

**Derry City and Strabane District Council**

**Open Minutes of Planning Committee Meeting held in the Council Chamber, Guildhall, Derry on Wednesday 8 November 2017 at 2.00pm.**

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

**In Attendance:- Director of Environment & Regeneration (Mrs K Phillips), Lead Legal Services Officer (Mr P Kingston), Development Officer (Mr E Molloy), Principal Planning Officers: (Mrs S McCracken, Mrs A McNee and Mr P McCaughey), Planning Officers: (Mrs R McMenamin, Mr K Donaghey, Ms S Barrett and Mr C Rodgers)**

**Planning Administrator (Mrs C Corry), Committee Services Assistant (Mrs J Short)**

**Non Committee Members: Aldermen Devenney and Hussey.**

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**P153/17      Notice and Summons for Meeting**

The Principal Planning Officer read the Notice and Summons for the Meeting.

**P154/17      Member Attendance and Apologies**

The Principal Planning Officer completed the roll call for Member attendance and recorded apologies from the Head of Planning (Mrs M Fox).

**P155/17      Declaration of Members' Interests**

Councillor D Kelly declared an interest in planning application J/2010/0481/F.

Councillor Jackson declared an interest in planning application LA11/2016/1066/F.

Councillor Boyle declared an interest in planning application LA11/2017/0781/F.

### **Open for Decision**

#### **P156/17 Chairperson's Business**

##### **Late Information Received**

The Chair advised that late information was received in relation to planning applications: J/2010/0481/F, LA11/2016/0781/F LA11/2017/0539/F and Members would be given the opportunity to consider the information prior to the presentation of the applications later in the meeting.

##### **Thornhill Planning Application Update**

Councillor Hassan requested that the update report on Thornhill Planning Application be taken out of confidential business and presented under open business for information. This was agreed.

#### **P157/17 Deputations (none)**

There were no deputations.

#### **P158/17 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 4<sup>th</sup> October 2017**

The Open Minutes of the Planning Committee meeting held on 4 October 2017 (P137/17-P148/17) were agreed and signed by the Chairperson.

#### **P159/17 Matters Arising**

There were no matters arising.

#### **P160/17 Planning Application List with Recommendation for Decision**

The Planning Officers proceeded to present the following planning applications with recommendation for decision by Members:

### **Applications Returned Following Site Inspection**

#### **LA11/2016/0700/F – Retrospective permission for garage and workshop to be used for purposes ancillary to enjoyment of householder on lands 100 metres north east of 120 Melmount Road, Sion Mills**

The Planning Officer (PO) presented the above application details of which had been previously circulated to Members. The PO provided information on the background to the application and based on material consideration recommended that the application be refused planning permission for reasons as outlined within the report.

Discussion ensued after which Councillor Jackson moved, seconded by Alderman McClintock to accept the PO's recommendation to refuse planning permission.

The outcome of the vote; For 6, Against 0, Abstention 6. The proposal to refuse planning permission was carried.

The Committee

**Resolved that planning application LA11/2016/0700/F be refused planning permission for reasons as outlined within the report.**

#### **LA11/2016/0701/F – Retrospective domestic garage/store to be used for purposes ancillary to enjoyment of householder on lands approximately 7 metres west of 120 Melmount Road, Sion Mills**

The PO presented the above application details of which had been previously circulated to Members. The PO provided information on the background to the application and based on material consideration recommended that the application be refused planning permission for reasons as outlined within the report.

Discussion ensued after which Councillor Boyle moved, seconded by Councillor Jackson to accept the PO's recommendation to refuse planning permission.

The outcome of the vote; For 7, Against 0 and Abstention 6. The proposal was carried.

The Committee

**Resolved that planning application LA11/2016/0701/F be refused planning permission for reasons as outlined within the report.**

The Chair declared an interest with the following application and left the meeting. The Vice-Chair of Committee chaired the meeting at this juncture.

**J/2010/0481/F – Planning permission to erect six wind turbines with an overall height from ground to blade tip of 111m, 33kv substation and compound, construction of internal site tracks and associated works and ancillary works, access points on the Glenmornan Road and the relocation of the temporary turbine supply compound – FEI AMENDED PROPOSAL – includes the relocation of internal access tracks, reduction in turbine numbers from nine to six and the relocation of two turbines at Townland of Craignagapple approx. 650m west of Legalougha Bridge and approx.. 200m east of Owenmore Bridge, 8.5km east of Strabane**

The PO presented the above application details of which had been previously circulated to Members. He provided a detailed overview of the background to the application and based on material consideration and planning policy recommended that planning permission be granted subject to the conditions as outlined within the report.

Mr Rory McDonnell (Agent) addressed the Committee on behalf of the applicant.

Councillor Dobbins joined the meeting at this stage.

Discussion ensued after which Councillor Logue moved, seconded by Councillor Jackson not to accept the PO's recommendation for the following planning reasons:

- Detrimental effect on visual impact
- Cumulative effect
- Natural Heritage Issues (NH5 of PPS2)

The outcome of the vote: For 6, Against 4, Abstention 3. The proposal was carried to reject the Officers recommendation to approve planning permission.

The Committee

**Resolved not to support the recommendation to approve planning application J/2010/0481/F. The application would be further reviewed taking into consideration the opinions from Members and presented at the next meeting.**

Councillor D Kelly resumed position of Chair of the Meeting.

### **RECONSIDERED APPLICATIONS**

#### **LA11/2016/1021/O – Site for replacement one a half storey dwelling on lands at 141 Fincairn Road, Ligg, Londonderry BT47 3FS**

The Principal Planning Officer (PPO) presented the above application details of which had been previously circulated to Members. The application was returned to Committee following presentation at the previous meeting when Members voted not to accept the Officer recommendation to refuse planning permission.

The PPO advised that on further consideration of the application Officials continued to maintain the opinion to refuse planning permission for reasons as outlined in the report presented to Members on 4 October 2017. She added however, that Officials considered the approval reasons expressed by Members at the previous meeting and provided conditions on a without prejudice basis as outlined within the report.

Councillor Logue left the meeting.

Mr Adrian Browne (Agent) addressed the Committee on behalf of the applicant.

The Lead Legal Services officer reminded Members that following further review of the application, Planning Officials remained of the

opinion not to approve planning permission and in the event that Members agreed to approve the application that a number of conditions would have to be implemented as outlined within the report. He emphasized that Members exercised caution with their decision making in view of the professional opinion provided by the Planning Officials.

Councillor Logue returned to the meeting.

Discussion ensued during which Alderman McClintock moved, seconded by Councillor McGuire to remove condition 2 and amend condition 3 to allow for an increase in ridge height of 7metres.

The outcome of the vote; For 13, Against 0, Abstention 1.  
The Committee

**Resolved that planning application LA11/2016/1021/O be approved planning permission subject to the removal of condition 2 and amendment to condition 3 to increase ridge height to 7 metres.**

Councillor Jackson declared an interest in the following application and left the meeting.

**LA11/2016/1066/F – Proposed new 2 storey dwelling house on lands adjacent to 106 Hollymount Park, Derry BT47 3UP**

The PPO presented the above planning application details of which had been previously circulated to Members. She reminded Members of the position of the application as outlined within the report and advised that Officials continued to maintain a recommendation to refuse permission for the same reasons as set out in the report presented the previous month. She further advised however, that Officials also considered the approval reasons given by Members at the previous meeting and had provided conditions on a without prejudice basis as outlined within the report.

Mr Brendan McDaid addressed the Committee in objection to the application.

Discussion ensued after which Councillor Boyle moved, seconded by Councillor Gardiner to accept the recommendation to refuse planning permission.

The outcome of the vote: For 9, Against 3, Abstention 1. The proposal to refuse planning permission was carried.

The Committee

**Resolved that planning application LA11/2016/1066/F be refused planning permission.**

Councillor Jackson returned to the meeting.

### **NEW APPLICATIONS**

**LA11/2017/0133/F – Renewal of planning permission J/2011/0275/F for 32 No. 2 bedroom apartments in 4 No. 1.5 storey apartment blocks at 59 Melmount Road and 2 Orchard Road, Strabane**

The PO presented the above planning application, details of which had been previously circulated to Members. She outlined the background to the application and based on material consideration recommended that planning permission be granted, subject to the conditions as outlined within the report.

Alderman Kerrigan moved, seconded by Councillor R McHugh to accept the PO's recommendation to approve planning permission.

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

The Committee

**Resolved that planning application LA11/2017/0133 be approved planning permission.**

**LA11/2016/0140/F – Proposed demolition of existing shed and construction of 1 No. two storey dwelling house, for association with existing shop at 32 Barrack Street, Strabane**

The Committee noted that a request from the applicant was received to defer the above application, to allow for speaking rights at the next meeting. The Committee agreed to this request and the application is to be returned to the next meeting on 29 November 2017.

**LA11/2016/0275/O – Single dwelling house and garage to the rear of 21 Slaughtermanus Road (behind graveyard) Cross, L'Derry**

The PO presented the above planning application details of which had been previously circulated to Members. She outlined 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.

Councillor Boyle moved, seconded by Councillor Dobbins to accept the Officers recommendation to refuse planning permission.

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

The Committee

**Resolved that planning application LA11/2016/0275/O be refused planning permission.**

**LA11/2016/0781/F – Retention of car compound at 18 Lower Strabane Road, Churchtown, Castlederg**

The PO presented the above planning 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.

Mr Dessie O'Neill, Agent addressed the Committee in support of the application.



Discussion ensued after which Councillor McGuire moved, seconded by Councillor Dobbins to defer the application pending the outcome of a Flood Risk Assessment and further consultation with Transport NI.

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

The Committee

**Resolved that planning application LA11/2016/0781/F be deferred pending outcome of a Flood Risk Assessment and consultation with Transport NI.**

**LA11/2017/0826/F – Erection of mesh fencing which is 5m in height and approx. 22m in length around 3 sides of the football pitch at Artigarvan Football Pitches, 135m South West of Art Road, Artigarvan, Strabane**

Councillor McGuire left the meeting at this stage.

The PO presented the above application details of which were previously circulated to Members. An overview of the background to the application was provided and a recommendation to approve planning permission subject to the conditions as outlined within the report.

Alderman Bresland moved, seconded by Councillor Hastings 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 LA11/2017/0826/F be approved planning permission.**

**LA11/2017/0461/O – Site for roadside service station to provide fuel for cars and lorries and other associated services on lands to the North East (and adjacent to) 46 Woodend Road, Ballymagorry, Strabane**

The PO presented the above application details of which was previously circulated to Members. She provided an overview of the background to the application and recommended a refusal for reasons as outlined within the report.

Councillor Boyle moved, seconded by Councillor Gardiner to accept the recommendation to refuse planning permission.

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

The Committee

**Resolved that planning application LA11/2017/0461/O be refused planning permission.**

**LA11/2017/0781/F – Application to install a memorial plaque on a plinth type structure in the centre of the existing circular street furniture – Top entrance of Foyleside Shopping Centre where Orchard Street meets Bridge Street, BT48 6XY**

Councillor Boyle declared an interest in the above application and left the meeting.

The PO presented the above planning application details of which had been previously circulated to Members. He provided an overview of the background to the application and recommended that planning permission be granted subject to the conditions as outlined within the report.

Councillor Gardiner moved, seconded by Councillor Hastings to accept the recommendation to approve planning permission.

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

The Committee

**Resolved that planning application LA11/2017/0781/F be approved planning permission.**

Councillor Boyle returned to the meeting.

**LA11/2016/0854/O – Shared access and site for two dwellings and garages in side garden of existing dwelling (amended proposal) – 154 Culmore Road, Londonderry BT48 8JH**

The PO presented the above planning application details of which had been previously circulated to Members. An overview of the application was provided and based on material consideration the PO recommended to refuse planning permission for reasons as outlined within the report.

Alderman Hussey addressed the Committee in support of the application.

Discussion ensued after which Alderman McClintock moved, seconded by Councillor Boyle to defer the application for further review.

The outcome of the vote was unanimous.

The Committee

**Resolved that planning application LA11/2016/0854/O be deferred for further review.**

**LA11/2017/0243/F – Proposed change of use of from fast food outlet to Gospel Hall and 1.5m wall to front boundary – 65A Glenshane Road**

The PO presented the above application details of which had been previously circulated to Members. He provided an overview of the background to the application and recommended an approval subject to the conditions as outlined within the report.

Ms Rosemary Chestnut addressed the Committee in objection to the recommendation to approve planning permission.

Mr Andy Tate (Agent) addressed the Committee on behalf of the applicant and outlined reasons to approve the application.

Mr Raymond White addressed the Committee in support of the application.

Alderman McClintock welcomed the application. She referred to the concerns raised by the Objector in relation to the site wall and suggested that the applicant negotiated with the Objector to seek a resolution to the problem.

Discussion ensued after which Councillor Jackson moved, seconded by Councillor Hastings that the recommendation to approve planning permission be accepted.

The outcome of the vote; For 12, Against 0, Abstention 1. The proposal to approve planning permission was carried.

The Committee

**Resolved that planning application LA11/2017/0243/F be approved planning permission.**

**LA11/2017/0539/F – Change of house type from previous planning approval A/2007/0708/F, erection of 8 No. dwellings consisting of 4 No. of semi-detached dwellings and 4 No. detached with associated car parking on lands at 119 Butlers Wharf, Strathfoyle, Derry City, BT47 6SQ**

The PO presented the above planning application, details of which had been previously circulated to Members. He provided an overview of the background to the application and recommended that planning permission be granted subject to the conditions as outlined within the report.

Councillor Hastings moved, seconded by Councillor Bresland 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 LA11/2017/0539/F be approved planning permission.**

**P161/17 Local Development Plan (LDP): Representations on the Preferred Options Paper (POP)**

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 analysis of all the representations received during the LDP Preferred Options Paper (POP) consultation period, the main issues raised, and next steps in terms of progressing these issues into the development of the draft LDP Plan Strategy. The completion of the POP consultation marks the end of Stage 1 of the LDP process.

Councillor Gardiner welcomed the report. She however expressed concern over the lack of reference to disability and inclusion within the report and the need to be reflective of Section 75 statement. She suggested the involvement of the Access/Inclusion Officer in the consultation process.

The Director of Environment and Regeneration advised Members that internal/external steering groups were established to take the process forward to the next stage and would provide an opportunity to ensure that Section 75 was considered in detail. She agreed to present a report to outline how such issues would be addressed in the development of the LDP.

Aldermen McClintock and Bresland left the meeting at this stage.

Councillor McHugh referred to the recent announcement to approve planning permission for the Three Rivers development project in Strabane and asked that Planning Officials remained cognizant of such a major project in terms of the LDP.

Members welcomed the report and commended the work achieved by the Planning Officials to date. Councillor Logue queried the timescale.

The Director of Environment and Regeneration clarified that there existed a number of issues that impacted upon the timescale and would be examined in conjunction with feedback received. She assured Members that work would continue to be progressed and an update report on timescale would be provided to Committee following the next Steering Group meeting.

The Committee

**Recommended**      **that Council agree the interim considerations of the POP representations as outlined within the report as a basis for Planning Officials to proceed with Stage 2 of the preparation of the LDP, the Plan Strategy. Officials will proceed to publish on the Council website, the List Report and the Interim Report on POP representations as outlined within Appendix 17 of the report.**

**P162/17      Delegated Legacy Applications**

The Principal Planning Officer presented the above report a copy of which was previously circulated to Members. She advised Members that at a previous Planning Committee Meeting held on 23 March 2016, a paper was presented containing the list of all live planning applications in the system prior to April 2015.

The purpose of the above report was to advise Members that planning applications J/2009/0299/F and J/2014/0295/F were wrongly referenced on the Appendix as "Committee Applications" indicating that they would be presented to the Planning Committee for decision, whereas the applications were in fact Delegated.

The Committee

**Recommended**      **that Council notes the report and advise Planning Officials within the 7 day period if they wish either or both applications to be referred**

**to Planning Committee for decision with planning reasons.**

**P163/17 Roscommon Study Visit**

The Principal Planning Officer presented the above report details of which had been previously circulated to Members. The purpose of the report was to advise Members of a study visit to Roscommon County Council on 23<sup>rd</sup> November 2017.

Councillor Hastings moved, seconded by Councilor Dobbins that the Chair of Committee be permitted to attend the Roscommon Study Visit if he so wished.

The Committee

**Recommended that the Chair of Committee be permitted to attend the Roscommon Study Visit on 23 November 2017 if he so wished.**

**Open for Information**

**P164/17 Appeals Update**

The Principal Planning Officer presented the above report a copy of which had been previously circulated to Members. She advised that the purpose of the report was to appraise Members on Planning Appeals currently in the system. A background table was provided showing the current status of any live appeals and any decisions made since the previous month.

The Committee

**Recommended that Council notes the update on planning appeals.**

**P165/17 Dates for Planning Committee Site Visits**

The PPO presented the above report details of which were previously circulated to Members. The purpose of the report was to advise Members on dates scheduled in the diary for site visits requested by Planning Committee.

The Committee

**Recommended that Council notes the diary dates for Planning Committee site visits for information.**

**P166/17 List of Decisions Issued – October 2017**

The List of Decisions Issued during the month of October 2017 were circulated to Members for information.

The Committee

**Recommended that Council notes for information the List of Decisions issued during the month of October 2017.**

**P167/17 Thornhill Planning Application Update**

The PPO presented the above report, details of which were previously circulated to Members. The purpose of the report was to provide an update on the planning application to redevelop the former Thornhill school site to provide a retirement village including a nursing home, semi-independent living units and community facilities.

Councillor Hassan expressed concern that the Thornhill Planning application was not being progressed, despite the fact that it was an opportunity to regenerate the area. He asked that discussions are continued with relevant Officials in order to progress the application.

The Director of Environment and Regeneration assured Members that strategic applications are prioritised by Planning Officials and discussions with key stakeholders are facilitated in order to progress major applications, however the timescale of progression depended upon the response time of statutory consultees. She would continue to keep Members updated accordingly.

**The meeting went into confidential business.**