

PLANNING COMMITTEE WEDNESDAY 27 JUNE 2018

Table of Key Adoptions

No	Item	Summary of Key Decisions
1.	Apologies	Councillor McCandless Councillor McLaughlin
2.	Declarations of Interest	Councillor Loftus – LA01/2017/1518/O Councillor Fielding – LA01/2017/1534/O
3.	Minutes of Planning Committee Meetings held 23 May 2018	Confirmed
4.	Order of Items and Registered Speakers	Approve
	LA01/2017/1130/O LA01/2016/1138/F LA01/2016/1197/F	Withdrawn from Schedule
5.	Schedule of Applications	
5.1	LA01/2017/1124/F Craigmore Wind Farm in the townlands of Moneyguiggy and Craigmore Forest, Belraugh Road, Garvagh	Approve
5.2	LA01/2017/1130/O Adjoining No 20 Larch Road, Limavady	Withdrawn from schedule
5.3	LA01/2017/1183/F 95 and 97 Prospect Road, Portstewart	Defer for one month for drawings to be reviewed
5.4	LA01/2017/1328/O Glack Road, Ballykelly	Refuse
5.5	LA01/2017/1518/O 27 Drumagarner Road, Kilrea	Refuse

	5.6	LA01/2015/0459/F Former Castle Erin Hotel and Conference Centre, Castle Erin Road, Portrush	<i>Defer for one month for Applicant/Agent to discuss with Barry's Amusements</i>
	5.7	LA01/2017/0016/F 500m North West of 15 Gruiq Lane, Cloughmills, Ballymena	<i>Defer for site visit</i>
	5.8	LA01/2017/0641/F Between 36 & 40 Altikeeragh Road, Castlerock	<i>Defer for site visit</i>
	5.9	LA01/2017/1233/F 110m South West of 36 Straw Road, Dungiven	<i>Defer for plans to be amended to 1.1/2 storey</i>
	5.10	LA01/2017/1534/O 45m North of 57 Belraugh Road, Garvagh	<i>Defer for site visit</i>
	5.11	LA01/2016/1138/F 10,12,14 & 16 Upper Heathmount, Portstewart	<i>Withdrawn from schedule</i>
	5.12	LA01/2016/1197/F 90 Strand Road, Portstewart	<i>Withdrawn from schedule</i>
6.	Development Management Performance		
	6.1	Development Management & Enforcement Statistics Period 01/04/18 – 31/05/18	<i>Note</i>
	6.2	Applications over 12 Months Old Action Plan 2018/19	<i>Agree</i>
7.	Development Plan		
	7.1	Sperrin's Cross Boundary Forum – Nomination of Elected Members to Attend	<i>Alderman S McKillop to be nominated Alderman Cole to be nominated as reserve</i>
8.	Correspondence		<i>None</i>
9.	Legal Issues		<i>Verbal Update Noted</i>
10.	Any Other Relevant Business (Notified in Accordance with Standing order 12 (o))		<i>None</i>

**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING
COMMITTEE HELD IN COUNCIL CHAMBER, CIVIC HEADQUARTERS
WEDNESDAY 27 JUNE 2018 AT 2:00 PM**

- In the Chair:** Alderman S McKillop
- Committee Members Present:** Aldermen: Cole, Finlay, King, McKeown and Robinson
Councillors, Fielding, Hunter, Loftus, McCaw,
McGurk, McKillop M A, Nicholl and P McShane
- Officers Present:** D Dickson, Head of Planning
D Jackson, Chief Executive Officer
S Mathers, Development Management &
Enforcement Manager
D Hunter, Council Solicitor
S Mulhern Development Plan Manager
C McKeary, Senior Planning Officer
E Hudson Senior Planning Officer
L McCullough, Environmental Health Officer
D Allen, Committee & Member Services Officer
- In Attendance:** J McCarry – Item 5.1
M Thorpe – Item 5.3
M Howe – Item 5.3
C Donaghy – Item 5.4
E Walker – Item 5.5
R Hunter- Item 5.6
D McMeekin – Item 5.6
D Donaldson – Item 5.6
D Ewing – Item 5.6
M Howe – Item 5.7
J Simpson – Item 5.8
D Donaldson - Item 5.9
M Howe – Item 5.10
- Press (4 No)
Public (4 No)

1. APOLOGIES

Apologies were received from Councillors McCandless and McLaughlin.

2. DECLARATIONS OF INTEREST

Declarations of Interest were recorded for:

- Councillor Loftus – Item 5.5 LA01/2017/1518/O
- Councillor Fielding – Item 5.10 LA01/2017/1534/O

3. MINUTES OF PLANNING COMMITTEE MEETING HELD WEDNESDAY 23 MAY 2018

Proposed by Councillor Loftus
Seconded by Alderman Cole and

AGREED – that the minutes of the Planning Committee Meeting held on Wednesday 23 May 2018 be confirmed as a correct record.

4. ORDER OF ITEMS AND CONFIRMATION OF REGISTERED SPEAKERS

The Head of Planning advised that the following applications had been withdrawn from the agenda due to special circumstances and would be referred to a future meeting:

- Item 5.2 – LA01/2017/1130/O
- Item 5.11 – LA01/2016/1138/F
- Item 5.12 – LA01/2016/1197/F

AGREED – to receive the Order of Business as set out on the Agenda.

5. SCHEDULE OF APPLICATIONS

5.1 LA01/2017/1124/F – Craiggore Wind Farm in the townlands of Moneyguiggy and Craiggore Forest, Belraugh Road, Garvagh

App Type: Full Planning
Proposal: Proposed amendment to the overall tip height of the consented Craiggore Wind Farm (B/2012/0268/F) to 140m; with blade lengths up to 46m and hub height up to 95m. No other amendments are proposed to the already consented wind farm.

Report circulated.

C McKeary, Senior Planning Officer presented the report and made a recommendation to the Committee for consideration.

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 Committee were advised that this proposal is considered acceptable in this location having regard to the Area Plan and other material considerations. The application is for an increase in tip height, from 125m to 140m to an already approved windfarm which must be given significant weight. It is considered that the proposal will not have a detrimental impact on the residential amenity of the dwellings in proximity to the site or on the visual amenity of the surrounding landscape significantly beyond that of the original approval. Therefore, the proposed nature and scale of the proposal is considered acceptable having regard to the policy guidance set out in policy RE1 of PPS 18 and the SPPS.

Members were shown a photo montage of the already approved 125m tip height and the proposed 140m tip height.

The Senior Planning Officer responded to a query from Councillor Loftus in relation to noise assessments. She advised that a full Environmental Statement had been received which included NIA and EHO content. In response to a query from Alderman Cole regarding the reason for the proposed increase in tip height, the Senior Planning Officer clarified that the Planning Department were not obliged to request such information and that the applicant would be in a better position to respond.

The Chair invited J McCarry, Agent to address the Committee in support of the application. She informed Members that the proposed increase in tip height was due to technology evolving; turbines with greater generating power were now available. She also advised Members that the application met SPPS; no 3rd party objections and no consultee objections had been received and confirmed that no further amendments were anticipated. She further advised that the proposal went towards a low carbon future.

Alderman Cole asked why the review of the height of the turbines was necessary. J McCarry responded that different types of turbine were now available with greater generating capacity. A connection to the grid is available and construction is intended within the next couple of years.

* Councillor McGurk joined the meeting at 2:15pm.

Proposed by Councillor Fielding
Seconded by Alderman McKeown

- 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, 12 Members voted for, 0 Members voted against and 2 Members abstained. The Chair declared the proposal to **APPROVE** carried.

5.2 LA01/2017/1130/O – Adjoining No. 20 Larch Road, Limavady

App Type: Outline Planning
Proposal: Site for a single storey detached bungalow and detached domestic garage

Report circulated.

NOTE - that application LA01/2017/1130/O has been withdrawn from the schedule due to special circumstances.

5.3 LA01/2017/1183/F – 95 and 97 Prospect Road, Portstewart

App Type: Full Planning
Proposal: Proposed demolition and replacement of nos. 95 & 97 Prospect Road with 4 no. apartments

Report, addendum, erratum and site visit details circulated.

S Mathers, Development Management & Enforcement Manager presented the report and made a recommendation to the Committee for consideration.

RECOMMENDATION - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 10 and the policies and guidance in sections 8 and 9 and resolves to **REFUSE** planning permission for the reasons set out in section 11.

Addendum to the Recommendation - that the Committee notes the contents of the Addendum and agrees with the recommendation

to **REFUSE**, as set out in paragraph 10.1 of the Planning Committee Report.

The site is located within Portstewart settlement boundary as defined in the Northern Area Plan (2016). The main planning considerations for this application include the layout/design of the proposal, its impact on the character of the area, its impact on road safety and the impact the proposal would have on the amenity of neighbours and future occupants.

The Development Management & Enforcement Manager outlined the proposed development and provided Members with photographs and plans of the proposed 4 no. apartments. He advised that the proposed design of the apartments would not fit into the current pattern of development which was currently two storey semi-detached properties, detached bungalows and two storey detached dwellings, and that the proposed apartments would be out of character. Although 3 no three storey town houses had been approved by the DOE in 2006, these are considered to detract from the character of the area and as Council was now under a different planning authority it would not wish to replicate this form of development.

He confirmed that the apartments would be slightly elevated compared to the current dwellings. He explained that given the position of an elongated building at no. 99 and a shed at no. 93, which would shield the most immediate amenity areas of these dwellings, there was no issue in relation to overlooking as detailed in Paragraph 9.8 of the Planning Committee report.

The Chair invited M Thorpe, objector to the application to address the Committee. He informed Members that he lived at no. 99 and that in his opinion the proposed size of the apartments would have an impact on his privacy; the depth and positioning of the balconies created an unacceptable view. He also raised concerns in relation to the substantial excavation required and the impact on current foundations as excavation would be carried out 0.95m below the level of his property; the property dates back to the early 20th Century. M Thorpe also commented that substantial excavation may affect his foundations. He further explained that it would require the use of heavy machinery during demolition and construction and was concerned regarding the increased traffic that would be generated.

The Chair invited M Howe, Agent to address the Committee in support of the application. He read out paragraph 9.8 of the

Planning Committee report in relation to the concerns of overlooking. He confirmed that the proposal would be no taller or wider than existing buildings and would extend to 7m at the back. In reference to paragraph 10.1 of the Planning Committee report, M Howe stated that in his opinion, the proposal was not out of character with the area as the proposed apartments had been designed to look like two town houses which fits into the current character comprising every type of development including detached bungalows, two storey detached dwellings as well as 3 storey town houses. He commented on the density of development in the area including the adjacent townhouses at 76 units per hectare and Burnside Terrace at 79 units per hectare. He considered that the Planning Committee report was not an impartial assessment of the area.

M Howe responded to a point of clarification from Councillor Fielding in relation to excavation in paragraph 9.5 of the Planning Committee report and confirmed that excavation would be at ground level.

Councillor Hunter requested clarification as to the exact location of the proposal; M Howe indicated the area on the map presented on screen which was midway along Prospect Road. He also commented that Prospect Road did not have a defined development line; there was no policy against apartments being built and that the scheme did not breach density requirements. He stated that apartments were less than 100m away. In response to a query from Alderman Cole regarding whether the proposal would be precedent frontage, M Howe advised that in the wider scope of Prospect Road there is no established building line and that a marginal step back would not affect character. He continued that there is no policy against apartments, in principle, and that the scheme does not breach density. He advised that he had met previously with planning officials and that three townhouses does not change the character. In response to a query raised by Alderman McKeown, M Howe confirmed that the applicant had decided on apartments rather than town houses as one was for his son, one for his father and one to one was to be sold.

The Development Management & Enforcement Manager responded to a point of clarification from Alderman Finlay as to what defined the character of an area. He informed Members that the character of a street could change from one end to another and that the character should be determined from the view seen around the site, a small area rather than a large area. He advised that the apartments built further along Prospect Road, likely in the late

1980's, are away from the site and does not form part of the character of the area. In response to a further query from Alderman Finlay regarding townhouses, the Development Management & Enforcement Manager explained the location of the townhouses and that townhouses were different to apartments. While townhouses were side by side, apartments were one above the other. Alderman Finlay queried whether the proposal was higher than the existing houses.

In response, the Development Management & Enforcement Manager referred Members to a drawing of the proposed apartments on-screen which had been submitted by the applicant and stated that the height, marked in red, was an area of concern. It was shown that the proposed development is higher than the existing development. However, on ascertaining that the drawing on the screen was an earlier superseded drawing rather than the revised drawing, the Development Management & Enforcement Manager provided Members with the exact drawings under consideration. This was at the table at the front of the Chamber for them to view and discuss. Alderman Finlay requested that the Agent be allowed to comment on the alleged incorrect drawings. The Head of Planning showed the revised drawing to M Howe.

Councillor McCaw queried acceptability in the event that the apartments were built to look like townhouses. The Development Management & Enforcement Manager advised that the form of development would remain contrary to Policy LC1.

AGREED - that M Howe, Agent would be allowed to address Members again.

M Howe requested that Members ensure that they consider the correct plans when making a decision on the proposed application.

Proposed by Councillor P McShane
Seconded by Councillor Loftus and

AGREED - that the Committee **DEFER** consideration for one month for drawings to be reviewed.

5.4 LA01/2017/1328/O – 32 Glack Road, Ballykelly

App Type: Outline Planning
Proposal: Proposed single storey detached replacement dwelling, detached garage and septic tank

Report and site visit details circulated.

S Mathers, Development Management & Enforcement Manager presented the report and made a recommendation to the Committee for consideration.

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

The Development Management & Enforcement Manager explained to Members that the structure was considered to be a caravan, a temporary structure, and therefore, not considered eligible for replacement as set out in Policy CTY 3 of PPS 21. He also stated that the applicant has failed to demonstrate that the proposal would not result in an unacceptable impact on habitats, species or features of Natural Heritage Importance and is contrary to PPS 2 and that it has not been demonstrated that the proposal would not prejudice road safety therefore the proposal would be contrary to Policy AMP 2 of PPS 3. However he stated that these additional issues could be addressed.

The Chair invited C Donaghy, Agent to address the Committee in support of the application. He stated that he considered the structure to have all 4 walls intact, with a low pitch roof, with corrugated wall and windows, and in his opinion, complied with Policy CTY 3 of PPS 21. He informed Members that the dwelling had been occupied from the 1970's until 2015; with rates being paid up to that point and the structure of the building was modular in nature.

C Donaghy pointed out that containers had been used as a dwelling as evident from 'Grand Designs' and that technology has moved on. He also commented that the applicant had not been given the opportunity to address the biodiversity and road issues. He also confirmed that the structure in question was not occupied at present but could be at any time. He stated that no objections had been received.

In response to a query from Councillor Nicholl that the property had not been occupied since 2015, C Donaghy confirmed this and added that it could be lived in tomorrow.

Councillor Fielding queried whether the payment of rates and having a postcode impacts on the planning merits of the case. The Head of Planning responded that a caravan does not meet the policy requirements for a replacement dwelling.

Councillor Loftus queried the replacement of similar type structures along Seacoast Road of a temporary nature which would have paid rates. The Development Management & Enforcement Manager advised that he was not aware of any caravans in this area being replaced with dwellings. He stated that the structures were not caravans but buildings. He also clarified the definition of a caravan as detailed in the Caravans Act and stated that the structure on the site in question was likely to be constructed by two halves and was not a building and therefore did not qualify for replacement.

The Development Management & Enforcement Manager responded to further points of clarification from Members referring to the planning history on the site and advised that although approval for a replacement dwelling had been agreed in 2003 under the Planning Strategy (PSRNI), the current policy was different since the introduction of PPS 14 and PPS 21 now applies.

Alderman McKillop queried that looking at the structure as a whole whether the criteria for replacement applies. In response the Development Management and Enforcement Manager confirmed that the subject structure fell within the definition of a caravan.

Proposed by Alderman Finlay
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 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

The Chair put the proposal to the Committee to vote, 7 Members voted for, 5 Members voted against and 1 Member abstained. The Chair declared the proposal to **REFUSE** carried.

* Councillor Loftus left the meeting at 3:17pm.

5.5 LA01/2017/1518/O – 27 Drumagarner Road, Kilrea

App Type: Outline Planning
Proposal: Proposed new access and site of dwelling with associated site works in garden of existing dwelling

Report circulated.

E Hudson, Senior Planning Officer presented the report and made a recommendation to the Committee for consideration.

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

The report detailed that the main considerations in the determination of this application relates to the principle of development; character and design and access.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal fails to provide a Quality Residential Environment in that it is not in keeping with the character of the local area and the plot depth (45m) is nearly half of the recommended plot depth for backland development (80m) and as a result would have an adverse impact on new and existing occupants by way of overlooking and a detrimental impact on residential amenity.

The Senior Planning Officer described the site and context to Members and explained the impact of overlooking on residential properties adjacent to the site. She also clarified that the proposal was contrary to DCAN 8 and Policy QD1 of PPS 7 and Policy LC1.

The Chair invited E Walker, Architect to address the Committee in support of the application. E Walker clarified that outline permission, scale and location, was only being sought at this stage which was inside the settlement limit of Kilrea. She stated that the area contained a mixture of properties and that there was no defined style/character; site was subdivided by existing hedgerow; and the back garden width not in keeping with the scale of other properties. She also referred to paragraph 8.15 of the Planning Committee report in relation to DCAN 8 but stated that this was not a blanket restriction; scale and massing are reserved; landscaping and windows could be conditioned; and that there had been no opportunity for the applicant to submit an alternative scheme.

E Walker responded to clarification on Alderman Finlay's query

regarding the site being an infill site; he read out paragraph 8.18 in relation to Policy LC1 and of the Planning Committee report. She stated that she considered the site to be backland development.

The Head of Planning informed Members that an alternative scheme would not address the principle of planning.

The Senior Planning Officer responded to further points of clarification from Members regarding liaising with the agent; the need to take account of all relevant policies as outlined in the Planning Committee Report SPPS, DCAN 8, Policy QD1 and Policy LC1 and confirmed that this site was within the development limit of Kilrea.

In response to a query from Councillor McKillop, the Head of Planning advised that as the principle of development was not acceptable, amendments were not sought.

Alderman Finlay queried the acceptability of the development given that it is inside the development limit. The Senior Planning Officer responded that while this is acknowledged, account needed to be taken of the policies as outlined in the report including SPPS, DCAN 8 and Policies QD1 and LC1 of PPS 7.

Proposed by Alderman King
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 and 8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

The Chair put the proposal to the Committee to vote, 9 Members voted for, 1 Member voted against and 2 Members abstained. The Chair declared the proposal to **REFUSE** carried.

* A recess was held from 3:35 – 3:52pm.

* Councillor Loftus re-joined the meeting at 3.52pm.

5.6 LA01/2015/0459/F – Former Castle Erin Hotel and Conference Centre, Castle Erin Road, Portrush

App Type: Full Planning

Proposal: Development of one detached house, 12 semi-detached houses and 8 apartments with associated landscaping and site works.

Report, addendum and site visit details circulated.

S Mathers, Development Management & Enforcement Manager presented the report and made a recommendation to the Committee for consideration.

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

The proposed housing development is considered acceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. Given the reduction in scale through amended plans and the use of these materials which allows the proposed development to blend in with the existing built form located at Eglinton Street and Kerr Street, the proposal is considered acceptable. The proposal offers adequate amenity.

The Development Management & Enforcement Manager outlined the site and context to Members and also explained the history of the site; showed the elevation of the proposal and informed Members that the design had been amended from that submitted. He continued that this was considered to be a high quality scheme with appropriate scale and finishes. He advised that amenity space provision was adequate.

He showed Members photographs of the site, outlined Barry's and Kerr Street and confirmed where the outdoor rides were immediately beside the site and that the proposal would reduce site levels by 2-3m. He also stated that the design would limit noise levels and highlighted the location of Barry's; the detached semis, apartments, communal area and car park.

The Development Management & Enforcement Manager advised Members that the Environmental Health Officer was present to answer questions relating to noise issues. He explained that a noise report had been received from the agent and objector and that the Environmental Health Officer had looked at both and a second NIA was requested from the agent. As a result of noise issues 2 units were subsequently removed from the proposal resulting in the present scheme. He explained to Members the noise attenuation measures, the seasonal operation of Barry's along with its hours of operation and the specific nature of the noise. In addition, he explained to Members the principle of 'Buyer Beware' and that it would be obvious to potential purchasers of the noise generated from Barry's Amusements.

The Development Management & Enforcement Manager informed Members that the existing level of noise from Barry's was considered to be acceptable. He explained that the assessment was based on current machinery; if new rides were to be introduced that were noisier then this could be an issue. He further advised that there was no planning policy to safeguard the future operation of Barry's in the event that equipment and associated noise levels were to change. He responded to points of clarification from Members regarding access to Barry's and stated that the representative from Barry's, who had registered to speak, would be in a better position to answer queries on property rights.

In response to a query by Councillor P McShane, the Environmental Health Officer clarified that the dates of the noise reports were 24/25 May, June 2015 and updated again August 2017. The included assessment on a bank holiday. Alderman Finlay queried the circumstances where a new louder machine was introduced. The Environmental Health Officer advised on the acceptable level of level of noise new machines must operate within and stated that this would vary from ride to ride. Alderman McKeown queried whether there is a noise level that new rides must operate within. The Environmental Health Officer responded that no set details were provided by manufacturers. In addressing a query from Councillor Hunter, the Environmental Health Officer advised that the assessment of noise was taken when operating and when closed and also included assessment taken after 10pm.

The Development Management and Enforcement Manager confirmed that the noise assessment was based on the current machinery and that other more noisy rides may cause an issue.

Councillor McCaw queried the music audible on site. The Environmental Health Officer advised that the agent was asked to review the noise assessment to take into account other noise levels and to look at the BS. The drawings were amended to show upgraded glazing to ensure levels are met.

L McCullough, Environmental Health Officer informed Members that the LEQ level is taken over a period of time and all noises included i.e. rides, patrons, music etc.

Alderman Cole requested a legal opinion in relation to 'Buyer Beware'.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Cole
Seconded by Councillor Loftus and

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

- * Press and public left the meeting at 4.23pm.

Council's Solicitor provided Members with legal advice.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman Finlay
Seconded by Councillor McKeown and

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

- * Press and public re-joined the meeting at 4.31.pm.

The Chair invited R Hunter and D McMeekin representing Barry's Amusements, to address the Committee in opposition to the application. R Hunter stated that Barry's had no objection, in principle, to this site and that the noise levels in external amenity areas in 2 sites fell short of standards as set out by British Standards and World Health Organisation. If a unit is purchased and purchasers do not like the noise level, then this would put pressure on Barry's to close the Big dipper which could result in legal repercussions if Council are aware of standards not being met.

- * Councillor P McShane left the meeting at 4.33pm.

R Hunter responded to points of clarification from Alderman McKeown on which two sites fell outside the standards indicating them on the site layout plan. He informed Members that, in his opinion, reducing the scheme would help sites 1 and 20 and clarified that should Barry's purchase new rides in the future there was no model for noise measurements to be based upon. In response to a query from Alderman Cole regarding the 'Buyer Beware' principle, he referred to a previous court decision taken on a speedway ride – Fen Tigers judgement that rendered the phrase 'Buyer Beware' obsolete.

The Chair invited D Donaldson Agent and D Ewing Architect to address the Committee in support to the application. D Donaldson informed members that there had been extensive reports which had resulted in the scheme being reduced by two dwellings and noise level standards met (including internal noise levels); LLPA did not prohibit development; the RDS allows for such housing on urban sites; there was no overshadowing/overlooking; sites 1 and 2 were most impacted; a sheltered amenity space has been provided; Barry's did not operate during night time hours and; conditions and informatives had been imposed.

D Ewing clarified that the proposed development integrated with Portrush as it was based on Victorian/Edwardian styles, included more glazing, sharp/neat detailing, softening of development with a curved shape of site with designed views and an inconspicuous car park at the rear.

D Donaldson responded to points of clarification from Councillor Loftus in relation to several dwellings exceeding the recommended noise level. He pointed out that two noise level reports had been carried out and that there was flexibility under British Standards in urban areas or areas where there was more activity. The British Standard guideline was 55db and sites 1 and 2 were currently between 55db to 59db, within the realms of discretion. He also clarified that two buildings had been removed and unit no 1 had been designed specifically so that the outdoor amenity was enclosed. He stated Dwelling 1 was designed so that its façade was blank to Barry's and that the scheme has been in process for 2/3 years. He further stated that prospective purchasers would be buying in a busy town.

Alderman Cole queried the Supreme Court ruling regarding 'Buyer Beware'.

The Head of Planning advised Members that the Supreme Court Ruling in relation to Fen Tigers, was the one referred to in the Planning Committee report.

D Donaldson advised that the scheme was adhering to guidelines and that the source of noise was more music and people rather than machinery. Councillor Nicholl asked whether the applicant/ agent had spoken to Barry's and Councillor Hunter asked whether there were any conversations with Barry's to replace the fencing with an acoustic barrier or sound proofing or the removal of Site 1. D Donaldson confirmed that he had personally spoken to Barry's in relation to the proposed reduced scheme and made strenuous efforts to address sound issues to ensure consultees and Planning Officers were content.

Alderman Finlay requested legal clarification in relation the Supreme Court Judgement referred to – Fen Tigers case.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Finlay
Seconded by Councillor Hunter and

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

- * Press and public left the meeting at 4.55pm.

Council's Solicitor provided Members with legal advice as requested.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Alderman Finlay
Seconded by Councillor Hunter and

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

- * Press and public re-joined the meeting at 5.12pm.

Proposed by Councillor Hunter
Seconded by Councillor Loftus

- that the Committee **DEFER** determination of application for one month for: the Applicant/Agent to discuss the proposal with Barry's Amusements; for the Agent to carry out further methods of soundproofing the car parking area and other acoustic mitigating measures and; for the Agent to consider the removal of sites 1 and 2 and if acceptable delegate the decision to officials. The reasons for this given were: in principle behind application; Barry's is there for a number of years and is considered part of Portrush; will provide clarity on the soundproofing measures and; will prevent overdevelopment of the site.

The Chair put the proposal to the Committee to vote, 8 Members voted for, 1 Member voted against and 3 Members abstained. The Chair declared the proposal to **DEFER** carried.

5.7 LA01/2017/0016/F – 500m North West of 15 Gruig Lane, Cloughmills, Ballymena

App Type: Full Planning
Proposal: Proposed replacement of an existing Vesta V27 wind turbine (with 30m hub height and 27m blade diameter) with a Vesta V52 wind turbine (with 40m hub height and 52m blade diameter).

Report and addendum circulated.

E Hudson, Senior Planning Officer presented the report and made a recommendation to the Committee for consideration.

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 to the 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.

The main considerations in the determination of this application relate to the principle of the proposed development; residential amenity; public access to the countryside; visual amenity & landscape character; nature conservation/built heritage interests and; environmental, economic and social benefits.

The Senior Planning Officer described the context and explained the planning history and the proposed development to Members. Members viewed photographs of the existing turbine and its location and the Officer indicated that the new proposed turbine would be more prominent in the landscape. She informed Members that a noise survey and bat survey was required which the applicant was willing to submit.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. Given the prominent location of the turbine and the fact that there will be critical views of the development from various vantage points, the proposed turbine will have a significant detrimental impact on the visual amenity and landscape character of the surrounding area by reason of its scale and design with long blades. Harm will be caused by reason of cumulative impact as the proposal will have the visual effect of the windfarm spilling across the landscape.

Councillor Fielding queried the location of the wind farm relative to the application site. The Senior Planning Officer showed additional photographs to Members.

Proposed by Councillor Fielding
Seconded by Councillor Loftus and

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

* A recess was held from 5:30 – 3:45pm.

5.8 LA01/2017/0641/F – Between 36 & 40 Altikeeragh Road, Castlerock

App Type: Full Planning
Proposal: 2 infill dwellings and garages

Report circulated.

E Hudson, Senior Planning Officer presented the report and made a recommendation to the Committee for consideration.

RECOMMENDATION - that the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and

8 and resolves to **REFUSE** planning permission subject to the reasons set out in section 10.

The proposed dwelling must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to principle of development, visual impact and rural character, archaeology and access.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Policy CTY 8 of PPS 21 in that the dwellings are not located within a small gap within a substantial and built up frontage and would add to a ribbon of development.

The Senior Planning Officer described the site and context to Members, and explained that the distance between No 36 and No 40 is 104m which is not perceived as a small gap able to achieve a maximum of two houses, and that a total of three houses could be accommodated. She stated that the plot was 12m wider than indicated on layout and is a larger footprint than neighbouring properties. She continued that as the average plot size is 32 meters, the site could accommodate three dwellings. She further stated that the existing visual gap maintains rural character. She clarified that DFI Roads require amended plans in relation to access.

Proposed by Alderman Finlay
Seconded by Councillor Hunter and

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

5.9 LA01/2017/1223/F – 110m South West of 36 Straw Road, Dungiven

App Type: Full Planning
Proposal: Proposed dwelling, carport and domestic garage/stores with loft storage above.

Report and site visit details circulated.

* Alderman Finlay left the meeting at 5.50pm.

S Mathers, Development Management & Enforcement Manager presented the report and made a recommendation to the Committee for consideration.

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

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Policy CTY 13 and CTY 14 of PPS 21 in that the scale, massing and siting of the proposed dwelling is such that it would fail to satisfactorily integrate into its surroundings. The elevated nature of the site would result in a dwelling unduly conspicuous and prominent in the landscape.

The Development Management & Enforcement Manager described the site and context to Members including that the proposal met the tests of Policy CTY 10 regarding: the farm business being active and established; the site clustering with a group of buildings on the farm and; sell-offs. He explained that while the site was considered acceptable, the scale of the proposed building was not. He explained that: the finished floor level of the dwelling would be 2m below the ridge height of the adjacent shed; it would be prominent in the landscape and did not integrate into the countryside and; there was no sense of enclosure. He clarified that while he had asked the Agent to amend the plans to a single storey dwelling, this had not been taken up. He clarified that the proposed ridge height was 8.7m.

In response to a query from Alderman Robinson, the Development Management & Enforcement Manager clarified that the critical views were from Straw Road and not Drumrane Road. He informed Members that the applicant had proposed to lower the site and stated that any further excavation would not be appropriate and made reference to Policy CTY 13 and specifically the assessment of "site works".

The Chair invited D Donaldson Agent, to address the Committee in support of the application. He stated that the farm business is currently active and been established for at least 6 years; the building is visually linked and sited within a cluster; the garage has been amended to a single storey; the proposed site is 120m back

from Straw Road in a natural hollow with a natural backdrop of the Sperrins. He also pointed out that the proposed dwelling was higher to the sheds to the East; there was a strong roadside hedge to the South and East and Drumrane Road was 10m higher than the proposed site, in his opinion, the proposed dwelling complied with Policy CTY 10. He made reference to appeal 2014/A260 which made reference to failure to meet some of the integration criteria. He advised that the proposal was as close as possible to the farm buildings and was in the context of a landscape 'saucer'. He informed Members that further discussions could resolve any issues.

Proposed by Councillor Hunter
Seconded by Councillor Loftus

- that the Committee **DEFER** consideration for one month for plans to be amended to a 1.1/2 storey dwelling to assist with site levels and integration.

Proposed by Alderman Robinson
Seconded by Councillor Fielding

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

- Complies with Policy CTY 10
- Good site
- Proposed dwelling already reduced in size
- Proposed dwelling situated in a hollow
- Subjective assessment

The Chair put the amendment to the Committee to vote, 5 Members voted for 6 Members voted against and 1 Member abstained. The Chair declared the proposal to **APPROVE** lost.

The Chair put the proposal to the Committee to vote, 7 Members voted for 1 Member voted against and 3 Members abstained. The Chair declared the proposal to **DEFER** carried.

AGREED – if application not acceptable the application to come back to the Planning Committee for determination.

* Councillor Fielding and Alderman King left the meeting at 6.12pm.

5.10 LA01/2017/1534/O – 45M North of 57 Belraugh Road, Garvagh

App Type: Outline Planning
Proposal: Proposed replacement dwelling

Report circulated

E Hudson, Senior Planning Officer presented the report and made a recommendation to the Committee for consideration.

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

The Senior Planning Officer explained the structure on the site and informed Members that as all external walls were not intact then it did not meet with the requirements of Policy CTY 3 of PPS 21.

The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The proposal is contrary to Policy CTY 3 of PPS 21 in that the structure does not exhibit the essential characteristics of a dwelling and its external walls are not substantially intact.

The Chair invited M Howe, Agent to address the Committee in support of the application. He stated that he could see the planners' point of view as the structure was partially tumbled. However, historic maps show that the structure in fact had been a house. There had been a tiled floor and a fireplace but as the gable had been lost the fireplace was not evident; in his opinion he felt that the structure was 70-75% intact and there were no issues with integration. He stated that the original house (before it was extended) was substantially intact and that the assessment is subjective.

Proposed by Councillor Loftus
Seconded by Councillor MA McKillop

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

In response to a query from Alderman Cole in relation to the criteria of a derelict building, the Senior Planning Officer read out the 1st paragraph of Policy CTY 3.

Alderman Robinson queried whether the walls of the original property are intact. The Senior Planning Officer replied that the assessment is based on what is there at present which is in a ruinous state.

The Chair put the proposal to the Committee to vote, 9 Members voted for 0 Members voted against and 1 Member abstained. The Chair declared the proposal to **DEFER** carried.

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

5.11 LA01/2016/1138/F – 10, 12, 14 & 16 Upper Heathmount, Portstewart

App Type: Full Planning
Proposal: Demolition of existing townhouses and erection of residential building consisting of 1 No. townhouse and 11 No. apartments, car parking, bin store and reuse of existing access from Garden Avenue

Report circulated.

NOTE - that application LA01/2016/1138/F has been withdrawn from the schedule.

5.12 LA01/2016/1197/F - 90 Strand Road Portstewart

App Type: Full Planning
Proposal: Erection of 30 no. apartments with associated car parking, road works and landscaping

Report circulated.

NOTE - that application LA01/2016/1197/F has been withdrawn from the schedule.

6. DEVELOPMENT MANAGEMENT PERFORMANCE:

6.1 Development Management & Enforcement Statistics Period 01 April 2018 – 31 May 2018

The Committee received a report previously circulated to provide monthly updates on the number of planning application received and decided.

The Head of Planning advised that the number of applications received in April was 92 with staff issuing 77 planning application decisions. She stated that resources continue to be targeted to reduce the over 12 month applications and that staff are conscious of the need to prioritise their efforts in this area of work. She referred to the tables within the Report in relation to local applications, enforcement cases, breakdown of over 12 month application in the system; appeal decision issued and number of referrals by Elected Members.

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 Applications over 12 Months Old – Action Plan 2018/19

The Head of Planning presented the report.

The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015 sets out the 3 statutory targets for major development applications, local development applications and enforcement cases. These targets are to process:

- Major applications from date valid to decision or withdrawal within an average of 30 weeks.
- Local applications 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

To date, only the enforcement target has been achieved.

Not only is the target for major and local applications not being reached, but the number of applications in the system over 12 months is also increasing. A proposed Action Plan has been prepared in order to assist in improving customer service by bringing a conclusion to those older applications that have been in the system over 12 months.

It is recommended - that the Planning Committee agree to the implementation of the proposed Applications over 12 Months Old-Action Plan 2018/ 19.

Proposed by Councillor Hunter
Seconded by Councillor Nicholl and

AGREED - that the Planning Committee agree to the implementation of the proposed Applications over 12 Months Old-Action Plan 2018/19.

7. DEVELOPMENT PLAN

7.1 Sperrins Cross Boundary Forum – Nomination of Elected Member to attend

The Development Plan Manager presented the Report.

Mid Ulster District Council initially wrote to the Council on 27th March 2017, advising of their intention to establish a Sperrins Cross Boundary Forum to aid the preparation of their Local Development Plan (LDP) and in order to meet one of the LDP soundness tests relating to “consistency and having regard to other relevant plans, policies and strategies relating to any adjoining council’s district” (see Appendix 1).

The correspondence, which sought the participation of 2-3 Members and Planning Officers, was presented to the Council’s Planning Committee on Wednesday 26th April 2017. Councillors McCandless, McCaul and Nicholl were nominated to attend.

It is recommended that Members agree to a nominee to attend the Forum alongside Councillors McCandless and Nicholl and Council Planning Officials.

Proposed by Alderman S McKillop
Seconded by Councillor MA McKillop and

AGREED – that Alderman S McKillop be nominated to attend the Forum.

Proposed by Alderman Robinson
Seconded by Councillor Nicholl and

AGREED – that Alderman Cole be nominated as reserve.

8. CORRESPONDENCE

There was no correspondence.

MOTION TO PROCEED 'IN COMMITTEE'

Proposed by Alderman Robinson
Seconded by Councillor Hunter and

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

9. LEGAL ISSUES

Council's Solicitor provided a verbal update in relation to ongoing legal proceedings.

MOTION TO PROCEED 'IN PUBLIC'

Proposed by Councillor Hunter
Seconded by Councillor MA McKillop and

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

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

There was no other relevant business.

There being no further business, the Chair thanked everyone for their attendance and the meeting concluded at 6.40pm.

Chair