

Derry City and Strabane District Council

Minutes of Meeting of the Planning Committee (Open) held in the Guildhall on Wednesday 9 May 2018 at 2.00 pm

Present: - Members of the Committee - Councillor D Kelly (Chair); Aldermen Bresland and McClintock; Councillors Hastings, Jackson, Logue, R McHugh, McGuire, Dobbins, Gardiner, and Boyle.

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

P79/18 Notice and Summons of Meeting

The PPO read the Notice and Summons for the Meeting.

P80/18 Members Attendance and Apologies

Apologies were noted for Alderman M Hamilton.

P81/18 Declarations of Member's Interests

Councillors Gardiner and McGuire declared an interest in planning application LA11/2016/0597/F.

P82/18 Deputations (none)

Chairperson's Business

P83/18 Late Information Received

The Chair referred to late information received regarding Planning Applications: LA11/2016/0854/O and LA11/2016/0947/F which had subsequently been circulated to Members prior to the start of the meeting. He advised that Members would be given the opportunity to

review the information prior to the presentation of the applications later in the meeting.

P84/18 Special Planning Meeting Request

Members noted that a Special Planning Committee Meeting would be scheduled to take place on Tuesday 29 May 2018 (time to be confirmed) in the Chamber, Derry Road, Strabane.

P85/18 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 11 April 2018

The Open Minutes of Planning Committee Meeting held on 11 April 2018 (P63/18-P75/18) were agreed and signed by the Chair of Committee.

P86/18 Matters Arising

There were no matters arising from the minutes.

P87/18 Planning Applications List with Recommendation for Decision

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

**DEFERRAL / OVERTURN / RECONSIDERED APPLICATIONS:
LA11/2017/0875/O - 1 No residential dwelling at Hilltop Farm,
Elagh, Upper Galliagh Road, Derry**

The PPO presented the above application, details of which had been previously circulated to Members. She updated Members on the background to the application and based on material consideration recommended an approval, subject to the conditions as outlined within the report.

Councillor Logue moved, seconded by Councillor Boyle to accept the recommendation to approve planning permission, subject to the conditions as outlined within the report.

The outcome of the vote; For 10, Against 0, Abstention 1. The proposal was carried.

The Committee

Resolved that planning application LA11/2017/0875/O be approved planning permission, subject to the conditions as outlined within the report.

Councillor R McHugh joined the meeting.

LA11/2016/0854/O - New dwelling and access, 154 Culmore Road, Derry,

The PPO presented the above application, details of which had been previously circulated to Members. An overview on the current position of the application was provided and based on material consideration (including late information received) it was recommended to refuse planning permission, for reasons as outlined within the report.

Mr David Young, agent on behalf of the applicant addressed the Committee Members and outlined reasons to support approval of the application. He then provided clarification on a number of queries raised by Members in relation to Transport NI and sight line requirements.

The PPO further clarified that the application was for a new dwelling with new access to Culmore Road and the existing dwelling would be retained with re-location of existing access to Culmore Road. She further advised that, as outlined, the proposal was contrary to Policy AMP 2 of Planning Policy Statement 3.

Councillor Boyle moved, seconded by Councillor Hastings to defer the application for one month, to allow for consultation with DfI Roads.

The outcome of the vote; For 6, Against 6, Abstention 0. The casting vote resulted in the proposal being carried.

The Committee

Resolved that planning application LA11/2016/0854/O be deferred for one month to allow for consultation with DfI Roads.

LA112017/0346/O - Replacement dwelling, 12 Gortnessy Road, Derry

The PPO presented the above planning application, details of which had been previously circulated to Members. She provided an update on the current position of the application and recommended an approval subject to the conditions as outlined within the report.

Alderman McClintock moved, seconded by Councillor Hastings to accept the PPO's recommendation to approve planning permission.

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

The Committee

Resolved that planning application LA11/2017/0346/O be approved planning permission, subject to the conditions as outlined within the report.

LA11/2017/0733/O - Dwelling and garage, approx. 30m West/North West of No 51 Towncastle Road, Holyhill, Strabane.

The PPO presented the above application returned to Committee following presentation at a previous meeting as Members had voted not to accept the Officer recommendation. An overview of the application was given 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 Boyle moved, seconded by Councillor McGuire to accept the recommendation to approve planning permission subject to the conditions as outlined within the report and to include compliance with CTY2a.

The outcome of the vote; For 10, Against 0, Abstention 2. The proposal was carried and the Committee:

Resolved that planning application LA11/2017/0733/O be approved planning permission subject to the conditions as outlined within the report and inclusion of compliance with CTY2a.

NEW APPLICATIONS

LA11/2016/0947/F - Proposed retention of single storey lean-to shed to the end of existing car repair workshop and proposed retention of 2 No. Flues on roof of car repair workshop used for oven for paint spray for car parts at No. 51B Beragh Hill Road, Derry.

The PO presented the above report, details of which had been previously circulated to Members. He provided an overview of the application and, having considered all relevant policy, material considerations and representations, recommended an approval subject to the conditions as outlined within the report.

Ms McGonagle addressed the Committee in objection to the application.

Mr Gill, applicant, addressed the Committee and outlined reasons to support the recommendation to approve planning permission.

Councillor Boyle commented that whilst he understood the frustrations the objector had in relation to the application, he was content that the Planning Officer had examined all objections as outlined within the report. He proposed to accept the recommendation to approve planning permission subject to the conditions as outlined within the report. Alderman McClintock seconded the proposal.

The PPO advised that a condition should be attached to the approval to restrict the paint spraying for car parts only, however Members disagreed.

The outcome of the vote; For 10, Against 0, Abstention 2. The proposal was carried.

The Committee

Resolved that planning application LA11/2016/0947/F be approved planning permission, subject to the conditions as outlined within the report.

LA11/2018/0050/F - Proposed 2 storey light industrial building (class B2)with ancillary office accommodation, boundary fence, generator store, transformer station, smoking shelter, cycle shelter, car parking, landscaping and associated works on lands 150m west of units 1-3 Elagh Business Park, Bunrana Road, Derry.

The PPO presented the above planning application, details of which had been previously circulated to Members. She updated Members 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 planning report.

The agent addressed the Committee to advise he was content to answer any questions.

Councillor Boyle moved, seconded by Councillor McCauley 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 LA11/2018/0050/F be approved planning permission subject to the conditions as outlined in the report.

Councillor Dobbins joined the meeting.

Councillors McGuire and Gardiner declared an interest in the following application and left the meeting at this stage.

LA11/2016/0597/F - Amendments to existing 250kw wind turbine to increase tower height from 31m to 44m and to increase blade

length from 14.5m to 19.5m, at 125m North of 41 Bunderg Road, Strabane.

The PPO presented the above application, details of which had been circulated to Members. She gave an overview of the application and, based on material consideration and planning policy, it was recommended to refuse planning permission for reasons as outlined within the report.

Mrs McElrea, applicant and her agent Mr McKernaghan addressed the Committee and outlined reasons to support approval of the application.

Alderman Hussey spoke in support of the application.

Councillor Boyle expressed the opinion that he would not be comfortable with making a decision on the application based on the information presented. He said that he would also question the significance a change of size of the existing turbine would have on the site.

Alderman McClintock commented that she was not convinced that the visual impact was significant and the fact that no objections had been submitted she was of the opinion to support approval of the application.

Councillor Jackson said that he would have concerns that the landscape character would be devalued because of an increase in size of the existing turbine. He also referred to the risk of setting a precedent in terms of similar applications being submitted in the future.

Discussion ensued after which Councillor Dobbins moved, seconded by Alderman McClintock not to accept the PPO's recommendation to refuse planning permission, as it was felt the application was not contrary to RE1 and para 4.1 of PPS 18.

The outcome of the vote was; For 8, Against 2, Abstention 1. The proposal was carried.

The Committee

Resolved not to accept the recommendation to refuse planning application

LA11/2016/0597/F as Members were of the opinion that it was not contrary to RE1 and para 4.1 of PPS18. The application would be reconsidered and presented at a future Committee meeting.

Councillors Gardiner and McGuire returned to the meeting.

LA11/2015/0518/F

Amendment to Wind Turbine planning approval J/2009/0340/F. Erection of a wind turbine - Change in hub type from 30M to 40M and change in rotor diameter from 26M to 54M on lands 260M South West of 76 Strabane Road, Birnaghs, Newtownstewart.

The above application was deferred to allow for a site visit to assist Members in the decision making process. The application would be presented at a future Committee meeting.

LA11/2018/0087/A

Small hoarding, fence erected eye level, 75mm above pavement. Retention of hoarding fixed to front fence at 90 Blackthorn Manor, Derry.

The PO presented the above application, details of which was 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 the application be refused for reasons as outlined within the report.

Alderman McClintock moved, seconded by Councillor Boyle to accept the Planning Officer's recommendation to refuse planning permission, for reasons as outlined within the report.

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

The Committee

Resolved that planning application LA11/2018/0087/A be refused planning permission for reasons as outlined within the report.

LA11/2017/0834/F

Erection of 48 dwellings (30 no. detached dwellings and 18 no. semi-detached) with detached garages, reduction in housing density, provision of public open space, cycle paths and footpaths, amalgamation of site boundaries and relocation of access points at approved house plots - 35-55, 57-69 and 164-199 of implemented permission - DOE ref no. A/2004/0897/F on lands immediately east and south of Lisneal College and to the east (rear) of Next and Boots, Crescent Link, Derry.

The PPO presented the above application, details of which was previously circulated to Members. She gave 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 conditions as outlined within the report.

Councillor Hastings moved, seconded by Councillor Jackson to support the recommendation to approve planning permission, subject to the conditions as outlined within the report.

Councillor Gardiner, although having welcomed the application, she would however prefer to see more inclusive housing included in development design.

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

The Committee

Resolved that planning application LA11/2017/0834/F be approved planning permission subject to the conditions as outlined within the report.

P88/18 Notice of Opinion to Approve Planning Permission

The PPO presented the above report, a copy of which was previously circulated to Members. The purpose of the report was to advise Members on the receipt of four Notices of Opinion issued from

Department for Infrastructure's Strategic Planning Team (DfI) under Section 26(11) of the Planning Act (NI) 2011:

A/2009/0759/F – Location: Woodside Road Landfill Site, 48 Woodside Road, Newbuildings, Londonderry. Proposal: Closure works and reprofiling of former landfill site using inert materials to comply with Landfill Regulations (NI) 2003.

A/2011/0219/F – Location: Lands adjacent to 41 Lower Ballyartan Road, Lettermuck, Claudy, Londonderry. Proposal: Proposed installation of an Archimedes screw hydro-electric turbine including fish pass, modifications to existing intake, alterations to existing mill race and construction of new turbine house.

A/2012/0553/F – Location: Lands adjacent to 41 Lower Ballyartan Road, Lettermuck, Claudy, Londonderry. Proposal: Proposed installation of a fish pass to existing weir. Application associated with current planning application – A/2011/0219/F – proposed Archimedes screw hydro-electric turbine.

J/2007/0667/F – Location: Golandun Dolan, Killeter, Castlederg. Proposal: Wind Farm consisting of 4 wind turbines each with a maximum overall base to blade tip height of 125 metres. Ancillary developments include turbine transformers located internally or externally; turbine hardstands, widening and strengthening of an existing site entrance; an electrical control building with communications antennae; construction of new and amended access tracks and junctions; underground electrical cables and communications lines connecting wind turbines to the control building; on site drainage works; temporary site compound; installation of an 80 high permanent met mast and all ancillary and associated works. Councillor Logue referred to the delay in response time by the Department as some of the applications were dated as far back as 2007. She proposed that Council write to the Department to express Members' concern over the length of delay in the system. Councillor McGuire proposed that Council accept the Notices of Opinion and do not wish to seek a hearing. Councillor Dobbins seconded the proposal.

The Committee

Recommended **that Council does not wish to request to appear before and be heard by the Planning Appeal Commission or person appointed by the Department. Planning**

Officials will write to DfI in response to the Notice of Opinion to approve the development at Woodside Road, Newbuildings; Notice of Opinion to refuse the developments at Ballyartan Road, Claudy; Notice of Opinion to approve the development at Golandun Dolan, Killeter, Castleberg, to advise that Council does not wish to appear before and be heard by the Planning Appeals Commission and also express Members' concern in relation to the delay in the system.

P89/18 Appeals Update

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

The Committee

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

P90/18 Consultation on Draft Marine Plan for Northern Ireland

The above report was presented, details of which had been previously circulated to Members. The purpose of the report was to inform Members of the publication (18th April 2018) and consultation of the draft Marine Plan for Northern Ireland (and relevant supporting documents). The draft Marine Plan has been published by the Department of Agriculture, Environment and Rural Affairs (DAERA). The consultation period runs from 18th April to 15th June 2018.

The Committee

Recommended that Council notes the contents the report and provide any comments to Planning Officers to allow them to formally respond during the Marine Plan for Northern Ireland

consultation. Any comments to be submitted to the Head of Planning by 30th May 2018.

P91/18 Enforcement Quarterly Report

The above report was presented, 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 in the 2017-2018 business year and the forthcoming workshop on the Enforcement process and procedures.

P92/18 List of Decisions Issued - April 2018

The List of Decisions issued during the month of April 2018 were circulated to Members for information.

The Meeting ended at 6.30pm