

Derry City and Strabane District Council

Open Minutes of Planning Committee held in the Chamber, Guildhall, Derry on Wednesday 18 May 2016 at 4.00pm.

Present:- Councillor McGuire (Chairperson): Aldermen Bresland, Hamilton, Kerrigan and McClintock; Councillors Boyle, Hassan, Hastings, Jackson, D Kelly, Logue, R McHugh and Tierney.

In Attendance:- Environment and Regeneration Director (Mrs K Phillips), Head of Planning (Ms M Fox), Lead Legal Services Officer (Mr P Kingston), Principal Planning Officer (Acting) (Mrs A McNee), Senior Planning Officer for Local Development Plan (Mr J McNee), Senior Planning Enforcement Officer (Mr C Rodgers) Planning Officers: (Ms S Barrett, Mr P McCahill, Ms K Hope, Mr M McCarron), Planning Committee Administrator (Mrs C Corry) and Committee Services Assistant (Mrs J Short).

P/70/16 Notice and Summons of Meeting

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

P/71/16 Apologies

Apologies for absence were received from Councillor Reilly due to attendance at other Council business and from Mr P McCaughey, Principal Planning Officer.

P/72/16 Declarations of Members' Interest

Alderman McClintock and Councillor's Logue and Boyle declared an interest in Agenda Item No. 8: Application LA11/2015/0692/LBC and LA11/2015/0693/F.

Councillor D Kelly declared an interest in Agenda Item No. 8: Application J/2014/0213/F.

Councillor McGuire declared an interest in Agenda Item No. 10: Response to Planning Appeals Commission on Altgolán Windfarm Appeal.

Open for Decision**P/73/16 Deputations (none)**

There were no deputations on this occasion.

P/74/16 Chairperson's Business**Message of Appreciation from the Chairperson**

Councillor McGuire referred to it being the final Meeting for him as Chairperson before the appointment of a new Chair following the Annual General Meeting of Council to be held next month. He thanked the Vice-Chair of Committee, Committee Members, Senior Officials, the Planning Section and Committee Section for their support and hard work throughout the year. He added that although tough decisions had to be made, it was a productive year and good progress was achieved for the New Council. He also wished the incoming Chairperson well in the new term.

A Member of the DUP grouping thanked the Chairperson for the fair and impartial way that business was conducted. She also thanked the Head of Planning and other Officials for their involvement in what had been a steep learning curve for everyone since the transfer of planning functions to the new Council. These remarks were echoed by a Member of the SDLP grouping.

A Member of the SF grouping also paid tribute to the Chairperson and commented that he had played the game fair and discussions were conducted in a professional manner.

The Head of Planning referred to the number of planning applications dealt with to date by the Committee and highlighted that there were 792 decisions; 114 were made by the Committee Members which resulted in approximately 85% delegated and 15% by Planning Officials. She added that it was evident that good progress was being achieved by everyone involved in the Planning process. She reiterated that although it was a steep learning curve, she was hopeful that the Committee Members and Planning Officials would continue to develop quality decisions to improve upon positive outcomes for the Derry City and Strabane District Council area.

P/75/16 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 6 April 2016.

The Open Minutes of the Meeting held on 6 April 2016 (P51/16-P66/16) were confirmed and signed by the Chairman.

P/76/16 Matters Arising

There were no matters arising from the Minutes of the Planning Committee held on Wednesday 6 April 2016.

P/77/16 Enforcement Yearly Review

The Senior Planning Officer presented the above report for information, details of which were 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 2015-2016.

A Member of the SF grouping welcomed the report and commented that it was encouraging to note that 70% of the cases had been completed within the timescale. However she expressed concern that there was an element of manipulation within the system, which would have a detrimental effect on outcomes.

Another Member of the SF grouping queried the accessibility of historical files since the transfer of Planning Functions to Council.

The Head of Planning reminded Members that since the transfer of Planning Functions to Council, files that were inherited by Council were difficult to access from the various locations and this proved a challenging and time consuming task for the Planning Officers. However, she assured Members that all cases would be dealt with professionally and on their own merits and the Committee informed accordingly.

The Committee

Recommended that Council notes the contents of the report therein.

P/78/16 Planning Application List with Recommendation for Decision**A/2007/0672/F – Proposed 3, 4 and 5 storey residential development comprising 53 apartments at 4 Foyle Road, Londonderry:**

The Planning Officer referred to the above application, details of which were previously circulated to Members. She advised Members that the agent had highlighted that there was a difference of opinion in relation to the correct address of the property; the Post Office confirmed 4 Foyle Road but residents believed the address to be 4 Letterkenny Road. She sought the opinion from Members as to whether they were content to proceed with the location of the application as 4 Foyle Road.

A Member of the SDLP grouping queried what the implication would be if Members agreed to approve the application and the address should have been 4 Letterkenny Road.

The Head of Planning suggested to Members that if they required further reassurance, the decision can be made today and the application re-advertised with the new address and if no further objections were received the application would be brought back to Committee.

The Lead Legal Services Officer advised that neighbourhood notification was key and Council had identified the confusion at this stage and the location map clearly identified the proposed development and therefore he would be content to proceed as suggested by the Head of Planning.

The Planning Officer proceeded to present the application to Members and outlined the background to the proposal and based on her professional opinion recommended that the application be approved for planning permission.

A Member of the SF grouping expressed a difference in opinion regarding the interpretation of the proposal which would not ease the demand for social housing as it was for the provision of private accommodation. She further disagreed that anti-social behaviour would be reduced due to the design of the apartment blocks because such behaviour was community based and would not always be dealt with by the PSNI.

The same Member further believed that the proposal would have a detrimental impact on the residents, in particular the elderly and those with disabilities who had no access to transport to the city centre and therefore the existing farm shop was a much needed local amenity.

The Head of Planning advised Members that in terms of the Planning role there was no differentiation on the professional opinion if a proposal was for social housing or for private housing. She further advised that anti-social behaviour was not a planning matter and confirmed that a full Neighbourhood Notification exercise had occurred.

A Member of the DUP grouping welcomed the application which may provide accommodation for social housing in the future and the design complimented the existing accommodation within the neighbourhood.

Alderman Bresland moved, seconded by Alderman McClintock that the above planning application be approved. The outcome of the vote was as follows; For 10, Against 0, Abstention 1. The proposal was carried.

The Committee

Resolved that Planning Application A/2007/0672/F be approved.

Councillor Logue left the meeting at this point due to other Council business.

A/2014/0553/F – Two storey custody suite with vehicle dock and associated parking with existing site at 51a Richill Park, Londonderry

The Planning Officer presented the above application, details of which were previously circulated to Members. He provided Members with an overview of the background to the application and based on his professional opinion recommended that the application be approved.

Members expressed their concern in relation to the location of the safety barrier which in their opinion was unsightly and requested that the application be deferred until a further review was carried out.

Councillor Boyle joined the Meeting at this stage.

The Committee

Resolved that the Officer recommendation to grant planning permission for application A/2014/0553/F not be accepted on the grounds that the location/design of the safety barrier is reviewed and the application be further presented to Committee at a later stage.

Alderman McClintock and Councillor Boyle left the meeting at this stage.

LA11/2015/0692/LBC – Commercial Buildings: Demolition of rear block house to rear of 7-15 Foyle Street and refurbishment of building to Boutique Hotel. 17 Foyle Street: Extension to rear of 17 Foyle Street including replacement of flat roof with slated pitched roof, removal of metal fire escape stairs. 1-4 Shipquay Place: Refurbishment of existing listed buildings. Nos 1-4 Shipquay Place and Nos. 7-17 Foyle Street, Derry City.

LA11/2015/0693/F – Refurbishment and extension to Nos. 1-4 Shipquay Place and Nos 7-17 Foyle Street for a proposed 24 bed Boutique Hotel with bar/restaurant facilities . Nos 1-4 Shipquay Place and Nos 7-17 Foyle Street, Derry City.

The Planning Officer presented the above applications, details of which were previously circulated to Members. She outlined the background to each application and included that an extra condition was imposed from Transport NI and apologised that this was not included within the report. She recommended that based on her professional opinion that both applications be approved.

The Committee

Resolved that planning applications LA11/2015/0692/LBC & LA11/2015/0693/F be approved.

Alderman McClintock and Councillor Boyle returned to the Meeting.

Councillor Tierney left the meeting at this stage and would not be returning.

Councillor D Kelly declared an interest with the following application and requested his rights be evoked to address the Committee following the presentation by the Planning Officer. He left the Meeting at this stage.

J/2014/0213/F – Proposed installation of 1 no wind turbine on a tubular tower of up to 50m (to hub height) with blades up to 77m (to tip height) at lands 483 m South West of 31 Ballyskeagh Road, Ballyskeagh, Artigarvan, Co Tyrone.

The Planning Officer presented the above proposal details of which were previously circulated to Members. He outlined the background to the application and based on his professional opinion recommended that the application be approved planning permission.

Councillor D Kelly joined the Meeting and using his speaking rights, proceeded to present his concerns in opposition to the recommendation to approve the above application, due to the visual impact of the wind turbine.

Councillor D Kelly left the Meeting at this point.

The Planning Officer in response to a query advised that in terms of the visual impact in comparison to neighbouring wind turbines on the site location, each case is investigated on its own merit although he appreciated that there was a differential in size of wind turbines located throughout other local Council areas. He added that based on his professional opinion he believed that the critical viewpoints and natural beauty were protected.

A Member of the DUP proposed acceptance of the recommendation to approve the application.

Councillor's R McHugh and Boyle abstained from voting on the proposal as they did not attend the site meeting.

Councillor Jackson moved, seconded by Councillor McGuire that planning permission be refused on the grounds of visual impact. The outcome of the vote was as follows: For 4, Against 4, Abstentions 2. Casting vote from the Chair determined that the proposal was carried.

The Committee

Resolved **the Officer recommendation to grant Planning Application No. J/2014/0213/F not accepted based primarily on visual impact.**

Councillor D Kelly joined the meeting again.

P/79/16 List of Appeals with Recommendation for PAC

The Principal Planning Officer (Acting) presented the above report details of which were previously circulated to Members. The purpose of the report was to appraise Members on planning appeals currently in the system following the transfer of planning to Council on 1 April 2015.

The Principal Planning Officer (Acting) advised that 3 new appeals had been received by Council since the previous update was issued to Committee on the 6 April 2016.

Councillor Hastings moved, seconded by Councillor R McHugh and the Committee

Resolved **that Council notes the contents of the report.**

P/80/16 Response to PAC regarding Planning Appeal for Altgolan Wind Farm

The Chairperson declared an interest with the above item and left the Meeting. The Deputy Chairperson took over the position of Chair of the Meeting.

The Principal Planning Officer (Acting) presented the above report a copy of which was previously circulated to Members. The purpose of the report was to advise Members of the receipt of a letter from the Planning Appeals Commission (PAC) to Derry City and Strabane District Council dated 21 April 2016 which stated that PAC's decision on this appeal dated 21 December 2015 was quashed in the High Court on 13 April 2016, following an application for judicial review.

The Commission has informed Council that it now proposes to consider the appeal afresh and will conduct a new hearing. It is recommended that Council would adopt the DOE position to refuse and would proposed to make a further submission in relation to this matter.

She further referred to the background and key issues to the subject matter and on this basis recommended that Members note the content of the report and Council responds to the PAC to confirm that Officers have been authorised to defend the DOE position at appeal and that Council proposes to submit a statement to the PAC in relation to the matter.

The Head of Planning further clarified that detail on the actual decision by PAC was not available to Officers prior to meeting the response deadline. She added that at this stage we are recommending that Council confirms agreement to participate, however we hope to be in a better position to furnish the Committee with more information at a later date to assist with the contents of the submission to PAC.

The Committee

Resolved that Council notes the content of the report and Council responds to the PAC to confirm that Officers have been authorised to engage with the appeal process and that Council proposes to submit a statement to the PAC in relation to the matter, advising Committee in advance of any detailed submission.

Councillor McGuire returned to the Meeting and resumed the position of Chairperson.

P/81/16 Response to DOE Historic Environment Division on Ecclesiastical Exemption – Public Consultation

The Senior Planning Officer presented the above report, details of which were previously circulated to Members. The purpose of the report was to advise Members that the Department of Environment (DOE), Historic Environment Division, (HED) published a Consultation Document on Ecclesiastical Exemption from the requirement for Listed Building Consent and is seeking views on its content.

The Committee

Recommended **that Council notes the contents of the report and agrees to support the proposal to remove Ecclesiastical Exemption.**

Open for Information

P/82/16 Submission by SSE Renewable Developments UK Ltd in relation to Doraville Windfarm

The Principal Planning Officer (Acting) presented the above report, details of which were previously circulated to Members. The purpose of the report was to advise Members of the receipt of a letter from SSE Renewables Developments UK dated 13 April 2016 in relation to Planning Application LA10/2015/0292/F for the proposed Doraville Wind Farm to the West of Draperstown, Co. Derry/Londonderry.

The Committee

Recommended **that Council notes the contents of the report.**

P/83/16 DOE Calls for Evidence in regard to SPPS Development in the Countryside, SPPS Renewable Energy and Minerals Permitted Development

The Senior Planning Officer presented the above report details of which were previously circulated to Members. The purpose of the report was to advise Members of a response to three Calls for Evidence, further to the papers presented at the previous months Committee and subsequent Councillor Workshop held on 9th May 2016.

The Committee

Recommended **that Council notes the contents of the report.**

P/84/16 Further update correspondence with DOE regarding Prehen Revocation

The Lead Legal Services Officer presented the above report, details of which were previously circulated to Members. The purpose of the report was to update Members on further correspondence received from Minister Durkan on the Prehen Revocation matter and to seek approval on the draft response regarding the latest correspondence received, as issues which clarification was sought on remained unanswered.

A member of the SF grouping expressed disappointment that the Minister avoided the question asked from Council which showed a lack of respect to the ratepayers of the District.

A member of the SDLP grouping said that his interpretation of the response was that Council takes responsibility of the matter in question.

The Lead Legal Services Officer in response to previous remarks advised that as this was a significant issue it was imperative that further clarification be sought at this stage.

The Committee

Recommended that Council notes the report and approves the submission of the draft response to the Minister.

P/85/16 List of Decisions Issued (April 2016)

The above report was presented to Members for information, details of which were previously circulated.

The Committee

Recommended that Council notes the lists of Decisions Issued from 31 March to 30 April 2016.

The Meeting went into Confidential Business.

The Meeting ended at 6.10pm.