

Derry City and Strabane District Council

Minutes of Meeting of the Planning Committee held in the Council Chamber - Strabane Council Offices on Wednesday 6 March 2019 at 2.00 pm

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

In Attendance:- Mr E Molloy (Development Officer), Mrs S McCracken and Mrs A McNee (Principal Planning Officers), Mr P Kingston (Lead Legal Services Officer), Mrs M Fox (Head of Planning), Ms S Barrett, Mr J Spottiswood and Mrs R McMenamin (Senior Planning Officers), Mrs L McKean and Mrs C Corry (Business Services Officers); Miss L Bell (Committee Services Assistant) and Mrs J Shortt (Committee Services Assistant)

P37/19 Notice and Summons of Meeting

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

P38/19 Member Attendance and Apologies

The Head of Planning completed the roll call. Apologies were received from Councillor M Reilly.

P39/19 Declarations of Member's Interests

No Declarations of Interests were received from Members.

Chairperson's Business

P40/19 Running Order for Meeting

The Chair confirmed the running order for applications during the meeting. He advised that the applications which had indicated speakers would be presented first.

P41/19 Late Information Received

The Head of Planning informed Members that late information had been received, she advised that Members would be allowed time to review this information before discussion of the applications commenced. She detailed the information as follows:

- LA11/2017/0930/F- 2 drawings had been submitted in relation to access to the site. The Chair advised that this item would be deferred to a future meeting of the Planning Committee to allow consultation of the new drawing with Transport NI.
- LA11/2017/1051/O - Additional Information had been received from Mr Devine (Agent).
- LA11/2018/0955/F-A letter of objection had been received from Mr Ross.
- LA11/2018/0528/O- A letter in support of the application had been received from Mr McGill (Accountant).
- LA11/2018/0528/O- Supporting letters/emails had been received from Councillors Carlin and P Kelly.
- LA11/2018/08174/F- A supporting email had been received from Councillor J McKeever.

P42/19 Update on Upcoming Diary Dates

The Head of Planning reminded Members of the following upcoming events:

- Site Visits to be held on 13 March 2019.
- Planning Committee meeting to be held in the Chamber, Derry Road, Strabane on 25 March 2019.

The Head of Planning further advised that Members would be informed of plans for LDP workshops in due course.

P43/19 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 6 February 2019

The Open Minutes of Planning Committee meeting held on Wednesday 6 February 2019 (P20/19-P33/19) were confirmed and signed by the Chairperson.

P44/19 Matters Arising

There were no matters arising from the minutes.

P45/19 Confirmation of Open Minutes of a Special Planning Committee held on Thursday 14 February 2019

The Open Minutes of a Special Planning Committee Meeting held on 14 February 2019 (SP1/19-SP5/19) were confirmed and signed by the Chair.

P46/19 Matters Arising

There were no matters arising from the minutes.

A brief recess was allowed at this point for Members to review the late information received.

P47/19 Planning Applications List with Recommendation for Decision

RECONSIDERED APPLICATIONS

LA11/2017/0730/F- Conversion of existing outbuilding and extension to provide dwelling on site adjacent to and west of No 44 Lisleen Road, Killen, Castledearg.

The Head of Planning presented the above application, details of which had been previously circulated to Members. She advised that the application had been returned to the Committee following presentation on 11 April 2018 at which Members voted to defer to consider a site visit. An update on the status of the application was provided, and following consideration of the material evidence which had been presented, the Head of Planning advised that the Officers recommendation remained that of refusal for reasons as outlined within the report.

The Members received speaking rights from Mr David McKinley (Agent) who addressed the Committee in support of the application.

In response to a query from Councillor Jackson, the Lead Legal Services Officer clarified that data protection legislation required that issues of a sensitive personal nature, such as those in this case, be presented in a closed session of the Planning Committee.

Councillor McGuire expressed his support for the arguments outlined by Mr McKinley. He stated that he did not agree with the reasons for refusal provided by the Officers. He referred to CTY4 and stated that he felt that the application satisfied the majority of the points within this

legislation. He stated he felt the nature and scale of the application was in keeping with the countryside. He also referred to SPSS 6.73 and commented that the legislation did not specify that outbuildings could not be converted for residential use. He highlighted that special domestic circumstances were present within this application and proposed to approve planning permission, against the Officer's recommendation.

Alderman Kerrigan concurred with the remarks made by Councillor McGuire.

In response to comments raised by Members and Councillor D Kelly in regards to the massing and scaling of the application, the Head of Planning clarified that it was a matter for Councillors to form their opinion regarding the matter. She stated that she had provided her professional judgement, given her experience in the subject matter, which was in this instance that the application was not appropriate in principle nor was it appropriate in terms of mass or scale.

Councillor McGuire proposed, seconded by Alderman Kerrigan not to accept the Officer's recommendation and to approve planning permission, subject to the conditions as outlined within the report.

The outcome of the vote; For 10, Against 0, Abstention 3. The proposal was carried.

The Committee

Resolved that Planning Application LA11/2017/0730/F be approved planning permission, subject to the conditions as outlined within the report.

LA11/2017/1051/O-Proposed dwelling and garage 30 metres north of 25 Ballyskeagh Road, Artigarvan, Strabane.

The Head of Planning presented the above application, details of which had been previously circulated to Members. She provided an update on the status of the application to Members and advised that after consideration of all the information provided against relevant Planning Policy the recommendation remained to refuse planning permission for reasons as outlined within the report.

In response to a query from Councillor D Kelly, the Head of Planning clarified that in implementation of PPS21 Policy CTY10 across the district, Planning Officers would require active farming to be demonstrated consecutively over a six year period.

Councillor D Kelly stated that in his opinion, the fact that the farm was currently active and had been established for 6 years was sufficient to satisfy the Planning Policy in this case.

In response to a request from Councillor D Kelly to remove the words *"In considering the Strabane Area Plan, paras 123.2.1, PPS 21 is a material consideration and therefore is the determining policy for this case"* from the report as he felt the use of the Strabane Area Plan reference in this sentence made it look like there were two separate competing policies, the Lead Legal Services Officer advised that Officer's written text/opinion could not be omitted but that Councillor D Kelly's comments could be noted as part of Minutes.

Councillor D Kelly moved, seconded by Councillor McGuire not to accept the Officer's recommendation and approve planning permission, subject to the conditions as outlined within the report.

Voting was unanimous in support of the proposal.

The Committee

Recommended that Planning Application LA11/2017/1051/O be approved planning permission, subject to the conditions as outlined within the report.

At this point Councillor Dobbins requested that measures be taken to reduce the extreme heat in the Council Chamber.

NEW APPLICATIONS

LA11/2018/0614/F- Single storey dwelling at lands adjoining 216 Tamnaherin Road, Derry.

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. She provided a brief overview of the application and based on material consideration

and in line with relevant Planning Policy provided a recommendation to refuse planning permission for reasons as outlined within the report.

Ms C Gourley (Agent) addressed the Committee in support of the application.

In response to a request from Councillor McGuire, Ms Gourley clarified the positioning of the gap between no. 216 and no. 220 Tamnaherin Road for Members. She indicated that the gap between the 2 properties would be approximately 60m.

In response to questioning from Councillor D Kelly, the Principal Planning Officer stated that she did not feel that the application demonstrated a sufficient level of integration with surrounding properties.

Councillor McGuire stated that he felt the grounds given for refusal by Officers were harsh. He explained that he felt that the positioning of the footpath within the plans demonstrated that the application was not contrary to CTY8. He added that he did not feel that the application would be contrary to CTY13 if the positioning of the other nearby houses which Ms Gourley had mentioned was taken into consideration. He proposed not to accept the Officers recommendation and to approve planning permission, subject to the conditions as outlined within the report.

The Lead Legal Services Officer reminded Members of the policy requirements for an application to demonstrate common frontage with surrounding properties and highlighted that this was not demonstrated within this application.

Councillor Hastings concurred with Councillor McGuire's comments and seconded the proposal.

Discussion ensued, during which Councillor Dobbins suggested that a site visit be arranged so that Members would have the opportunity to see the layout of the site.

The Chair advised that the proposal would need to be withdrawn for a site visit to be considered.

Councillor McGuire upheld his proposal and stated that he felt there was a strong visual link with other properties evident within the application.

In response to a suggestion of resubmission of the application from Councillor McLaughlin, the Head of Planning stated she was not in a position to discuss this alternative proposals at this stage.

Councillor McGuire moved, seconded by Councillor Hastings not to accept the Officers recommendation and approve Planning permission subject to the conditions as outlined within the report.

The outcome of the vote; For 9; Against 0, Abstention 4. The Proposal was carried.

The Committee

Resolved not to support the recommendation to refuse planning application LA11/2018/0614/F. The application would be returned for reconsideration at a future Committee meeting.

The Lead Legal services Officer confirmed that the application would be returned to the Committee for reconsideration at a future meeting. Councillor Dobbins reiterated her request for a site visit. The Chair advised that she should relay this request to him in writing.

LA11/2017/0358/F- Demolition of existing buildings (except Nazareth House Listed Building) and development of 64 no. dwellings (40 no. new build dwellings in a mixture of 1 no. complex needs detached dwelling, 2 no. complex needs semi-detached dwellings, 8 no. general needs semi-detached dwellings, 21 no. Cat 1 Elderly apartments, 8 no general needs apartments, and the refurbishment of Nazareth House to provide 24 no. general needs apartments) with associated landscaping, car parking, site works and accesses onto Foyle Park and Bishop Street at Nazareth House, 174 Bishop Street, Londonderry.

LA11/2017/0379/LBC-Demolition of the chapel and former care home adjoining Nazareth House; alterations to single storey link corridor from Nazareth Primary School to Nazareth House; conversion, refurbishment and alterations to Nazareth House including removal of extensions and fire exits from property and

works to boundary walls at Nazareth House, 174 Bishop Street, Londonderry.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. She provided a summary of the application and after analysis of the facts against planning policy provided a recommendation to approve planning permission, subject to the conditions as outlined within the report.

Ms Wiggan (Agent) addressed the Committee in support of the application.

Councillor Logue welcomed the application to the Committee and stated that she was delighted that the need for much needed social housing in the area had been addressed. However, she raised concerns over the parking provision within the application and the impact this application might have on road safety in the area.

In response to Councillor Logue's concerns, Ms Wiggan clarified that in progressing the application, extensive discussions had taken place with representatives from the Nazareth House Primary School and Transport NI in order to ensure the safety of the pedestrians in the area was not compromised.

In response to further comments of concern from Councillor Logue, Ms Wiggan explained that road safety was fully considered in the proposed scheme. It was acknowledged that there was a deficit of parking spaces compared with the number of units within the application, however, given the proximity of the site to the City Centre, the provision of travel cards for residents and the demonstration of the availability of on-street parking in the vicinity, that it was considered that parking and safety was addressed.

Alderman McClintock relayed the concerns of Councillor Logue, but stated that she felt there was a need to balance these against the need for rejuvenation in the area. She expressed her endorsement of the application.

Councillor McLaughlin concurred with Alderman McClintock and voiced her endorsement of the application.

In response to a question from Councillor Hastings, the Senior Planning Officer clarified that existing safety barriers would be retained, although they may be moved temporarily during construction.

In response to a suggestion from Councillor Hastings that a pelican crossing be installed, the Senior Planning Officer stated that DfI Roads would be responsible for pedestrian crossings.

Councillor Logue enquired if a condition could be added which would ensure the installation of a staggered railing on the footpath to stop children running out on the busy road. The Principal Planning Officer replied that drawings could be submitted soon after the meeting for approval by DfI Roads. A condition could be added to the approval stating that prior to occupation, drawings shall be submitted to Council to demonstrate pedestrian safety.

Alderman McClintock moved, seconded by Councillor McLaughlin to approve planning permission, subject to the conditions as outlined within the report.

The Committee

Resolved that (i) applications LA11/2017/0358/F and LA11/2017/0379/LBC be approved planning permission, subject to the condition as outlined within the report.

(ii) a condition be added to the planning permission to ensure that pedestrian safety at the access to the site off Bishop Street is addressed satisfactorily.

LA11/2018/0955/F-Erection of infill 7 storey residential building containing 42 no. apartments (20 no. one bedroom and 22 no. two bedroom) and associated site works with amenity space at Site on corner of Duke Street and Fountain Hill, 8.0m North East of 66 Duke Street, Derry.

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

Mr Kennedy (Agent) addressed the Committee in support of the application.

In response to a question from Alderman McClintock, Mr Kennedy stated that his client did not own the land above the site and therefore he could not comment on any prospective future plans for this piece of land.

Councillor McLaughlin expressed her support for the application as she felt it was a great enhancement to the area.

Alderman McClintock also expressed her support for the application which she felt fitted in well with the surrounding buildings.

Councillor Jackson commended the planning department for presenting the application to Committee in such a timely manner. He commented that he had been concerned that no car parking had been provided and suggested the possibility of an arrangement with the nearby multi storey car park be investigated by the developer. He highlighted the impact that increased housing in the area would have on footfall for local businesses and referenced the principles of the Derry Area Plan in relation to this.

Alderman McClintock moved, seconded by Councillor McLaughlin to approve Planning permission, subject to the conditions as outlined within the report.

The voting was unanimous in support of the proposal.

The Committee

Resolved that planning application LA11/2018/0955/F be approved planning permission, subject to the conditions as outlined within the report.

LA11/2018/0237/O - Site for two storey farm dwelling and detached domestic Garage at 80 metres North of 5 Tagharina Road, Lower Tully, Newbuildings, Londonderry, BT47 2RW.

The Senior Planning 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 planning approval be refused for reasons as outlined within the report.

The Members received speaking rights from Mr Adrian Browne the agent acting on behalf of the applicant who outlined reasons for the application to be approved.

Discussion ensued during which the Principal Planning Officer explained to Members that in consideration of the proposal under Policy CTY10 it must be clear that the business applying for the farm dwelling was an active and established farm holding. She further referred to the consultation response from DAERA, wherein it stated that the business had been in existence for more than six years, however the business did not submit any claims between 2014 and 2017, therefore the business was not active during that period and that the proposed site was associated with another farm business between 2009 and 2017.

The PPO further advised that the opinion was based on evidence provided by the applicant. She added that this was a complex case and advised that if more evidence was provided to prove active farming for the period 2014-2017 then they would be content to review the application, however the recommendation presented was based upon the information provided to date.

Lengthy discussion occurred, during which the Lead Legal Services Officer provided his professional advice on concerns raised by Members in relation Policy CTY10. He agreed to provide a further report at a future meeting on this particular policy.

Councillor Dobbins moved, seconded by Alderman McClintock that the recommendation be overturned to allow the applicant to submit information to prove that the farm was active during the period 2014-2017.

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

**Resolved not to accept the officer
recommendation to refuse planning
application LA11/2018/0237/O.The
application would be presented at a
future meeting.**

LA11/2018/0528/O - Erection of two and part single storey dwelling house and detached garage at lands 50m west of 52 Tireighter Road, Park, Claudy.

The Senior Planning Officer presented the above application details of which had been previously circulated to Members. He updated Members on 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.

The Members received speaking rights from Mr Gerard McPeake the agent acting on behalf of the applicant.

The PPO in response to Councillor D Kelly's query, clarified that there was no evidence to suggest that the farm business was currently active and was established for at least six years. She explained that the evidence provided had suggested that the applicant had a business identification number, however the lands were being farmed by an alternative business number and this formed the basis for a refusal.

The Lead Legal Services Officer at this stage of discussion thought it appropriate to remind Members that the Planning Case Officer can only assess the information provided by the applicant. He assured Members that Officers work with the agent to seek a solution, however they can only base their recommendation on information provided.

Discussion ensued after which Councillor Dobbins moved, seconded by Councillor Kerrigan not to accept the recommendation to refuse planning permission and for the application to be returned for further assessment and to be presented at a future Committee meeting.

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

The Committee

Resolved not to accept the officer recommendation to refuse planning application LA11/2018/0528/O. The application will be further reviewed and presented at a future Committee Meeting.

LA11/2016/0417/F - Proposed change of use of former school building to mixed use business development comprising: Class B1- Business uses; Class B2 - Light Industrial use; Class B4 - Storage & Distribution uses; and 'Sui Generis' gym/fitness use - New vehicular access to Killeter Road with ancillary vehicle, bicycle and lorry parking along with site landscaping and boundary treatment - Proposed new portal frame building for Class B4 - Storage & Distribution use and/or Class B2- Light Industrial use at former St Eugene's High School and Grounds, Cavan/Killeter Road, Castleberg, Co Tyrone.

The Senior Planning Officer presented the above application details of which had been previously circulated to Members. She outlined to Members the background to the application and based on material consideration and in line with planning policy recommended that planning permission be granted, subject to the conditions as outlined in the report.

The Senior Planning Officer in response to Councillor R McHugh clarified that the tree planting scheme was included in the conditions and would have to be implemented accordingly.

Councillor R McHugh referred to the closure of the former school building and the dismay expressed by the public because of the impact it would have on the economy. He added that there was great relief when the site was purchased with proposals to develop for mixed use businesses, however the concerns of neighbouring residents to the site have to be considered and it was pleasing to note the inclusion of conditions and in particular the specific reference to the landscaping requirement.

Councillor R McHugh moved, seconded by Councillor Hastings to support the recommendation as outlined.

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

The Committee

Resolved that planning application LA11/2016/0417/F be approved planning permission subject to the conditions as outlined within the report with the

inclusion of an additional condition in relation to the tree planting scheme to be implemented.

LA11/2018/0909/F - Proposed change of house type (No. 1-8 & 27-35) of previously approved scheme J/2005/1058/F to provide 17 No. dwellings at Lands immediately East of 55 Strabane Road, Castlederg.

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 conditions as outlined within the report.

Alderman Kerrigan moved, seconded by Alderman Bresland 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 LA11/2018/0909/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2017/0494/F - Proposed erection of new agricultural shed with associated site works at lands 55 metres north of 10 Slaughtmanus Road, Limavady, BT47 3EX.

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 refused for reasons as outlined within the report.

Councillor Jackson moved, seconded by Councillor McLaughlin to support the proposal to refuse planning permission.

The outcome of the vote; For 12, Against 1, Abstentions 0. The proposal was carried.

The Committee

Resolved that planning application LA11/2017/0494/F be refused planning permission for reasons as outlined within the report.

Councillor McLaughlin left the meeting at this stage.

LA11/2017/0934/F - Residential development of 18 No. dwellings consisting of 6 No. detached and 12 No. semi-detached dwellings including reduction in length of existing parking lay-by on Learmount Road at lands to the south of 212 Learmount Road, Park, Derry, BT47 4BA.

The Principal Planning Officer 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 an approval, subject to the conditions as outlined within the report.

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

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

The Committee

Resolved that planning application LA11/2017/0934/F be approved planning permission subject to the conditions as outlined within the report.

Alderman McClintock and Alderman Kerrigan left the meeting at this stage.

LA11/2017/1110/F - Outdoor community growing space inclusive of vegetable gardens, glasshouses/domes, domes for community use as follows - dome 1 - accommodation, domes 2 & 3 - greenhouses, pet farm, parking and access road at vacant lands situated off St. Columb's Road, Derry opposite the former Ebrington Barracks site in the town land of Ebrington Ward, County Londonderry.

The Senior Planning Officer presented the above planning 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 Hastings moved, seconded by Councillor Jackson to support the recommendation.

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

The Committee

Resolved that planning application LA11/2017/1110/F be granted planning approval subject to the conditions as outlined within the report.

LA11/2018/0806/F - Erection of 6 no. dwellings: 4 no. 2 storey semi-detached and 2 no. 2 storey detached dwellings (change of house type from previously approved 5 detached dwellings under J/2005/0433/F - and alteration of boundary treatments) at lands adjacent to 10 Strabane Road, Castleberg, BT81 7HZ.

The Principal Planning Officer 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.

Discussion ensued after which Councillor R McHugh moved, seconded by Councillor Dobbins to support the recommendation to approve planning permission, subject to the conditions as outlined and for the inclusion of an additional condition regarding a drainage plan.

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

The Committee

Resolved that planning application LA11/2018/0806/F be granted planning permission subject to the conditions as outlined and for an additional condition regarding drainage plan to be included.

It was noted that the meeting was inquorate however there were no matters that required a decision at this stage of the meeting.

P48/19 Appeals Update

The Principal Planning Officer presented the above report, a copy of which had been previously circulated to Members. She advised that the purpose of the report was to update Members on planning appeals currently in the system.

The Committee

Recommended that Council notes the contents of the above report.

P49/19 List of Decisions Issued - February 2019

Members noted the List of Decisions issued during the month of February 2019.

The meeting terminated at 7.20 pm