

Derry City and Strabane District Council

Open Minutes of the Planning Committee Meeting held in the Council Chamber, Derry Road, Strabane on Wednesday 11 April 2018 at 2.00pm.

Present: - Councillor D Kelly (Chairperson), Alderman Bresland, M Hamilton, Kerrigan, McClintock; Councillor Boyle, Dobbins, Gardiner, Hastings, Jackson, Logue, McCauley, McGuire and R McHugh.

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

Business Officer (Mrs L McKean) Committee Services Assistants (Mrs J Short and Ms E Bell).

P63/18 Notice and Summons for Meeting

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

P64/18 Member Attendance and Apologies

There were no apologies.

P65/18 Declaration of Members' Interests

Councillor Logue declared an interest in planning application LA11/2016/1084/F.

Open for Decision

Chairperson's Business

P66/18 Late Information Received re. Planning Applications: LA11/2017/0242/F, LA11/2017/0301/F, LA11/2017/0298/LBC

The Head of Planning referred to the above planning applications for decision and reported that late information had been received to be

reviewed by Members before presentation by the Planning Officer later in the meeting.

P67/18 International Conference on Mining and Other Extractive Industries on Saturday 14 April 2018 at 10am, Greenvale Hotel, Cookstown

The Chair referred to the above conference and asked Members to forward the names of attendees from their respective party to the Planning Section the next morning, so to complete the booking process.

P68/18 Confirmation of the Open Minutes of the Planning Committee Meeting held on Wednesday 7 March 2018

The Open Minutes of the Planning Committee meeting held on 7 March 2018 (P41/18-P59/18) were agreed and signed by the Chair of Committee.

P69/18 Matters Arising

There were no matters arising from the minutes of Planning Committee meeting held on 7 March 2018.

P70/18 Confirmation of the Open Minutes of the Special Planning Committee Meeting held on 20 March 2018

The Open Minutes of the Special Planning Committee meeting held on 20 March 2018 (SP07/18-SP12/18) were agreed.

P71/18 Matters Arising

There were no matters arising from the minutes of Special Planning Committee meeting held on 20 March 2018.

The meeting was adjourned for 30 minutes to allow Members to review late information received in relation to planning applications to be presented as agenda items.

P72/18 Planning Application List with Recommendation for Decision

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

DEFERRAL / OVERTURN / RECONSIDERED APPLICATIONS

LA11/2016/0140/F: Proposed demolition of existing shed and construction of 1 two 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 current status of the application was provided, as outlined in detail within the report and based on material consideration and planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Councillor McGuire moved, seconded by Councillor Hastings to support the recommendation to approve the application.

The outcome of the vote: For 11, Abstention 1. The proposal was carried.

The Committee

Resolved that planning application LA11/2016/0140/F be granted planning approval subject to the conditions as outlined within the report.

DEFERRAL / SITE INSPECTION

LA11/2017/0733/O: Proposed Dwelling and Garage at lands approx 30m West/North West of No 51 Towncastle Road, Hollyhill, Strabane.

The Planning Officer 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 and in line with planning policy it was recommended to refuse planning permission, for reasons as outlined within the report.

Mr Chris Cassidy, Agent addressed the Committee and outlined reasons to approve planning permission.

Discussion ensued after which Councillor McGuire expressed the view that he disagreed with the interpretation of the refusal reasons in line with planning policy and therefore proposed not to accept the PO's

recommendation to refuse planning permission. Councillor Boyle seconded the proposal.

The outcome of the vote; For 9, Against 3, Abstention 1. The proposal was carried.

The Committee

**Resolved that planning application
LA11/2017/0733/O be reconsidered and
returned to a future Committee meeting**

LA11/2015/0651/F: Construction of a 2 No. turbine extension to the existing Monnaboy Wind Farm (consented under planning reg. ref A/2009/0868/F), each turbine will have a hub height not exceeding 80M and blade diameter not exceeding 82.4m, associated access tracks, underground cabling, temporary construction compound, associated works and use of the existing passing bays along the Monnaboy Road and the Dunlade Road at Monnaboy Wind Farm on land located east of 62 Monnaboy Road, Greysteel.

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

Councillor Dobbins joined the meeting.

Councillor Fleming (Non-Committee Member) was in attendance at the meeting to speak on behalf of the objectors to the application.

Councillor McGuire queried the community benefits and the ROCs benefits payable and sought clarification on the current renewable energy targets and if it was being met.

Councillor Jackson referred to cumulative impact and suggested a site meeting be requested so to assist in the decision making process for Members.

Discussion ensued after which Councillor McGuire moved, seconded by Alderman McClintock to defer a decision pending clarification on statistics.

The Committee

Resolved that planning application LA11/2015/0651/F be deferred for points of clarification on current renewable energy targets and presented at a future Meeting.

LA11/2017/0301/F: Refurbishment of existing Grade B Listed Former Railway Station to provide accommodation for an Active Transport Hub for Translink including Passenger Facilities, Café, Retail Space, Staff Facilities and Office Accommodation. Redirection of train lines to suit 2 No. new station platforms and 1 No. siding. Associated car parking, public realm and external landscaping at Waterside Railway Station, Duke Street, Londonderry.

LA11/2017/0298/LBC: Demolition of late 1980s middle insertion, and repair and refurbishment works to the west and east original building and the station shed. New platform and canopy to side and north of building. New modern entrance and new ground floor accommodation within shed. Works to provide accommodation for an Active Transport Hub for Translink including passenger facilities, café, retail space, staff facilities and office accommodation. Redirection of train lines to suit 2 No. new station platforms and 1 No. siding. Associated car parking, public realm and external landscaping at Waterside Railway Station, Duke Street, Londonderry.

The PO presented the above two number applications, details of which had been previously circulated to Members. She provided an overview on the background to the applications and based on material consideration and in line with planning policy recommended to approve both applications subject to the conditions as outlined within the report. Late information was also considered by the PO.

Mr Anderson, Ulster Architectural Heritage and Mr McBride both addressed the Committee and outlined their concerns and reasons not to support approval of the applications.

Mr Anderson in response to Councillor Boyle explained that the potential for a tourism asset was welcomed, however it was preferable

that the Victorian experience offered by the existing building was retained and trains had entry into the station. He further added that it was his understanding that the project brief had not included a heritage component in the consultation process and it was disappointing in light of such an exceptional application. He suggested that Translink apply for an exemption to permit trains to enter the building.

Mr Stinson, Agent acting on behalf of Translink addressed the Committee and outlined reasons for the application to be approved.

Mr Stinson in response to Alderman McClintock clarified that as a condition the applicant is required to submit a Parking Management Strategy for the park and ride facility, prior to the operation of the development.

Following question the Head of Planning advised that the Parking Management Strategy condition was required in order to address long-term sustainability of park and ride in City Centre in the progression of the Local Development Plan dealing with the future location of park and ride facilities members may wish to consider a temporary time limit as a condition. She also reminded Members that such matter needed to be balanced and weighed in the consideration which offered a major regeneration opportunity for the City and re-use of a vacant listed risk building.

Mr Stelfox, Consarc Architects responsible for development design clarified for Councillor Gardiner that the application facilities would provide a service to meet the demands of passengers for that area and it would not be an unused vast retail space. He further advised that the design application had been discussed with relevant statutory bodies and a judgement call was made and to bring trains into the station would minimize the use of the facility for passengers and also the development was subject to safety regulations.

Councillor Jackson commented that although he understood the objector's concerns he was in favour of the proposal in terms of bringing the derelict building back to purpose and would encourage people to travel to the city.

Councillor Boyle queried the scale of the retail element, the Riverside Strategy in the Derry Area Plan and the reason why trains were not entering the building.

The Head of Planning outlined to Members the Riverside Strategy guidance and weight that should be attached to this as the Strategy is not LDP policy only supplementary guidance.

Councillor Gardiner commented that she was in opposition to the proposal because the facility would not improve connection to the city and only created another area of open space. She expressed concern and said that it was shameful to even consider a proposal that would not protect the natural heritage of the city. Councillor Gardiner made a proposal not to accept the officer's recommendation to approve.

Councillor Gardiner moved, seconded by Councillor Boyle not to accept the PO's recommendation to approve planning permission.

Councillor Jackson moved, seconded by Alderman McClintock to accept approval of application LA11/2017/0301/F. The outcome of the vote; For 9, Against 2, Abstention 3. The proposal was carried and the previous proposal was defeated.

Councillor Jackson moved, seconded by Alderman McClintock to accept approval of application LA11/2017/0298/LBC. The outcome of the vote; For 9, Against 2, Abstention 3. The proposal was carried.

The Committee

Resolved that application LA11/2017/0301/F and LA11/2017/0298/LBC be approved planning permission subject to the conditions as outlined within the report.

LA11/2015/0381/F-Proposed change of use, extension and alterations involving partial demolition of rear return to 33 Waterloo Street and 14 Harvey Street. Work to provide new public bar at ground floor level and toilets over at first floor level and new emergency escape stair at both ground and first floor level, all connected to the adjoining licensed premises at 27-31 Waterloo

Street. Emergency stair terminating at lower ground level. Works also include internal alterations at second floor level within 27-31 Waterloo Street to provide new toilet facilities (amended proposal) at Numbers 27-33 Waterloo Street and 14 Harvey Street, Derry.

Councillors Boyle and McCauley left the meeting.

The Planning Officer (PO) presented the above application, details of which had been previously circulated to Members. He provided a synopsis of the application and advised that upon assessing the elements of the application against relevant planning policy a recommendation was given to approve planning permission, subject to the conditions as outlined within the report.

Mr Kennedy addressed the Committee on behalf of the applicant in support of the application.

In response to a request from Councillor Dobbins, the PO clarified that condition 2 within the report had been imposed to ensure that once completed, the residential amenity of surrounding properties would be protected from the impact of noise from the proposed development. He added that failure to comply with the Noise Verification Report would be addressed by the enforcement team. The Lead Legal Services Officer also commented that the Noise Verification Report could only be carried out once the proposal had been completed and would allow Council to ensure promised measures had been put into place.

Following a request from Councillor Logue, the Head of Planning suggested that condition 6 could be amended to include the emptying of bottles into bins only being allowed between the hours of 8am to 6pm.

In response to further requests from Councillor Logue, the PO commented that a Service Management Plan would not be specific and precise enough to add as a condition for planning permission. He also highlighted condition 3 stating that this condition should provide noise management at quantifiable levels.

The Director of Environment and Regeneration added that the Environmental Health section would also have powers of investigation if noise became a problem.

Councillor Dobbins highlighted concerns surrounding potential archaeological works at the site, she also highlighted her concerns that enforcement was carried out correctly.

The Head of Planning stated in conjunction with separate Environmental Health legislation powers and correct wording of the planning conditions would give Council opportunities for enforcement should the need for enforcement arise.

In response to questions from Councillor Hastings, the PO confirmed that smoking provision was already available in the existing building and the proposal would not add to that. He also confirmed that the application was subject to the same conservation guidelines as any other proposal and was the materials use within the application were consistent with the historic materials already in place.

Councillor Logue moved, seconded by Councillor Dobbins to support the recommendation and approve planning permission, subject to the conditions as outline within the report. The voting was unanimous in favour of the proposal.

The Committee

Resolved that application LA11/2015/0381/F be approved planning permission, subject to the condition as outlined within the report and to amend condition 6 to include emptying of bottles into bins only being allowed between the hours of 8am to 6pm.

LA11/2015/0383/DCA-Proposed demolition of a section of unstable rear return to 33 Waterloo Street and 14 Harvey Street from ground floor level in 33 Waterloo Street up and including the existing pitched and flat roof construction. The element of the existing rear return to Waterloo Street and 14 Harvey Street from ground floor level in 33 Waterloo Street down to Harvey Street to be retained. The proposed extension and alterations application lodged with this application covers the new elements of proposed construction to replace the areas proposed for demolition at 33 Waterloo Street and 14 Harvey Street, Derry.

The PO presented the above application, details of which had been previously circulated to Members. He provided a synopsis of the application and advised that upon assessing the material evidence of the application against relevant planning policy a recommendation was given to approve planning permission, subject to the conditions as outlined within the report.

Councillor Logue moved, seconded by Councillor Dobbins to support the recommendation and approve planning permission, subject to the conditions as outline within the report. The outcome of the vote was unanimous in favour of the proposal.

The Committee

Resolved that application LA11/2015/0383/DCA be approved planning permission, subject to the condition as outlined within the report.

LA11/2016/1084/F-Refurbishment and restoration of a vacant listed building (Former Convent) as a drop-in Justice Advice Centre, with part demolition to rear. A new build addition of ancillary conference and exhibition spaces to the rear with external amenity areas, and 14 No. supported apartments, plus the restoration of the detached former laundry as a café at 10-16 Pump Street, Londonderry.

The PO presented the above application, details of which had been previously circulated to Members. He provided a summary of the application and advised that after analysis of the elements of the application against planning policy, a recommendation was given to approve planning permission, subject to the condition as outlined within the report.

Councillor Logue declared an interest in the above application stating that she represented the board of the Walled City Partnership.

Mr McCaughan gave a presentation to the Committee in objection to the application on behalf of The Playhouse.

In response to a question from Councillor Logue, Mr McCaughan responded that 5 doors belonging to the Playhouse exited onto the applicant's courtyard, adding that he felt this would create security issues for the applicant.

In response to a question from Councillor Gardiner, Mr McCaughan stated that he only disagreed with building on the courtyard and not to the redevelopment of the convent. He highlighted that this was the only remaining courtyard within the City walls and stated concerns over the lack of light and space, the impact of the development to vulnerable patrons of the Playhouse and the suitability of the development for residential use due to the 24 hour operation of the Playhouse.

In response to questions from Councillor Gardiner and Alderman M Hamilton. Mr McCaughan clarified that the Playhouse owned only part of the land surrounding its building within the Courtyard, the remainder was ownership of Foyle Women's Aid. He stated that the patrons of the Playhouse used the area for breaks and as a smoking area. He clarified that it was not used for access to the Playhouse.

Answering questions from Alderman McClintock and Councillor Gardiner, Mr McCaughan stated that the public right of way to the courtyard through the Playhouse would present security issues for both premises.

Mr Kelly (Agent) and Mr McAteer addressed the Committee in support of the application on behalf of the applicant.

In response to questions from Alderman McClintock, Mr Kelly stated that the proposed flats would be freestanding, locked down units with excellent security. He clarified that the flats would be accessed via an archway onto Pump Street and not via the right of way through the Playhouse.

Mr McAteer provided the specifications of the flats as follows in response to requests from Councillors Logue and Gardiner:

- 9 x 1 bedroom 1 person flats measuring 35 square metres.
- 3 x 1 bedroom 2 person flats measuring 50 square metres.
- 2 x 2 bedroom 4 person flats measuring 69 square metres.

He advised that these met Department of Social Development Guidelines and would be finished to a turnkey standard, equipped to the standard of a holiday let with fob access for security. He stated they would include full kitchens, bedrooms, bathrooms and living areas with a communal laundry facility in the basement. He also advised that outdoor space would be provided within the high quality landscaping

in the courtyard and atrium which joined the 2 buildings and confirmed that a public café would also be provided.

Councillor Logue noted concerns that the public element would compromise the safety of vulnerable women.

Councillor Gardiner noted the need for reintroducing vulnerable women to communities.

Following a question from Councillor Gardiner on the proximity of the flats to the playhouse, Mr McAteer indicated the shortest distance between the two was 4 metres and the longest point was 14 metres. He also commented that the rear of the Playhouse housed non habited rooms and that an Acoustics Report had not highlighted any sound impact issues.

Alderman McClintock raised concerns on how the public could access and some discussion ensued on this matter.

At this point Mr McCaughan requested to reply, the Chair declined this as it was against standing orders.

The Lead Legal Services Officers reminded Members to focus on planning policy issues.

In response to a request from Councillor Hastings, the PO confirmed that all planning policy requirements had been met by the application.

The Head of Planning clarified to Members that the issue of the access and ownership of the right of way was a matter of fact and for information and was not a planning consideration and that the Committee's role was to ensure that the proposal was achievable immaterial of ownership.

Councillor Dobbins moved, seconded by Councillor Gardiner to support the recommendation and approve planning permission, subject to the conditions as outlined within the report.

The outcome of the vote: For 10, Against 2. The proposal was carried.

The Committee

Resolved that application LA11/2015/0383/DCA be approved planning permission, subject to the conditions as outlined within the report.

LA11/2017/0009/LBC-Refurbishment and restoration of a vacant listed building (former convent) as a drop-in Justice Advice Centre, with part demolition to rear. A new build addition of ancillary conference and exhibition spaces to the rear with external amenity areas, and 14 No. supported apartments, plus the restoration of the detached former laundry as a café at 10-16 Pump Street, Londonderry.

The PO presented the above application, details of which had been previously circulated to Members. He provided an overview of the elements of the application and advised that after material consideration against relevant planning policy a recommendation was made to approve planning permission, subject to the conditions as outlined within the report.

Councillor Dobbins moved, seconded by Councillor Gardiner to support the recommendation and approve planning permission, subject to the conditions as outlined within the report.

The vote was unanimous in favour of the proposal. The proposal was carried.

The Committee

Resolved that application LA11/2016/1084/DCA be approved planning permission, subject to the condition as outlined within the report.

LA11/2017/0242/F- Retention of conversion of two storey mid terrace single occupancy dwelling to a house of multiple occupancy at 20 Barry Street, Pennyburn, Derry, BT48 7PJ.

The Principal Planning Officer (PPO) presented the above application, details of which had been previously circulated to Members. An overview of the application was provided and it was advised that after reconsideration of the application against relevant planning policy, a recommendation had been made to refuse planning permission for reasons as outlined within the report.

The Chair advised that a submission had been received from Mr Hegarty in support of the application on behalf of the applicant, which

Members had the opportunity to review before the meeting commenced.

The Head of Planning advised Member's that the original recommendation had been reconsidered and due to the nature of the small unit accommodation, nature of terraces in this locality and the proposed use as a house of multiple occupancy, the recommendation was changed to that of refusal.

Councillor Hastings moved, seconded by Councillor Logue to support the recommendation to refuse planning permission for reasons as outlined within the report.

The vote was unanimous in favour of the proposal. The proposal was carried.

The Committee

Resolved that planning application LA11/2017/0242/F be refused planning permission, for reasons as outlined within the report.

LA11/2017/0733/O- Conversion of existing outbuilding and extension to provide dwelling on lands adjacent to and West of No 44 Lisleen Road, Killen, Castlederg.

The PO presented the above application, details of which had been previously circulated to Members. The PO advised that this application was returning to the Committee following a site visit on the 14 February 2018. An outline of the application was provided and based on analysis of the facts against relevant planning policy a recommendation was made to refuse planning permission for reasons as outlined within the report.

The Chair considered concerns raised by Members and suggested a deferral of the application for one month to allow time for further clarification of CTY4 policy test and to establish if the proposal was the renovation of a traditional building and to get advice on: 1) a definition of "what constitutes an old building; 2) examples of older traditional buildings.

Discussion ensued after which Alderman Kerrigan moved, seconded by Councillor McGuire to defer the application for one month to allow a

review of the case. The outcome of the vote was unanimous in support of the proposal.

The Committee

Resolved that application LA11/2017/0733/O be deferred for further review and presented at a future meeting.

LA11/2018/0009/O-Proposed site for infill dwelling and garage (Site B) on lands to the immediate east of 17 Corrickbeg Road, Plumbridge.

The PO presented the above application, details of which had been previously circulated to Members. A brief outline of the application was provided and after material consideration in-line with planning policy a recommendation was given to approve planning permission, subject to the conditions as outlined within the report.

In response to a concern raised by Councillor Gardiner surrounding the similarity of this application to application LA11/2017/0773/O which was discussed earlier in the Meeting and was recommended for refusal. The Principal Planning Officer advised that this would be taken into account when reconsidering LA11/2017/0773/O.

In reference to application LA11/2018/0009/O, she stated that it would be clearly acceptable under Planning Policy Statement 21, given the plot size and minimal views of the site and existing substantially built-up frontage.

Discussion ensued, after which Alderman Bresland moved, seconded by Councillor McGuire to support the recommendation and 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 application LA11/2018/0009/O be approved planning permission, subject to the conditions as outlined within the report.

LA11/2018/0010/O- Proposed site for infill dwelling and garage (Site A) on lands 20m to west of 19 Corrickbeg Road, Plumbridge.

The PO presented the above application, details of which had been previously circulated to Members. He gave an overview of the application and advised that having considered the application against relevant planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Alderman Bresland moved, seconded by Councillor McGuire to support the recommendation and approve planning permission, subject to the conditions as outlined within the report.

The outcome of the vote was unanimous in favour of the proposal. The proposal was carried.

The Committee

Resolved that application LA11/2018/0010/O be approved planning permission, subject to the condition as outlined within the report.

LA11/2018/0165/F-It is proposed to vary the wording of planning condition no. 3 of J/2013/0297 to "The wind turbine installed shall be a Micon M530 turbine with generating capacity of 250kw located at Irish Grid Co-ordinates IGR236800 N397910 unless otherwise agreed in writing with the local planning authority, in consultation with Environmental Health", on lands approx 400m west of 53 Curly Hill Road, Strabane.

The PO presented the above application, details of which were previously circulated to Members. He advised that the purpose of the application was to vary the wording of planning condition no.3 of application reference J/2013/0297. He recommended that after analysis of the evidence based on material consideration and against planning policy a recommendation be given to approve the proposal, subject to the conditions as outlined within the report.

Councillor McGuire moved, seconded by Councillor Jackson to support the recommendation and approve planning permission, subject to the conditions as outline within the report.

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

The Committee

Resolved that the wording of application condition no.3 of application J/2013/0297 be amended to state "The wind turbine installed shall be a Micon M530 turbine with generating capacity of 2501Kw located at Irish Grid Co-ordinates IGR236800 N397910 unless otherwise agreed in writing with the local planning authority, in consultation with Environmental Health."

Open for Information

P73/18 Appeals Update

The Principal Planning Officer presented the above report, a copy of which had previously been circulated to Members. She advised that the purpose of the report was to appraise Members on planning appeals currently in the system.

The Committee

Recommended that Members note the update on the appeals.

P74/18 Local Development Plan (LDP2032) Project Update

The Principal Planning Officer presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to update Members on the progress of stage 2a (towards Draft LDP Plan Strategy) of preparation of the Council's Local Development Plan (LDP 2032) and particularly to advise Members on the series of Committee Round-table Discussion sessions, progress with the various Governance structure and the main work plan items including consultancy projects.

The Committee

Recommended that Members note the contents of this LDP Project Update

P75/18 List of Decisions Issued- March 2018

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

The Meeting went into confidential business.

The Meeting terminated at 8.30pm.