

Derry City and Strabane District Council

Minutes of Meeting of the Planning Committee held in the Guildhall, Derry on Wednesday 3 October 2018 at 2.00 pm

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

Non Member of Committee: - Alderman M Hamilton.

In Attendance:- Mrs M Fox (Head of Planning), Mr E Molloy (Performance and Improvement), Mrs S McCracken and Mrs A McNee (Principal Planning Officers), Mr P Kingston (Lead Legal Services Officer), Ms S Barrett and Mr K Donaghey (Senior Planning Officers), Mr R Black (Environmental Health Officer), Mrs L McKean (Business Officer); Mrs J Shortt (Committee Services Assistant)

P162/18 Notice and Summons of Meeting

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

P163/18 Member Attendance and Apologies

The Head of Planning completed the roll-call and recorded apologies for Councillor Reilly.

P164/18 Declarations of Member's Interests

Councillor Robinson declared an interest in planning application LA11/2017/0261/F.

Councillor Jackson declared an interest in planning application LA11/2018/0260/O.

Chairperson's Business

P165/18 Creggan Burn Park

The Chair referred to comments raised at a previous Council meeting in relation to the planning application for housing in Creggan Burn Park.

He said that whilst he understood that supporters of the application may have been disappointed with the outcome, the way this was expressed was unacceptable and bordered on intimidation.

He referred to letters that named him as being responsible for the prevention of new homes in the Glen which were delivered to a number of his relatives in the area including his daughter and sister.

He stated there was an orchestrated social media campaign against Members of this Committee and protests had taken place outside the offices of the SDLP and DUP. He further stated that Members of the Planning Committee did not adhere to party positions and therefore protests at party offices was futile and wrong on this occasion.

The Chair said that he took his role on the Planning Committee seriously. He said that initially he was reluctant to speak about the matter, however when collective judgement and integrity was being questioned he had to address the issue.

P166/18 Pre-Determination Hearing

The Head of Planning referred to planning application LA11/2017/0665/RM and informed Members that a Pre-Determination Hearing would be scheduled in due course.

P167/18 Planning Application A/2014/0086/F

The Chair advised Members that Councillor Dobbins requested a site deferral on the above application to allow for the site visit request which had been granted by the Chair following discussion with the Head of Planning.

P168/18 Late Information Received

The Head of Planning reported that late information was received in relation to planning applications: A/2014/0558/F, LA11/2018/0260/O, LA11/2018/0244/O and Members would be given the opportunity to review the information prior to presentation by the Planning Case Officer later in the meeting.

P169/18 Confirmation of the Open Minutes of the Special Planning Committee Meeting held on Tuesday 31 July 2018

The Open Minutes of Special Planning Committee meeting held on 31 July 2018 (SP18/18-SP22/18) were confirmed with the following amendment;

On a point of accuracy, it was noted that on page 5 (4th paragraph) the statement was inaccurate as no risk assessment had been carried out in terms of flood risk.

The Head of Planning advised that the demonstration of a maintenance regime was necessary in order to address potential flood risk under Policy FLD5 of PPS15.

P170/18 Matters Arising

There were no matters arising from the minutes.

P171/18 Confirmation of the Open Minutes of the Planning Committee Meeting held on Wednesday 5 September 2018

The Open Minutes of Planning Committee meeting held on 5 September 2018 (P138/18-P154/18) were confirmed.

P172/18 Matters Arising

There were no matters arising from the minutes.

P173/18 Planning Applications List with Recommendation for Decision

The Planning Case Officers presented the following planning applications for decision, details of which had been previously circulated to Members.

Reconsidered Applications

LA11/2017/0577/F – Proposed retention of existing garden shed for use as pigeon loft at 48 Ashbrook, Strabane.

The Head of Planning presented the above application, details of which had been previously circulated to Members. She provided a brief update on the background to the application based on further review of material consideration and in line with planning policy. She reported that EHD had been reconsulted with and had advised that they were satisfied with the proposal and offered conditions. This had significant weight on officer's reconsideration of the case, subject to a condition

raising the floor level of the loft. She also highlighted that the objections were also taken into account and the management of birds outside the loft building was still a concern but one which is difficult in terms of management. It was recommended to approve planning permission subject to the conditions as outlined within the report.

Councillor D Kelly moved, seconded by Councillor Hastings 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 LA11/2017/0577/F be approved planning permission, subject to the condition as outlined within the report.

A/2014/0558/F – Installation of a wind turbine with tower height of 40m and a blade span of 30m accessed via the existing laneway on lands 800m west of 7 Sheriff’s Road, Derry.

The Head of Planning presented the above planning application, details of which had been previously circulated to Members. She provided an update on the background to the application and based on further material consideration in line with planning policy recommended that a refusal be upheld for reasons as outlined within the report.

Mr McPeake, agent addressed the Committee and outlined reasons to support approval of the above application.

Discussion ensued after which Councillor D Kelly moved, seconded by Councillor Gardiner that the application be deferred to allow for a site visit.

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

The Committee

Resolved that planning application A/2014/0558/FM be deferred and presented at a future meeting.

Councillor Dobbins joined the meeting at this stage.

A/2014/0086/F – Redevelopment of vacant lands for an unattended 24 hour operating filling station (incorporating new canopy, 4 fuel dispensers, new underground fuel tanks, upgraded associated site works and site boundaries plus a ‘fuel cash and carry’ sales building and car wash. (Transport assessment received) at lands adjacent to Rosstown Road and Crescent Link Junction, Londonderry.

The above application was deferred to allow for a site visit request.

Site Visit Deferrals

LA11/2018/0260/O - Proposed housing development of 16 no. detached dwellings and ancillary development and associated site works, including re-located shared entrance with City of Derry Golf Club at land approximately 40m south of the entrance to City of Derry Golf Club, 49 Victoria Road, Prehen, Londonderry.

Councillor Jackson declared an interest in the above application.

The Senior Planning Officer 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 recommended a refusal for reasons as outlined within the report.

Alderman M Hamilton joined the meeting at this stage.

Ms McGee the agent acting on behalf of the applicant addressed the Committee and outlined reasons to support approval of the application.

Discussion ensued during which the Head of Planning and the Lead Legal Services Officer provided clarification on queries raised by Members.

Councillor Gardiner moved, seconded by Councillor Dobbins to accept the recommendation to refuse planning permission for reasons as outlined within the report.

The outcome of the votes; For 4, Against 0, Abstention 8. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0260/O be refused planning permission for reasons as outlined within the report.

Councillor Robinson declared an interest in the following application and vacated his position as Chair of the Meeting and left the Chamber. Councillor D Kelly, (Deputy Chair) proceeded to Chair the meeting.

LA11/2017/0261/F – A new build community facility to include access and car parking from Fairview Road. Single storey comprising 860 metre square of floor space (amended siting) at lands to the rear of Spar at No. 1 Fairview Road, Galliagh, BT48 8NU.

The Principal Planning Officer 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 recommended that planning approval be granted subject to the conditions as outlined within the report.

Mr Damien McShane addressed the Committee and outlined reasons not to support the recommendation to approve planning permission.

Discussion ensued after which Councillor McCauley moved, seconded by Councillor Dobbins that the recommendation be supported.

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

The Committee

Resolved that planning application LA11/2017/0261/F be granted planning permission, subject to the conditions as outlined within the report.

Councillor Robinson returned to the meeting and resumed his position as Chair of Committee.

LA11/2018/0244/O – Replacement of mushroom houses and farm buildings with proposed dwellings at lands immediately North of 28 Lisnacloon Road, Castlederg.

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. She provided an overview on the background to the application and based on material consideration and in line with Planning policy recommended that planning permission be refused for reasons as outlined within the report.

Councillor McGuire stated that in his opinion the application was commercial based and met the requirements of policy CTY3 and paragraphs 123.2.1 and 123.2.2 of the Strabane Area Plan and therefore should be returned for further consideration on those grounds. The Principal Planning Officer advised it would also be useful to reconsider on the basis of removing the farm shed from the proposal as this may alter the recommendation.

Discussion ensued after which Councillor McGuire moved, seconded by Alderman Kerrigan not to accept the recommendation to refuse planning permission.

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

The Committee

Resolved not to accept the recommendation to refuse planning application LA11/2018/0244/O. The application would be returned for further consideration and presented at a future meeting.

New Applications

LA11/2018/0421/DCA – Demolition of 2 storey rear return at 28 Great James Street, Derry.

The Planning Case Officer 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 as outlined within the report.

Councillor Logue moved, seconded by Alderman McClintock 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 LA11/2018/0421/DCA be approved planning permission, subject to the conditions as outlined within the report.

LA11/2018/0443/F – Proposed amendment of partially implemented permission – A/2007/0732/F to allow increase in size of existing bedrooms of 4 no existing apartments including extension of rear wall outwards at ground and floor level to meet housing association floor space standards. Other proposed amendments include increasing the length of the approved rear return by 1.78m and width by 350mm, reducing approved apartment ceiling heights to 2.3m, all window fenestration relocated to proposed western elevation to allow the provision of 5 same ridge height as previously approved at no 28 Great James Street, Derry.

The Planning Case Officer 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 as outlined within the report.

Councillor Logue moved, seconded by Alderman McClintock 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 LA11/2018/0443/F be approved planning permission, subject to the conditions as outlined within the report.

LA11/2017/0299/F – Proposed private housing development consisting of 24 semi-detached dwellings and associated roads at site of former Strabane Hospital, Derry Road, Strabane BT82 8LD.

The Planning Case Officer presented the above planning 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 as outlined within the report.

Alderman Bresland moved, seconded by Councillor Hastings to support the recommendation as outlined previously.

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

The Committee

Resolved that planning application LA11/2017/0299/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2018/0576/F – Variation of Conditions 3 (implementation of landscaping), 9 (road works), 10 (implementation of parking areas), 12 (closing up existing access), 15 (land contamination remediation works), 17 (land contamination verification report) for reference LA11/2017/0301/F to enable the works to be phased for the existing operations on the site to continue through the construction of the development at former Waterside Railway Station, Duke Street, Derry-Londonderry.

The Planning Case Officer presented the above application details of which had been previously circulated to Members. He provided an overview of the background to the application and based on material consideration and in line with planning policy recommended that approval be granted, subject to the conditions as outlined within the report.

Councillor Hastings moved, seconded by Alderman McClintock to support the recommendation as outlined.

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

The Committee

Resolved that planning application LA11/2018/0576/F be granted planning permission, subject to the conditions as outlined within the report.

A/2006/0441/O – Site for residential development to include: mix of house types, local community facilities, open space, pedestrian and vehicular access, primary school, drainage and other infrastructure at land west of Buncrana Road between Whitehouse Road and Benview Estate, Coshquin (identified as H2 zone in Derry Area Plan 2011).

The Planning Case Officer presented the above application, which was previously approved at Planning Committee in December 2017, details of which had been previously circulated to Members. It was advised that following the application of transboundary legislation, we were required to return the application to update Members on the outcome. She provided an overview of the background to the application and based on material consideration and in line with planning policy recommended that planning approval be granted subject to the conditions as outlined within the report.

Councillor Jackson moved, seconded by Councillor Hastings to support the recommendation as previously outlined by the Planning Case Officer.

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

The Committee

Resolved that planning application A/2006/0441/O be approved planning permission, subject to the conditions as outlined in the report.

P174/18 Update on Barr Cregg Appeal- A/2015/0071/O

The Principal Planning Officer presented the above report details of which had been previously circulated to Members. The purpose of the report was to update Members on the current position regarding the planning appeals for Barr Cregg Windfarm. The appeals are for a 7 turbine Wind Farm in the townland of Barr Cregg – application

reference A2012/0401/F and 2 associated applications for access tracks: A/2014/0112/F and passing bays A/2014/0114/F.

Discussion ensued after which Councillor Hastings moved, seconded by Councillor D Kelly to agree on the recommendation as outlined.

The Lead Legal Services Officer advised Members that following discussions with Counsel to take place on Tuesday, there may be some revision of the reasons set out in the report but that this could be addressed under the Council Scheme of Delegation which allowed him some scope in this regard.

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

The Committee

Recommended **that Council notes the contents of the above report and agree for Officers to defend the appeals for Barr Cregg Wind Farm, for the reasons as outlined in the report.**

P175/18 Planning Appeals Update

The Principal Planning Officer presented the above report a copy of which was previously circulated to Members. The purpose of the report was to appraise Members on planning appeals currently in the system.

Member noted that a Planning Appeals workshop would be arranged in due course.

The Committee

Recommended **that Council notes the update report on planning appeals.**

P176/18 Enforcement Quarterly Update (Q1)

The Principal Planning Officer 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 made by the Planning Enforcement section for the business year 2017-2018.

The Committee

Recommended **that Council notes the
update on the Enforcement
Performance for Q1
2018/19.**

P177/18 List of Decisions Issued - September 2018

Members noted the List of Decisions issued during the month of September 2018.

The meeting terminated at 6.15 pm