

# Causeway Coast and Glens Borough Council

Planning Committee Wednesday 28<sup>th</sup> October 2015

Table of Key Adoptions

No	Item	Summary of key Adoptions
4.1	Item A, Land Adjacent to 76 Burnquarter Road Ballymoney Co. Antrim, D/2014/0168/F	<i>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 &amp; 8 and resolves to <b>Refuse</b> planning permission subject to the reasons set out in section 10.</i>
4.2	Item B, Land approx 71m South East of no. 20 Glenariff Road, Waterfoot, E/2014/0205/F	<i>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 &amp; 8 and resolves to <b>Grant</b> planning permission subject to the conditions and informatives set out in section 10.</i>
4.3	Item C, Causeway Coast and Glens Borough Council, Flowerfields Art Centre, 185 Coleraine Road, Portstewart, C/2015/0108/F	<i>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 &amp; 8 and resolves to <b>Grant</b> planning permission subject to the conditions set out in section 10.</i>
4.4	Item D, Royal National Lifeboat Institution, Land adjacent to the Promenade, West Strand, Portrush, LA01/2015/0213/F	<i>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</i>

		<i>&amp; 8 and resolves to <b>Grant</b> planning permission subject to the conditions and informatives set out in section 10.</i>
<b>4.5</b>	Item E, Arcadia, 6 Craig Vara, Portrush, LA01/2015/0483/LBC	<i>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 &amp; 8 and resolves to <b>Grant</b> Listed Building Consent subject to the conditions set out in section 10.</i>
<b>4.6</b>	Item D, 139 Vow Road Ballymoney BT53 7NU, D/2014/0162/F	<p><i>that the committee has taken into consideration and disagrees with reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 &amp; 8 and therefore resolve to <b>Grant</b> planning permission subject to the reasons set out:</i></p> <ul style="list-style-type: none"> <li><i>• The development is in accordance with Policy CTY1 and CTY4 of PPS 21; there are no historical complaints in relation to odour; other new developments within 150m of poultry unit; computer generated odour results does not specifically relate to this unit</i></li> <li><i>• No evidence has been provided to support the refusal reasons;</i></li> <li><i>• Time limit of 5 years for commencement of the development;</i></li> <li><i>• Provision of required access prior to development;</i></li> <li><i>• Fencing of garden areas;</i></li> </ul>

		<ul style="list-style-type: none"> <li>• <i>Landscaping in accordance with plans presented;</i></li> <li>• <i>Informative to advise any occupant the potential for odour nuisance arising from adjacent poultry unit.</i></li> </ul>
<b>5.</b>	Development Management Statistics	<i>Note</i>
<b>6.</b>	Development Plan: Preparatory Studies – Employment and Town Centres	<i>Endorse</i>
<b>7.</b>	Development Plan Work Programme – update	<i>Note</i>
<b>8.</b>	Statement of Community Involvement	<i>Adopt Option 1</i>
<b>9.</b>	Development Plan – presentation on Northern Area Plan 2016	<i>hold a Workshop on the Single Planning Policy Statement and Northern Area Plan 2016.</i>
<b>11.</b>	Correspondence - Planning Appeals Commission	<i>accept the Planning Appeals Commission offer of a Presentation, to be incorporated into the above workshop on the Northern Area Plan and Single Planning Policy Statement</i>
<b>12.</b>	Legal Proceedings <b>12.1</b> Cam Burn Wind Farm, C/2011/0459/F	<i>write to the DoE Minister and advise that the view of the Planning Committee on 23<sup>rd</sup> September 2015 to refuse the Application was for the reasons stated</i>

## Planning Committee

Minutes of the Meeting of Causeway Coast and Glens Borough Council Planning Committee, held in Council Chamber, Civic Headquarters, Coleraine on Wednesday 28<sup>th</sup> October 2015 at 2.00 pm.

In the Chair: Councillor McCaul

Members present: Councillor Callan, Alderman Cole, Councillor Fielding, Alderman Finlay, Councillor Fitzpatrick, Alderman King, Councillor Loftus, Alderman McKeown, Alderman S McKillop, Councillor P McShane, Alderman Mullan, Councillor Nicholl, Alderman Robinson

In attendance: D Jackson, Chief Executive  
D Dickson, Head of Planning  
D Hunter, Council Solicitor  
B Edgar, Head of Health and Built Environment  
S Duggan, Committee and Member Services Officer  
S Mathers, Principal Development Management Officer  
S Mulhern, Principal Development Plan Officer

Also in Attendance: G McGill [Item 4.2 ]  
W McGaughey [Item 4.6]

Press  
Public

### **1. Apologies**

Apologies were recorded from Councillors Baird and McGuigan.

### **2. Declarations of Interest**

Alderman Finlay Declared an Interest in Item A, Application reference: D/2014/0168/F, Land Adjacent to 76 Burnquarter Road, Ballymoney, Co. Antrim, and Item D, Application Reference: D/2014/0162/F, 139 Vow Road Ballymoney BT53 7NU and advised he would withdraw from the table.

### **3. Minutes of Meeting held Wednesday 26<sup>th</sup> August 2015**

The Chair advised the Minutes of the above meeting had been presented to Council in September.

\* Alderman Mullan arrived at the meeting at 2.01pm.

### **4. Schedule of Applications**

The Principal Development Management Officer presented the applications and illustrated using PowerPoint.

**4.1 Item A, Land Adjacent to 76 Burnquarter Road Ballymoney Co. Antrim, D/2014/0168/F**

Creation of a Waterway for Wakeboard instruction with Ancillary Buildings and Car Parking.

The Site Visit report was tabled.

The Chair invited Elected Members to request points of clarification from the Officer.

It was proposed by Councillor Fitzpatrick, seconded by Alderman King: that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 & 8 and resolves to **Refuse** planning permission subject to the reasons set out in section 10.

The Chair put the proposal to the committee to vote, committee voted unanimously in favour. The Chair declared the proposal carried.

Alderman Finlay had Declared an Interest in the Item, withdrew from the table and from voting on the application.

Upon the request of Alderman Finlay, the Head of Planning affirmed the application would be held for one week before issuing the Decision Notice, should the applicant wish to withdraw.

**4.2 Item B, Land approx 71m South East of no. 20 Glenariff Road, Waterfoot, E/2014/0205/F**

Proposed 2 no. broiler houses for up to 37,000 birds per unit, including new ancillary building, concrete apron, meal and fuel silos, plus associated landscaping scheme and site works to accommodate new entrance to service proposed development.

The Site Visit report was tabled.

The Chair invited Elected Members to request points of clarification from the Officer.

The Chair invited G McGill to speak.

It was proposed by Councillor Fitzpatrick, seconded by Alderman Cole: that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 & 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 committee to vote, committee voted unanimously in favour. The Chair declared the proposal carried.

\* Councillor Nicholl left the meeting at 2.30pm.

#### **4.3 Item C, Causeway Coast and Glens Borough Council, Flowerfields Art Centre, 185 Coleraine Road, Portstewart, C/2015/0108/F**

New diversity park to include landscaping, mixed play equipment, street furniture and profiling of lands.

The Chair invited Elected Members to request points of clarification from the Officer.

It was proposed by Councillor Fielding, seconded by Alderman S 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 & 8 and resolves to **Grant** 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 proposal carried.

#### **4.4 Item D, Royal National Lifeboat Institution, Land adjacent to the Promenade, West Strand, Portrush, LA01/2015/0213/F**

Proposed erection of Beach Lifeguard Unit (to be used wholly for purposes of beach lifeguard service) incorporating steps to promenade and alteration to promenade dwarf wall.

The Chair invited Elected Members to request points of clarification from the Officer. The Officer clarified concerns relating to maintaining the green as an Open Space, reference was made to the nearby temporary presence of RNLI.

It was proposed by Alderman S McKillop, seconded by Councillor Callan: that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 & 8 and resolves to **Grant** planning permission subject to the conditions and informatives set out in section 10.

The Chair put the proposal to the committee to vote, 10 Members voted for, 2 Members voted against. The Chair declared the proposal carried.

#### **4.5 Item E, Arcadia, 6 Craig Vara, Portrush, LA01/2015/0483/LBC**

Installation of internal timber glazed screen and door to first floor.

The Chair invited Elected Members to request points of clarification from the Officer.

It was proposed by Councillor Callan, seconded by Alderman S 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 & 8 and resolves to **Grant** Listed Building Consent subject to the condition set out in section 10.

\* Alderman McKeown arrived at the meeting at 2.45pm and did not vote on the application.

The Chair put the proposal to the committee to vote, committee voted unanimously in favour. The Chair declared the proposal carried.

#### **4.6 Item D, 139 Vow Road Ballymoney BT53 7NU, D/2014/0162/F**

Change of use from vacant public house etc. to 3no. dwellings with car parking, gardens and including amended access to planning application no. D/2014/0130/RM.

The Site Visit report was tabled.

Alderman Finlay had Declared an Interest in the Item, withdrew from the table and advised he would address the Committee.

The Chair invited Elected Members to request points of clarification from the Officer. The Officer clarified the historical perspective, the nearby Poultry Unit had not applied for planning permission with the former Planning Authority and as the Unit had been in existence for over 5 years, it was therefore immune from enforcement action. The Head of Health and Built Environment further advised he had not received any complaints to the Ballymoney Office regarding the Poultry Unit within a 20-year period.

The Head of Health and Built Environment further clarified; approval had been granted to 2 nearby infill buildings for development, however since the applications had been determined, further advice and guidance in relation to the separation distance had been issued and set out that there should be a minimum distance of 150m between an intensive poultry unit and any new dwelling; the distance between the Poultry Unit and the nearby dwellings that had been approved in 2010 prior to this new guidance was 70m; before the Guidance was revised the recommended distance was 400-100m; an Odour measurement had been arrived at for the current Application, at 50-60 odour units per m<sup>3</sup> based on a computer modelling; it was the responsibility of the Applicant to supply an actual odour measurement; it was not a statutory requirement of local Council to serve a permit for a Poultry Unit.

The Head of Planning advised that if Council were to approve 3 Units of quality residual development, bearing in mind the Poultry Unit was 40m away and concerns raised by Environmental Health, Council may be placed at risk of legal action. The Head of Planning further clarified the role of an "Informative" and "Conditions" as detailed within the recommendation.

The Chair invited W McGaughey to speak, after which he responded to Elected Member queries. In response to comments made, the Principal Planning Officer stated the Principle of the nearby Development was approved in December 2011.

The Council Solicitor clarified; a 'disclaimer' could not exist in the purchase of a property to advise that odour might arise from the nearby Poultry Unit. The Poultry Unit had the right to continue, an option of compensation may arise if granted Planning Permission.

The Head of Planning advised that she had ascertained distinctions between the current Application and that of Application LA01/2015/0095 used as a comparator by Mr McGaughey.

The Chair invited Alderman Finlay to address committee.

It was proposed by Councillor P McShane, seconded by Councillor Fitzpatrick: that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 & 8 to Refuse planning permission subject to the reasons set out in section 10.

The Chair put the proposal to the committee to vote, 3 Members voted for, 7 Members voted against, 2 Members abstained.

Having considered the application and representations made, some Elected Members felt that they were unhappy with the absence of an actual odour measurement that would support the Officer recommendation; there had been no history of Environmental Health complaints due to odour; it was felt there was no confidence placed in the computer model used to ascertain the odour measurement arrived at; other residential developments within 150m of poultry unit; the Application was in accordance with Policy CTY1 and CTY4 of PPS 21.

The Chair restated that committee had therefore disagreed with reasons for the recommendation set out in sections 9 & 10 and the policies and guidance in sections 7 & 8 and therefore resolved to Grant planning permission.

A 5 minute recess was granted to allow Members to agree the wording of the reasons set out. The Chair declared a recess from 4.25pm-4.40pm.

The Chair restated that committee had therefore disagreed with reasons for the recommendation set out in sections 9 & 10 and the policies and guidance in sections 7 & 8 and therefore resolved to **Grant** planning permission subject to the reasons set out:

- The development is in accordance with Policy CTY1 and CTY4 of PPS 21; there are no historical complaints in relation to odour; other new developments within 150m of poultry unit; computer generated odour results does not specifically relate to this unit
- No evidence has been provided to support the refusal reasons;
- Time limit of 5 years for commencement of the development;
- Provision of required access prior to development;
- Fencing off garden areas;

- Landscaping in accordance with plans presented;
- Informative to advise any occupant of the potential for odour nuisance arising from the adjacent poultry unit.

**5. Development Management Statistics**

**IT WAS AGREED to note the update on the number of planning applications received and decided in the month of August, circulated.**

**6. Development Plan: Preparatory Studies – Employment and Town Centres**

The Principal Development Plan Officer presented the report, circulated.

**IT WAS AGREED to endorse the use of the information contained within this paper in the preparation of the Local Development Plan, circulated.**

**7. Development Plan Work Programme – update**

**IT WAS AGREED to note the change to the existing indicative work programme, circulated.**

**8. Statement of Community Involvement**

The Principal Development Plan Officer presented the report, circulated.

It was proposed by Councillor Loftus, seconded by Councillor P McShane and **AGREED to adopt Option 1: a public consultation period of 8 weeks. The Public Consultation document will be made available on the Council website and at the local planning office for inspection. The Public Consultation Process will also be advertised in the local paper and on the Council website.**

**9. Development Plan – presentation on Northern Area Plan 2016**

The Principal Development Plan Officer delivered the Presentation and illustrated via Powerpoint.

Initial discussion ensued concerning Designation of the Giant's Causeway and Causeway coast World heritage Site and Riverside Retail Park and the impact of the new Legislation on planning applications.

It was proposed by Alderman S McKillop, seconded by Councillor Callan and **AGREED: to hold a Workshop on the Single Planning Policy Statement and Northern Area Plan 2016.**

**10. Single Planning Policy Statement – presentation**

In light of the above Proposal this Item was withdrawn.

**11. Correspondence - Planning Appeals Commission**

**IT IS RECOMMENDED** that the Planning Committee decide whether to accept the offer of presentation from PAC and if accepted whether this presentation should take place at Planning Committee meeting or in a workshop setting.

**IT WAS AGREED to accept the Planning Appeals Commission offer of a Presentation, to be incorporated into the above workshop on the Northern Area Plan and Single Planning Policy Statement.**

## **12. Legal Proceedings**

It was proposed by Councillor P McShane, seconded by Councillor Fitzpatrick and **AGREED: that committee move in-committee to consider the Item.**

\* **Press left the meeting at 5.10pm.**

### **12.1 Cam Burn Wind Farm, C/2011/0459/F**

The Head of Planning advised that on 14th October 2015 the Department of Environment had exercised its powers to direct Council to refer to them for determination planning application C/2011/0459/F.

Following ratification of the Council Minutes, correspondence would now be sent in response to correspondence received concerning the Application.

It was proposed by Councillor Callan, seconded by Alderman S McKillop and Alderman Finlay: that committee write to the DoE Minister and advise that the view of the Planning Committee on 23<sup>rd</sup> September 2015 to refuse the Application was for the reasons stated.

The Chair put the proposal to the committee to vote, 8 members voted for, 3 members voted against, 1 member abstained. The Chair declared the proposal carried.

A request was made for the correspondence to be issued and circulated to the Planning Committee.

### **12.2 Craigahulliar Caravan Park Judicial Review Application, C/2013/0097/F**

The Council Solicitor provided an update.

**It was proposed by Councillor Callan, seconded Councillor Loftus and AGREED that committee resolve itself out of in-committee.**

## **13. Date of Next Meeting**

Wednesday 25<sup>th</sup> November, Civic Headquarters, Coleraine, 2pm.

**This being all the business the meeting closed at 5.40pm.**