

Title of Report: Item 8 Planning Applications Open for Decision	Officer Presenting: Author: Planning Case Officers
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1 Purpose of Report/Recommendations

1.1 To present to Members, planning applications for decision.

2 Background

Following the transfer of planning to local government on 1st April 2015, the Planning Committee will now decide on applications presented by Council's Planning Officers.

3 Key Issues

Summary of applications presented to Committee:

1. LA11/2015/0142/F
Change of use from farmland to outdoor recreation area, to include dual zipline facility at 227 Glenshane Road, Strathall, Derry~Londonderry.
Recommendation: Approve
2. A/2014/0355/F
Erection of 12 Cat 1 Elderly Apartments, Landscaping, Car Parking and associated site works (amended description) at 26 Beechwood Avenue, Londonderry.
Recommendation: Approve
3. J/2013/0236/O
Proposed dwelling and domestic garage 40m South of 15 Gortmellon Road, Cullion, Londonderry.
Recommendation: Approve

4. A/2013/0507/F
Application to vary Condition 6 of A/1996/0505 and Condition 4 of A/2001/0098/RM to allow mixed retailing Unit 4, Crescent Link Retail Park, Waterside, Londonderry.

Recommendation: Refuse

5. A/2014/0553/F
Proposed two storey police custody suite with associated onsite parking and additional external works to include new public pedestrian access via Crescent Link, the relocation of existing bus stop and existing vehicle/ pedestrian emergency exit gates along Crescent Link, introduction of a pedestrian roadside guarding and adjustments to junction of Lisnagelvin Road at 51a Richill Park, Londonderry.

Recommendation: Approve

6. J/2013/0318/F
The proposal involves road widening to facilitate turbine delivery to the recently approved windfarm at Crilly Townland, Pettigo in County Donegal. An Bord Pleanála allowed an Appeal on 30th August 2016 for ten year duration for construction and operation of 4 no. wind turbines and all ancillary developments and associated site works at Crilly Townland, Tullylinn, Pettigo, Co. Donegal.

- 6.1 Members will be aware that this application was presented to the Planning Committee in October with a recommendation to approve subject to the imposition of conditions. Members did not accept the officer recommendation and refused the application.

6.2 The refusal reasons proposed at the Planning Committee by members were:

- 1) Residential amenity of those along the haulage route
- 2) Inadequate community consultation.

6.3 Following the Planning Committee meeting on 5th October 2016, Planning officials have considered the views of the Members and suggest a wording for the refusal reasons as follows:

- 1) *The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland in that the proposed development would, if permitted, result in an increase in traffic to and from the site during construction and demolition of the approved wind farm and would be prejudicial to the residential amenity of nearby residential properties by reason of disturbance.*
- 2) *Inadequate community consultation has been carried out regarding the development.*

6.4 With regard to Refusal Reason 1, on balance it could be argued the proposal will cause disturbance and nuisance to those residents living along the haulage route.

6.5 With regard to Refusal Reason 2, Members are advised the application predates the legislation brought in under the Planning Act 2011 that requires Pre Application Community Consultation, The Planning (Development Management) Regulations (NI) 2015. This application would have been subject to the normal procedures of statutory advertising and neighbour notification at the time of submission. Anything more would have been carried out at the discretion of the applicant/developer. The agent has submitted information in Appendix 10a detailing the Community Consultation undertaken. Planning officials advise that they do not consider that the second reason for refusal has sound planning basis or policy justification.

Recommendation: Approve as per the recommendation listed in the Planning Report in Appendix 10b.

4 Financial, Equality, Legal, HR, Improvement and other Implications

There are no additional costs associated with the proposed recommendations, however, Members are reminded that the protocol for Planning Committee Procedures and the Code of Conduct for Councillors must be adhered to at all times to avoid risk of legal challenge and potential financial costs implications.

The issue of the award of costs in the event of an appeal is now an important issue for Council. The 2011 Planning Act does not prescribe the circumstances in which costs awards can be made. However, costs awards are intended to provide redress when one party to an appeal has put another party to unnecessary expense because of unreasonable behaviour.

5 Recommendations

That Members consider and agree with the recommendations proposed.

Background Papers

Planning Report LA11/2015/0142/F	<i>(Appendix 1)</i>
Planning Report A/2014/0355/F	<i>(Appendix 2)</i>
Planning Report J/2013/0236/O	<i>(Appendix 3)</i>
Planning Report A/2013/0507/F	<i>(Appendix 4)</i>
Planning Report A/2014/0553/F	<i>(Appendix 5)</i>
Letter from agent re: J/2013/0318/F	<i>(Appendix 10a)</i>
Planning Report J/2013/0318/F	<i>(Appendix 10b)</i>