

Derry City and Strabane District Council

Open Minutes of the Planning Committee Meeting held in the Chamber, Derry Road, Strabane on Wednesday 3 July 2019 at 12.00noon.

Present: - Councillor Jackson (Chairperson), Aldermen Bresland, Kerrigan and Councillors J Barr, Durkan, Gallagher, Harkin, Kelly, Logue and McGuire.

In Attendance: - Head of Planning (Ms M Fox), Head of Planning Performance and Improvement (Mr E Molloy), Principal Planning Officers (Mrs A McNee, Mr P McCaughey, Mrs S McCracken), Senior Planning Officers (Mr K Donaghey, Miss S Barrett, Mr J Spottiswood, Mr M McCarron, Mr J McNee), Business Services Officer (Mrs L McKean), Committee Services Assistant (Mrs J Short).

P72/19 Notice and Summons of Meeting

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

P73/19 Member Attendance and Apologies

The Head of Planning completed the roll call and apologies were received from Councillor McKinney and Alderman McClintock.

P74/19 Declarations of Member's Interests

Councillor Jackson declared an interest in Planning Application LA11/2019/0291/F.

The Head of Planning Performance and Improvement declared an interest in LA11/2018/0746/F and LA11/2018/0782/F.

Open for Decision

Chairman's Business

P75/19 Site Visit Deferrals

Members noted site visit deferrals for the following planning applications listed for decision:

- LA11/2018/0854/O
- LA11/2018/0356/O

P76/19 Late Information Received

The Head of Planning reported that late information was received in relation to the following applications and Members would be given the opportunity to review the information prior to presentation by the Planning Officer.

- LA11/2017/0510/F
- J/2014/0293/F
- LA11/2019/0141/F
- LA11/2017/1077/F

P77/19 Reconsidered Applications Deferred

The Chair reported that the following applications would be deferred to the next meeting when those Members involved in initial discussions would be in attendance:

- LA11/2018/0237/O
- LA11/2017/0510/F
- LA11/2018/0698/O

P78/19 NILGA Training Event

Members noted that a NILGA Training Event was scheduled to take place on 8 October 2019 and nominations for attendance would be agreed at the Planning Committee meeting in September 2019.

P79/19 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 25 March 2019

The Open Minutes of Planning Committee meeting held on 25 March 2019 (P54/19-P66/19) were confirmed and signed by the Chairperson.

P80/19 Matters Arising

There were no matters arising from the Open Minutes of the Planning Committee Meeting held on 25 March 2019.

P81/19 Confirmation of the Open Minutes of the Planning Committee Meeting held on Wednesday 5 June 2019

The Open Minutes of Planning Committee meeting held on 5 June 2019 (P54/19-P68/19) were confirmed and signed by the Chairperson

P82/19 Matters Arising

Councillor Kelly referred to planning application LA11/2018/0817/O and the discrepancy over the relevant Area Plan to be applied. He stated that he had a series of questions that he would have asked but did not as he was advised that the Derry Area Plan was the relevant document and asked for clarification in respect to whether his queries might have had a bearing on the decision making process of the application. He asked that this matter be put on record. It was agreed that legal advice would be sought in relation to the above issue.

P83/19 Planning Applications List with Recommendation for Decision

The Chair reminded Members that in line with Planning protocol they were not permitted to contribute to the discussion or vote if they were absent from previous meetings when the application was presented.

RECONSIDERED APPLICATIONS

LA11/2018/0741/O - Proposed 2 No. infill dwellings and 2 No. garages at lands adjacent to & north of 170 Tamnaherin Road, Derry.

The Head of Planning presented the above application, details of which had been previously circulated to Members. She provided an overview of the background to the application and advised that on consideration of all points in respect of the above proposal the recommendation to refuse planning permission remained as per the previous report submitted to Members. She further advised however, that if Members were minded to overturn the recommendation that conditions without prejudice were included in the report.

The Members received speaking rights from Mr Steele, applicant.

Councillor McGuire moved, seconded by Alderman Bresland not to accept the officer recommendation and for planning approval to be granted with conditions attached.

The outcome of the vote; For 8, Against 1, Abstention 0. The proposal was carried.

The Committee

Resolved that planning application **LA11/2018/0741/O** be granted planning permission subject to conditions as outlined in the report.

LA11/2018/0353/O - Site for farm dwelling and garage approximately 20m south of 50 Ervey Road, L'Derry.

The Head of Planning presented the above application, details of which had been previously circulated to Members. She provided an overview of the background to the application and advised that Officers remained of the opinion that planning be refused for reasons as outlined within the report. She further advised that if Members were minded to overturn the recommendation that conditions without prejudice were included in the report.

Members received speaking rights from Mr Proctor, applicant.

Discussion ensued after which Councillor Logue moved, seconded by Councillor McGuire not to accept the officer recommendation and for planning permission to be granted subject to the conditions as outlined in the report.

The outcome of the vote; For 8, Against 1, Abstention 1. The proposal was carried.

The Committee

Resolved that planning application **LA11/2018/0353/O** be granted planning permission subject to the conditions as outlined in the report.

APPLICATIONS RETURNED AFTER SITE INSPECTIONS

LA11/2018/0897/F - Retention of change of use from home/dwelling to three self-catering cottages at 37A Upper Galliagh Road, Elagh, Derry.

The Planning Officer presented the above application, details of which had been previously circulated to Members. He provided an overview of the application and, based on material consideration and in line with planning policy, recommended a refusal for reasons as outlined within the report.

Members received speaking rights from Mr Dunn on behalf of the applicant.

Councillor Logue moved, seconded by Councillor J Barr not to accept the officer recommendation to refuse planning permission.

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

The Committee

Resolved not to accept the officer recommendation to refuse planning application LA11/2018/0897/F. The application would be returned to Committee for further consideration at a future meeting.

LA11/2017/1132/F - Change of use from dwelling to 4 No. apartments at 24 Coshquin Road, Derry.

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 a refusal.

Members received speaking rights from Mr Kieran Martin, agent and Mr Heaney, applicant.

Discussion ensued in relation to the proposed reasons for refusal after which Councillor Kelly moved, seconded by Councillor McGuire not to support the recommendation to refuse planning permission as they felt that the provision of a 5m maintenance strip was unnecessary.

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

The Committee

Resolved not to accept the officer recommendation to refuse planning application LA11/2017/1132/F. The application would be returned to Committee for further consideration at a future meeting.

LA11/2018/0558/O - Proposed site for a dwelling at site approximately 60m north west of 58 Carnanreagh Road, Claudy.

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, confirmed that a recommendation to refuse planning permission remained for reasons as outlined within the report.

Members received speaking rights from Mr McLaughlin, applicant and Ms McLaughlin, applicant's daughter.

Discussion ensued after which Councillor Logue moved, seconded by Councillor McGuire not to accept the recommendation to refuse planning permission as it was felt that the proposal was not contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21.

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

The Committee

Resolved not to accept the officer recommendation to refuse planning application LA11/2018/0558/O.

The application would be returned for further consideration at a future meeting.

J/2014/0293/F - 4 No. semi-detached 2 storey dwellings at 20m south west of 97 Camus Road, Douglas Bridge.

The 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.

Members received speaking rights from Mr McCormick, Agent and Mr O'Donnell, Engineer and sought points of clarification from the representatives.

The Head of Planning advised that since the submission of the application in 2014 there may be various aspects of the application that required further analysis, in particular flood/sud mitigation measures. She also reported that the Rivers Agency advised that they did not have the expertise to provide detailed advice following submission of applications.

Members expressed concern that there was a lack of expertise from statutory agencies, in particular Rivers Agency, to provide detailed advice on applications.

Councillor Gallagher moved, seconded by Councillor Kelly to defer the application so that further information was sought from the Rivers Agency. It was also agreed that Council writes to NI Water and Rivers Agency to express their concerns in relation to the lack of expertise available and the lack of investment, despite the action plan to upgrade watercourse systems as outlined in the Strabane Area Plan.

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

The Committee

- Resolved**
- i) to defer planning application J/2014/0293/F for further information. The application would be presented for further consideration by Committee at a future meeting.**
 - ii) that Council writes to NI Water and Rivers Agency to express concern regarding the lack of resources /**

expertise to make a judgement on applications and the lack of investment to meet the action plans outlined in the Strabane Area Plan.

NEW APPLICATIONS

LA11/2019/0407/O - Site for infill dwelling within substantially built-up frontage at site adjacent to and north east of 220 Tamnaherin Road, Co. Derry.

The PPO presented the above application, details of which had been previously circulated to Members. She provided an outline 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.

Members received speaking rights from Mr Kennedy, agent and sought points of clarification from the representative.

Discussion ensued after which Councillor Kelly moved, seconded by Councillor McGuire not to accept the recommendation to refuse planning permission, as it was considered Councillor Kelly was not persuaded that the proposal represented ribbon development or suburban development.

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

The Committee

Resolved not to accept the officer recommendation to refuse planning application LA11/2019/0407/O. The application would be presented for further consideration by Committee at a future meeting.

LA11/2018/0004/F - Proposed change of use from retail to retail with hot food at 16 Waterloo Place, Derry.

The Planning Officer presented the above application, details of which had been previously circulated to Members. He provided an overview of 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 Gallagher who apologised on behalf of the applicant for not submitting the required information which was due to an administrative error on their behalf and asked for the application to be deferred to allow for information to be submitted.

Councillor Gallagher moved, seconded by Councillor Durkan to defer the above application pending additional information to be provided by the applicant.

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

The Committee

Resolved that planning application LA11/2018/0004/F be deferred pending additional information to be provided as requested by the Planning Officer, before the August recess.

LA11/2018/0746/F - Change of use of Building A approved for waste storage under A/2004/0978/F to be used as a materials recycling facility + variation of Condition 4 of A/2004/0978/F to permit the processing element of the operation proposed at lands 30m north east of 19 Maydown Road, Derry.

The Head of Planning Performance and Improvement withdrew from the meeting during consideration of 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 that approval be granted for reasons as outlined within the report.

In response to a query from Councillor Kelly, the Senior Planning Officer advised that Council's corporate position on a Zero Waste Circular Economy would not be a planning policy to be considered under this application.

The Principal Planning Officer advised that the Zero Waste Circular Economy was a Council Policy and not a Planning Policy. This application was for the change of use of a building approved for waste storage and whether this would be acceptable under planning policy. She advised that this was a recycling facility for black bin waste.

The Head of Planning explained that there was no specific planning policy in regards to Council's corporate position on a Zero Waste Circular Economy. However, when working through the LDP process and subsequent planning policies Officers were aware of and cognisant of discussion from Members and Council's corporate position and this would ultimately be reflected in going forward.

In response to a request from Councillor Logue, the Senior Planning Officer said she understood that a management plan for maintenance and to ensure the tank was emptied regularly by a registered carrier, had been dealt with through the existing Permit. However, an informative, to this effect, could be included in the conditions of the application.

Councillor Logue moved, seconded by Councillor Gallagher to support approval of the application for reasons as outlined by the Senior Planning Officer.

The outcome of the vote was: For 9; Against 0; Abstentions 1. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0746/F be approved planning permission subject to conditions as outlined in the report.

LA11/2018/0782/F - External storage of RDF bales and 4 No. storage bays for glass, wood and construction and demolition waste + variation of Conditions 3 of A/2004/0978/F to permit the external storage of waste at land 125m north east of 19 Maydown Road, Derry.

The Head of Planning Performance and Improvement withdrew from the meeting during consideration of the above application.

The Senior Planning Officer presented the above application, details of which were 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 approval be granted subject to conditions as outlined within the report.

In response to a query from Councillor Kelly, the Senior Planning Officer confirmed that 150,000 tonne of waste could be processed, however the storage capacity of each of the storage bays was 30,000.

In response to a query from Councillor Gallagher, the Senior Planning Officer explained that whilst no consultation had taken place with Fire Authority, however, height of the bales had to be restricted to 3-6 metres for reasons related to fire safety.

Councillor Kelly moved, seconded by Councillor Gallagher to support approval of the application subject to conditions as outlined in the report.

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

The Committee

Resolved that planning application LA11/2018/0782/F be approved planning permission subject to conditions as outlined in the report.

LA11/2019/0320/O - Proposed single storey dwelling at 5m north of 24 Ervey Court, Brockagh Road, Tamnaherin, Co. Derry.

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 refusal be granted for reasons as outlined within the report.

Councillor Logue moved, seconded by Councillor Durkan to support refusal of the application for reasons as outlined by the Senior Planning Officer.

The outcome of the vote: For 9, Against 0, Abstention 1. The proposal was carried.

The Committee

Resolved that planning application LA11/2019/0320/O be refused planning permission for reasons outlined within the report.

LA11/2018/0480/F - Amendment of wind turbine planning approval J/2010/0269/F, changing 30m hub height to 40m and 27m rotor diameter to 39m rotor diameter at lands 110m north east of 29 Erganagh Road, Castlederg, Co Tyrone.

The Senior Planning Officer presented the above application, details of which were 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 conditions as outlined in the report.

Alderman Kerrigan moved, seconded by Alderman Bresland to support approval of the application.

The outcome of the vote was: for 9; Against 0; Abstentions 1. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0480/F be approved planning permission subject to conditions as outlined in the report.

LA11/2019/0141/F - Change of use of open space land to provide 16 No. additional car parking spaces and re-configuration of existing car park in relation with commercial premises at land adjoining 130 Northland Road, Derry and 98-99 Springvale Park, Derry.

The Senior Planning Officer presented the above application, details of which were 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 refusal be granted for reasons as outlined within the report.

Councillor Logue moved, seconded by Councillor Durkan to support refusal of the application for reasons as outlined by the Senior Planning Officer

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

The Committee

Resolved that planning application LA11/2019/0141/F be refused planning permission for reasons as outlined within the report.

LA11/2019/0152/F - Mobile unit of accommodation as a potting shed/workshop with a toilet and sink. Extended fencing and site curtilage. This proposal is associated with the existing site use at lands to the rear of Nos 21 to 28 (inclusive) Leafair Park, Derry.

Councillor Harkin declared an interest and left the room at this stage.

The Senior Planning Officer presented the above application, details of which were 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 for reasons as outlined within the report.

Councillor Gallagher moved, seconded by Councillor Durkan to support approval of the application for reasons as outlined by the Senior Planning Officer.

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

The Committee

Resolved that planning application LA11/2019/0152/F be approved planning permission for reasons as outlined within the report.

LA11/2018/1163/F - 15 No. dwellings and garages, 9 No. detached and 6 No. semi-detached (proposed change of house type and reduction in density from previously approved scheme) at Sites 192-206 Oak Country Manor Housing Development, off Crescent Link, Londonderry.

The Principal Planning Officer presented the above application, details of which were 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 approval be granted for reasons as outlined within the report

Councillor Logue moved, seconded by Councillor Durkan to support approval of the application subject to conditions as outlined in the report.

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

The Committee

Resolved that planning application LA11/2018/1163/F be approved planning permission subject to the conditions as outlined in the report.

LA11/2019/0291/F - Retention of existing raised timber decking and guard rail to rear of dwelling and to include new privacy potted screen planting to decking at 4 Woodland Mews, Waterside, Derry.

The Chairperson, Councillor Jackson withdrew from the Meeting during consideration of the above application. The Deputy Chairperson, Councillor Harkin took the Chair during consideration thereof.

The Senior Planning Officer presented the above application, details of which were 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 refusal be granted for reasons as outlined in the report.

Councillor Gallagher moved, seconded by Councillor McGuire to support refusal of the application for reasons as outlined by the Senior Planning Officer.

The outcome of the vote: For 6; Against 0; Abstentions 2. The proposal was carried.

The Committee

Resolved that planning application LA11/2019/0291/F be refused planning permission for reasons as outlined within the report.

LA11/2019/0166/O - Proposed infill dwelling between No. 113 and No. 115 Slieveboy Road, Claudy.

The Senior Planning Officer presented the above application, details of which were 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 refusal be granted subject to conditions as outlined in the report.

Councillor McGuire moved, seconded by Alderman Kerrigan to support approval of the application for reasons as outlined by the Senior Planning Officer.

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

The Committee

Resolved that planning application LA11/2019/0166/O be approved planning permission for reasons as outlined within the report.

LA11/2018/0015/F - Public realm improvements comprising resurfacing of footways with granite and concrete paving, granite kerbing, enhancements to street tree planting, street lighting and street furniture; demolition & removal of the public toilets in Market Street and the protruding wall at No 3 Railway Street; removal of the Pagoda building at the junction of Castle Street and Abercorn Square; and a reconfiguration of the existing small embankments along Market Street adjacent to the Butcher Street Car Park. The proposals also include improvements to the junction at Railway Street/Abercorn Square/Derry Road/Canal Street, resulting in a realignment of the traffic flows and creation of a new public space in Abercorn Square; improvements to the junctions at Market Street/Butcher Street/Church Street and Main Street/Market Street/Bridge Street, resulting in a realignment of traffic flows; relocation of taxi rank and improvements to on-street parking and service areas at Lands adjacent to 2-80 and 1-39 Railway Street, The Ni Fire & Rescue Station Railway Street, 1-7 and 2-8 Derry Road, 19 Hazelwood, 31-39 and 50 Patrick Street, 1-9 Canal Street, 1-3 Dock Street, 18 John Wesley Street, the junction of John Wesley Street and Railway Street, 1-49 and 1-12 Abercorn Square, 1-23 and 2-30 Castle Street, 1-5 and 8 Castle Place, 1-23 Market Street, 8-36 and 43 Main Street, 1-3 and 2-4 Bridge Street,

21-31 Butchers Street, 2 Church Street, Strabane Town Centre, Strabane.

The Senior Planning Officer presented the above application, details of which were 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 approval be granted subject to conditions as outlined within the report.

In response to concerns expressed by Councillor Gallagher about the safety of the materials to be used in the resurfacing of footways, the Senior Planning Officer advised that considerable discussion had taken place regarding this and she understood that the pavement had been power-washed which would enhance the grip. However, she undertook to relay the Member' comments. She concluded that the final materials had yet to be agreed in terms of sourcing and providing continuity.

In response to a request from Councillor Gallagher, the Senior Planning Officer undertook to relay the above comments to the relevant Council Officer.

Councillor Logue moved, seconded by Councillor Gallagher to support the approval of the application subject to conditions as outlined in the report

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

The Committee

Resolved that planning application LA11/2018/0015/F be approved planning permission for reasons as outlined within the report

P84/19 Appointment of Members to LDP Steering Group

The Head of Planning Performance and Improvement informed Members that as Council had not completed the nomination process to internal groups and external bodies, a meeting of the LDP Steering Group could not be confirmed. He informed the meeting that as soon as nominations had been finalised a meeting of the Steering Group will be scheduled. He added that this meeting would not now take place until September 2019.

P85/19 Proposed Listing of Bridge at Gorticrum Road, Glenmornan, Artigarvan, Strabane

The Senior Planning Officer presented the above report, details of which had been previously circulated to Members. The purpose of the report was to advise Members that Council had been consulted in relation to the proposed listing of a bridge on the Gorticrum Road, Artigarvan, Strabane by DfC Historic Environment Division (HED). The consultation was received on 11 June 2019. The listing is being considered under Section 80(1) of the Planning Act (NI) 2011.

The Committee

Recommended that Planning Officers respond to DfC and HED supporting the proposed listing of the bridge as set out in Appendix 26 of the report.

Open for Information

P86/19 Appeals 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 appraise Members on planning appeals currently in the system. A background table was enclosed in Appendix 27 showing the current status of any live appeals and any decisions made since the last Meeting.

Members noted the content of the above report.

P87/19 Enforcement Update 2018/19

The Senior 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 2018-2019.

Members noted the content of the above report.

P88/19 List of Decisions Issued - June 2019

Members noted for information the List of Decisions issued during the month of June 2019.

The meeting went into confidential business.