

Derry City and Strabane District Council

Minutes of Meeting of the Planning Committee (Open) held in the Guildhall, Derry on Wednesday 6 June 2018 at 2.00 pm

Present: - Members of the Committee - Councillor Robinson (Chair); Aldermen McClintock, Bresland, McClintock and Kerrigan; Councillors McCauley, Hastings, Jackson, Logue, R McHugh, McGuire, Gardiner and Reilly.

In Attendance:- Mr E Molloy (Development Officer), Mrs S McCracken (Principal Planning Officer), Mr P Kingston (Lead Legal Services Officer), Mrs K Phillips (Director of Environment and Regeneration), Mrs M Fox (Head of Planning), Mrs L McKean (Business Officer), Mrs J Shortt (Committee Services Assistant)

P98/18 Notice and Summons of Meeting

The Head of Planning read the Notice and Summons for the meeting.

P99/18 Member Attendance and Apologies

Apologies were noted for Councillor Dobbins.

P100/18 Declarations of Member's Interests

There were no declarations of interests.

Chairperson's Business

P101/18 Planning Application A/2011/0155/F

The Chair reported that the above planning application would be deferred pending additional information for review by the Planning Officer. The application would be presented at a future meeting for consideration by Members.

P102/18 Introduction to the Planning System- Training Event

The Head of Planning referred to the above training event to be held on 26 June 2018 in Belfast, details of which had been previously circulated to Members. She advised that it would be useful for those Members on the Planning Committee to attend and the cost was £249 per person plus mileage expenses.

The Committee

Recommended that a maximum of 3 Members attend the above training event at a cost of £249 per person plus mileage expenses.

P103/18 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 9 May 2018

The Open Minutes of the Planning Committee Meeting held on 9 May 2018 (P79/18-P91/18) were agreed and signed by the Chair of Committee.

P104/18 Matters Arising

There were no matters arising from the Minutes.

P105/18 Planning Applications List with Recommendation for Decision

The following planning applications for decision were presented by the Planning Case Officers:

RECONSIDERED APPLICATIONS:

J/2014/0248/F - Proposed domestic dwelling at 35m north-east of 31 Barron Road, Donemana, Strabane, Co Tyrone.

The PPO presented the above application, details of which had been previously circulated to Members. An overview of the background to the application was provided and based on material consideration and in line with planning policy, it was recommended to approve planning permission subject to the conditions as outlined within the report.

Councillor D Kelly referred to applying a condition relating to acoustic glass in order to protect from wind turbine noise and he expressed concern that if the site was to be sold that the purchaser would not be aware of the potential for noise impact from the wind turbines.

The PPO suggested that an informative be included in terms of potential for noise which was welcomed by the Committee.

Councillor D Kelly moved, seconded by Councillor Hastings to accept the recommendation to approve planning permission.

The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application J/2014/0248/F be approved planning permission subject to the conditions as outlined within the report and for an informative regarding potential for noise to be included.

SITE VISIT DEFERRALS:

LA11/2015/0651/F - Construction of a 2No. turbine extension to the existing Monnaboy Wind Farm (consented under planning reg. ref A/2009/0868/F), each turbine will have a hub height not exceeding 80M and blade diameter not exceeding 82.4M, associated access tracks, underground cabling, temporary construction compound, associated works and use of the existing passing bays along the Monnaboy Road and the Dunlade Road at Monnaboy Wind Farm on land located east of 62 Monnaboy Road, Greysteel.

The PPO presented the above application details of which had been previously circulated to Members. She provided an overview of the background to the application and based on material consideration and in line with planning policy it was recommended to approve the application, subject to the conditions as outlined within the report.

Ms McMenamain addressed the Committee in objection to the application.

Councillor Jackson referred to the impact an extension to existing wind turbines would have on residential amenity and sought clarity in relation to mitigation measures to offset the adverse impact.

The PPO clarified that as outlined in the report the applicant submitted an noise report which was assessed and found to be acceptable by EHD.

Conditions are recommended to reflect specific controls in order to control breach of noise limits on site.

Councillor D Kelly expressed concern that renewable electricity generated in Northern Ireland 84.3% was generated from wind and this exceeded the renewable energy target set within the Sustainable Development Strategy (SDS). He therefore could not support such an application due to breach of targets set. He further referred to the fact that DCSDC was carrying the full weight in comparison to other neighbouring Councils.

The Head of Planning advised that as with all similar applications various factors had to be considered and weighed up in terms of planning policy and a balanced professional opinion had been provided in light of objections and residential issues raised.

The Lead Legal Services Officer advised that the PPO had considered a range of issues in terms of balance and due weight applied to the application, therefore it was a matter for Members to consider all of those factors before reaching a conclusion which may or may not be in accordance with the PPO's recommendation.

The PPO further clarified for Councillor D Kelly that the windfarm application was projected to have a wind capacity factor of 26.4% which is above the UK average of 25%.

Alderman McClintock commented that she would have concerns in relation to supporting such an application as 82 letters of objection were submitted due to impact on residential amenity.

Discussion ensued after which the Lead Legal Services Officer advised that, where concerns had been raised by Members, if they felt that further clarification was required on this point before a decision was made, then this could be sought from the applicant before Members made a determination and the matter could be deferred if necessary and that in this case the information did not have determining weight.

Councillor Jackson moved, seconded by Councillor Logue not to accept the PPO's recommendation to approve planning permission on the grounds that the application was contrary to PPS18; impact on residential amenity and landscape character and exceeded the renewable energy target.

The outcome of the vote: For 7, Against 0, Abstention 4. The proposal was carried.

The Committee

Resolved not to accept the PO's recommendation to approve planning application LA11/2015/0651/F as Members were of the opinion that it was contrary to PPS18 Policy RE1 and exceeded the renewable energy target. The application would be presented for final determination at the next Committee Meeting.

NEW APPLICATIONS:

A/2011/0115/F Extension to quarry including consolidation and deepening of extraction areas previously approved under planning consents A/1998/0635/F and A/442/75, retention of entrance gates and security fence, installation of wheel-wash, weighbridge and office use, use of mobile crushing and screening plant (mobile jaw crusher, mobile cone crusher and mobile screener), native species planting, landscaping and full site restoration at Gortree Quarry, Gortree Road, Gorticross, Londonderry.

The above application was deferred to allow for further consideration. The application would be presented at a future meeting.

LA11/2018/0330/LBC - Re-grading sandstone paving at access to front of building – alteration, new steps to side access – alteration, Cleaning of exterior walls – alteration, Demolition of temporary annex building – demolition at Building 4, Ebrington Barracks, Limavady Road, Derry.

The PPO presented the above application details of which had been previously circulated to Members. An overview of the background to the application was provided and based on material consideration and in line with planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Councillor Gardiner moved, seconded by Councillor Logue to support the recommendation to approve planning permission.

The outcome of the vote was unanimous in support of the proposal.

The Committee

Resolved that planning application LA11/2018/0330/LBC be approved planning permission subject to the conditions as outlined within the report.

J/2014/0189/F - New warehouse type retail outlet for sale of agricultural related goods at 237 Berryhill Road, Donemana, Strabane.

The PO presented the above application details of which had been previously circulated to Members. An overview on the background to the application was provided and based on material consideration and in line with planning policy it was recommended to approve planning permission, subject to the conditions and amendment to condition 2 as outlined previously.

Councillor D Kelly moved, seconded by Councillor Hastings to support the recommendation to approve the above planning application.

The outcome of the vote was unanimous in support of the proposal.

The Committee

Resolved that planning application J/2014/0189/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2018/0319/F - Proposed demolition of existing sun room to rear (12m²) and erection of new single storey extension to rear and side incorporating new kitchen/dining/living area to rear, bedroom, wc and store to side and porch to front (76.1m²) at 81 Cashelmore Park, Derry.

The PO presented the above application details of which had been previously circulated to Members. She provided an update on the background to the application and based on material consideration

and in line with planning policy, recommended to approve planning permission subject to the conditions as outlined within the report.

Alderman McClintock moved, seconded by Alderman Kerrigan to support the recommendation to approve planning permission.

The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2018/0319/F be approved planning permission subject to the conditions as outlined within the report.

P106/18 Donegal County Council - Consultation on Proposed Material Alterations to the Draft Seven Strategic Towns Local Area Plan 2018-2024

The PPO presented the above report, details of which had been previously circulated to Members. The purpose of the report was to advise of a public consultation recently received from Donegal County Council on Proposed Material Alterations to the Draft Seven Strategic Towns Local Area Plan (the Draft LAP) 2018-2024 and associated Environmental Report. The consultation runs from 11th May 2018 to 6th June 2018.

The Committee

Recommended that Council notes the contents of the report and agree to issue the response to Donegal County Council Planning Officials.

P107/18 Appeals Update

The PPO presented the above report details of which had been previously circulated to Members. The purpose of the report was to appraise Members on planning appeals currently in the system.

The PPO referred to correspondence received from PAC dated 30 May 2018, in relation to Barr Cregg Windfarm. She reported that 3 appeals had been dismissed on the grounds of habitats. A judicial review was

taken against the PAC by the applicant and the decision by the Court was to quash the appeals.

The PPO further advised Members that a fresh appeal would be taken by the PAC, however the Planning Section are content that sufficient information was provided previously and therefore proposed not to submit supplementary information on this occasion.

Councillor D Kelly requested that information pertinent to the Barr Cregg windfarm application to PAC be circulated to Members for information as he felt it would be a useful learning curve in going forward. He also referred to the Appeals Schedule presented to the monthly committee meeting and requested that the appeal information is more clearly identified for Members.

The Committee

Recommended that Council notes the update planning appeals currently in the system.

P108/18 Thornhill Application Update

The Principal Planning Officer presented the above report details of which had been previously circulated to Members. The purpose of the report was to provide an update on the current situation regarding the planning application on the former Thornhill School site, Culmore Road.

The Committee

Recommended that Council notes for information the above report.

P109/18 Reconsideration Process

The Head of Planning presented the above report details of which had been previously circulated to Members. The purpose of the report was to advise/update Members regarding the process of dealing with planning applications in circumstances where Case Officers' recommendations have not been accepted at Planning Committee and are deferred to a subsequent Planning Committee.

The Committee

Recommended that Council notes for information the above report.

P110/18 Local Development Plan (LDP 2032) - Project Update

The PPO presented the above report details of which had been previously circulated to Members. The purpose of the report was to update Members on the progress of Stage 2a (towards Draft LDP Plan Strategy) of preparation of the Council's Local Development Plan (LDP 2032) and particularly to advise Members on the series of Member Round-table discussion sessions, progress with the various Governance structures and the main Work plan items including the consultancy projects.

The PPO clarified for Councillor D Kelly that the Sperrins Forum's proposed Statement of Common Ground, a draft of which was received yesterday, would be presented to the Planning Committee at a future meeting for agreement.

P111/18 List of Decisions Issued - May 2018

The List of Decisions issued during the month of May 2018 were circulate to Members for information.

The meeting ended at 4.10pm.

The Meeting went into Confidential Business