

Derry City and Strabane District Council

Open Minutes of Planning Committee Meeting held in the Council Chamber, Derry Road, Strabane on Wednesday 29 November 2017 at 2.00pm.

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

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

Planning Administrator (Mrs C Corry), Committee Services Assistants (Mrs J Short and Ms L Bell).

Non Committee Members: Councillor McMahan

P171/17 Notice and Summons for Meeting

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

P172/17 Member Attendance and Apologies

The Principal Planning Officer completed the roll call for Member attendance and apologies were received from Head of Planning and Alderman Hamilton.

P173/17 Declaration of Members' Interests

The Chair declared an interest with planning application J/2010/0481/F – Craignagapple Windfarm.

Open for Decision

P174/17 Chairperson's Business

P174/17a Late Information Received

The Chair referred to late information received in relation to planning applications J/2010/0481/F and LA11/2017/0438/O and advised Members that they would be given the opportunity to view and consider the information later in the meeting.

P174/17b The Chair expressed his delight with the recent announcement by Department for Infrastructure that construction work of the first phase of the A5 would proceed early in the New Year. He acknowledged the work of Council in discussions with key stakeholders in support of the major strategic project for the District.

P174/17c Special Planning Meeting

The Chair advised that a Special Planning Meeting to discuss the H2 zoned land application was scheduled to take place on Wednesday 20 December 2017 at 2.00pm in the Council Chamber, Strabane Office.

P175/17 Deputations (none)

There were no deputations.

P176/17 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 8 November 2017

The Open Minutes of the Planning Committee meeting held on 8 November 2017 (P153/17-P167/17) were agreed and signed by the Chair of Committee.

P177/17 Matters Arising

There were no matters arising from the minutes.

P178/17 Planning Application List with Recommendation for Decision

The Planning Officers presented the following planning applications for decision:

Reconsidered Applications

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 6 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 9 to 6 and the relocation of 2 turbines.

Townland of Craignagapple, approx. 650m west of Legalougha Bridge and approx. 200m east of Owenmore Bridge 8.5km east of Strabane, BT82 0SR.

The Planning Officer presented the above planning application details of which had been previously circulated to Members.

Councillor McGuire 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 applicant was asked if they wished to use their previously requested speaking rights. However they declined.

The Committee

Resolved that planning application J/2010/0481/F be approved planning permission subject to the conditions as outlined within the report.

The Chair returned to the meeting.

LA11/2016/0854/O – Shared access and site for 2 dwellings and garages inside garden of existing dwelling (amended proposal) on lands at 154 Culmore Road, Londonderry, BT48 8JH

The Chair advised that late information was received from the agent in relation to the above application and altered the information previously provided to Committee.

The Principal Planning Officer advised that earlier that day the agent had tabled an amended scheme to reduce the dwellings from 2 to 1 No. She further advised that it was at the discretion of the Members if they wished to defer the application or to proceed on the basis of the information that was presented within the meeting pack.

Discussion ensued after which Alderman McClintock moved, seconded by Councillor Hastings to defer a decision on the recommendation due to the late information received.

The Committee

Resolved that planning application LA11/2016/0854/O be deferred and presented at a future meeting.

New Applications

LA11/2016/0140/F – Proposed demolition of existing shed and construction of one 2 storey dwelling house for association with existing shop at 32 Barrack Street, Strabane.

The Planning Officer presented the above application, details of which had been previously circulated to Members. An overview of the background to the application was provided and based on material consideration and in line with planning policy it was recommended to refuse planning permission for reasons as outlined within the report.

Mr M Mullin (Agent) addressed the Committee on behalf of the applicant.

Councillor R McHugh joined the meeting at this stage.

Members discussed the reasons for refusal and expressed their concern that there was no evidence to confirm that the use of existing access would be intensified. The Planning Officer advised that the section within the application form to confirm the number of vehicles that used the existing access point on a daily basis was not completed by the applicant.

Councillor Dobbins joined the meeting at this stage.

Discussion ensued after which Councillor Boyle moved, seconded by Councillor Hastings to defer a decision on the application to allow for the requested information to be provided by the applicant. The application would be presented at the next meeting.

The Committee

**Resolved that planning application
LA11/2016/0140/F be deferred pending
additional information from the agent.**

LA11/2016/0850/DCA – Total removal of unsafe buildings and adjacent wall at 7 and 9 Moyle Road, Newtownstewart.

The Planning Officer presented the above application, details of which had been previously circulated to Members. An overview on the background to the application was provided and based on material consideration and in line with Planning Policy, it was recommended to approve planning permission for reasons as outlined in the report.

Councillor Boyle stated that the building should not have been allowed to reach such a stage of disrepair. He felt that the approach should have been to restore and preserve such buildings before they would reach the stage of complete removal due to safety reasons.

Alderman Kerrigan moved, seconded by Councillor McGuire to approve planning permission subject to the conditions as outlined within the report. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2016/0850/DCA be approved planning permission subject to the conditions as outlined within the report.

LA11/2016/0855/F – Proposed housing development consisting of 4 semi-detached 2 storey dwellings and a terraced row of three 2 storey dwellings and new access road at 7 and 9 Moyle Road, Newtownstewart.

The Planning Officer presented the above application, details of which had been previously circulated to Members. An overview on the application background was provided and based on material consideration and in line with Planning Policy it was recommended to approve planning permission for reasons outlined in the report.

Councillor McGuire enquired with the Principal Planning Officer if the requirement for sash windows could be removed from the plans due to financial and environmental reasons. The Principal Planning Officer agreed that this requirement could be changed by conditions.

Alderman Kerrigan moved, seconded by Councillor McGuire to approve planning permission subject to the conditions as outlined within the report. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2016/0855/F be approved planning permission subject to the conditions as agreed.

LA11/2016/0687/F – One retail outlet, four 2 bedroom residential units and access road (amended description of proposal) at 13 Derry Road, Strabane.

The Planning Officer presented the above application, details of which had been previously circulated to Members. A summary of the background to the application was provided and following material

consideration and in line with planning policy it was recommended to refuse planning permission for reasons as stated.

Following a brief discussion Councillor Boyle moved, seconded by Councillor McGuire to support the 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 LA11/2016/0687/F be refused planning permission for reasons as outlined within the report.

LA11/2016/0721/F – Proposed 225kw wind turbine comprising of a V27 model with a 30m hub height and a 27m rotor diameter approximately 490 metres south-east of No. 63 Curly Hill Road, Strabane

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. She referred to the background of the application and based on material consideration and in line with planning policy recommended that approval be granted subject to the conditions as outlined within the report.

Ms T Cassidy (Agent) addressed the Committee on behalf of the applicant.

Discussion ensued in relation to the number of existing wind turbines on the site location and if the inclusion of an additional turbine constituted a small windfarm. The Principal Planning Officer explained that there was an accumulation of single wind turbines from different view points with transient views, however the proposed turbine, whilst in an elevated position, would be sited at a lower level than the existing turbines.

Councillor McGuire moved, seconded by Councillor R McHugh to defer a decision on the application pending request for a site visit. The outcome of the vote; For 8, Against 2, Abstention 2.

The Committee

Resolved that planning application LA11/2016/0721/F be deferred pending request for a site visit.

LA11/2017/0130/F – Retention of 225kw wind turbine as installed; 30m tower and 29m rotor diameter and associated switch room (in substitution of previous approval J/2011/0358, approximately 380m north west of 35 Garvetagh Road, Garvetagh, Castlederg accessing onto Silverhill Road.

The Planning Officer presented the above application, details of which had been previously distributed to Members. A synopsis of the application was given and considering the facts against Planning Policy it was recommended to approve the application.

Councillor McGuire enquired if the existing planning permission granted in 2011 could result in 2 turbines being approved. The Planning Officer replied that the 2011 planning permission had now expired.

Alderman Kerrigan moved, seconded by Alderman Bresland to approve planning permission subject to the conditions as outlined in the report. The outcome of the vote was unanimous in support of the proposal.

The Committee

Resolved that planning application LA11/2017/0130/F be approved planning permission subject to the conditions as outlined in the report.

LA11/2017/0438/O – Proposed storey and a half dwelling and garage, 20m east of 20 Drumman Road, Dunamanagh

The Planning Officer presented the above application, details of which had been previously circulated to Members. She gave an overview on 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 McMahon addressed the Committee in support of the application.

Discussion arose in relation to the lack of photographic evidence presented to Committee in relation to the siting of the proposed dwelling and therefore Members found it difficult to make a judgement on this basis.

Councillor McGuire referred to the proposed reasons for refusal as outlined within the report and expressed concern that they were not substantiated and were somewhat contradictory in terms of planning policies.

Councillor McGuire advised that the adjacent woodland was a focal point.

Further discussion ensued after which Councillor McGuire moved, seconded by Councillor Boyle, not to accept the recommendation to refuse planning permission as the proposal did comply with CTY1, 2a, 8, 14 and the Strabane Area Plan. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved not to support the recommendation to approve planning application LA11/2017/0438/O. The application would be returned pending further review and presented at a future meeting.

The Lead Legal Services Officer advised Members to be mindful of the Planning Officer's professional recommendation that was in accordance with the Strabane Area Plan and planning policy. He also referred to the responsibility of Committee in the decision making process and adherence with policy in particular CTY2a of Planning Policy Statement 21. He further referred to applications that be submitted direct to Agents who provide professional advice based on Planning Policy and the need for Committee to ensure consistency and compliance with policy is practiced throughout the whole planning process.

LA11/2017/0792/F – Proposed 8 No. 2 storey semi-detached dwellings and detached garages, Site No's 10, 10a, 11, 11a, 12, 13,

14 and 15, 35 metres south-east of No's. 15 to 18 New Street, off Cluney Gardens, Clady.

Councillor Boyle left the meeting at this point.

The Planning Officer presented the above application, details of which had been previously circulated to Members. She delivered an outline of the application and after analysis of the elements of the application alongside relevant Planning Policy recommended that planning permission be approved subject to conditions as outlined in the report.

Councillor R McHugh moved, Seconded by Councillor Hastings to approve planning permission subject to the conditions as outlined in the report. The outcome of the vote was unanimous in support of the proposal.

The Committee

Resolved that planning application LA11/2017/0792/F be approved planning permission subject to the conditions as outlined in the report.

Councillor Boyle returned to the Meeting at this point.

LA11/2017/0648/F – Agricultural building on lands 64m north-west of No. 324 Longland Road, Claudy

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

Mr Oran Quigg (Agent) addressed the Committee and outlined reasons to support the proposed application.

Discussion ensued after which Councillor Dobbins moved, seconded by Councillor Hassan not to accept the Planning Officer's recommendation to refuse planning permission as it was considered that there was no evidence to suggest the proposal was contrary to the SPPS and Policies CTY 12, CTY 13 and CTY 14. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved not to accept the officer recommendation to refuse planning application LA11/2017/0648/F. The application will be returned pending further consideration and to be presented at a future meeting.

LA11/2017/0653/O – Proposed dwelling on a farm on lands approximately 200m east/south-east of No. 102 Corrody Road, Derry, BT47 2QH with access off Kittybane Road.

Members noted that the above application had been withdrawn.

Councillor Boyle and Dobbins left the meeting at this point.

LA11/2016/1035/LBC – Change of use of former military buildings, including alterations and extension, to provide a Maritime Museum and Archive, parking, landscaping and associated works on lands at buildings 45/46 & 49 Ebrington Square to rear of 8-18 Browning Drive, Londonderry BT47 6GZ

The Planning Officer presented the above application, details of which had been previously circulated to Members. He delivered a synopsis of the application and after analysis of the factors against the appropriate Planning Policy recommended that the application be approved subject to conditions as outlined in the report.

Members conveyed their excitement to see such an innovative and promising application for the City coming to Committee.

Councillors Boyle and Dobbins returned to the meeting at this point.

Councillor Jackson moved, seconded by Councillor Hastings to approve planning permission subject to conditions as outlined in the report. The Outcome of the vote; For 11, Against 0, Abstentions 2.

The Committee

Resolved that planning application LA11/2016/1035/LBC be approved planning permission subject to conditions as outlined in the report.

LA11/2017/0662/O – Proposed site for erection of new 1 and ¾ storey farm dwelling, detached garage and septic tank on lands adjacent to the South West of 82 Ballyhanedin Road, Claudy, BT47 4ER

The Planning Officer presented the above planning application, details of which had been previously circulated to Members. An update on the background to the application was provided and based on material consideration and in line with planning policy it was recommended to refuse planning permission.

Mr C Donaghey (Agent) addressed the Committee and outlined reasons to support the proposed application.

Discussion ensued after which Councillor Boyle moved, seconded by Councillor Jackson to defer the application pending a site visit. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2017/0662/O be deferred pending submission of a site visit request from Members.

The Lead Legal Services Officer responded to concerns raised regarding the planning policy and advised that the Officer team could arrange to update Agents on information required to assist Committee in the decision making process.

LA11/2017/0346/O – Site for a replacement dwelling (2 storey) on lands at 12 Gortnessy Road, Drumahoe, Londonderry

The Planning Officer presented the above planning application, details of which had been previously circulated to Members. An update on the background to the application was provided and based on material consideration and in line with planning policy it was recommended to refuse planning permission for the reason as outlined within the report.

Mr D Forrest (Agent) addressed the Committee and outlined reasons to support approval of the application.

Discussion ensued in relation to the reason for refusal in that insufficient information was not provided to demonstrate that the proposal was not likely to harm a European protected species (Bats) and in this regard the application should be deferred pending submission of requested report.

Councillor Dobbins moved, seconded by Alderman McClintock to defer the application pending submission of a Bat survey. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2017/0346/O be deferred pending submission of a bat survey report.

LA11/2017/0795/F – Extension and renovations of existing community centre, incorporating 2 storey high extension to replace temporary buildings and provision of a lift at Shantallow Community Centre, 38 Drumleck Drive, Derry, BT48 8EN

The Planning Officer presented the above application, details of which had been previously circulated to Members. An overview of the background to the application was provided and based on material consideration and planning policy a recommendation to approve planning permission was given.

Councillors Hassan, Dobbins and Alderman McClintock indicated that it was pleasing to see this long awaited development come to Committee.

Councillor Hassan moved, seconded by Councillor Dobbins to approve planning permission subject to conditions as outlined in the report. The vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2017/0795/F be approved planning permission subject to conditions as outlined in the report.

LA11/2017/0690/F – Erection of dwellings, changing of 5 No. B21 – 3 storey house types (as approved under planning ref (A/2015/0187/F) to 5 No. B20 – 2 storey house types and minor amendments to boundary treatment at southern boundary to facilitate the treatment of Japanese knotweed on site adjacent to Sherriff’s Glen, Springtown Road, Derry

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. She presented a summary of the application and based on material consideration and in line with planning policy recommended that the application be approved subject to the conditions as outlined in the report.

Councillor Hassan moved, seconded by Councillor Boyle to approve the application subject to conditions as outlined in the report. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that the planning application LA11/2017/0690/F be approved planning permission subject to conditions as outlined in the report.

A/2011/0197/F – 50 No. proposed social dwellings (1 No. single storey detached, 9 No. 2 storey terraced, 36 No. 2 storey semi-detached and 4 No. apartments in 2 storey detached blocks) plus single storey changing facility, 11-a-side football pitch and children’s play area – all with ancillary site works, including public road improvements to Alder Road (from junction of Culmore Road to north-west boundary of site) and extension of footpath immediately adjacent to No. 1 Ballynagard Crescent, Culmore, Derry

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. She provided an update on the background to the application and based on material consideration recommended to approve planning permission subject to the conditions as outlined within the report.

The Principal Planning Officer on a point of information referred to page 219 of the report wherein it stated that as *'Derry City and Strabane District Council were part owners of the site and had an interest in the land as required by legislation Dfl were notified and given the opportunity to 'call-in' the proposal if they felt there was a conflict of interest'*, she clarified that this was not necessary as the application was not regarded as a major conflict of interest.

Mr J Thompson addressed the Committee in objection to the application.

The Director of Environment and Regeneration advised Committee that Officers were in consultation with the local community in Culmore in terms of the provision of a wide range of facilities in that area and if a proposal was submitted in light of the consultations then due process would be followed.

The Principal Planning Officer responsible for the delivery of the Local Development Planning process further advised that in terms of balanced communities and appropriate mix and design that this was clearly indicated in the Local Development Plan.

Discussion ensued after which Councillor Dobbins moved, seconded by Councillor McGuire to support the recommendation to approve the application subject to the conditions as outlined within the report. The outcome of the vote; For 12, Against 0, Abstention 1. The proposal was carried.

The Committee

Resolved that planning application A/2011/0197/F be approved planning permission subject to the conditions as outlined within the report.

Councillor's Hassan, Jackson and Boyle left the meeting.

J/2009/0299/F – Proposed waste transfer and recycling facility incorporating associated offices, stock piles, soil treatment shed, skip storage, finished product storage, weighbridge, wheel wash, car parking, landscaping and boundary fencing 1.8 metres high at lands approx. 500m south-east of 91 Drumquin Road, Castlederg

The Planning Officer presented the above planning application, details of which had been previously circulated to Members. He provided an overview on the background to the application and based on material consideration and in line with planning policy recommended that the application be approved planning permission subject to the conditions as outlined within the report.

Discussion ensued after which Alderman Kerrigan moved, seconded by Alderman Bresland to support the recommendation. The outcome of the vote; For 10, Against 0, Abstention 2. The proposal was carried.

The Committee

Resolved that planning application J/2009/0299/F be approved planning permission subject to the conditions as outlined within the report.

Councillor's Jackson and Boyle returned to the meeting.

P179/17 Planning in Northern Ireland Conference

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 advise Members of a Conference on Planning in Northern Ireland: Progress, Economic Development and Forward Strategy on 7 December 2017.

It was agreed that the Chair of Committee be nominated to attend the conference together with other Members if they so wished.

The Committee

Recommended that the Chair of Committee be nominated to attend the Planning in

Northern Ireland Conference to be held on 7 December 2017. It was also agreed that other Members of Committee could attend if they so wished.

P180/17 Notice of Opinions from DfI re. Ebrington

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 advise Members on the receipt of two Notice of Opinions issued from the Department of Infrastructure's Strategic Planning Team (DFI) under Section 26(11) of the Planning Act (NI) 2011, received 22 November 2017.

Discussion ensued after which Councillor Hastings moved, seconded by Councillor Gardiner that Members note the information in the report and are content for Planning Officials to write to DFI to advise that Council have no objection to the Notice of Opinions to Approve the developments at Ebrington.

The Committee

Recommended that Members note the information in the report and are content for Planning Officials to write to DFI to advise that Council have no objection to the Notice of Opinions to approve the developments at Ebrington.

P181/17 Derry City and Strabane District Council – Planning Service Review

The Director of Environment and Regeneration presented the above report, a copy of which had been previously circulated to Members. She advised that the purpose of the report was to advise Members of the outcome of the review of Council's Planning Service undertaken during 2017, and to seek approval to adopt a Service Improvement Action Plan (SIAP) as suggested as part of the review.

The Chair welcomed the progress achieved with the transfer of planning to Council in terms of integration and policy and contractual implementation.

The Director of Environment and Regeneration in response to Members highlighted that as stated within the report additional resources had been secured to include specialist project management assistance and additional staff within the Local Development Plan and Development Management section to secure delivery of the recommendations.

The Committee

Recommended **that Members note the content of the report and endorse the beginning of the process of implementation of the Service Improvement Action Plan. Officers to organize a workshop with Members to determine those recommendations that are operational and those that may require a policy change and the process for consideration of policy changes.**

Open for Information

P182/17 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.

Councillor McGuire queried if dismissed applications were necessary on the Paper. The Principal Planning Officer confirmed that only live appeals would be notified going forward and dismissed cases presented to Committee on a less frequent basis.

The Committee

Recommended that Members note the update on planning appeals.

P183/17 List of Decisions Issued – November 2017

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

Alderman McClintock highlighted an error regarding planning application LA11/2016/1060/F and requested for the Principal Planning Officer to confirm the status of the application.

The Principal Planning Officer confirmed that the application had been refused planning permission.

The Committee

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

The meeting went into confidential business.

The Meeting terminated at 7.15pm.