative site selection exercise has been carried out to ascertain whether there is a suitable site within Bushmills or Portballintrae. The detail of all of these is set out in paragraph 8.9 of the Planning Committee Report. These sites were discounted for a variety of reasons including restricted size and committed for other purposes. In terms of conversion and re-use opportunities outside the settlement development limit, no suitable sites were identified. Finally, turning to sites close to the settlement development limit, the selected site is considered acceptable for the following main reasons: it is considered adjacent to the settlement development limit at 205m from the access to Bushmills development limit at that side of Dunluce Road and 9m across the road; is visually connected to the settlement; is not within a LLPA or Distinctive Landscape Setting of the World Heritage Site and; is acceptable in terms of visual amenity and its relationship with residential properties.

Integration & Design- A Landscape and Visual Impact Assessment was submitted with the application. This identified five viewpoints for consideration. Of these, that from the site entrance at Dunluce Road was considered to be the most crucial. While the proposal will have a degree of visual impact on the landscape, the impacts are not considered unacceptable. Given the proximity of other development, the site does not have the same rural character as a typical countryside location. In addition, the proposal includes a comprehensive landscaping scheme, including extensive lawns to the site frontage. While an outline application, the drawings submitted with the proposal show a successful design which strikes a balance between old and contemporary design elements.

Access & Parking- The access arrangements are acceptable subject to the provision of a right turn lane and a footpath connecting to the existing footpath into Bushmills along this road. To limit the visual impact of the car parking, a significant area is to use a grass surfaced cell system.

Economic Considerations- The proposal is for a hotel of 3 star standard. The Agent advises that the initial investment is £4-5 million and that the proposal could generate 15,000 occupied rooms per annum. It is anticipated that the hotel will employ at least 50 staff. Therefore the proposal will make a substantive contribution to the local economy.

In conclusion, the proposal meets the policy requirements for a hotel on the periphery of Bushmills. An assessment of alternative sites has been undertaken and the application site has been found acceptable. In addition, the application site has been found acceptable in terms of integration, access and other considerations. 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.

The Chair invited D Donaldson and S Sweeney to speak in support of the proposal.

Only D Donaldson spoke in support of the application. He welcomed the recommendation to approve and advised that a lot of work had taken place, alongside officers into the design of the hotel.

Members had no questions for the speaker.

Proposed by Alderman Finlay

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

The Chair put the motion to the Committee to vote. 10 Members voted for and 1 Members abstained

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

### **5.3 Major, LA01/2017/0999/F 47m N E of 67 Moneybrannon Road, Coleraine (Agenda Item 5.3)**

\* Alderman Finlay left the meeting at 10.23am

Planning Committee Report and Addendum and Erratum previously circulated, presented by the Development Management and Enforcement Officer, S Mathers, via PowerPoint presentation.

The Development Management and Enforcement Officer provided a verbal addendum in response to an objection received on 21<sup>st</sup> October 2019, the main points of which were:

- DAERA NIEA confirmed that Tully AD is compliant with the Habitat Regulations in a consultation response of 07 January 2019.
- HRA for Tully AD undertaken in 2015 - IPRI is the regulator of Tully AD Plant. Regulation 47 of the Habitat Regulations provides that a competent authority is not required to assess where it can be more appropriately assessed by another competent authority.
- Whether or not Tully AD plant is currently compliant with the Habitats Regulations is not a matter for this Council to consider.
- The variation of the PPC permit by DAERA including the associated HRA is a matter for IPRI as the competent authority.
- Comment in Case Officer Report “NIEA are satisfied with the updated litter utilisation strategy which takes into account cumulative impact of poultry litter generated by this proposal and other proposals in the countryside.” It is conceded that this comment could be misconstrued as referring to the Moy Park Utilisation Strategy in general terms. However, the intention of the comment was to apply to this specific proposal in that NIEA are satisfied with the proposed litter utilisation as updated by the letter from Moy Park dated 30 July 2018. This confirmed that Tully AD Plant is to be used for this and other proposals.

S Mathers further advised that another objection had been received from Friends of the Earth on 22 October 2019 and provided a summary of the points raised in the objection:-

- Concerns regarding ammonia, human health impacts, effect on priority habitats, over 250,000 birds on site - NIEA as the statutory nature conservation body has been consulted and are satisfied. Environmental Health, whose remit includes human health and wellbeing, satisfied.
- Assessment of spreading of slurries, digestates and other fertilisers - IPRI is the regulator of Tully AD Plant. Again, Regulation 47 of the Habitat Regulations applies.
- No SEA or HRA carried out on Moy Park Litter Utilisation Strategy - waste is solely to go to Tully AD Plant and this is conditioned by condition 5.
- Change of position of SES since July 2019 - last responses from SES are 05 September 2019 and 15 October 2019 which post-date the updated internal guidance of SES.

The Development Management and Enforcement Officer described the site and its context for Erection of 4 no. broiler units for up to 37,000 birds per unit, new concrete apron, new meal silos drainage and associated landscaping 47m NE of 67 Moneybrannon Road, Coleraine. The site is accessed off the lane which served the established yard and other broiler units.

This is a major application which was subject to a PAN and pre-application community consultation. The community consultation report was submitted with the application.

The application was submitted with an Environmental Impact Assessment which was subject to consultation with the competent authorities.

The Development Management and Enforcement Officer advised that the main issues were:

Principle of Development- The principle of development is acceptable as it is on a farm holding which is established for at least six years and sited adjacent existing buildings.

Integration- The buildings will be sited to cluster with the existing farm complex and will integrate into the landscape given the distance of approximately 400m from the road and the screening afforded by the existing buildings.

Natural Heritage- Ammonia issues arise as a result of this development. Litter arising from the proposal is to be utilised through the Tully Biogas plant in Ballymena - this is to be regulated by planning condition. NED is the competent authority regarding natural heritage and ammonia issues. They have considered the impacts of the proposal on designated sites and note that there are no such sites within 7.5km of the application site. The impact on Knockaduff SLNCI was considered and this was found to be acceptable. SES has undertaken a Habitats Regulation Assessment to Stage 2 Appropriate Assessment and have found that the proposal would not be likely to have a significant effect on the features of any European site.

Residential Amenity- The nearest third party dwelling is located 270m away. Air quality, odour and noise impact assessments were submitted with the application and were found acceptable by Environmental Health. The applicant's dwelling is much closer than this but the operation of the shed is within their control.

Access & Servicing- The existing access is to be used. DfI Roads as the competent authority is content with these arrangements.

Objections- The detail of the objections is considered in the report.

The Development Management and Enforcement Officer advised that officers from Shared Environmental Services (SES) were available to answer any questions members may have.

In conclusion, the proposed development is considered acceptable in this location having regard to the Northern Area Plan and other material

considerations. The proposed development is an appropriate use in the countryside, it is sited adjacent to other existing farm buildings on an active and established farm. The proposal is acceptable in terms of its layout and appearance. The proposal is acceptable with regards to natural heritage impacts. Likewise the proposal will not cause unacceptable negative amenity impacts. 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 section 7 and resolves to **APPROVE** planning permission subject to the conditions and informatives set out in section 10.

**Addendum Recommendation** - that the Committee notes the content of this objection however on balance the objections do not carry sufficient weight to warrant refusal and agrees with the recommendation to **APPROVE** as set out in paragraph 9.1 of the Planning Committee Report.

The Chair invited G McGill to speak in support of the application.

G McGill advised that he fully supports the officer's recommendation and was here to answer any questions members may have.

Members had no questions for G McGill, The Officer or SES.

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 section 7 and resolves to **APPROVE** planning permission subject to the conditions and informatives set out in section 10.

- that the Committee notes the content of this objection however on balance the objections do not carry sufficient weight to warrant refusal 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. 8 Members voted for and 2 Members abstained

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

#### **5.4 Objection, LA01/2015/0459/F Former Castle Erin Hotel and Conference Centre Castle, Castle Erin Road, Portrush (Agenda Item 5.4)**

Planning Committee Report and Addendums 1, 2, 3 & 4, Erratum, Site Visit Report Wednesday 27 June 2018 and Site Visit Report 17 October 2019 previously circulated, presented by the Development Management and Enforcement Officer, S Mathers, via PowerPoint presentation.

The Development Management and Enforcement Officer advised that B Edgar & B McLaverty from Environmental Services were present to answer any questions.

The Development Management and Enforcement Officer described the site and its context for the proposed development of one detached house, 12 semi-detached houses and 8 apartments with associated landscaping and site works at the former Castle Erin Hotel and Conference Centre Castle Erin Road, Portrush.

The site is located close to the coast line of Portrush between the Promenade and the railway line. It comprises of a crescent shaped parcel of land that runs along the railway line with steep slopes which runs toward the coastal pathway and beach. The site has now been cleared but once housed the former Castle Erin Hotel/Centre. The site is accessed via the Castle Erin Road. To the North the site is bounded by a 2 metre high metal gate and fencing which makes up the boundary to Barry's Amusements and the Castle Erin Road. To the east the site is bounded by a 2 metre high metal fence which bounds the railway line. To the south the site is bounded by a post and wire fence which bounds an area of grassland at Mill Strand Carpark. To the west the site is bounded by post and wire fencing which bounds the coastal path.

The proposed site is located within an area where there is a mix of development to include railway station, Barry's Amusements and Café Koko. There are also residential dwellings and apartments located along Eglinton Street and Kerr Street. The dwellings located at Eglinton Street and Kerr Street are made up predominantly of three storey dwellings but there are some two storey properties. There will be critical views of the proposed site from Eglinton Street, Kerr Street, Harbour Road, Dhu Varren and the Promenade pathway.

The main issue is the site is prominent within Portrush and East Strand.

The proposal was previously before the Planning Committee in February this year. At that meeting, the Planning Committee resolved to defer the application until the Committee was appraised of the outcome and ramifications concerning the Fen Tigers case. The legal advice has since been obtained and Environmental Health has considered same.

The current scheme is now for semi-detached units and 11 apartments. The buildings are 2½ storey high.

Site levels will be reduced by 2-3 metres which will assist in off-setting the impact of the development. This will allow the development not to be any higher than the ridgeline of buildings on Eglinton Street and Kerr Street.

A modern, contemporary design is to be used. The specific selection of materials in terms of natural slate roofs and smooth, painted render walls will aid the development to assimilate into the townscape.

Adequate private amenity space is proposed. There is no need for an area of open space given that the total number of units is less than 25. The proposal offers acceptable access and parking arrangements. DFI are satisfied with the proposal.

At the Planning Committee in June 2018, it was requested that; the applicant discuss the proposal with Barry's Amusements; that the applicant further soundproofs the car parking area and other acoustic mitigating measures and consider the removal of sites 1 and 2. Series of noise reports have been submitted by the applicant and Barry's as an objector. Changed outdoor ride equipment resulted in the need for an updated report. The scheme was subsequently amended to drop the detached unit and to replace the pair of semis with a block of 3 apartments. An additional 2.5m high wall along the boundary with Barry's is proposed. The position now is that methods employed in the construction of the dwelling units will attenuate noise levels. An acoustic shelter is to be provided to the amenity area of the apartments at nos 1-3. This will reduce outdoor noise levels to 1dB below 55dB. Whilst this is still considered high, other mitigating factors will be taken into account:

- Barry's runs on a season basis
- Noise is not continuous (not day and night)
- Any prospective purchaser would know that Barry's is in operation – buyer beware principle
- Efforts have been made to reduce noise to its lowest level.



The current position with Environmental Health is that an informative has been recommended to state that the nuisance action cannot be used to subsequently address prevailing conditions and that only future increases or intensification of adverse impacts may be considered in the determination of nuisance.

In conclusion the proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. The layout and design of the development is considered acceptable with regards to its location. There are adequate amenity provisions and access and parking arrangements are acceptable. While there will be some detriment to amenity due to proximity of Barry's Amusements, given the specific circumstances, this is not unacceptable to warrant refusal of the application. 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.

**Addendum 1 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.

**Addendum 2 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. All the conditions remain relevant from the Planning Committee Report with the exception of conditions 2, 9, 10, 11 and 12 which are updated below.

**Addendum 3 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.

**Addendum 4 Recommendation** - that the Committee notes the contents of the Addendum and agrees with the recommendation to approve, as set out in paragraph 9.0 of the Planning Committee Report.

The Chair asked if members had any questions for the planning officers.

Councillor Baird enquired if the 2 dwellings previously shaded in the purple area had been relocated from the previous plan.

The Development Management and Enforcement Officer advised that the 2 dwellings proposed to be sited in that area were replaced with 3no. apartments and produced the relevant plan for members to view.

Councillor Dallat O'Driscoll enquired if a similar application or the same application been submitted to the Planning Department.

The Head of Planning advised that a similar application is currently with the Planning Appeals Commission as a Section 60 Non-Determination Appeal.

Members sought clarification from Councils' Solicitor in relation to the Fen Tiger legal judgement.

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

Proposed by Councillor Baird  
Seconded by Councillor Scott

**AGREED** – that the committee proceed to conduct to discuss the legal issues regarding the application 'in committee'

**\*Non Planning Committee Members, press, public and registered speakers left the meeting at 10.51am.**

Councils' Solicitor, Head of Planning and Head of Health and Built Environment responded to queries from members in relation to legal judgements; refusal reasons for Section 60 Appeal and legal position with noise complaints.

- \* **Councillor McLaughlin joined the meeting at 10.53am**
- \* **Councillor McKillop joined the meeting at 11.00am**

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

Proposed by Councillor McShane  
Seconded by Councillor Baird

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

**Non Planning Committee Members, press, public and registered speakers left the meeting at 11.10am.**

Councillor Baird requested to view the plans following discussion 'In Committee'.

The Development Management and Enforcement Officer showed members hard copies of the plans.

Councillor Baird proposed that members should have sight of the 2 legal opinions in regards to the Fen Tigers judgement and proposed that the application be deferred to accommodate this.

Proposed by Councillor Baird  
Seconded by Councillor Dallat O'Driscoll

**AGREED** – that consideration of application LA01/2015/0459/F to deferred to allow members to consider relevant legal judgement

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

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

Councillor McLaughlin apologised for his late entry and proposed that application LA01/2018/1186/O (*Agenda Item 5.17*) be deferred for 1 month to allow additional information to be submitted.

Proposed by Councillor McLaughlin  
Seconded by Councillor McGurk

**AGREED** – that application LA01/2018/1186/O (*Agenda Item 5.17*) be deferred for 1 month

It was **AGREED** that a recess be held at 11.17am

\* **Alderman Boyle joined the meeting at 11.17am.**

The meeting resumed at **11.28am.**

## **5.5 Objection, LA01/2018/0467/F 1-3 West Park, (Agenda Item 5.5)**

Planning Committee Report and Addendum previously circulated, presented by the Development Management and Enforcement Officer, S Mathers, via PowerPoint presentation, who advised that T McKinney, DFI Roads was in attendance to answer any queries.

The Development Management and Enforcement Officer described the site and its context for the proposed development of a single detached dwelling and 2no.semi-detached dwellings at 1-2 West Park, Portstewart

The site is located at 1-3 West Park, Portstewart. On the site is a single-storey detached bungalow at No. 3, West Park and the adjacent site at No. 1 West Park consists of a vacant site. The topography of the site is relatively flat.

The rear boundary consists of an approximately 1.5m high wall. No. 3 West Park has an existing single-storey bungalow which has a rendered finish and a red tiled hipped roof. There is an existing paved area at the front of the site and the boundary treatment consists of an approximately 1m high wall. There is an existing driveway and garage on site which provides car parking provision. The boundary treatment at the side boundaries consists of fencing and a wall. There is an existing gravel and paved area at the rear of No. 3 West Park and the boundary treatment consists of an approximately 1.5m high wall.

The area is of mixed use and is characterised by a variety of house types such as single-storey bungalows and two-storey detached and semi-detached dwellings. The site falls within the development limit of Portstewart as designated under the NAP 2016. The site is located adjacent to an area of archaeological potential and a housing zoning. The site does not fall within any protected designations.

The Development Management and Enforcement Officer advised that the objections received in relation to the application contained no material considerations and included objection from the agent for the application.

He advised that the refusal reason had been amended to delete reference to overlooking.

The proposal includes in curtilage parking along the site frontage. Given the provision of some landscaping and the approval of similar

development at 9 West Park in 2007, this element of the development is considered acceptable.

The proposal provides adequate private amenity space, close to the minimum standard.

In terms of the relationship with adjacent properties, the proposal is considered acceptable with the exception of overlooking from a first floor living area window towards the rear of nos. 9 and 11 Strand Road. However, a relevant consideration is that a similar window was approved at this location in the approval for a replacement dwelling at 1 West Park, most recently approved in March 2015.

However, there are many issues which render the access and parking arrangements unacceptable. These include: the lack of minimum visibility splays; a reduction in on-street visitor car parking; the principle of narrowing of the street to accommodate the development and; in curtilage parking not being to the required standard.

In terms of the objections, no specific planning concerns were raised.

In conclusion- while other elements of the redevelopment scheme are acceptable, the access and parking provision is unsatisfactory to the extent that refusal is recommended.

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

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

The Chair invited M Kennedy & M McKeown to speak in support of the application.

M Kennedy advised that he had not seen the addendum.

**Alderman Duddy rejoined the meeting at 11.35am.**

M Kennedy advised that overlooking was never an issue and that he submitted objections to ensure that the application could be considered by the Planning Committee, as applications with Roads issues could not be referred to Committee and he felt this was very unfair.

M Kennedy stated the key issue is the northern end of West Park, the carriageway narrows; access arrangements do not meet current standards. The current proposal is 200% improvement on y distance. He further advised that in accordance with PPS3, AMP2 it states that "it may not be practical to meet all standards". West Park is different to others in that traffic speeds are down to 12mph. He suggested that a site visit take place.

In response to questions from Members, T McKinney, Dfl Roads, advised that the carriageway width from Strand Road to the first site was 4.8m wide, which then widens to 7.6m allowing for on-street parking for existing residents. The application proposes to reduce the carriageway from where it widens to 7.6m in width. This is a major concern to enable visibility splays for a private development. T McKinney stated DCAN15 the minimum standard of 2m x 33m equates to 19mph and you do not go below that threshold for a new access. The access adjacent to no. 5 is 2m x 26m is below the threshold of 33m y distance.

T McKinney advised that the carriageway restricts people reversing out and reduces safe onstreet parking and needs to retained. He further advised that a meeting had taken place with Richard Akis and an MLA regarding the position. Richard Akis was to enter into discussions with the owner of the boundary wall to ascertain if visibility splays could be achieved.

**Alderman McKeown joined meeting at 11.46am.**

Proposed by Councillor Scott  
Seconded by Councillor McLaughlin

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

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

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

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

**5.8 Council, LA01/2019/0789/F Site at the corner of St Pauls Road & Fairview Park, Articlave (Agenda Item 5.8)**

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, E Hudson, via a Powerpoint presentation.

The Senior Planning Officer described the site and its context for the erection of a granite sculpture on a small area of open space at the corner of St Pauls Road and Fairview Park, Articlave.

The site is currently used as open green space on the corner of a residential site at the corner of Fairview Park and St. Paul's Road. The application site is located within the development limits of Articlave as set out in the Northern Area Plan 2016.

The Senior Planning Officer informed Members that the proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 6 and PPS 3. She further stated that no objections had been received for this proposal

The site is located within the development limits of Articlave as defined in the Northern Area Plan and the potential impacts of the proposal relate to:

- An archaeological site and monument (St. Paul's Parish Church) – Historic Environment Division have no objection to the proposal.
- The character and appearance of the surrounding area within the development limits of Articlave – Proposed sculpture is sympathetic to its surroundings.

In conclusion the proposal is considered acceptable at this location having regard to the Northern Area Plan and other material considerations including the SPPS, PPS 6 and PPS 3. Consultees have not raised any concerns with the proposed development. Due to the nature and scale of the proposal there will be no detrimental impact on the surrounding area. Approval is recommended.

**Recommendation** - that the Committee has taken into consideration and agrees with the recommendation set out in 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.

Proposed by Councillor Baird  
Seconded by Alderman Duddy

- that the Committee has taken into consideration and agrees with the recommendation set out in 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. Committee voted unanimously in favour.

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

#### **5.9 Council, LA01/2019/0520/F Lands to the East of 1-16 Mayo Drive and bounded by Ramoan Road, Ballycastle (*Agenda Item 5.9*)**

Planning Committee Report was previously circulated and presented by the Senior Planning Officer, M Wilson, via a Powerpoint presentation.

The Senior Planning Officer advised that planning permission is sought for the provision of new pedestrian paths leading to a community garden incorporating seating area, planting and woodland activity play area. The site is located within Ballycastle and is designated as a Major Area of Open Space. It also lies within the Antrim Coast and Glens Area of Outstanding Natural Beauty (AONB).

The proposal seeks to enhance the open space with the introduction of brick paviour and bitmac paths, rendered walls which act as seating, a timber Pergola, natural play areas, sensory planting, planted areas which includes a wild flower area and new apple and native trees. The proposal is considered sympathetic to Policy OS 1 which seeks to protect areas of open space.

Due to the nature and scale of the proposed development there will be no adverse impact on the AONB, surrounding area or to residents. DfI Roads has been consulted and raises no objection. The proposal complies with PPS3.

There have been no objections received to this application. The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS and PPS 8 and the recommendation is to approve.



**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.

Proposed by Alderman Boyle  
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 **APPROVE** planning permission subject to the conditions 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 **APPROVE** carried.

#### **5.10 Referral, LA01/2017/0216/F, 22-26 Abbey Street, Coleraine (*Agenda Item 5.10*)**

Planning Committee Report was previously circulated and presented by the Development Management and Enforcement Officer, S Mathers, via a Powerpoint presentation.

The Development Management and Enforcement Officer described the site and its context for a facade retention with demolition of existing rear buildings and construction of 13 No. Apartments incorporating 11 No. 3P2B and 2 No. 2P1B CAT 1 (Elderly) Apartments together with associated car parking, landscaping and external works.

The application site is located at 22-26 Abbey Street, Coleraine. The site is irregular in shape and comprises 3 properties and land which backs onto the Abbey Street car park. The land within the site is flat. Access to the rear of these properties is gained via a lane from Abbey Street. The existing properties are two storeys in height with a traditional pitched roof. Two of the properties appear to be derelict as the front doors are blocked up. The ground floor to these properties are panelled render whereas the first floors are smooth render. Chimneys are expressed on the ridge.

The site is located in Coleraine Town Centre Area of Townscape Character (ATC). Surrounding land uses within vicinity of the site include

an opticians, beauty salon, NIHE, butchers, cafes etc. Abbey Street car park is located to the east of the site.

S Mathers advised in terms of the planning history, permission was granted in 2007 for a development comprising of 20 apartments with retail at the ground floor. This was not implemented and the policy context has since changed with the adopted ATC designation.

He further advised on the following:

Character/ Context- The scale and massing of the development is unacceptable at this location. From Abbey Street, the second floor panel façade feature would appear incongruous relative to the established pitched roofs. From Abbey Street Car Park and Stable Lane, the scale and massing of block to the rear would be dominant and would contrast the established finer grained domestic scaled rear returns which are prevalent in this area. From all views the roof top projections to accommodate the stair and lift would appear as an incongruous design feature. From the Abbey Street critical view, these elements fail to maintain or enhance the character of the area.

Amenity Provision- Amenity provision for the apartments takes the form of balconies, private landscaped areas and shared communal areas. Taken together, these meet the required size standards.

Access & Parking- Access to the site is provided off Abbey Street. This, together with the provision of 6 car parking spaces is acceptable to DfI Roads.

Relationship with other Properties- Given the specific design and that adjacent properties are mainly in commercial use, the proposal will not have an adverse effect in terms of issues such as dominance or overlooking. The proposal is set back from the rear of no. 28 so that its rear amenity space is not dominated.

Area of Townscape Character- The policy provides a presumption against demolition of buildings which make a material contribution to the character of the ATC. In addition, the policy requires that proposals maintain or enhance the overall character and respect the built form of the area. In this case, the existing buildings are considered to make a material contribution by reason of their form and detailed design. While the facades are identified for retention, the proposed alterations are not considered to respect the overall character and built form of the area. The removal of the roof, installation of a second floor and the visible

incongruous development on the roof-scape are clear, unacceptable design elements.

In conclusion the proposal offers an inappropriate design solution which would cause harm to the Area of Townscape Character and to the character of the area generally. The application was submitted in February 2017 and there has been extensive negotiation on the design since then. Refusal is recommended.

The Chair invited C Cochrane, C McGirr & R Orr to speak in support of the application.

C Cochrane thanked the Committee for the opportunity to address the Committee. He advised members that the façade of the building was to be retained and that a significant redesign with the spirit of compromise had resulted in the number of units being reduced from 19 units to 13 units.

C Cochrane referred to para. 8.5 of the Planning Committee Report and advised as per the photo montage the development will not result in any detriment as:-

1. The façade will be retained
2. The bulk scale mass is in keeping with the street scape
3. Roof top terrace – No sound reason to refuse
4. No objections received from consultees or third parties
5. Need for CAT1 Social Housing
6. Area of dilapidation which if developed would bring life and vibrancy into the town centre. The site is crying out for investment and is supported by a Social Housing provider.
7. Improve the streetscape

R Orr then spoke in support of application. He advised Members that he was the applicant and had lived most his life in the Coleraine area and he understood the pressure that towns are under and that vibrancy comes from footfall. He further advised he was delighted to provide social housing in the centre of town. Despite reducing numbers it will assist occupiers in their daily lives and increase footfall in town centre. It will provide a catalyst in rejuvenating the area.

The chair invited questions from Members to the speakers.

In response to questions from Members, C McGirr advised that support from Choice Housing inputted into the vast majority of the design. The units were designed specifically for CAT 1 and that the demand in Coleraine for this type of housing was higher than this. He further

advised that the stairwell will not be seen from Abbey Street and that the rear was similar in nature to other views from the carpark.

C McGirr advised that the front façade was to be retained; fenestration changed minimally, second storey is set back from edge of existing front façade, stairwell set further back and won't be seen from Abbey Street.

C McGirr advised that the lift shaft and stairwell were only visible from the carpark and were set against the pitch roof of the adjacent larger building; need additional space to allow lift to overshoot and it won't be seen from Abbey Street.

The chair invited M Bradley, MLA to speak in support of the application.

M Bradley, MLA stated that he welcomed development in the Town Centre. He stated that there is a waiting list for this type of housing. In a short period of time residents have moved out of the Town Centre and there is a need to repopulate the town centre. This development will enable those who don't have access to cars to go to the shops and will reinvigorate the street. It is in keeping with other developments in the area and will support town centre living, repopulating the town centre. He stated that roof will not be visible from Abbey Street as the street is too narrow to view.

S Mathers responded to one of the issues raises and advised that he agreed with M Bradley, MLA in that if you stood directly across from the development you wouldn't see the stair lift but if you were to move further down the street than it would be visible and it would certainly be seen from the carpark. It would appear as highly unorthodox and incongruous and entirely out of place.

S Mathers advised that the layout of the building in design terms that is considered unacceptable and explained to Members the concerns with the design. He advised that the previous approved application had a lift shaft but it did not protrude.

Members viewed the plans of the previous approval.

S Mathers advised that in the Northern Area Plan designated the area as an ATC and therefore the application falls to be considered under CET 09 of NAP 2016.

**Councillor Baird left the meeting at 12.34pm**

S Mathers advised that they have not looked at examples of poor design in the area.

The Head of Planning advised that Members and officers should be looking to enhance the ATC as required policy ATC2 of Addendum to PPS6.

S Mathers advised that ATC was not adopted in assessing the old application but was now current policy.

**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 reasons set out in section 10.

Alderman Duddy stated that he had been at the site visit and has seen the presentation and plans of how this development will look. He has taken onboard the work of officers on this application. However, he disagrees with the recommendation as he considers the development will enhance the ATC by retaining the façade and the reduced scale. When considering the proposal with that approved in 2007 there is not much difference in scale and massing. He considered the proposal would enhance the ATC and bring benefit to Abbey Street and the town centre. It will revitalise this part of the town as nobody is really living in the town centre and this will bring life back into the town. He stated this will provide much sought after housing and will allow those that occupy these units to live on their own with easy access to the shops. He stated that the lift shaft is a necessity for disability access and to ensure the building is DDA compliant.

Proposed by Alderman Duddy  
Seconded by Councillor Anderson

- 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 Chair put the proposal to the Committee to vote. 10 Members voted For, 1 Member voted Against and 2 Members Abstained.

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

**AGREED** – that Conditions are delegated.

It was **AGREED** that a recess be held at 12.45PM.

- \* **A McGarry, Planning Business Support and Administration Manager and W Browne, Planning Business Support Assistant left the meeting at 12.45pm.**
- \* **S Duggan, Civic Support & Committee & Member Services Officer joined the meeting at 13:20pm.**

**5.14 Referral, LA01/2017/1599/O Site between 196 Muldonagh Road and dwelling located 100m North of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages**

Report and addendum previously circulated. Site visit report tabled.

Senior Planning Officer J McMath presented via Power Point presentation. The Officer provided a verbal addendum, additional information had been received on the morning of the meeting, but no scaled location maps had been provided.

Senior Planning Officer, J McMath, described the site was located in the countryside outside any defined settlement limit, NW of the settlement of Foreglen, no zonings or designations cover the site. The site is part of a larger agricultural field situated on Muldonagh Road.

The character of the area is of agricultural fields, existing residential properties to the south and south east with a shed and pigeon shed to the northwest. The site rises along the road to the west and slopes steeply down away from Muldonagh Road towards the existing watercourse which defined the northern boundary. The eastern boundary is defined by a post and wire fence, the western boundary is undefined, and the roadside boundary is defined by a post and wire fence with some sparse vegetation.

Senior Planning Officer, J McMath, advised one letter of objection had been submitted which raised concerns about overlooking, overshadowing and road safety. She stated as this was outline, no details of siting and design had been submitted for comment, however, given the separation distance from the third party and the split level single storey height, no significant adverse impact to light or privacy was anticipated. DfI Roads were consulted and had not objected to the proposal.

Senior Planning Officer, J McMath, advised this was an outline application for a site for single storey split level dwelling with detached garage which fell to be determined under the SPPS and PPS21, in particular policies CTY1, 8, 13 and 14. Policy CTY8 states that permission would be refused for development which created or added to ribbon development. An exception would be permitted for a small gap

site sufficient only to accommodate up to a maximum of two houses within an otherwise substantially and continuously built up frontage and provided this respected the existing development pattern.

The site is located between no 196 and 198 to the east and the outbuilding and pigeon shed to the west. Therefore the site was located between the required number of buildings which have a frontage along Muldonagh Road. However the site (as originally submitted) had a frontage of 66m (which has been extended during the processing of the application to 74m). The overall field extended to 126m but the gap between building to building was 130m, frontage lengths of adjacent properties ranged from 48m (pigeon shed) 47.5m (198), 54.9m (196) resulting in an average of 50m frontage. Senior Planning Officer, J McMath advised this size of gap was not considered to be a small gap site sufficient only to accommodate a maximum of 2 dwellings as the gap represented more than 2.5 times the average plot size. This would create ribbon development which would erode rural character and fail to respect the existing pattern of development. PAC 2015/A0086 reiterates that the gap is between the buildings and not just the curtilage of the site application site.

Senior Planning Officer, J McMath, stated during the processing of the application the applicant identified that a historic lime kiln had existed in the south eastern corner of the site although there had been no record of this on later maps and no above ground remains exist. The applicant indicated they proposed to reduce the plot width to exclude the lime kiln and indicated a concept of providing a play area on the site. While the plot width could be manipulated, the size of the gap remains at 130m between 196 and the pigeon sheds. Therefore a reduction in size would not overcome the fact that the gap was significant in size and could accommodate more than 2 dwellings of comparable size to the established character of the area. In addition the gap would play an important role in maintaining rural character. The field plays a bookend to existing development, provides relief, a degree of openness and outlook.

The proposal is therefore contrary to the SPPS and policies CTY8 and 14 of PPS21 and as no overriding reasons had been forthcoming as to why this development would be essential, the proposal is therefore also contrary to policy CTY1.

Senior Planning Officer, J McMath provided the following conclusions:

Integration - The site devoid of any significant levels of vegetation to provide screening or enclosure and given size of gap the site would be significantly open. Additionally, the provision of visibility splays would require hedge removal along the roadside which would open views into the site further. Given the openness the site would fail to integrate and would be reliant on significant levels of new landscaping to define

boundaries, provide screening and enclosure. The site elevated above no 196 would be prominent on approach from the east.

Character - As the site is found not to be an exception under policy CTY8 the development would result in ribbon development and would be prominent in the landscape which would result in suburban style development which is contrary to the SPPS and policy CTY14.

HED - Two lime kilns were marked on 1<sup>st</sup> edition ordnance survey maps but do not appear on subsequent editions, no above ground remains were evident, is not recorded on industrial heritage record or sites and monument record.

Refusal was recommended for the reasons set out in the report and refined in the addendum.

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

**Addendum Recommendation** - That the Committee note the contents of this Addendum and agree with the recommendation to **Refuse** the planning application as set out in Section 9.0 of the Planning Committee Report, with the refusal reasons which have been refined as stated below.

## **REFUSAL REASONS**

1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within a substantial and continuously built up frontage and would, if permitted, add to an existing ribbon of development would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.
3. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the



Countryside, in that the proposed building would be a prominent feature in the landscape; relies primarily on the use of new landscaping for integration; the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to paragraph 6.70 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape; result in a suburban style build-up of development when viewed with existing and approved buildings; not respect the traditional pattern of settlement exhibited in that area; would add to ribbon development along Muldonagh Rd and would therefore result in a detrimental change to the rural character of the countryside.

**Addendum II Recommendation** - That the Committee note the contents of this Addendum and agree with the recommendation to **Refuse** the planning application as set out in Section 9.0 of the Planning Committee Report, with the refusal reasons which have been refined as stated below.

The Chair advised the Agent was not present. J McMath cited an email dated 23<sup>rd</sup> October sent 1.58PM confirming the proposed attendance of the Agent. Councillor McGurk suggested contact should be attempted regarding the situation.

**AGREED** – To Change the Order of Business, to receive the current Item last on the Agenda of business.

- \* **Alderman Duddy joined the meeting at 1.25PM during consideration.**
- \* **Councillor McMullan joined the meeting at 1.33PM during consideration.**

**AGREED** – To Change the Order of Business, to receive Referral, LA01/2018/1574/O Lands approx 10m SSW of 184 Baranailt Road, Limavady, next as the Item of Business on the Agenda.

#### **5.16 Referral, LA01/2018/1574/O Lands approx 10m SSW of 184 Baranailt Road, Limavady**

- \* **Councillor Scott, having Declared an Interest, left the Chamber at 1.35PM.**

Report and addendum previously circulated.

Senior Planning Officer, J McMath, presented via PowerPoint presentation.

Senior Planning Officer, J McMath advised the site was located in the countryside outside any defined settlement limit, east of the settlement of Glack, no zonings or designations cover the site. The site was the northern portion of a larger roadside field, the site was 10m SW of 184 Baranailt Road, Limavady, accessed off an existing laneway. The land rises away from 184 and the lane to the south. The laneway accesses other dwellings and agricultural land and the northern boundary of the site is defined by a post and wire fence along the lane, southern boundary undefined, the eastern boundary was defined by a hedge and trees. The roadside boundary defined by a post and wire fence and hedge.

Senior Planning Officer, J McMath, advised the proposal was an outline for a site for a dwelling on a farm with garage. As noted in the addendum, Single Farm Payment and subsidies had been claimed in 2013/14 and 2015 and with the submission of other supplementary information officials were satisfied the applicant had demonstrated active farming over the required 6 years.

The SPPS and policies CTY1 and 10 of PPS21 and policies CTY13 and 14 also required that all proposals must integrate into its setting, respect rural character and be appropriately designed and to meet other planning and environmental considerations.

The site is a portion of a larger roadside agricultural field which is open and visible on approach from the south from which there are long uninterrupted views. The rear boundary is defined but the falling topography, roadside position and lack of enclosure or mature vegetation to the side and front boundaries would result in a roadside site which would lack integration and would be reliant on considerable new planting. The site would add to the existing ribbon of development which in turn would create a suburban pattern and would be detrimental to the character of the area.

The proposal contrary to policies CTY 1, 8, 13 and 14 of PPS21 and refusal was recommended.

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

**Addendum Recommendation** - That the Committee notes the contents of the Addendum and agrees with the recommendation to refuse, as set out in refusal reasons 1, 3 and 4 of paragraph 10 of the Planning Committee Report.

In response to Elected Member requests for clarification, the Senior Planning Officer clarified the Policy regarding integration with what was there at the moment as opposed to new planting. The Senior Planning Officer clarified, the issue of ribbon development and integration that were still apparent with the proposal to set back. The Policy may have met elements of policy CTY10, however, it did not meet with integration policy, would impact on rural character under policies CTY13, 14 of SPPS. It was clarified the addendum had removed refusal reason 2, the farm active and established and now satisfied.

The Chair invited L Ross to speak in support of the application.

L Ross advised Committee it had been accepted the farm is active and established and the main issue for consideration was siting. Under Policy CTY10 the proposal was clustered or visually linked to buildings on the farm of 15 acres. There was a roadside bungalow to the rear, 2 large sheds to the rear and only one location at the farm holding for the proposed site, a modest single-storey house, back off the roadside, for the applicant's son.

L Ross advised travelling along the road from Limavady, the proposed site would be invisible, over the brough; from the South to Limavady the house would be in the context of the development behind it; and, the house would be situated in front of sheds with mature planting and tall trees as a backdrop with land form rising.

L Ross stated the house would reinforce clustering and integration. Ribboning would be dealt with by careful siting, set back off the road, and orientate the house south west i.e. not facing road. Using the existing landform, there would be no sense of ribbon or eroding of rural character. L Ross stated he would be content for conditions of ridge height of 6.5m and the proposal to be set back into the site.

In response to requests for clarification L Ross, referred to the Powerpoint slide and described the proposed siting in detail. L Ross clarified the proposal did not require additional planting to make it integrate.

Senior Planning Officer, J McMath clarified that views from the south highlighted concerns regarding ribbon development and integration and that a site should not rely on new planting for integration. However, there are only a post and wire fence, low vegetation to front boundary and vegetation to rear which are not considered sufficient to aid the integration of the proposed development into the landscape.

The Head of Planning clarified the consideration of policy CTY 13 and reminded Members that new planting is not appropriate to justify the integration of a dwelling under policy CTY 13.

\* **Alderman Finlay joined the meeting at 1.47PM during consideration.**

Proposed by Alderman Duddy  
Seconded by Councillor Anderson

- 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** outline planning permission subject to the reasons:

- the proposal is not contrary to paragraph 6.70 of SPPS and PPS 21 CTY 13 as the site is able to provide a suitable degree of enclosure for the building to integrate into the landscape due to the rise of fields and backdrop rear of the site;
- the design of the building with ridge of 6.5m and set back further down the field that slopes away from the road and rising land to rear will ensure that it is not a prominent feature in the landscape
- subject to a condition being placed regarding further planting to strengthen integration
- is an established farm business and will be clustered and visually linked to farm buildings,
- the existing hedge will shield the view travelling North along the road and therefore public views are minimised

- That the Committee notes the contents of the Addendum and disagrees with the recommendation to refuse, as set out in refusal reasons 1, 3 and 4 of paragraph 10 of the Planning Committee Report.

The Chair put the motion to the committee to vote.

11 Members voted For; 0 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried.

**AGREED** – that Conditions and Informatives are delegated to officers.

\* **Councillor Scott re-joined the meeting at 2.04PM.**

## 5.6 Objection, LA01/2018/1085/F 22 Portbradden Road, Bushmills Full Planning Permission

Report, addendums and erratum's previously circulated. Site visit report tabled.

Development Management and Enforcement Officer, S Mathers presented via PowerPoint presentation. The Officer cited the addendum and erratum documents provided.

The proposal was for a replacement dwelling. The site located within a small group of dwellings. In terms of the Northern Area Plan, the site was located in the countryside outside any designated settlement. Therefore the principal policy consideration is PPS 21 Sustainable Development in the Countryside.

The site is within the Causeway Coast AONB adjacent the coast itself. The building to be replaced was single storey at the front with a 1 ½ storey portion to the rear. It met the replacement criteria and was eligible for replacement.

The Development Management and Enforcement Officer, S Mathers advised the key elements of the design were not considered to be appropriate to its specific rural setting. In particular, the dominant dual gabled frontage, large scale first floor terrace, fenestration and finishes (with red cedar timber wall cladding and a zinc roof) are unacceptable design elements. The development would not integrate with its surroundings and would have a dominant impact on the area.

In terms of the AONB, the overall scale and design of the proposal would appear unsympathetic to the special character of the Causeway Coast AONB and not in keeping with the character of the existing dwellings located within the vicinity of the site. The proposal by reason of its scale relative to the existing, would have an adverse effect on the adjoining residential property at 24 Portbradden Road by reason of dominance and overshadowing. Furthermore, first floor windows have the potential to cause unacceptable overlooking. Detail of the objections were set out in 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 reasons set out in section 10.

**Addendum I Recommendation** - That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual

impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing. Refusal is recommended for the following reasons.

### **Reasons for Refusal**

1. The proposal is contrary to Paragraphs 6.70 and 6.73 of the Strategic Planning Policy Statement for NI and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building; the design of the replacement dwelling is not appropriate to its rural setting and does not have regard to local distinctiveness.
2. The proposal is contrary to Paragraph 6.187 of the Strategic Planning Policy Statement for NI and Policy NH 6 of Planning Policy Statement 2, Natural Heritage, in that the site lies within the Area of Outstanding natural beauty and would, if permitted, adversely affect the special character of the AONB and of the particular locality, by virtue of an unsympathetic scale and design.

**Addendum II Recommendation** - That the Committee note the contents of this Addendum and agree with the recommendation to refuse the proposed development as it remains contrary to the SPPS, Policy CTY 3 of PPS 21, Policy NH 6 of PPS 2, in that the proposal will have a visual impact within the AONB significantly greater than the existing building due to its scale, massing and design. In addition the development would adversely affect 24 Portbradden Road by reason on dominance and overshadowing.

In response to requests for clarification regarding effect on No. 24, the Development Management and Enforcement Officer referred to paragraphs 8.19, 8.20 and 8.21 of the Planning Committee Report. The Officer clarified the issue of sewage disposal had been resolved and referred to Addendum I, paragraphs 2.1, 2.2 and 2.3.

The Chair invited S Holterman and F Boal to speak in objection to the application. F Boal stated his family owned the property at number 24, that the dwelling is used all year round and that it shares a party wall with the existing dwelling. F Boal explained that the context of the site is important as Whitepark Bay and Portbradden are very special places; this site is part of a terrace. He referred to the SPPS and PPS21 as the key documents and advised that the proposal fails to meet the criteria as

detailed in the Planning Committee Report. He provided background to his own property. He stated he did not object to a replacement dwelling, however, objected to the design as he considered it inappropriate at this location and would result in overshadowing of his property due to the impact of the scale and form.

S Holterman advised he was a local resident of Portbradden, provided a short history of an established voluntary group formed for environmental reasons and objected to the application. He advised Members that they should not detract from the Planning Committee Report and should go through each point.

The Chair invited M Howe to speak in support of the application. M Howe referred to the addendum and refusal reasons surrounding design and visual impact. M Howe advised the street elevation illustrated does not show a detached dwelling adjacent this row of dwellings. He referred to a PAC decision regarding a property 40 m left of the site, out of committee's view within the image. M Howe stated the scale and size of proposal was not significantly greater than the existing dwelling. He disagreed with the assessment that visual impact was significant and advised that the row of houses had been added to and amended over the years. He stated that this is replacing a 2 storey dwelling with a 2 storey dwelling and that the existing house has 2 separate elements and 2m longer than the proposed. He had been careful with the design due to location within AONB. He stated that the ridge height would be one of the lowest in the street scene and the proposed dwelling will integrate into the context. He stated that a wall can be built up to 2m under Permitted Development and that the rising land to the rear provides a backdrop. He advised Members that the massive dwelling 14m from the site was considered to integrate.

In response to Elected Member requests for clarification M Howe stated the left hand section of the dwelling was lower, not as long and not as deep; the left hand side gable was replicated, except that it was reduced by 780mm and length by 2m. He stated that it is only the right hand side that is of issue. Regarding impact on No. 24, M Howe cited from the Planning Appeal Commission decision addressing the AONB, that it would not have a detrimental impact on environmental quality.

Regarding overshadowing and skylight concerns, M Howe stated the kitchen with skylight was not on the original drawing which showed a glazed door and two windows beside it, never implemented and not built as the building regulations drawing. M Howe stated Addendum to PPS7 refers to the 45° rule; the building does not fail this. M Howe advised the

applicant had offered the objector some garden space to remedy the suggestion of light being blocked and suggested cutting down trees would be beneficial.

M Howe further clarified the size of the proposed building is reduced by 790mm and reduced by 2m in length, and basically in the same position as the existing dwelling. He advised that the design has narrow gables and reduced gable heights of 0.5m. He stated that design is subjective and felt that the dwelling integrates. The position is pushed forward towards sea and terrace beyond.

Committee moved to view plans from 2.41-2.50PM.

In response to Elected Member requests for clarification, the Development Management and Enforcement Manager advised the Planning Appeal Commission Decision referred to would have been sent to the Department of Environment, at that time. The Development Management and Enforcement Manager explained Addendum to PPS7 policy EXT1, the Policy was designed for house extensions, had shown conventional windows at a 45° angle, and advised the window was a roof light and given the scale would have negative effect in terms of overshadowing.

Alderman Finlay requested a copy of the Appeal decision referred to by the Agent prior to determination.

The Head of Planning advised the 2004 PAC Decision referred to was prior to PPS21 and adoption of the Northern Area Plan 2016 and would have been considered under A Planning Strategy for Rural Northern Ireland; PPS 2 was adopted in 2014.

Councillor Baird disagreed, and stated the Decision was historic and not relevant.

Proposed by Alderman Finlay  
Seconded by Councillor Nicholl

- That Committee defer consideration.

The Chair put the motion to the Committee to vote.  
7 Members voted For; 6 Members voted Against, 1 Members Abstained.  
The Chair declared the motion carried.



## 5.11 Referral, LA01/2019/0039/F Approx. 40m east of 204 Straid Road, Bushmills

- \* **Alderman Finlay, having Declared an Interest, left the Chamber at 3PM.**

Report, previously circulated. Site visit report tabled.

Development Management and Enforcement Officer, S Mathers presented via PowerPoint presentation.

The proposal comprised an extension to the existing vehicle sales business to provide a commercial vehicle sales yard, located immediately adjacent the existing business, occupying the land between the existing business and Haw Road. The vehicle sales was considered to be a retail use. Development Management and Enforcement Officer, S Mathers advised the proposal did not comply with the typologies of retail uses considered acceptable in the countryside as set out in the SPPS. It had not been demonstrated why the development was essential and why it could not be accommodated in a settlement.

Development Management and Enforcement Officer, S Mathers stated an assessment has been made of the development in terms of integration and its effect on rural character. The existing boundary next Straid Road comprises an established hedge while the boundary next Haw Road has mostly an open aspect. The proposal included hedge retention and a new landscaping scheme and given that it would take a substantial period of time for the landscaping scheme to mature, the development would be open to critical views in the intervening period. The proposal would result in a spread of development along the frontage of Straid Road. This would cause harm as the development would fail to integrate and would appear incongruous, unacceptable in terms of rural character.

Development Management and Enforcement Officer, S Mathers, concluded the proposal as a retail operation was unacceptable in principle, would fail to integrate and would cause harm to rural character.

**Recommendation** - That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 8 and the policies and guidance in sections 6 and 7 and resolves to **REFUSE** planning permission subject to the conditions set out in section 9.

**Addendum and Erratum Recommendation** - That the Committee note the contents of this Addendum and Erratum and agree with the recommendation to **REFUSE** the planning application as set out in Section 8.0 and 9.0 of the Planning Committee Report.

The Chair invited M Howe to speak in support of the application. M Howe advised Halliday's was the second largest employer in Bushmills. M Howe referred to the Planning Committee Report and stated the proposal was not contrary to paragraph 6.70 of the SPPS, was not a prominent feature in the landscape due to the setting and would be less prominent than the fallback position for a dwelling. M Howe stated that proposed landscaping of native species of trees with smallest being 1.75m in height would not require maturity before providing screening. M Howe advised, in relation to rural character, this was not a typical rural site as it is opposite the Bushmills facility, there was mature vegetation, an existing car sales facility and two-storey dwelling. M Howe referred to para 6.73 of the Planning Committee Report stating that this general list is not exhaustive, and local social and environmental circumstances need to be taken into account. He stated that the SPPS does not rule out this type of development but looks for integration. He cited para. 6.279 from the SPPS. M Howe concluded, the extension and expansion of the current dealership could not be located in a settlement; to take the approach of the officers would mean rural business could never grow.

No questions were posed to M Howe.

Proposed by Councillor Baird  
Seconded by Alderman Duddy

- That the Committee has taken into consideration and agrees with the reasons for recommendation set out in Section 8 and the policies and guidance in sections 6 and 7 and resolves to **REFUSE** planning permission subject to the conditions set out in section 9;
- That the Committee note the contents of this Addendum and Erratum and agree with the recommendation to **REFUSE** the planning application as set out in Section 8.0 and 9.0 of the Planning Committee Report.

The Chair put the motion to the Committee to vote.

5 Members voted For; 4 Members voted Against; 4 Members abstained.  
The Chair declared the motion carried.

\* **The Chair declared a recess at 3.15PM.**

The meeting reconvened at 3.36PM.

\* **Alderman Finlay re-joined the meeting.**

**5.14 Referral, LA01/2017/1599/O Site between 196 Muldonagh Road and dwelling located 100m North of 2 Muldonagh Cottages, Claudy. Site directly opposite Muldonagh Cottages**

The Chair advised the Agent had joined the meeting and consideration would now convene. The Chair invited C Duffy to speak in support of the application.

C Duffy advised Committee of the updated information, a new presentation with updated location plan and block plan in response to feedback regarding heritage. C Duffy stated heritage issue had now been omitted and what was proposed was 2 even sites. C Duffy referred to Policies CTY 8, 13 and 14. He stated that the average plot width is 61m and the 5 plots along the ribbon was 62m. C Duffy referred to his calculation of the gaps between the buildings of 125m and stating that the average plot width of 61m would accommodate a maximum of 2 dwellings.

C Duffy referred to the character of Muldonagh Road versus Old Foreglen Road. He advised the issue would hinge on the fronting of no.198 and that the fronting kinks. C Duffy advised the updated proposal showed how the house could sit in the landscape and would be satisfactory under Policy CTY 13 and 14.

In response to an Elected Member request for clarification on the average plot size, C Duffy stated it satisfies the rule of thumb. He stated that No. 198 kinks around the road and the pattern of development changes east of No. 198. He stated the measurements using GIS can have inaccuracies and his measurements were from CAD.

Senior Planning Officer, J McMath clarified calculation from measurements on the location plan of 130m, and double checked off Spatial NI Maps. She advised the averages are taken from the sites with frontages onto the road. She advised that the differences in the measurements from officer and the agent were due to the new calculation taking the frontage of No. 198 going around the corner rather than just the frontage onto Muldonagh Road. She advised the distance between building to building is 128 - 130m; average of 50m frontage.

J McMath further advised that the information received this morning including amended location map, red line being reduced no new map but with no scale on drawings.

Committee moved to view plans at 3.52PM.

- \* **Alderman McKillop arrived at the meeting at 3.55PM during consideration.**

Councillor McGurk stated it would be prudent to allow the agent the opportunity to submit scale plans.

Proposed by Councillor McGurk  
Seconded by Councillor Nicholl

- that Committee defer consideration for scale plans to be submitted.

The Chair put the motion to the committee to vote.

11 Members voted For; 0 Members voted Against; 1 Member Abstained.

The Chair declared the motion carried.

#### **5.15 Referral, LA01/2018/0334/O To rear of 668 Seacoast Road, Limavady**

- \* **Councillor Baird Declared an Interest, left the Chamber at 4 PM and did not re-join the meeting.**

Report and addendum previously circulated.

Senior Planning Officer, J McMath presented via PowerPoint presentation.

Senior Planning Officer, J McMath advised the site was located in rural area within an AONB, the site was a rectangular plot of land within the domestic curtilage and to the rear of 668 Seacoast Road. The surrounding context of the area was rural with single and storey and a half dwellings and a car repair unit to the rear of No. 666.

The site is accessed through the existing access serving No. 668. The access traverses the site to the portion of the land to the rear of the existing dwelling which comprises a portion of the amenity space. The site is flat, the boundary to the southwest was defined by a timber fence, the boundary to the northeast defined by a post and wire fence was open and devoid of vegetation, the rear boundary defined with a metal fence.

Senior Planning Officer, J McMath stated the proposal was for a 3 self catering cottages to the rear of 668 Seacoast Road. Committee was asked to note that a similar proposal was before Committee in February 2018 when Committee resolved to refuse permission. However, the the application was withdrawn the following day.

The proposal was for self-catering tourist accommodation, to be determined under PPS21 and PPS16. Policy TSM 5 of PPS16 supports self-catering units in three circumstances and cited the circumstances from the policy. She advised that the applicant was of the opinion that

the proposal complies with criteria b that a cluster of 3 or more new units are to be provided at or close to an existing or approved tourist amenity that is or would be a significant visitor attraction in its own right.

Committee was advised PPS16 gave a definition of tourist asset, tourist amenity and tourist accommodation. Senior Planning Officer, J McMath stated a tourist amenity for the purposes of the policy was defined as an amenity, facility or service provided primarily for tourists but does not include tourist accommodation. She advised the applicant quoted various locations in support of their case. For example the caravan park, Ballymaclary tea house and wedding barn but advised that these were not a tourist amenity because of the tourist accommodation.

The AONB, beach and sculpture trail, however, the landscape, walks and monuments were tourist assets associated with the natural and built environment and not a significant tourist amenity as required by the policy. Senior Planning Officer, J McMath stated Benone Visitor Centre may have met the definition of an amenity but would not be considered a significant attraction in its own right as it was associated with the beach and the accommodation at the caravan park. She advised the agent had also raised the Longline Surf School and the Benone Golf Club as tourist amenities which were significant visitor attractions in their own right. However, the surf school was not an amenity as it was associated with the beach which was a tourist asset and the golf course is part of the tourist complex which had caravan sites as accommodation.

Senior Planning Officer, J McMath, stated there were no existing or approved tourist amenities that were or would be significant visitor attractions in their own right at or close to the application site and the proposal was therefore contrary to policy TSM 5 of PPS16.

In addition, she stated the indicative layout submitted would be incompatible with the surrounding land use given the proximity of the site to the neighbouring residential properties at No.668 and no.670 by loss of privacy and the presence of the car repair garage at No.666 resulting in the proposal being contrary to policy TSM7.

The proposal would introduce 3 buildings to the rear of the existing dwelling where the character was predominantly roadside development. This would result in suburban style build up which fails to respect the traditional pattern of development in the area which was contrary to policy CTY14 and PPS2 with regards to impact on the AONB.

Senior Planning Officer, J McMath concluded as there were no overriding reasons for the proposal, the proposal was contrary to policy.

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

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

In response to a request for clarification from an Elected Member, the Senior Planning Officer, J McMath advised there was no specific definition for a significant tourist Attraction, an example would be the Titanic Centre; Giant's Causeway or the beach are a natural asset.

The Chair invited C Gourley to speak in support of the application. C Gourley referred to the definition under PPS 16 and advised the site is close to an existing tourist amenity. She advised in February 2018 the proposal had been recommended for refusal as the site was not located close to a significant tourist attraction in its own right. C Gourley advised that since then, there had been the additional opening of Long Line Surf School at Benone, a unique facility open all year round, offering events and activities. In addition there was the Sea Shed Surf Rental shop, a social hub and school amenity and significant attraction open all year round. The facility was a service on the beach throughout the year, for corporate events.

C Gourley advised Benone Golf Club had regular clients and was located beside the beach. She advised The Mae Murray Foundation, in 2016, established a fully inclusive disabled accessible beach, redefining the asset for disabled use, not available at other beaches and significant in its own right, being one of 3 in the Province. C Gourley advised the proposal was outline and a proposed design could be for disabled use, travelling to the area to enjoy the beach and accessible accommodation. C Gourley advised the proposal no longer lacked significance, there were no objections, was behind the applicant's home and a Condition could be applied for tourist accessible accommodation.

In response to a request for clarification from an Elected Member, C Gourley clarified, in connection with the principle of self-catering in the countryside, the proposal met with Criteria B of policy TSM 5 "*cluster of 3 or more close existing tourist amenity, significant in its own right*". C Gourley advised amenity was a facility or service for tourists and significant in its own right for example Long Line Surf School, the Coffee Bar, Charity challenges, the accessible Beach for children and adults providing a service for disabled persons, and the proposed self-catering cottages would be within walking distance.

J Mc Math provide a definition of a tourist asset as set out in Annex to PPS16. She advised it did not include accommodation, the Beach was an asset and Benone Caravan Park was accommodation; the Surf School a sporting activity; the Golf Course a 9 hole Par 3 and Benone Holiday and Leisure Park not a Tourist Attraction in own right. Senior Planning Officer, J McMath further clarified walking distance from the Beach, whether it was a reasonable distance was up to an individual.

Senior Planning Officer, J McMath advised she was unaware of the reference made to design particularly disability as it was not included in the proposal and that the Surf School had not made a difference to the assessment previous application.

\* **Councillor McShane re-joined the meeting at 4.34PM.**

The Head of Planning clarified '*Tourist Amenity*', as defined in the Glossary for the purposes of PPS16.

Councillor McMullan considered interpretation of Policy needed to be looked at as Council was promoting tourist facilities for disabled people onto beaches. The Head of Planning responded, it was a matter for Committee to look at during the Local Development Plan and Strategic policies.

Proposed by Councillor Scott  
Seconded by Alderman 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 **REFUSE** planning permission for the reasons set out set out in section 10;

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

The Chair put the motion to the Committee to vote.

7 members voted For; 4 Members voted Against; 3 Members Abstained.

The Chair declared the motion carried.

\* **Press left the meeting during consideration of the Item.**

\* **The Chair declared a recess at 4.45PM.**

\* **Alderman McKeown left the meeting.**

The Schedule of Applications being completed, the Chair addressed Committee concerning proposed site visits and the time of the November Planning Committee meeting.

Proposed by Councillor Hunter  
Seconded by Councillor McKillop

- that Committee hold the Planning Committee site visits to the following month in December;
- that Committee convene the November Planning Committee meeting at 10am.

The Chair put the motion to the committee to vote.  
12 Members voted For; 0 Members voted against; 2 Members Abstained.  
The Chair declared the motion carried.

## **6. DEVELOPMENT MANAGEMENT PERFORMANCE:**

### **6.1 Update on Development Management and Enforcement Statistics 01/04/19 – 31/07/19**

Report, previously circulated presented by The Head of Planning.

The Northern Ireland Planning Monitoring Framework set out the new reporting arrangements to the Department of Infrastructure which come into effect on 1<sup>st</sup> April 2019. DfI's Analysis, Statistics and Research Branch (ASRB) would continue to publish the official statistics on a quarterly and annual basis with the first publication taking place in September 2019. The Framework includes the three statutory planning indicators in addition to new non-statutory indicators.

The Monthly Statistical Report provided Committee with unvalidated statistics in relation to how Council's Planning Department and Committee were performing against the Framework indicators.

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

Table 1 (circulated) detailed the number of Major planning applications received and decided as well as the average processing times. These figures were unvalidated statistics. In comparison to the same period last



year, the number of major applications received had decreased by 1, however, the number of major applications decided had increased by 4.

No major applications issued in the month of August and therefore the average processing time remains as per YTD in July at 78.8 weeks. This remained almost 80 weeks faster than the same period last year.

Table 2 (circulated) detailed the number of Local planning applications received and decided as well as the average processing times. These figures were unvalidated statistics. In comparison to the same period last year, the number of applications received had decreased by 16 applications and the number of decisions issued/withdrawn had decreased by 2 applications. Therefore the number of local planning applications was relatively stable both in terms of those received and those determined/withdrawn.

Although Council did not meet the statutory target of 15 weeks for processing local applications the average processing time had improved by over 3 weeks when compared to the same period last year and with over 4% more local applications being processed within the statutory target increasing to 39.6% of local applications processed within the 15 week target.

Table 3 (circulated) detailed the number of Enforcement cases opened and concluded as well as the percentage of cases concluded within the statutory target of 39 weeks. These figures were unvalidated statistics. In comparison to the same period last year, the number of cases opened had increased by 36 and the number of cases brought to conclusion had increased by 19.

The statutory target for concluding 70% of enforcement cases within 39 weeks continued to be exceeded by the Enforcement team with 87.2% of cases year to date concluded within the statutory target. An improvement of over 6% when compared to the same period last year. Furthermore, the length of time taken to conclude 70% of cases has reduced by almost 10 weeks taking just 24.2 weeks year to date to conclude.

Table 4 (circulated) detailed the total number of Local applications determined under delegated powers. Determined was taken as the date the decision issued and excluded withdrawn applications. DfI Development Management Practice Note 15 Councils Schemes of Delegation recommends that councils should aim to have 90-95% of applications dealt with under the scheme of delegation. To date 94.38% of applications determined were delegated under the scheme of delegation. Only 1 determination was made by Planning Committee in August.

Table 5 (circulated) detailed the number of decisions that were determined by the Planning Committee at each monthly meeting and the

percentage of decisions made against officer recommendation, including major, Council and Local applications. This was taken from the date of the Planning Committee meeting. Of note was that of the six applications determined in August, all were in agreement with the Planning Officer's recommendation.

Table 6 (circulated) detailed the number of appeal decisions issued since 1 April 2019. These figures related to planning application decisions only were unvalidated statistics extracted from internal management reports. No decisions had been issued by the PAC for this Council in the month of April.

The appeal upheld in August was for an outline application dwelling on a farm. Appellant submitted further information in his Statement of Case to evidence his 6 years active farming even though this information had been asked for during the processing of the application but was not forthcoming.

Table 7 (circulated) detailed the number of application for claims for costs made by either third parties or Council to the PAC and the number of claims where the PAC have awarded costs. One application had been made by both third parties and Council but no decision had been made on the applications by the PAC. One of the costs awarded to Council relate to planning appeal 2018/A0165 erection of dwelling at lands to rear of 11 Randal Park Portrush due to the submission of new plans at the appeal which addressed the reasons for refusal and should have been submitted during the processing of the application. The second related to the late withdrawal of an enforcement notice appeal

Table 8 (circulated) detailed the number of contentious applications which had been circulated to all Members in the months April - August and the number which have referred to the Planning Committee for determination. To date 56.1% of contentious applications had been referred to Planning Committee for determination.

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

**AGREED** - that the Planning Committee note the update on the development management statistics.

## **6.2 NI Planning Monitoring Framework 2018/19 Annual Report**

Report, previously circulated presented by The Head of Planning.

The "Protocol for the Operation of the Planning Committee" set out the requirement to provide monthly updates on the number of planning applications received and decided.

The Northern Ireland Planning Monitoring Framework sets out the new reporting arrangements to the Department of Infrastructure which came into effect on 1<sup>st</sup> April 2019. DfI's Analysis, Statistics and Research Branch (ASRB) will continue to publish the official statistics on a quarterly and annual basis. The first Northern Ireland Planning Monitoring Framework 2018/19 Annual Statistical Bulletin was released on 19 September 2019. The Framework includes the three statutory planning indicators in addition to new non-statutory indicators.

Committee was provided with a link to the full statistical bulletin.

The Statistical Bulletin provided detail on performance across the three statutory targets along with a suite of additional indicators that were intended to provide a more comprehensive assessment of planning activity. Pre-Application Discussions; Certificates of Lawful Development – Proposed or Existing; Discharge of Conditions and Non-Material Changes, had been excluded from the reports to correspond with official validated statistics published by DfI.

Table 1 (circulated) detailed the performance against each Indicator and how this compared to all 11 Council's performance.

Although Council did not meet the statutory target for processing major applications, of note was that two applications were progressed within the 30 week target and one application just missed meeting the target at 37.2 weeks. The average processing time (median application that determines the average processing time) was between the next two applications at 70.2 weeks and 78.8 weeks resulting in the average processing time of 74.5 weeks. The two applications that took the longest time to process were for large scale housing developments which resulted in numerous amendments to achieve a quality residential environment. One application required 9 consultations with DfI Roads and the other 8 consultations with DfI Roads, 8 with Rivers Agency on flooding and drainage issues and 7 consultations with NIEA to remedy issues relating to protected species. This was a vast improvement in processing times when compared to the same period last year when the average processing time was 282.5 weeks slower.

The Head of Planning advised a workshop would be held on 20<sup>th</sup> November to address the concern raised regarding the length of time to consider local planning applications.

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

**AGREED** - to recommend that the Planning Committee note the update on the development management statistics.

### 6.3 Quarterly Report on Planning Performance

Report, previously circulated presented by The Head of Planning.

Schedule 4 of The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the statutory performance targets for the Planning Department for major development applications, local development applications and enforcement cases.

The statutory targets were:

- Major applications processed from date valid to decision or withdrawal within an average of 30 weeks
- Local applications processed from date valid to decision or withdrawal within an average of 15 weeks
- 70% of all enforcement cases progressed to target conclusion within 39 weeks of receipt of complaint.

The Northern Ireland Planning Statistics is an official statistics publication issued by Analysis, Statistics & Research Team within Department for Infrastructure. It provides the official statistics for each Council on each of the statutory targets and is published quarterly and on an annual basis. The First Quarter 2019/20 Statistical Bulletin was published on 26<sup>th</sup> September 2019 providing planning statistics for this period. It also provides a summary of Council progress across the three statutory targets.

Committee was provide with a link to the published bulletin.

Table 1 (circulated) provided a summary of performance in relation to the statutory targets for major development applications and local development applications for the first quarter of 2019-20 business year and provided a comparison of performance against all 11 Councils.

In the Q1, Causeway Coast and Glens Borough Council issued the 2<sup>nd</sup> highest number of major applications out of the 11 Councils, and had the 3<sup>rd</sup> highest number of live applications. In comparison to the same period last year, the number of major applications received had reduced from 4 to 2. Processing times for both major and local applications had improved when compared to the same period last year with more major and local applications being processed within the statutory timeframe.

The percentage of live applications that are over 12months in the system remained an area of concern. With the 3 Fixed Term Contract posts coming to an end over the next couple of months, consideration must be given to retaining these posts for another 2 years or making the posts permanent. Otherwise there would be a high risk the case loads of staff

would increase once more and this would have a negative impact on performance.

As continual negotiation was not an efficient use of staff time and resources, consideration must be given as to how to improve the development management process. It is proposed to hold a workshop with Planning Committee Members to develop and agree a more efficient process.

Table 2 (circulated) showed statistics in relation to enforcement for Q1 of the 2019/20 business year. Of note was that of the cases closed, over 39% were as a result of no breach of planning control being identified. Furthermore, the Enforcement team concluded the second highest percentage of cases within the 39 weeks statutory target – 92%. Furthermore the team issued the 2<sup>nd</sup> highest number of prosecutions in Q1 out of the 11 Councils.

Tables 3 and 4 (circulated) indicated the level of other activity carried out by the Planning Department over Q1 of 2019/20 business year.

In addition to the formal applications received, the Planning Department received 64 other types of applications relating to planning applications, 20 FOI/EIR requests and issued 135 responses to general correspondence.

Table 5 (circulated) provided a breakdown of the income generated by the Planning Department in Q1 of 2019/20. Income is relatively steady at less than £9,000 lower when compared to same period last year.

In conclusion, performance within the Planning Department continues to steadily improve towards meeting the statutory targets. However areas of concern remain with the number of applications in the system over 12months and the length of time taken to process local applications. Caseloads of Planning Officers continue to be monitored and consideration must be given to extending the 3 FTC coming to an end over the next couple of months.

**IT IS RECOMMENDED** that the Planning Committee note the Planning Departments Quarterly Report.

**AGREED** – to recommend that the Planning Committee note the Planning Departments Quarterly Report.

## **7. DEVELOPMENT PLAN:**

### **7.1 Department for Infrastructure – Revised Housing Growth Indicators (2016 based)**

Report, previously circulated presented by the Development Plan Manager.

The Department for Infrastructure (DfI) wrote to the Council on 26<sup>th</sup> September 2019 (Appendix 1, circulated) advising of the outcome of the refresh of the Northern Ireland Housing Growth Indicators (HGIs) set out in the Regional Development Strategy (RDS) 2035.

HGIs provide an indication of future housing need in Northern Ireland. Household projections produced by NISRA form the basis of the estimate. The estimates are based on current population/household formation trends with the assumption that these trends will continue into the future.

As population and household formation projections are regularly updated and housing stock data presents the most up to date position annually, the HGIs should be used for guidance.

An agreed methodology for calculating the HGIs was established in 2005, following a public consultation exercise. This methodology has been replicated as closely as possible for all HGI updates since, including this latest 2016 based update. The variables that make up the HGI calculations have been updated using the most recently available information from robust sources.

In addition to the household projections which are considered the main component of the HGIs, data on vacant housing stock, second homes and net conversions/closures/demolitions (net stock loss) are also used to produce the final estimates. As new, updated data was available for household projections, housing stock, vacant stock and second homes, updating the HGIs at this time is in line with the commitment to refresh estimates when updated household projections are published.

The estimate does not take account of any future policy development or social factors and, as such, should not be considered a target or seen as a cap on housing development in the area. However, this update ensures that the Council, in preparing its Local Development Plan (LDP), uses the most up to date evidence available.

A number of updates of the HGIs have been produced, including being part of the first Regional Development Strategy which was published in 2001. Housing Growth Indicators were last published in

May 2016 for the time period 2012-2025. The household projections used for these HGIs were based on 2012 data. The latest HGIs use 2016 based household projections and have been calculated for the time period 2016-2030 to align with the timeframe for the majority of LDPs.

The HGIs have been calculated for Northern Ireland and also for each of the 11 Local Government Districts (LGDs). Further detail on how the HGIs are calculated, user information and methodology is presented throughout the attached document (Appendix 2, circulated).

### **The use of HGIs**

The indicators have been updated at the request of the DFI Planning Group and in line with the commitment to refresh estimates when updated household projections are published. They are produced primarily to provide guidance for those preparing LDPs. They are intended to support the development process by giving an indication of where development is most likely to be needed given the current understanding of population, current data on the housing infrastructure and expected population growth.

As mentioned above, these estimates are purely for guidance and should not be considered as a cap or a target on development and, as such, represent a robust starting point which can be considered while also taking account of the full range of factors that may influence housing requirements over the plan period in terms of how many houses are needed in any area.

### **CC&GBC Revised HGIs**

Under the previous (2012) HGI review, the figure for the Borough was 6,700 homes. This covered the period 2012-2025. The Local Development Plan notional end date was 2030, therefore the final figure (pro-rata) was 9,276.

Under the new (2016-based) HGI review, the figure for the Borough is now lower, at 5,600. This represents a 16% reduction. This covers the period 2016-2030. At the September 2019 Planning Committee Members resolved to accept a revised LDP notional end date of 2035. Based on this, the new figure for the Borough (up to 2035) is 7,600.

### **Other Implications**

Local Development Plan – Housing Land provision

**IT IS RECOMMENDED** that members note the attached correspondence.

**AGREED** – that Committee note the attached correspondence.

## 7.2 Mid & East Antrim Draft Plan Strategy

Report, previously circulated, presented by Development Plan Manager.

Mid & East Antrim Borough Council wrote to the Council on 3<sup>rd</sup> October 2019 (see Appendix 1 & 2 circulated) to advise that it had published its Local Development Plan: Draft Plan Strategy for public consultation. Mid & East Antrim Borough Council is an 'adjoining council' for the purposes of formal consultation on its Local Development Plan (LDP). As such, it is important that the Council considers the draft policies and associated documents, and makes comment (if deemed necessary).

Following the transfer of planning powers on 1<sup>st</sup> April 2015, all 11 Northern Ireland Councils are now responsible for the preparation of a Local Development Plan (LDP) for their area. The Planning Act (Northern Ireland) 2011 introduced a new type of Plan, different to those historically prepared by the former Department of the Environment (DOE).

New Plans must pass the tests of 'soundness', as detailed in guidance issued by the Department for Infrastructure (DFI) in its document 'Development Plan Practice Note (DPPN) 06: Soundness' (Version 2 May 2017) (Appendix 3, circulated).

Mid & East Antrim Borough Council published their Draft Plan Strategy on Tuesday 17<sup>th</sup> September 2019. A four week pre-consultation will run from 17<sup>th</sup> September until Tuesday 15<sup>th</sup> October 2019. Following this, an 8 week formal public consultation period will commence on Wednesday 16<sup>th</sup> October 2019, closing at 5pm on Wednesday 11<sup>th</sup> December 2019.

Draft Policies contained within the Plan may have an impact on this Borough.

**IT IS RECOMMENDED** that Members agree to the Head of Planning submitting a response to M&EA on behalf of the Council.

Proposed by Councillor Scott

Seconded by Councillor Nicholl and

**AGREED** – to recommend that Committee agree to the Head of Planning submitting a response to M&EA on behalf of the Council.

## 8. BUSINESS PLAN

Report, previously circulated, presented by The Head of Planning.

The Planning Department produces its Business Plan on an annual basis setting out the key objectives for the year going forward. This year's



Business Plan is focussing on 2 key areas: performance against the statutory targets and financial planning.

The attached Business Plan sets out the key objectives for the 2019/20 Business Year.

The first objective is to improve performance in relation to the processing of planning applications. The Business Plan sets out a number of actions that are proposed to deliver two key workstreams to assist in meeting this objective; streamline the planning application process and maintain sufficient staff resources.

The second key objective is to manage finance, staff, information and other resources effectively and efficiently within the corporate governance framework. Two key workstreams are identified to be delivered over this business year with the associated actions. These workstreams are to ensure all Audit recommendations are implemented and secondly, to reduce expenditure in line with budget reductions.

The detailed actions to deliver both these objectives are set out in Section 3 of the attached Business Plan.

**IT IS RECOMMENDED** that the Planning Committee agree the attached Planning Business Plan.

Proposed by Alderman Boyle

Seconded by Councillor P McShane and

**AGREED** - that the Planning Committee agree the attached Planning Business Plan.

## **9. Correspondence:**

### **9.1 Department for Infrastructure – Previous visits to Planning Committee**

Copy correspondence previously circulated, presented by The Head of Planning.

Correspondence dated 17 September 2019 on Department for Infrastructure visits to Planning Committees during 2018 and feedback on the visits.

\* **Alderman Duddy left the meeting at 5.50PM.**

## **9.2 Ulster Farmers Union – Changes to Planning Rules for Farms and Shared Environmental Services (SES)**

Copy correspondence previously circulated, presented by The Head of Planning.

Correspondence dated 12 September 2019, from UFU President, Ivor Ferguson surrounding concerns around a recent change to the assessment of planning applications for agricultural development on farms in Northern Ireland and that it would be raised at the next Council meeting.

Councillor McMullan considered Council invite the UFU representative to present to Council. The Head of Planning stated committee was required to remain impartial and apply legislation.

## **10. Legal Issues**

There were no Legal Issues.

## **11. Any Other Relevant Business (in accordance with Standing Order 12 (o))**

There were no Items of Any Other Relevant Business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 5.52pm.

---

Chair