

PLANNING COMMITTEE WEDNESDAY 27 JULY 2016

Table of Key Adoptions

| No | Item | Summary of key Adoptions |
|------------|---|--|
| | Verbal Update – Complaint re Fence Height and Right of Way | Note Update Countryside Access Team to review Right of Way |
| 2 | Declarations of Interest | Cllr Fielding - LA01/2016/0564/F Cllr Loftus – LA01 2015/0605/F |
| 3 | Minutes – 25 May 2015 | Confirmed |
| 4 | Order of Items and Confirmation of Registered Speakers Items to be taken in the following order 1) LA01/2016/0246/O 2) LA01/2016/0300/F 3) LA01/2016/0256/F 4) LA01/2016/0564/F 5) LA01/2015/0837/F 6) LA01/2015/1045/F 7) LA01/2015/0605/F | Agreed Noted that Applications: LA01/2015/0502/O – Withdrawn LA01/2015/0647/RM – Defer LA01/2015/1065/O – Defer |
| 5.1 | Application LA01/2016/0246/O | Defer |
| 5.2 | Application LA01/2016/0300/F | Refuse |
| 5.3 | Application LA01/2016/0256/F | Approve |
| 5.4 | Application LA01/2016/0564/F | Refuse |
| 5.5 | Application LA01/2015/0837/F | Approve |
| 5.6 | Application LA01/2015/1045/F | Approve |

| | | |
|------------|--|--|
| 5.7 | Application LA01/2015/0605/F | <i>Refuse</i> |
| | | |
| 6 | Development Management Statistics | <i>Noted</i> |
| | | |
| 7 | Development Plan: Discussion Paper 9 - Minerals | <i>Noted, endorse use in Local Development Plan</i> |
| | | |
| 8 | Donegal County Council – Preliminary Consultation – County Development Plan Review | <i>Noted and Agree to the Head of Planning submitting a response on behalf of Council</i> |
| | | |
| 9 | Development Plan Work Programme: 6 months July – December 2016 | <i>Agree to the indicative Work Programme</i> |
| | | |
| 10 | Cross Boundary Application | <i>Agree Option B and for Head of Planning to write to Mid Ulster Council</i> |
| | | |
| 11 | NIEA – Confirmed Listing of Buildings | <i>Note Head of Planning to provide Cllr Baird with listings Council had previously raised concerns with to NIEA</i> |
| | | |
| 12 | Proposed Listing of Building Bushmills | <i>Write back to NIEA and set out concerns raised</i> |

**MINUTES OF THE PROCEEDINGS OF THE MEEING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 27 JULY 2016 AT 2 PM**

In the Chair: Councillor R Loftus

Committee Members Present: Alderman Cole, King and McKeown
Councillors Baird, Fielding, Fitzpatrick, McKillop M A,
McCaul, McGuigan, P McShane and Nicholl

Officers Present: D Dickson, Head of Planning
S Mathers, Principal Planning Officer/Development
Management Manager
S Mulhern, Principal Planning Officer/Local Development
Plan Manager
E Kirk, Council Solicitor
E McCaul, Committee and Member Services Officer

In Attendance: O Dallas, Item 5.2
P McKernan, Item 5.6
David Meehan, Item 5.6
D Monaghan, Item 5.7

Press (2 no.)
Public (8 no.)

MOTION TO PROCEED ‘IN COMMITTEE’

Before going through the business on the agenda, the Chair requested that the Committee agree to be verbally updated ‘in committee’ on an enforcement case.

Proposed by Councillor Baird
Seconded by Councillor Fitzpatrick and

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

VERBAL UPDATE – COMPLAINT ON FENCE HEIGHT AND POTENTIAL LOSS OF RIGHT OF WAY

At the request of Councillor Fielding, the Head of Planning and Councils Solicitor updated members with regard to a complaint about erection of a fence and closure

of a right of way. It was confirmed at the time of investigation, the path was not an asserted Right of Way and the fence height was not significant enough to warrant further action.

It was noted that the query over the suggested Right of Way had been forwarded to the Countryside Access Team.

Following a lengthy debate it was proposed by Councillor McGuigan, seconded by Councillor McShane to move on (Standing Orders 16.5) That the Committee Do Now Proceed to the Next Business.

The Chair put the proposal to a vote, 5 for, 4 against and 3 abstentions. The Chair declared the proposal carried.

1 APOLOGIES

Apologies were recorded for Aldermen Finlay, McKillop S, Robinson and Councillor Callan.

2 DECLARATIONS OF INTEREST

Councillor Loftus - LA01/2015/0605/F
Councillor Fielding – LA01/2016/0564/F

3 MINUTES OF MEETING HELD WEDNESDAY 25 MAY 2016

The Chair advised the minutes of the meeting held on 25 May 2016 were confirmed at the 28 June 2016 Council meeting.

4 ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Head of Planning advised Application LA01/2015/0502/O had been withdrawn and that Applications LA01/2015/0647/RM and LA01/2015/1065/O were being deferred to the August Planning Meeting due to exceptional circumstances.

The Chair informed committee of registered speakers in attendance.

AGREED - to change the Order of Business; to receive the Schedule of Applications in the following order:

- | | |
|----------------------|---------------------|
| 1) LA01/2016/0246/O | 2) LA01/2016/0300/F |
| 3) LA01/2016/0265/F | 4) LA01/2016/0564/F |
| 5) LA01/2015/0837/F | 6) LA01/2015/1045/F |
| 7) LA01/2015/0605/F. | |

5 SCHEDULE OF APPLCATIONS

5.1 APPLICATION LA01/2016/0246/O

Address: 80m south of 261 Ballyquin Road, Limavady
Proposal: two storey farm dwelling with garage / stores

Proposed by Councillor Fielding
Seconded by Councillor Baird

That the application be deferred due to the fact that Alderman Robinson, the applicant or his consultant were unavailable to speak on the application and additional information was being submitted from Transport NI.

The Chair put the proposal to the meeting, with 7 voting for, 0 against, and 5 abstentions. The Chair declared the proposal to **DEFER** the application carried.

5.2 APPLICATION LA01/2016/0300/F

Address: Adjacent to 89 Glenstall Road, Macfin, Ballymoney
Proposal: New single storey retirement dwelling

The Principle Planning Officer/Development Management Manager presented the report and made a recommendation to refuse planning permission. The officer answered queries from members.

The public speaker addressed the Committee and responded to queries from members.

Proposed by Councillor McGuigan
Seconded by Councillor McCaul

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 REFUSE planning permission for the reasons set out in section 10.

The proposal was put to the meeting, 7 voted for, 1 against and 4 abstentions. The Chair declared the proposal carried. It was agreed to amend wording of refusal reason 2 to include design concerns.

5.3 APPLICATION LA01/2016/0256/F

Address: Red Bay Pier Coast Road Cushendall
Proposal: Provision of facilities associated with RNLI lifeboat service: two timber clad, pre-fabricated storage containers, steel stair from pier to beach and timber fenders fixed to the harbour wall to provide temporary berth (3 year temporary permission).

The Principal Planning Officer/Development Management Manager presented the report and made a recommendation to grant planning permission.

Proposed by Councillor Baird
Seconded by Councillor McShane

As recommended, that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 & 8 and resolves to GRANT planning permission subject to the conditions set out in section 10.

The motion being put to the meeting, 11 vote for, 1 abstention. The Chair declared the motion carried.

5.4 APPLICATION LA01/2016/0564/F

Address: 8 Carneybaun Road, Portrush
Proposal: Retrospective planning permission for a first floor decking area. This is situated above a raised patio in the rear garden of the above property. Access to the decking area is via decking stairs within the rear garden.

- * Councillor Fielding left the table at 3.05pm and joined the public speakers in the viewing gallery during discussion on the application.

The Principle Planning Officer/Development Management Manager presented the report and recommendation to the Committee for consideration. An addendum was tabled and read. The officer answered queries from members.

Councillor Fielding spoke in support of the application and pointed out that there were no objections to this from neighbours. Cllr Fielding answered queries from elected members.

- * Councillor Fielding left the Chamber at 3.18pm.

Proposed by Councillor McCaul
Seconded by Councillor McShane

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

The Chair put the proposal to the meeting, with 4 voting for, 3 against and 4 abstentions. The Chair used her casting vote in favour of the motion and declared it carried.

- * Councillor Fielding returned to the Chamber at 3.25pm.
- * Councillor McCaul left the Chamber at 3.25pm.

5.5 APPLICATION LA01/2015/0837/F

Address: 33 Bellisk Drive, Cushendall
Proposal: Front, side and rear extension to dwelling and new shed

The Principle Planning Officer/Development Management Manager presented the report and recommendation to the Committee for consideration.

Proposed by Councillor M.A. McKillop
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 section 7 & 8 and resolves to GRANT planning permission subject to the conditions and informatives set out in section 10.

The Chair put the proposal to the meeting, with 9 voting for, 0 against and 1 abstentions. The Chair declared the motion carried.

5.6 APPLICATION LA01/2015/1045/F

Address: Lands located North of Bann Road East/S East of Ballmaconnelly Road, West S/West of Finvoy Road and North/N West of Moneyleck Road Rasharkin – approx. 200 m east of no 41 Ballymaconnelly Road.
Proposal: Construction & operation of a solar farm with a total generating capacity of 25MW. Development comprises photovoltaic panels, mounting frames, 1 no. substation, 20 no. inverter stations, 12 no. inverter stations, 12 no. CCTV cameras (3

metres high) and ancillary construction works including perimeter fencing (2.4 meters high), internal service tracks and 1 no. temporary construction compound.

The Principal Planning Officer/Development Management Manager presented the report and recommendation to the Committee for consideration. An addendum was tabled and read. The officer answered queries from members.

Public speakers addressed the Committee and responded to queries from members.

* Councillor McCaul returned to the Chamber at 3.38pm.

Proposed by Councillor McShane
Seconded by Councillor Fitzpatrick

As recommended, that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and resolves to GRANT planning permission subject to the conditions and informatives set out in section 10.

The motion being put to the meeting, 10 members voted for, 1 abstention. The Chair declared the motion carried.

Councillor McCaul took no part in the vote.

Councillor Loftus relinquished the Chair at 3.40pm and joined the public speakers in the viewing gallery.

Councillor Fitzpatrick took the Chair at 3.40pm.

5.7 APPLICATION LA01/2015/0605/F

Address: 32-44 Maghera Street, Kilrea
Proposal: Variation of condition No 3 (development to be carried out in accordance with approved plans) of approval C/2014/0173/F

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

The public speaker addressed the Committee and responded to queries from members.

Councillor Loftus spoke in support to the application.

- * Councillor Loftus left the Chamber at 4.00pm.

Proposed by Alderman King
Seconded by Councillor McCaul

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

On the motion being put to the vote, 6 members voted for, 3 against and 2 abstentions. The Chair declared the motion carried.

- * Councillor Loftus returned to the Chamber at 4.01pm.

Councillor Loftus took over from Councillor Fitzpatrick as Chair at 4.02pm.

The Committee held a recess from 4:03pm to reconvened and 4:14pm.

6 DEVELOPMENT MANAGEMENT STATISTICS

Planning applications received and decided in the month of June 2016 were circulated.

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

7 DEVELOPMENT PLAN: DISCUSSION PAPER 9 - MINERALS

The Planning Committee received a discussion paper to provide Members with background information relating to minerals and the implications for land use. It also provided information on:

- the legislative background relating to minerals;
- to set out the regional planning context pertaining to minerals;
- to provide information on mineral activity in the Borough;
- to outline the economic contribution mineral activity makes locally;
- to provide information to assist Members to identify potential issues that may need to be given further consideration in the production of the Local Development Plan.

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

8 DONEGAL COUNTY COUNCIL – PRELIMINARY CONSULTATION – COUNTY DEVELOPMENT PLAN REVIEW

The Committee reviewed Donegal County Council preliminary council consultation on the review of the County Donegal Development Plan 2012-2018 (as varied) and the preparation of the new County Development Plan and Environmental Report.

AGREED – as recommended, that Council note the contents of the issues paper and agree to the Head of Planning submitting a response on behalf of Council.

9 DEVELOPMENT PLAN WORK PROGRAMMES: 6 MONTHS JULY – DECEMBER 2016

The Committee received a report on 6 month indicative Local Development Plan (LDP) work programme covering the period up to the end of December 2016. This included:

- Work on the gathering of baseline evidence and the presentation of topic-related papers, alongside seeking final agreement with Department of Infrastructure on the Statement of Community Involvement (SCI).
- Work to continue on progressing and agreeing the draft LDP timetable, including consultation with the Planning Appeals Commission and relevant bodies.
- Work to continue on the early stages of preparation of reports to accompany the LDP.
- Housing monitor work to continue throughout the work programme and
- Within the 6 month programme the LDP Steering Group and Project Management Group to be formally set up and LDP workshops for members to commence.

Proposed by Alderman Cole

Seconded by Alderman Finlay and

AGREED – as recommended, that members agreed to the indicative work programme outlined.

10 CROSS BOUNDARY APPLICATION

The Planning Committee considered a report on cross boundary application previously circulated as undernoted:

The Ponderosa bar and restaurant is located at 974 Glenshane Road, Dungiven within the Causeway Coast and Glens Borough Council area. The applicant, Mr McErlean owns/controls additional land adjacent to the Ponderosa which falls within the Mid Ulster District Council area.

On 23 March 2016, the Planning Authority received a request for pre application discussion (PAD) for a proposed extension to the Ponderosa at 974 Glenshane Road, Dungiven. The proposed extension includes a ground floor interpretative centre, changing rooms, equipment store and first floor function suite, wc and external terrace. The reference number is LA01/2016/0338/PAD.

Simultaneously, the applicant submitted a PAD to the Planning Authority in Mid Ulster District Council for 6 self-catering chalets and a car park on land adjacent to the Ponderosa.

Under Articles 7 and 9 of the Local Government Act (NI) 2014, councils can discharge their functions jointly or a council may arrange for its functions to be discharged by another council.

The applicant/agent has requested clarification as to whether he needs to submit two planning applications (one to each council area) or whether he can submit one application to one council who will deal with the entire development.

The Committee should consider the following points.

- The entire site within both the Causeway Coast and Glens Borough Council Area and the Mid Ulster District Council area is located within the Sperrins Area of Outstanding Beauty and the entire site accesses onto a protected route (A6) and is hydrologically linked to the River Roe and Tributaries SAC/ASSI.
- The site within the Mid Ulster District Council area is located within the Carn/Glenshane SAC/ASSI.
- The SAC/ASSI is of international and national importance and is protected by Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended) and The Environment (NI) Order 2002.
- A Habitats Regulations Assessment will be required to be carried out by the relevant Planning Authority/ Authorities.

- The extension to the Ponderosa, which is located within Causeway Coast and Glens Council Area, if found to be acceptable, is dependent on the proposed car parking which is located on land within the Mid Ulster District Council Area.

There are three options from which to choose a course of action.

- (a) *Advise applicant/agent to submit two applications, one to Causeway Coast and Glens Borough Council for the extension and one to Mid Ulster District Council for the self-catering chalets and car park.*

This option will allow both Council Areas to retain control of their respective areas. However, as the car parking required for the extension to the existing facility is located within Mid Ulster District Council area, processing of any application will require much liaison between both councils.

- (b) *Discharge the planning functions to Mid Ulster District Council and allow the applicant/agent to submit one application for the entire scheme to be processed and considered by Mid Ulster District Council. This is subject to agreement by Mid Ulster District Council.*

This option will allow Mid Ulster District Council to process the entire scheme for the extension, car park and self-catering chalets. However, this will result in Causeway Coast and Glens Borough Council having no control in the processing or outcome of the application.

- (c) *Retain the planning function and take responsibility for the planning functions for the Mid Ulster Council part of the site and allow the applicant to submit one application for the entire scheme and process and consider the entire scheme. This is subject to agreement by Mid Ulster District Council.*

This option will allow Causeway Coast and Glens Borough Council to process the entire scheme for the extension, car park and self-catering chalets. However, this will result in Mid Ulster District Council have no control in the processing or outcome of the application.

IT WAS RECOMMENDED that Members note the content of the report and agree on one of the options referred to above for the Head of Planning to respond to the agent.

Proposed by Councillor McShane
Seconded by Councillor Fitzpatrick

AGREED – that Council note the content of the report and AGREE on Option B as set out above.

The motion was put to the meeting, 6 for, 6 against. The Chair used her casting vote in favour of the motion. The Chair declared the motion carried.

11 NILGA – CONFIRMED LISTING OF BUILDINGS

The Committee was informed that the Department for Communities, Historic Environment Division had written to the Council, most recently in May 2016 seeking input regarding the proposed listing of a variety of buildings and structures throughout the Borough as Buildings of Special Architectural or Historic Interest under Section 80(1) of the Planning Act (NI) 2011.

On the 1 July 2016, the Department notified Council that as of that date, 18 buildings and structures were now listed under the Act.

AGREED as recommended that Members note the confirmed listing by the Department of Communities.

Councillor Baird requested that it be recorded that in her opinion NIEA did what they liked and did not listen to Council. Noted.

The Head of Planning agreed to provide Councillor Baird with list of buildings that Council had previously raised concern with to NIEA.

12 PROPOSED LISTING OF BUILDING BUSHMILLS

The Planning Committee received a report which outlined that The Department for Communities, Historic Environment Division had advised that it was considering to list the Former RUC Station,, at 96-98 Main Street, Bushmills as a Building of Special Architectural or Historic Interest under Section (80)(1) of the Planning Act (NI) 2011. The Department has requested the views of Council on the proposed listing.

IT WAS RECOMMENDED that Members agree to the listing as detailed in the document and agree to the Head of Planning responding on behalf of Council.

A number of concerns and opposition was put forward to the listing of the building.

AGREED that the Head of Planning would write back to NIEA and set out concerns raised at the listing of the building, requesting that the building is NOT listed.

There being no further business the Chair thanked everyone for their attendance and the meeting concluded at 4.30pm.

Chair