

## **Derry City and Strabane District Council**

**Open Minutes of a Special Meeting of the Planning Committee held in the Guildhall, Derry on Thursday 14 February 2019 at 1.30pm.**

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**Present: - Councillor W Robinson (Chairperson), Aldermen Kerrigan and McClintock; Councillors Hastings, Jackson, D Kelly, Logue, R McHugh, McKnight, McLaughlin and Reilly.**

**In Attendance: - Head of Planning (Ms M Fox), Lead Legal Services Officer (Mr P Kingston), Head of Planning Performance and Improvement (Mr E Molloy), Principal Planning Officers (Mr P McCaughey and Mrs S McCracken), Senior Planning Officers (Mr M McCarron and Mr J McNee), Business Services Officer (Mrs L McKean) and Committee Services Assistant (Miss L Bell).**

**Representing Department for Infrastructure: - Mr N Jenkinson (DfI Rivers), Ms L McWilliams (DfI Roads).**

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### **SP1/19 Notice and Summons for Meeting**

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

### **SP2/19 Member Attendance and Apologies**

The Head of Planning completed the roll call. Apologies were received from Alderman Bresland, Councillor Dobbins and Councillor McGuire.

### **SP3/19 Declarations of Members Interests**

The Members had no declarations of interest.

## **Open for Decision**

### **Chairperson's Business**

#### **SP3/19 Late Information Received**

The Chair advised that late information had been received from Mr Stephens, Matrix Planning Consultancy in objection to the application. Members were allocated time to review the late information before discussion commenced.

#### **SP4/19 Planning Application A/2014/0629/F with Recommendation for Decision**

**A/2014/0629/F- Medical Building (totalling 6901 gross sq m) with car parking in a semi-basement, superstore (totalling 5574 gross sum) associated car parking, Restaurant, Self Service Filling Station, servicing and landscaping with access/egress via Pennyburn Pass Industrial estate Road. Arntz Belting Company Ltd Site, Pennyburn Pass and former Eurocentre West site, Pennyburn Industrial Estate Road, Pennyburn Industrial Estate Londonderry.**

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. She provided a brief summary of the application. Following consideration of the facts of the application against relevant planning policy a recommendation was provided to approve planning permission, subject to the conditions as outlined within the report.

Mr Monaghan, MBA Planning addressed the Committee on behalf on his client, Lidl, in objection to the application.

Mr McGurran, McGurran and Associates addressed the Committee on behalf of the agent in support of the application.

Ms McShane, Kevin McShane Ltd addressed the Committee on behalf of the agent in support of the application in relation to traffic management.

Dr Hull, Flood Risk Consulting addressed the Committee on behalf of the agent in relation to the Flood Risk Assessment which his company carried out.

In response to a request from Alderman McClintock, Mr McGurran indicated that he was not able to disclose the identity of any prospective tenants for the site due to the commercially sensitive nature of this information.

In reply to a question from Councillor Hastings, Mr McGurran clarified that he felt the business proposed for the site would not compete with Lidl who had already established a customer base in the area, and would therefore not have an impact on employment figures within Lidl.

Following further questions from Councillor Hastings, Ms McShane clarified that several measures were planned to mitigate the impact of the application on the traffic in the Bunrana Road area. She confirmed that these measures should mean that traffic congestion in the area should not become worse than at present.

After questioning from Councillor McLaughlin, Mr McGurran indicated that once planning permission was granted, work should commence in December 2019. He clarified that discussions with a prospective tenant were ongoing, although he could not provide further information due to the commercially sensitive nature of the topic.

A Member of the Public asked for speaking rights at this point, however, the Chair declined this request. He advised that all relevant persons had been notified of the meeting in advance and requests to speak needed to be made within the appropriate timeframes and protocols.

In response to a question from Councillor Logue, the Lead Legal Services Officer confirmed that all Objectors and Supporters on file had been notified of the meeting.

Following a question from Councillor Hastings, Mr Jenkinson, Department for Infrastructure –Rivers confirmed his satisfaction with the Flood Risk Assessment provided by the applicant. He clarified that the application had been awarded a low-risk hazard rating.

After concerns were raised by Alderman McClintock, the Principal Planning Officer commented that planning policy requires firm facts and that significant weight had been placed on the position and history of the application, rather than on the speculative nature of the tenant. She added that granted planning permission is placed on the land for a period of 5 years and clarified that this meant that any element of the application could be commenced at any time during that 5 year period.

In response to Members' discussions/comments regarding previous applications for retail superstores, the Head of Planning reminded Members of the fact of the individual nature of different planning applications in terms of location and outcome over a period of years. She specified that in this case the application was at the edge of the City Centre. In response to queries from Councillor Logue, she advised Members that a Retail Capacity Assessment was carried out individually for each application to consider the potential impact of the retail situation at each stage.

In response to a query from Councillor McLaughlin the Principal Planning Officer stated she was not aware of any tenancy secured for the medical building.

As a result of a query from Councillor D Kelly, the Lead Legal Services Officer clarified that this application should be considered as a fresh application.

In response to further queries from Councillor D Kelly, the Principal Planning Officer outlined that the Retail Impact Assessment for the application had examined the impact on current local centres such as Lisnagelvin and Sainburys. She clarified that Retail Impact Assessment could only look at the effect on current, established sites and not on future applications.

Councillor D Kelly commented that he was satisfied that the Retail Impact Assessment was robust.

In relation to Councillor D Kelly's concerns surrounding hazardous materials, the Principal Planning Officer stated that an objection had been received which communicated concerns to the hazardous materials within the proposed petrol station. She advised that as the volume of Petrol/Diesel stored at the site fell below the required threshold, Hazardous Substances Consent was not required in this instance. She further advised that Environmental Health advice had been obtained which indicated that the risk to human or environmental receptors from the level of inundation was negligible and therefore would not warrant a refusal.

Mr Jenkinson, DfI Rivers expressed his surprise to objections received in relation to the issue of the flooding risk of the site and the impact from the potential failure of the Creggan Reservoir. He stated that he was unaware of the reservoir being considered high risk.

In answer to a question from the Chair, the Principal Planning Officer clarified that the reason Lisnagelvin Shopping Centre had a higher predicted retail impact within the Retail Impact Assessment was due to its higher turnover.

Councillor D Kelly stated that he felt the economic benefits of the application outweighed the speculative nature of the tenant. He added that he felt the term "speculative" was dangerous use of language.

In response the Head of Planning stated that the prospective tenant would not have significant bearing on retail planning policy considerations.

However, in response to further queries from Councillor McLaughlin, the Head of Planning referred to Planning Policy Statement 4: PED 7 which does refer to the nature of the proposal and indicated that the application demonstrated 2 of the 7 reasons specified within the policy which has been considered and weighed up in the planning report alongside other material planning considerations. She also highlighted that the Retail Impact Assessment had concluded that there was a qualitative need.

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

The voting was unanimous in support of the proposal.

The Committee

**Resolved that Planning Application A/2014/0629/F be granted planning permission, subject to the conditions as outlined within the report.**

**The Meeting went into Confidential Business.**

**The Meeting ended at 15.50pm.**