

Derry City and Strabane District Council

Open Minutes of the Planning Committee Meeting held remotely on Monday 12 April 2021 at 2.00pm.

Present:- Councillor Jackson (Chair); Aldermen Bresland, Kerrigan, McClintock; Councillors J Barr, J Boyle, Dobbins, Gallagher, Harkin, Kelly, McGuire, McKinney, Mellon and Mooney.

In Attendance: - Head of Planning (Ms M Fox), Head of Planning Performance and Improvement (Mr E Molloy), Lead Legal Services Officer (Mr P Kingston), Principal Planning Officers (Mrs S McCracken, Mrs A McNee, Mr P McCaughey), Senior Planning Officers (Ms S Barrett, Mrs R McMenamin, Mr C Rodgers and Mr M McCarron), Business Services Officer (Mrs L McKean), Committee Services Assistant (Mrs J Short).

P80/21 Notice and Summons of Meeting

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

P81/21 Member Attendance and Apologies

The Head of Planning took the roll call and full attendance was noted.

P82/21 Statement for Remote Meeting

The Chair read the Statement for Remote Meetings.

P83/21 Declarations of Member's Interests

There were no declarations of interest from Members.

Open for Decision

Chairperson's Business

P84/21 Acknowledgement of the death of HRH, Prince Philip, Duke of Edinburgh

The Chair stated that he had received a request from Alderman McClintock to raise a matter under Chairperson's business and he had agreed to her request. He invited Alderman McClintock to speak.

Alderman McClintock referred to it being the first meeting of Council since the sad passing of HRH, Prince Philip, Duke of Edinburgh. She said that today a family was grieving and a nation and in a show of solidarity she requested that Members partake in a minute silence, as a mark of respect.

Councillor Gallagher stated that whilst he understood the personal loss of the family he disagreed with the reference to a nation in grieving. He stated that the Irish nation had experienced the loss of many lives in this country due to the establishment the Royals represented and in that regard he would not participate in the minutes silence.

The meeting was adjourned for a minute silence.

P85/21 Late Information Received

The Head of Planning referred to late information received in relation to the following planning applications listed for decision. A copy of the information was previously circulated to Members for information:

- LA11/2018/1199/F
- LA11/2019/0936/F

P86/21 Request to defer Planning Application: LA11/2018/0611/F

The Chair referred to a request received from Alderman McClintock to defer the above application for one month, due to late information received. He sought the views from Members.

Alderman McClintock explained that she had made a request to defer the above application, because she was concerned that not enough time was available to the agent to review the Planning Report due to the Easter Holiday period and in the interest of transparency, she had suggested a deferral for one month.

The Head of Planning advised that she was content that sufficient time was given to all parties to review the reports that had been uploaded onto the system as per procedures in advance of the meeting today and the Agent had been informed on 1 April 2021, that the application would be presented today.

Councillor Mellon stated that whilst she had no issues in relation to a decision to defer the above application, she would have concern regarding the issue of consistency with similar applications and associated late information received.

The Chair concurred with the previous speaker. He added that he was concerned about setting a precedent and hence his reason for seeking the views from Members.

Discussion ensued after which it was agreed that application LA11/2018/0611/F be deferred and presented at the meeting next month.

P87/21 Applications - Deferred and Withdrawn

The Head of Planning advised that application **LA11/2018/0676/F** had been deferred due to new amended plans received on the day of Committee and therefore had to be deferred in order to consider revisions, reconsult neighbours and potential statutory consultees. The application would be presented at a future meeting.

Members noted that application **LA11/2018/0713/F** had been withdrawn from the planning system by the applicant.

P88/21 Matters Arising from the Open Minutes of the Planning Committee Meeting held on Wednesday 3 March 2021

There were no matters arising from the above minutes.

P89/21 Planning Applications List with Recommendation for Decision

LA11/2018/0611/F – Proposed erection of infill 6 storey residential building containing 17 no. social housing apartments (7 no. bedroom and 10 no. two bedroom) for category 1 – elderly residents at land adjacent to the north of No. 19 Northland Road, Edenballmore, Derry.

It was agreed to defer the above application to allow the agent/applicant to consider the Planning report. The application would be re-tabled for consideration by Members at the next meeting.

LA11/2018/1199/F – The proposals include the widening of existing path infrastructure at Bay Park, along Culmore Road, Culmore Point and Ardan Road to provide the 3m wide (width may vary) Greenway and the construction of a 3m wide (width may vary as shown on the drawings) shared pedestrian and cyclist Greenway Path along Coney Road, as far as Culmore Country Park to end of scheme; the greenway is a mix of shared used (carriageway/greenway) and new greenway path construction as shown on the drawings. Proposals also include amendments to existing road kerb alignments, new road markings and signage, drainage, and soft landscaping, new path lighting, adjustments to existing road lighting and boundary treatments as shown on drawings. The greenway commences on Bay Road (north of Bay Road Business Park) and continues along the eastern boundary of Bay Park crosses under Madams Bank Road onto Culmore Road (through Boom Hall) continuing along Culmore Road from No. 47 to No. 128 before branching off onto Springfield Road for approximately 180m then turning right to run along the boundary of Thornhill College (approx. 54m west of Nos. 130 to 136 Culmore Road) and back onto Culmore Road north of No. 136. The route continues along Culmore Road into Culmore Village and turns onto Culmore Point Road. It branches onto Ardan Road terminating at Hollybush Primary School and continues along Coney Road to border crossing at Cannings Lane.

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

Members accepted speaking rights from Mr J Henderson and Mr D Gibbons who outlined the reasons to support approval of the application, after which Members were given the opportunity to comment or seek points of clarification if they so wished.

Councillor Dobbins commented that whilst she supported the recommendation to approve the application, she was concerned about the crossing point at the Magnet Bar. She sought clarity on the reason

for the location because in her opinion it was a safety hazard for pedestrians and cyclists to use. She suggested that the cycle path be extended to the existing crossing point that operated a traffic light system.

Mr Gibbons clarified for Councillor Dobbins that to extend the cycle path to the existing crossing point would have resulted in the removal of the layby which provided parking for dwellings in the area. He advised that as part of the mitigation measure adequate visibility splays, signage and lighting would be provided to ensure all safety measures were addressed accordingly.

Mr Gibbons clarified for Councillor Harkin that in terms of safety there would be a single crossing point and speed humps provided at Culmore Road in particular.

Councillor McKinney requested that consideration be given towards the reduction of hedging at the Springfield Road location. Mr Henderson agreed to investigate the location from a safety perspective.

The Chair invited Members to seek clarification from the Planning Officer, if they so wished.

Councillor Mellon welcomed the proposal and commented that it was a major scheme for the area and was a good investment. She was content that the applicant had addressed every opportunity to mitigate any safety issues. She added that the scheme provided an opportunity to promote people's health and well-being and had to be welcomed.

Councillor Mellon proposed, seconded by Councillor Dobbins that the recommendation to approve planning permission be supported, subject to the conditions as outlined within the report.

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

The Committee

Resolved to support the recommendation to approve planning application LA11/2018/1199/F, subject to the conditions as outlined within the report.

LA11/2018/0676/F – Proposed residential development consisting of 4 no. detached dwellings and associated works at 12 Clooney Road, Caw Roundabout, Derry, BT47 6SY

Members agreed that the above application be deferred to allow Officers sufficient time to review the late information received. The application would be presented at a later date, following consideration of officers, consultation with the various statutory agencies and objectors.

LA11/2019/0936/F – Erection of wind turbine on 55m tower with 52m rotor diameter (additional information received) at lands 330m South of 29 Erganagh Road, Castlederg, Co. Tyrone.

The Principal Planning Officer presented the above application, details of which were previously circulated to Members. Following all material consideration in line with planning policy it was recommended to refuse planning permission for reasons as outlined in detail within the report.

Members accepted speaking rights from Alderman Hussey, Mr Conor Foy and Mr Andrew Allen who outlined reasons to approve the application. After which they were given the opportunity to comment or seek points of clarification if they so wished.

Mr Allen clarified for Members that the application for wind turbine was because it was more powerful in comparison to existing wind turbine. He added that in terms of shadow flicker issue there was technology available whereby the turbine would switch off and the shadow flicker would be eliminated.

The PPO clarified that in terms of the economic environmental and social benefits PPS18 does have significant weight and Officers were cognisant of renewable energy projects, however as outlined within the report the proposal was contrary to policy in terms of critical views on this area of the landscape and the scale of the wind turbine was significant.

Alderman Kerrigan expressed the opinion that he was not convinced that there was an issue with viewpoint and he highlighted that no objections had been received in relation to visual impact. He further stated that the application had received cross border and cross community support.

Councillor McGuire concurred with the previous speaker. He added that in his opinion the need outweighed the cumulative impact. Discussion ensued after which Alderman Kerrigan moved, seconded by Councillor McGuire to overturn the Officer recommendation and for approval to be granted subject to standard conditions.

The outcome of the vote was unanimous support, with the exception of Councillor Gallagher who abstained from the vote.

The Committee

Resolved to overturn the Planning Officer's recommendation to refuse planning permission and for approval to be granted subject to standard conditions.

LA11/2018/0713/F – Erection of 6 two-bedroom apartments and 6 two bedroom dwellings with access arrangements, parking amenity space, landscaping and associated site works (12 residential units in total), Lands at 162-166 Foxhill, Derry.

Members noted that the above application was withdrawn from the planning system by the applicant.

LA11/2021/0036/F – Change of use, refurbishment, remodelling and extension of existing guard house building No .10 at Ebrington Square and minor elevational works to building No. 10A Ebrington Square to provide office accommodation incorporating meeting rooms and associated facilities at building No. 10 Ebrington Square, Ebrington, Derry.

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

Member accepted speaking rights from Mr M Crothers, Applicant who outlined reasons to support the recommendation to approve the application.

Alderman McClintock referred to the existing office accommodation available on site and stated that whilst she welcomed the proposal, she would have preferred a more imaginative usage rather than for additional office accommodation.

Councillor Mooney proposed, seconded by Alderman McClintock that the recommendation to approve planning permission be supported, subject to conditions as outlined within the report.

The Members expressed unanimous support of the proposal.

The Committee

Resolved to support the recommendation to approve planning application LA11/2021/0036/F, subject to conditions as outlined within the report.

LA11/2021/0037/LBC – Change of use, refurbishment, remodelling and extension of existing guard house building No. 10 at Ebrington Square and minor elevational works to building No. 10A Ebrington Square to provide office accommodation incorporating meeting rooms and associated facilities at building No. 10 Ebrington Square, Ebrington, Derry.

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

Councillor Mooney proposed, seconded by Alderman McClintock that the recommendation to approve planning permission be supported, subject to conditions as outlined within the report.

The Members expressed unanimous support of the proposal.

The Committee

Resolved to support the recommendation to approve planning

**application
LA11/2021/0037/LBC,
subject to conditions as
outlined within the report.**

LA11/2020/0568/F – Proposed change of use from former Officer’s mess to office accommodation along with internal alterations, addition of lift shaft and flat roof extension at building 85 & 85a Ebrington, Limavady Road, Londonderry, BT47 6HH.

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

Councillor Boyle proposed, seconded by Alderman McClintock to support the recommendation to approve the above planning application.

Members expressed unanimous support of the proposal.

The Committee

Resolved to support the recommendation to approve planning application LA11/2020/0568/F, subject to conditions as outlined within the report.

LA11/2020/0569/LBC – Proposed change of use from former officer’s mess to office accommodation along with internal alterations, addition of lift shaft and flat roof extension at Building 85 & 85a Ebrington, Limavady Road, Londonderry, BT47 6HH.

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

Councillor Boyle proposed, seconded by Alderman McClintock to support the recommendation to approve the above planning application.

Members expressed unanimous support of the proposal.

The Committee

Resolved to support the recommendation to approve planning application LA11/2020/0569/LBC subject to conditions as outlined within the report.

P90/21 Review of the Implementation of the Planning Act (NI)

The Head of Planning presented the above report details of which were previously circulated to Members. The purpose of the report was to advise Member that the Department for Infrastructure was currently undertaking a review of the implementation of the Planning Act (NI) (The Act) as required by section 228 of the Act. The Department is seeking views of interested parties, including Councils, by way of Calls for Evidence. (deadline for response 16 April 2021).

Councillor J Boyle welcomed the report. He agreed with the frustrations associated with the delay of applications being processed and hoped that the review would provide an opportunity to address the issues in-order to progress applications at a quicker pace. He expressed his support of a deadline date for the submission of late information. He however referred to the suggestion of DfI overseeing Council applications and felt that this would be of no benefit.

Alderman McClintock concurred with the previous speaker in relation to the involvement of the Department when dealing with Council applications. She stated that the preference would be for decisions to be made locally and suggested that only under exceptional circumstances should a decision be made by the Department. She further welcomed the suggestion of a deadline for the submission of late items, as referred to within the draft response.

The Head of Planning advised Members that the suggestion of the Department's intervention with Council applications would only be required on occasions when Council would have a full interest in the

land or if a case was outside the remit of Council. She stated that it would be at the discretion of Council should such a mechanism be required. She agreed to reword the draft response accordingly.

The Head of Planning in response to Members, further agreed to raise the suggestion of a review of Permitted Development Rights for Minerals, consideration of outline applications in context of quality of submissions and in terms of a third party appeal the implementation commencement of debate and consideration of a timeline in terms of review.

The Chair highlighted the major issue throughout the region in respect to unadopted roads and private streets and requested that this be included within the response to DfI. He stated that whilst DfI had no legislative control over the issue there had to be a level of accountability from the relevant statutory agency.

Councillor J Boyle proposed, seconded by Councillor Kelly that the following recommendation as outlined within the above report be agreed.

The Committee

Recommended that Council note the Report and Appendices with draft response attached and to incorporate the additional points discussed by Members at the meeting.

Open for Information

P91/21 Planning Appeals Update

The Principal Planning Officer provided an update on the list of planning appeals currently in the system. A background table showed the status of any live appeals and any decisions made since the previous meeting.

Members noted the Planning Appeals update report for information.

P92/21 List of Decisions Issued - March 2021

Members noted for information the list of decisions issued during the month of March 2021.

The meeting went into confidential business.