

Derry City and Strabane District Council

**Open Minutes of the Planning Committee Meeting held in the Chamber,
Council Offices, Strabane on Wednesday 9 January 2019 at 2.00pm.**

Present: - Councillor Robinson (Chairperson), Aldermen Bresland, Kerrigan, McClintock; Councillor Dobbins, Hastings, Jackson, D Kelly, Logue, McGuire, R McHugh, McKnight, McLaughlin, Reilly.

In Attendance: - Head of Planning (Ms M Fox), Head of Planning Performance and Improvement (Mr E Molloy), Lead Legal Services Officer (Mr P Kingston), Principal Planning Officers (Mrs A McNee, Mrs S McCracken, Mr P McCaughey), Senior Planning Officers (Ms S Barrett, Mrs R McMenamain, Mr K Donaghey, Mr J Spottiswood), Business Officer (Mrs L McKean), Committee Services Assistants (Mrs J Short & Ms E Bell).

P01/19 Notice and Summons for Meeting

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

P02/19 Member Attendance and Apologies

The Head of Planning completed the roll call with no apologies received.

P03/19 Declarations of Members' Interests

Councillor R McHugh declared an interest in planning application: LA11/2018/0078/F.

Open for Decision

Chairperson's Business

P04/19 Planning Applications withdrawn from the List with Recommendation for Decision:

LA11/2016/0781/F

The Head of Planning reported that late information was received and the above application would be withdrawn from the schedule to allow for further consultation with DfI Roads. The application would be presented at a future Committee meeting.

A/2014/0629/F

The Head of Planning reported that objections had been received which required consultation with Rivers Agency and advised that the above application would be withdrawn from the schedule to allow the Planning Officer to further consult with Rivers Agency. The application would be presented at a future Committee meeting.

LA11/2018/0558/O

The Chair advised that a site visit request had been received by a Member of the Planning Committee therefore the above application was deferred to allow for request to be submitted.

P05/19 NILGA & NIFHA Event – Meeting Social Housing Need, Locally

Members noted the above event to be held on 25 January 2019 at Mossley Mill, Newtownabbey at 10.00am to 12.30pm.

P06/19 Local Development Plan – Upcoming Events

The Head of Planning referred to upcoming discussion events of the LDP that were currently being firmed up and Members would be informed of the dates shortly. She agreed to alternate the time of the meetings scheduled in February and March to mornings and evenings. It was also agreed that whenever possible that the discussion papers be circulated to Members as early as possible in advance of the meetings and to indicate when the various topics would be discussed.

Councillor Dobbins joined the meeting at this stage.

P07/19 Planning Applications – Late Information Received

The Head of Planning confirmed late information received in respect of the following applications included on the list with Recommendation for Decision. Members would be given the opportunity to review the information prior to presentation of the application by the Planning Officer:

- LA11/2016/0781/F
- A/2005/0012/F
- A/2014/0629/F
- LA11/2017/0790/F
- LA11/2017/0764/F & LA11/2017/0763/LBC
- LA11/2017/1163/F
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P08/19 Confirmation of the Open Minutes of the Planning Committee held on Wednesday 28 November 2018

The Open Minutes of Planning Committee meeting held on Wednesday 28 November 2018 (P201/18-P215/18) were confirmed and signed by the Chairperson.

P09/19 Matters Arising

There were no matters arising from the Open Minutes of the Planning Committee held on 28 November 2018.

P10/19 Planning Applications List with Recommendation for Decision

RECONSIDERED APPLICATIONS

A/2014/0558/F: Installation of a wind turbine with tower height of 40m and a blade span of 30m accessed via the existing laneway at lands 800m west of 7 Sheriffs Road, Derry City.

The Head of Planning presented the above application, details of which had been previously circulated to Members. She referred to the current position of the application as outlined within the report and advised that following further consideration, Officers remained of the opinion that the visual impact of the proposal was significantly adverse as to warrant refusal of the proposal. She further advised that in the event of Members disagreeing with the recommendation, that draft conditions were also provided within the report.

Councillor Jackson moved, seconded by Councillor Hastings to grant approval of the application, subject to the conditions as outlined within the report.

The outcome of the vote; For 12, Against 0, Abstained 2 (Councillors McKnight and McLaughlin were not in attendance at previous meetings and therefore had no voting rights on this occasion).

The Committee

Resolved that planning application A/2014/0558/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2017/0342/F: Social housing bungalow to meet local need for APEX Housing Association at vacant site to the rear of 15 Melvin Court, Strabane.

The Head of Planning presented the above application, details of which had been previously circulated to Members. She provided an update on the current position of the application and advised that Officers remained of the opinion to recommend a refusal for reasons as outlined within the report. She further advised that if Members were minded to approve planning permission, that conditions were provided without prejudice.

Councillor D Kelly moved, seconded by Councillor Hastings that approval be granted subject to the conditions as outlined within the report.

The outcome of the vote; For 9, Against 0, Abstained 5 (Councillors McKnight, McGuire, Dobbins, McLaughlin and Alderman McClintock).

LA11/2016/0781/F: Retention of car compound at 18 Lower Strabane Road, Churchtown, Castledearg.

The above application was withdrawn and would be presented at a future meeting.

NEW APPLICATIONS

A/2005/0012/F: Housing development: 91 Units, comprising of detached, semi-detached, terrace, 1 and 2 storey dwellings, shop units with apartments over and associated green spaces; parking and access and existing roads/access improvements to Lettershandoney Avenue and Tirbracken Road at lands near to and north-east of the junction of Gorticross Road and Lettershandoney Avenue, Lettershandoney.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. A brief summary of the application was provided and it was advised that after consideration of the evidence against planning policy, a recommendation to approve planning permission was made subject to the conditions as outlined within the report.

The Members received speaking rights from Mr David Graham, Agent on behalf of the applicant.

Discussion ensued after which Alderman McClintock moved, seconded by Councillor Hastings to accept the recommendation to approve planning permission subject to the conditions as outlined by the Senior Planning Officer.

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

The Committee

Resolved that planning application A/2005/0012/F be granted planning permission subject to the conditions as outlined within the report.

A/2014/0629/F: Medical Building (totalling 6,901 gross sq m) with car parking in a semi-basement, Superstore (totalling 5,574 gross sq m) associated car parking, Restaurant, Self Service Filling Station, servicing and landscaping with access/egress via Pennyburn Pass and Pennyburn Industrial Estate Road at Arntz Belting Company Ltd site, Pennyburn Pass and former Eurocentre West site, Pennyburn Industrial Estate Road, Pennyburn Industrial Estate, Londonderry.

The above application was withdrawn and would be presented at a future meeting.

LA11/2017/0790/F: Proposed two storey infill terrace dwelling at site adjoining No.3 De Moleyn, Derry.

The Senior 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 that approval be granted, subject to the conditions as outlined within the report.

The Members received speaking rights from Ms Mary Kerrigan in objection to the application.

The Members received speaking rights from Ms Deirdre McCay the applicant who provided reasons to support the application.

Councillor Logue referred to the opinion provided by DfI (Roads) which contradicted previous opinions. She expressed concern over the lack of consistency from the Department. She suggested that Council write to seek an explanation for their action.

Councillor Jackson stated because of the ongoing parking issues that residents experienced it was necessary for a parking management solution to be reached before the problem would be intensified by additional dwellings. He said that he would not be in a position to support the application on those grounds.

The Head of Planning reminded Committee that officers seek views pertaining to car parking from DfI but it is ultimately Planning that take the decision on this issue. She advised that as with all applications discretion was applied when considering each case on their own merits and advice sought from the Department in order to weigh up the parking issues alongside other relevant considerations, to form the recommendation presented to Committee.

Discussion ensued after which Alderman McClintock moved, seconded by Councillor Hastings to support the recommendation to approve planning permission subject to the conditions as outlined within the report.

The outcome of the vote; For 11, Against 2, Abstention 1. The proposal was carried.

Councillor Logue requested that a letter is sent to DFI clarifying the change of opinion. This was agreed by the Committee.

The Committee

Resolved that planning application LA11/2017/0790/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2017/0764/F: Change of Use to 39 Shipquay Street to provide extension to approved amusement arcade (A/2014/0314/F) at 39 Shipquay Street, 1/2 Bank Place, Derry.

LA11/2017/0763/LBC: Change of Use to 39 Shipquay Street to provide extension to approved amusement arcade (A/2014/0314/F) at 39 Shipquay Street, 1/2 Bank Place, Derry.

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

approve planning permission, subject to the conditions as outlined within the report.

The Members received speaking rights from Ms Diana Thompson who outlined reasons not to support the application.

The Members received speaking rights from Mr Martin McNutt who outlined reasons to support the application.

Councillor Logue expressed concern that the building was located within the proximity of recreational facilities for young people and residential area. She said that Council had a duty of care to protect the city and conservation area and that such an application for change of use for an amusement arcade would be an outrage particularly when there already existed seven amusement arcades within the City. She also referred to the lack of reference within the report to the Draft Amusement Permit Policy consultation and sought further clarification in that respect.

The Head of Planning advised that the recommendation did not put significant weight on the Draft Permit Policy because it is a draft policy only. Discussions were still ongoing within the Local Development Planning process regarding the subject area of HMO's and amusement arcades as to how they would dovetail within the various policies. She added that the consideration of the application was based primarily on current Planning Policy.

The Principal Planning Officer for LDP further advised that the Draft Amusement Permit Policy consultation was a separate process for Council and indicated that a Planning Policy would be prepared as part of the LDP and will include discussions with the Environmental Health Section so as to avoid duplication or conflict of policies.

Councillor McLaughlin stated that in the best interest of everyone, she believed that a decision on the application be delayed until the Draft Amusement Permit Policy had gone through the due process of Council.

Councillor Logue moved, seconded by Councillor McKnight not to support the recommendation as outlined.

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

The Committee

Resolved not to support the recommendation to approve planning applications LA11/2017/0764/F or LA11/2017/0763/LBC. The applications would be returned for further consideration and presented at a future Committee meeting.

LA11/2017/1163/F: 3 No. detached houses with garages at 43 Limavady Road, Londonderry.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. She provided a brief 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.

The Members received speaking rights from Mr Peter O'Brien, applicant who outlined reasons to approve planning permission.

A brief discussion occurred after which Alderman McClintock moved, seconded by Councillor Reilly to defer the application to allow for a site visit request to be submitted.

The Committee

Resolved that planning application LA11/2017/1163/F be deferred for further consideration and presented at a future meeting of Committee.

LA11/2018/0731/F: Demolition of existing youth club and community hall and construction of a single storey youth club, car parking and associated site works at 3 Fanad Drive, Creggan, Derry.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. He recommended that based on material consideration and in line with planning policy

that planning permission be granted, subject to the conditions as outlined within the report.

Councillor Logue referred to the condition for the applicant to provide a report by a competent ecologist for bat presence. She said that she felt this was excessive and that a pre-inspection should suffice so to avoid considerable cost to the applicant. She asked that Officers write to NIEA in that respect.

The Head of Planning advised that the condition was required from NIEA as a precautionary measure because of protected species, and in some cases it may not be an issue.

Councillor Dobbins moved, seconded by Councillor Logue to accept the recommendation 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 LA11/2018/0731/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2018/0392/F- Proposed extension/renovation of existing shop unit to provide off sales and café seating area, store and offices at Devine's Shop, 12 Fyfin Road, Victoria Bridge, Strabane.

The Planning Officer presented the above application, details of which had been previously circulated to Members. He provided a brief summary of the application and based on material consideration and in line with relevant planning policy provided a recommendation to refuse planning permission for reasons as outlined within the report.

In response to a query from Alderman McClintock, the Principal Planning Officer clarified that as the site had been identified to partially sit within the Strategic fluvial floodplain, a Flood Risk Assessment was required in accordance with FLD1. She added that this would also be required to obtain a Habitat Risk Assessment.

Following concerns being raised by Alderman Bresland, the Planning Officer clarified that the concerns regarding odour and noise nuisance were linked to the present location and not a former location of the

Waste Management Plant. He stated that the report required in relation to this would be used to establish extent of the effect of the Waste management plant on the application and what mitigation measures should be implemented.

Councillor McGuire commented that this application was an example of an agent's failure to complete his role effectively and said there were too many failures to provide sufficient evidence to approve the application.

Councillor Hastings concurred with Councillor McGuire.

Alderman Kerrigan suggested deferral for 1 month to allow the agent a last chance to submit the required information.

Councillor's McKnight, McGuire and the Chair disagreed with this suggestion.

Councillor McGuire moved, seconded by Councillor McKnight to refuse planning permission for reasons as outlined within the report.

The outcome of the Vote: For 13, Against 0, Abstention1. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0392/F be refused planning permission for reasons as outlined within the report.

LA11/2018/0235/O: New 2 storey dwelling adjacent to 208 Hillcrest, Kilfennan, Derry.

The Planning Officer presented the above application, details of which had been previously circulated to Members. He provided a brief summary of the application and based on material consideration and in line with relevant planning policy, a recommendation was provided to refuse planning permission for reasons as outlined within the report.

Alderman McClintock agreed with the Officer's recommendation stating she thought the application was inappropriate for the site.

Councillor Jackson concurred with Alderman McClintock.

Alderman McClintock moved, seconded by Councillor Jackson to refuse planning permission for reasons as outlined within the report.

Voting was unanimous in support of the proposal. The proposal was carried.

The Committee

Resolved that application LA11/2018/0235/F be refused planning permission for reasons as outlined within the report.

LA11/2018/0078/F: Change of Use of former school canteen and dining hall to children's indoor soft play area, café and associated existing on-site parking and single storey extension to dining hall to enlarge play area at former St Eugene's High School, 1 Cavan Road, Castlederg.

Councillor R McHugh left the Meeting at this point.

The Planning Officer presented the above application, details of which had been previously circulated to Members. He provided a summary of the application and based on evaluation of the facts of the application alongside relevant planning policy a recommendation was provided to approve planning permission, subject to the conditions as outlined within the report.

Councillor Hastings welcomed the application and said that it was encouraging to see former school buildings being re-developed.

Councillor McGuire expressed his shock to see an objection to this application. He added that it was regrettable to see many old school buildings fall into dereliction and he praised the applicant for the foresight in bringing an old building back into use.

Councillor Hastings moved, seconded by Councillor McGuire to approve planning permission, subject to the conditions as outlined within the report.

Voting was unanimous in support of the proposal. The proposal was carried.

The Committee

Resolved that application LA11/2018/0078/F be approved planning permission, subject to the conditions as outlined within the report.

Councillor McKnight left the Meeting at this point.

Councillor R McHugh returned to the Meeting.

LA11/2018/0558/O: Proposed site for a dwelling at site approximately 60m North West of 58 Carnanreagh Road, Claudy.

The above application was deferred to allow for a site visit request to be submitted. The application would be presented at a future meeting.

LA11/2018/0482/O: Proposed erection of farm dwelling and domestic garage at 285m North East of 15 Barleyhill Road, Castledearg.

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

He provided an overview of the application and after evaluation of the application against planning policy a recommendation to refuse planning permission was provided for reasons as outlined within the report.

Councillor McGuire disagreed with the Officer's recommendation. He referred to CYT10 criterion C stating that he considered that Mr McHugh had demonstrated mitigating circumstances for the family home being situated 220m from the farm. In relation to CTY 14 Councillor McGuire stated that he felt the existing vegetation would be sufficient to shield the view of the proposed building. He also referred to CTY13 stating that an application for a wind turbine had previously been approved nearby which would have been more conspicuous to the landscape than the proposed dwelling, adding that it would be hypocritical to refuse the application. He proposed not to accept the Officers recommendation under Strabane Area Plan 123.2.1 and 123.2.2.

Alderman Kerrigan concurred with the previous speaker and commented that 220m was not a vast distance between the dwelling and farm. He added that he was not convinced that the dwelling was visible from the road.

Councillor Hastings concurred with Alderman Kerrigan and further stated that in light of recent slurry and silage pit related deaths dwellings should be situated a safe distance from farms.

Councillor R McHugh queried if the issue of clustering was subject to interpretation.

In response, the Head of Planning advised on the planning concept of clustering which was a matter of opinion.

Councillor R McHugh stated that as clustering was subject to individual interpretation, he felt the building was linked to the farm by a laneway and therefore he would be happy to support an approval of the application.

Councillor McGuire moved, seconded by Alderman Kerrigan to overturn the Officer's recommendation and approve planning permission, subject to the conditions as outlined within the report.

The voting was unanimous in support of the proposal.

The Committee

Resolved not to accept the officer recommendation to refuse application LA11/2018/0482/O as outlined within the report and the application be reconsidered and returned at a later date.

LA11/2018/0361/F: Surface level temporary car park (approx. 256 car parking bays plus 6 coach parking bays at Ebrington Barracks (between building 80/81 and the existing temporary car park) Limavady Road, Londonderry.

The Planning Officer presented the above application, details of which had been previously circulated to Members. She provided a synopsis of the application and after analysis of the elements within the application against relevant planning policy, a recommendation was provided to approve planning permission, subject to the conditions as outlined within the report.

In response to a query from Alderman McClintock, the Principal Planning Officer clarified that whilst the car park was intended for use by businesses located at the Ebrington site, the public would not be restricted from using the facility.

In reply to a question from Councillor D Kelly, the Lead Legal Services Officer clarified that whilst Council had responsibility for Off-Street Car Parks, the Department for Infrastructure (Roads) remained a consultee.

Councillor Hastings moved, seconded by Alderman McClintock 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 proposal was carried.

The Committee

Resolved that application LA11/2018/0361/F be approved planning permission, subject to the conditions as outlined within the report.

P11/19 Local Development Plan (LDP 2032) – Workplan Update

The Principal Planning Officer presented the above report, details of which had been previously circulated to Members. The purpose of the report was to provide an update to Members on the progress of the Council's Local Development Plan 2032 (LDP draft Plan Strategy, dPS) and particularly for Members to consider a proposed programme of LDP Discussion Meetings and Planning Committee Meetings during January, February and March as we aim to finalise the various Planning topics and publish the LDP draft Plan Strategy in mid-2019.

Councillor McGuire stated that he did not feel that the LDP documents would be contentious and questioned if Members could receive a final copy of the LDP Plan Strategy before it would be circulated.

The Principal Planning Officer responded that individual papers would be circulated to Members at the Member/Officer discussion workshops to give Members an opportunity for further review of the plan before the final draft would be circulated to Members in March 2019.

The Head of Planning advised that all feedback from Members, Consultees and POP representatives was welcomed and would assist in the development of the LDP Plan Strategy process.

Councillor Logue requested that the papers for workshops be made available to Members a week prior to the workshops and be made as legible as possible. She voiced her appreciation for the work of the Planning Officials on the LDP Plan Strategy and explained that she wanted to use this opportunity to ensure that her views are considered.

In response to comments from Councillor Logue, the Head of Planning Performance and Improvement stated that he was aware of the pressure of reading the vast amount of information required to participate in the discussion workshops. He agreed to make information available to Members as early as possible, ideally one week prior to each workshop and to make this information as readable as possible. He added that the workshops were the mechanism for Members to contribute to the LDP process.

Alderman McClintock suggested that the first meeting be deferred as adequate time was not given for Member preparation.

In reply, the Head of Planning Performance and Improvement stated that it was important to adhere to the timetable of workshops to progress the LDP Plan Strategy. He advised that further meetings could be added to the timetable if necessary.

The Chair, Councillor Hastings and Councillor D Kelly concurred that the workshops should proceed as planned.

The Committee

Recommended **that Members agree to endeavour to aim towards the timescales for publication of the LDP draft Plan Strategy as set out in the draft Workplan and agree to the proposed programme of LDP Discussion Meetings and Planning Committee Meetings.**

P12/19

LDP – Sperrins Forum – Statement of Common Ground (SoCG, Cross-boundary issues for LDP)

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 that a Draft document – a Statement of Common Ground (SoCG) had been received from Mid Ulster District Council on behalf of the Sperrins Forum. The Council is asked to consider and to sign up to this Statement – which gives the high-level approach which all the four Councils propose to take regarding cross-boundary issues (mainly within Sperrin AONB) within our respective Local Development Plans (LDPs).

Councillor D Kelly commented that he was disappointed that the report was only being presented to the Committee now, as it had been received in November 2018. He also indicated that he did not feel content for the Statement of Common Ground to be adopted at this stage as smaller towns/villages had not been adequately reflected within the report.

The Principal Planning Officer in response, assured Members that he had raised the issue of the importance of smaller settlements at a previous meeting of the Sperrins Forum and commented that the Statement of Common Ground had been deliberately worded to demonstrate this.

Councillor D Kelly advised that he felt the wording downgraded the importance of smaller settlements.

The Head of Planning advised Members that the Committee could amend the wording to the Statement of Common Ground if they wished to sign-up to the principles.

The Committee

Recommended **that (i) Council agree to sign up to the principles of the Statement of Common Ground, for interpretation in Council’s LDP Plan Strategy and Local Policies Plan over the coming months and years, on the condition that Section 5 within the statement be amended to state “Recognise the importance of hubs as main service**

centres and recognise the importance of smaller settlements in serving our rural communities, complemented with other community services and facilities provided in the countryside”.

(ii) Council revert back to the Sperrins Forum with the signed document.

Open for Information

P13/19 Update on application LA11/2017/0623/F – 12 houses on lands to north of Ferndale Road and adjacent to Skeoge Business Park

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 update Members in relation to a discrepancy on the layout plan within the Case Officers report for application LA11/2017/0623/F which was presented to Members on 7 November 2018.

The Committee

Recommended that Members note the contents of the report.

P14/19 Appeals Update

The Principal Planning Officer presented the above report, a copy of which had be previously 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 contents of the report.

P15/19 Anaerobic Digester Plants in DCSDC Area

The Head of Planning Performance and Improvement presented the above report, a copy of which had been previously circulated to Members. He advised that the purpose of the report was to advise Members that a detailed report on the subject matter will be prepared

for presentation at the February 2019 meeting of the Planning Committee.

The Committee

Recommended That Members note the contents of the report.

P16/19 List of Decisions Issues – December 2018

Members noted the List of Decisions issued during the month of December 2018.

The meeting went into confidential business.

The meeting terminated at 8.30pm.