

Derry City and Strabane District Council

Open Minutes of Planning Committee held in the Council Chamber, Guildhall, Derry on Wednesday 5 October 2016 at 4.00pm.

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

In Attendance:- Director of Environment and Regeneration (Mrs K Philips), Head of Planning (Ms M Fox), Principal Planning Officer (Acting) (Mrs A McNee) Principal Planning Officer (Mrs S McCracken), Lead Legal Services Officer (Mr P Kingston), Planning Officers: (Mr J Duffy, Ms L Coyle, Ms R McMenamin, Mr M McCarron and Mr C Rodgers) Planning Administrator (Mrs C Corry), Committee Services Assistant (Mrs J Short).

Non-Committee Member: Alderman M Devenney.

P128/16 Notice and Summons for Meeting

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

P129/16 Apologies

There were no apologies received.

P130/16 Declarations of Members' Interests

There were no declarations of interest.

Open for Decision

P131/16 Deputations

There were no deputations.

P132/16 Chairperson's Business

The Chairperson had no business to discuss.

P133/16 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 7 September 2016

The Open Minutes of the Planning Committee held on 7 September 2016 (P114/16-P127/16) were agreed and signed by the Chairperson.

P134/16 Matters Arising

There were no matters arising from the Open Minutes of the Planning Committee held on 7 September 2016.

P135/16 Planning Application List with Recommendation for Decision:

LA11/2016/0603/F

Development to remodel 86nr existing shared living accommodation units into 94nr self-contained dwellings. New road surfaces, parking layouts and hard and soft landscaping. Rockmills, 126 Strand Road, Derry BT48 7BP

LA11/2016/0263/LBC

Minimum intervention internal alterations to existing general needs social housing, with external window sill repairs. Window replacement and roof covering maintenance. New conservation approved cassette vent tiles to roof. Rockmills, 126 Strand Road, Derry BT48 7BP

The Planning Officer presented the above applications details of which had been previously circulated to Members. He provided an overview on the background to the applications and based on his professional opinion recommended that both applications be approved subject to the conditions as outlined within the report.

The Committee

Resolved that planning applications LA11/2016/0603/F and LA11/2016/0263/LBC be approved.

A/2014/0355/F**Erection of 12 Cat 1 Elderly Apartments, Landscaping, Car Parking and associated site works (amended description) 26 Beechwood Avenue, Londonderry**

The Chairperson referred to the above planning application and advised that he had received a request from a Member of the SDLP grouping for a site meeting.

The Committee

Resolved that a decision regarding planning application A/2014/0355/F be deferred to allow for a site meeting after which the application would be presented at a future Committee meeting.

J/2013/0318/F

The proposed development includes a site entrance and temporary works for a haul route for the transport of turbine components on roads in Northern Ireland for a proposed 4-turbine wind farm at Crilly Townland, Pettigo, Co. Donegal. Works include a site entrance off Seegronan Road; passing bays and proposed temporary road widening and improvement works within the public verge, and temporary works at the junction of Seegronan Road and Crilly's Hill Road; and use of 12 no. existing passing bays from Killeter Village to the junction of Learmore/Castlegore Road and Ganvaghan Road. Planning permission is sought on a temporary basis for a period of 10 years. Townlands of Castlegore, Learmore, Ganvaghan Semple, Ganvaghan Kyle, Lislaird, Creeduff, Woodside, Magheranageeragh, Speerholme, Meenamullan, Seegronan, Crilly's Hill and Killeter Townlands, Castlederg, Co Tyrone.

The Planning Officer presented the above planning application details of which had been previously circulated to Members. She provided an overview of the background to the legacy application and based on her professional opinion recommended that the application be approved subject to the conditions as outlined within the report.

Members of the SF grouping expressed their concern in relation to the lack of consultation with the community by Board Pleanala/applicants and Council in relation to the application.

The Head of Planning in response to concerns raised by the previous speakers advised that from the information provided within the report there was evidence that An Bord Pleanala had consulted with the Strategic Planning Division, the former Strabane District Council and other relevant stakeholders.

Discussion ensued after which a Member of the SF grouping moved, seconded by another Member of the SF grouping that planning permission would not be granted on the grounds of inadequate community consultation and detrimental impact on residential amenity.

Vote: For 6, Against 4, Abstention 3. The proposal was carried.

The Committee

Resolved that planning application J/2013/0318/F would not be approved planning permission.

J/2013/0274/F

Retention of the change of use for an existing farm building to a workshop for the repair and maintenance of farm machinery and farm vehicles at 40 Cavandarragh Road, Castlederg

The Planning Officer presented that above application details of which had been previously circulated to Members. She gave an overview of the background to the application and based on her professional opinion recommended that the application be approved subject to the conditions as outlined within the report.

The Committee

Resolved that planning application J/2013/0274/F be approved planning permission.

LA11/2015/0464/F

Proposed 3no grand-parent breeder poultry sheds with 8no feed bins, 2no gas tanks and a standby generator building. (To contain 17600 egg laying hens and 1760 roosters) at Land approx 300m South West of 5 Gortmonly Road, Coolmaghery, Bready, Strabane

The 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 his professional opinion recommended that the application be approved subject to the conditions as outlined within the report.

The Chairperson invited Mr McGill, Agent to address the Committee in support of the application.

Mr McGill thanked the Committee for granting him speaking rights. He proceeded to outline the reasons for supporting the application which included an alternative means of revenue for the applicant, the creation of employment both at construction and operational stage. He concluded by requesting the Committee to give due consideration for the approval of the application.

The Committee

**Resolved that planning application
LA11/2015/0464/F be approved.**

LA11/2016/0221/F

Proposed change of use of tea room / restaurant to dwelling and change of use of caravan park service building / office to dwelling at 5-7 Millbrook Road, Newtownstewart

The Planning Officer presented the above application details of which had been previously circulated to Members. She briefed Members on the background to the application and based on her professional opinion recommended that the application be approved subject to the conditions as outlined within the report.

The Committee

**Resolved that planning application
LA11/2016/0221/F be approved.**

A/2014/0613/F**Proposed new 4G pitch, youth changing room and re-modelling of existing east stand at Institute Football Club, Riverside Stadium, YMCA Grounds, 51 Glenshane Road, Drumahoe**

The Planning Officer presented the above application details of which had been previously circulated to Members. He gave an overview of the background to the application and having considered all material consideration recommended that the application be approved.

The Chairperson invited Mr Blackwood, who had requested speaking rights in objection to the application process.

Mr Blackwood explained that he was representing River Faughan Anglers Group and explained that they were not objecting to the recommendation but to express opposition to the timing of the EIA Determination. He alluded to the fact that under Regulation (10) the Council had determined that the planning application would not require an EI Statement despite the fact that the public were not given adequate time to review the documentation in advance of the meeting today.

The Lead Legal Services Officer advised that Council were made aware previously of the practical difficulty surrounding the EIA screening being completed within a four week period and it was agreed that legal advice be sought from Senior Counsel. He further advised that Senior Counsel had advised that the objective of the EIAR is to provide the rules that ensure that EIA development is made subject to EIA in advance of the grant of planning permission. The screening procedure is essential to achieving that objective.

He further advised that the Council must make a determination; and the legal effectiveness of that determination, once made, will not be undermined simply by virtue of having been made outside the statutory 4 week period. He further advised that all relevant documentation was available to review.

Discussion ensued after which the Committee

Resolved that application A/2014/0613/F be approved.

P136/16 List of Appeals with Recommendation for PAC

The Principal Planning Officer (Acting) presented the above report which was 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 functions to Council.

Members were advised that no new appeals had been received by Council since the update was issued to the Committee the previous month.

A Member of the SF grouping referred to the planning applications that had been dismissed and queried the retention of same within the Planning Appeals Schedule.

The Head of Planning clarified that the appeals dismissed were retained within the schedule for Members and Officials information and ease of reference.

The same Member of the SF grouping further referred to planning application J/2011/0272/F and sought clarification for inclusion within the schedule. He alluded to a recent discussion with PAC Officials at the LDP Workshop in relation to legacy applications, when it was agreed to disown the application and therefore he was of the opinion that it should not be defended.

The Head of Planning further advised that it would be necessary to bring a report in relation to the aforementioned application for further consideration by Committee at a future meeting.

Councillor Dobbins left the meeting.

The Lead Legal Services Officer advised that in protection of Councils interest and to ensure no criticism of the approach he supported the suggestion by the Head of Planning to present a paper in relation to application J/2011/0272/F so to provide Members with the opportunity to defend their opinion.

A Member of the SDLP grouping agreed that more clarity on the application was required before forming a decision on the proposal.

A Member of the SF grouping moved seconded by another Member of the same party that Council would not defend the DOE decision to refuse application J/2011/0272/F.

The outcome of the Vote was for: 6, against 6. Casting vote resulted:

A Member of the SF grouping moved, seconded by a Member of the SDLP grouping that an update report in relation to Planning Application J/2011/0272/F would be tabled at the next Committee Meeting.

The Committee unanimously agreed the following:

Recommended that application J/2011/0272/F listed within the Planning Appeals Schedule would be tabled for further discussion at the next Committee meeting.

The Head of Planning left the meeting at this stage.

The Lead Legal Services Officer referred to Planning Application A/2011/0453/F and clarified that following the circulation of the paper the PAC had issued a Determination and granted planning permission subject to a condition that the applicant would enter into a landscape management with Council. He further advised that a meeting with the applicant and statutory agencies was scheduled to take place on 17 October 2016.

P137/16 Proposed Change to Starting Time of Committee

The Director of Environment and Regeneration presented the above report previously circulated to Members. The purpose of the report was to seek Members consideration to the changing of the start time of the monthly Planning Committee Meeting from 4.00pm to 3.00pm.

The Committee

Recommended that Council agrees to the change of the start time of the monthly Planning Committee from 4.00pm to 3.00pm with effect from

November 2016. This will be for a trial period of 6 months after which a review report is tabled for consideration by the Committee.

Open for Information

P138/16 Unadopted Roads/Private Streets Update

The Director of Environment and Regeneration presented the above report previously circulated to Members. The purpose of the report was to update Members on a report brought before the Environment and Regeneration Committee in September 2016 to establish a Members Working Group in relation to unadopted Roads/Private Streets.

The Committee

Recommended that Council notes for information the above report.

P139/16 List of Decisions Issued (September 2016)

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

The Committee

Recommended that Council notes for information the list of decisions issued during the month of September 2016.

A Member of the SF grouping referred to future planning applications associated with the Ebrington Site and requested that such applications be considered under the delegated scheme. The Principal Planning Officer (Acting) advised that in going forward the Planning Officials can identify the relevant applications and refer them to the Head of Planning and Planning Chair for consideration to refer to Planning Committee.

P140/16 Any other Business

Protocol of Scheme of Delegation

The Principal Planning Officer (Acting) clarified for a Member of the SF grouping that a report regarding the Protocol of Scheme of Delegation would be presented at the next Planning Committee Meeting.

Update on the Backlog of Planning Applications

The Director of Environment and Regeneration in response to a query from a Member of the SF grouping, clarified that within the Directorate Service Plan a target was set to half the number of legacy applications by the end of August 2016 and the target was achieved. She agreed to provide an update report on the remainder of legacy applications to include those applications withdrawn from the process.

Planning Application No. A/2015/0187/F – 54 Dwellings Adjacent to Sherrif’s Glen, Springtown Road, Derry

The Lead Legal Services Officer in response to a query from a Member of the SF grouping advised that an update report on the progress of the above application would be tabled at a future Committee Meeting.

Aldermen M Hamilton and Bresland and Councillor’s Jackson and Hassan left the meeting at this stage.

The Meeting went into confidential business.

The Meeting ended at 6.30pm.

Signed: _____

Chairperson

Date: _____

