

Derry City and Strabane District Council

Open Minutes of the Planning Committee Meeting held in the Chamber, Guildhall, Derry on Wednesday 5 June 2019 at 2.00pm.

Present: - Councillor Jackson (Chairperson), Aldermen Bresland, Kerrigan and McClintock; Councillors J Barr, Boyle, Dobbins, Durkan, Gallagher, Harkin, Kelly, Logue, McGuire, McKinney.

In Attendance: - Director of Environment and Regeneration (Mrs K Phillips), 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, Mr P McCaughey, Mrs S McCracken), Senior Planning Officers (Mr K Donaghey, Miss S Barrett, Mr J Spottiswood, Mr M McCarron, Mr J McNee), Business Services Officer (Mrs L McKean), Committee Services Assistant (Mrs J Short).

P54/19 Notice and Summons for Meeting

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

P55/19 Member Attendance and Apologies

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

P56/19 Declarations of Members' Interests

The Chair declared an interest in planning application LA11/2018/1039/F.

Open for Decision

Chairperson's Business

P57/19 Welcome Message

Councillor Jackson welcomed everyone to the first Meeting of the Planning Committee following his nomination as Chair at the Annual General Meeting.

P58/19 Site Visit Deferral

Members noted site visit deferrals for the following planning applications listed for decision:

- LA11/2018/0897/F
- J/2014/0293/F

P59/19 Late Information Received

The Head of Planning confirmed that late information had been received in regards to the following applications and Members would be given the opportunity to review the information later in the meeting:

- LA11/2017/0903/F
- LA11/2018/1039/F
- LA11/2017/1132/F

P60/19 Deferred Application

The Head of Planning reported that late information was received in respect to the following applications. She advised that it was necessary to defer a decision to allow for reconsultation with DfI Roads. The applications would be presented at a future meeting.

- LA11/2018/0882/F
- LA11/2018/0847/LBC

P61/19 Confirmation of the Open Minutes of the Planning Committee Meeting held on Wednesday 6 March 2019.

The Open Minutes of Planning Committee meeting held on Wednesday 6 March 2019 (P37/19-P49/19) were confirmed and signed by the Chairperson.

Alderman Kerrigan joined the meeting at this stage.

P62/19 Matters Arising

There were no matters arising from the Open Minutes of the Planning Committee held on 6 March 2019.

P63/19 Planning Applications List with Recommendation for Decision

The Lead Legal Services Officer reminded Members that in line with Planning protocol they are not permitted to contribute to the discussion or vote if they were absent from previous meetings when the application was presented.

RECONSIDERED APPLICATIONS

LA11/2017/0930/F- Conversion of vacant school house to dwelling and erection of one and half storey extension to same, Oghill School House on lands 60M NE of 191 Tamnaherin Road.

Councillor Gallagher joined the meeting at this stage.

The Head of Planning presented the above application, details of which were previously circulated to Members. She provided a summary of the background to the application which was previously presented. She highlighted that the issue in terms of visibility splays had been resolved and this was an important change to the application. She reported however that, based on further consideration, the recommendation to refuse still remained for reasons as outlined previously.

Mr Andy Tate, Agent addressed the Committee in support of the application.

Alderman McClintock moved, seconded by Councillor Kelly to support approval of the application subject to the conditions attached.

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

The Committee

Resolved that application LA11/2017/0930/F be approved planning permission subject to the conditions as outlined in the report.

LA11/2018/0528/O- Erection of two and part single storey dwelling house and detached garage at lands 50m West of 52 Tireighter Road, Park, Claudy.

The Head of Planning presented the above application, details of which had been previously circulated to Members. She provided an overview of the background to the application and, based on further material consideration and in line with planning policy, recommended that planning permission be refused for reasons as outlined within the report.

Mr Gerard McPeake, Agent addressed the Committee and outlined reasons to support the application.

Discussion ensued after which Councillor Kelly moved, seconded by Councillor Dobbins to approve the application 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 LA11/2018/0528/O be approved planning permission subject to the conditions as outlined within the report.

NEW APPLICATIONS

LA11/2017/1132/F - Change of use from dwelling to 4 No. apartments at 24 Coshquin Road, Derry BT48 0ND - Recommendation: Refuse

Councillor Boyle requested the above application to be deferred for a site visit as the Committee was not in a position to make an informed decision.

The Chair accepted deferral of the above application subject to a site meeting request to be submitted accordingly.

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

J/2013/0287/F - A proposal for a windfarm comprising of five turbines (each with an overall maximum height of 125m above ground level) and associated infrastructure including an upgraded site entrance, new onsite access tracks, an onsite substation and control building, underground cables, two temporary monitoring masts, a permanent meteorological mast, a temporary construction compound, a temporary enabling works compound, permanent crane hardstandings and road widening and improvement works on sections of the transport route (road improvement works) at Meenamullan Windfarm in the townland of Meenamullan near Killeter, Co Tyrone.

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. She provided an overview of the background to the application and, based on material consideration and in line with planning policy, recommended that refusal be granted for reasons as outlined within the report.

Ms Jennifer McCorry, agent, addressed the Committee and outlined reasons to support approval of the application.

Councillor Kelly moved, seconded by Alderman McClintock to support refusal of the application for reasons as outlined by the Senior Planning Officer.

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

The Committee

Resolved that planning application J/2013/0287/F be refused planning permission for reasons as outlined within the report.

Councillor McGuire returned to the meeting at this stage.

LA11/2018/0353/O - Site for farm dwelling and garage approx 20m south of 50 Ervey Road, L'Derry.

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

overview of the background to the application and, based on material consideration and in line with planning policy, recommended a refusal for reasons as outlined within the report.

Mr Andy Tate, Agent addressed the Committee in support of the application.

Mr Proctor addressed the Committee and outlined reasons to approve the application.

Discussion ensued following which Councillor McGuire proposed not to accept the recommendation to refuse planning permission on the grounds that:

1. CTY 10 was not relevant to this particular application.
2. CTY 14 – would not be out of character.
3. CTY 13 – there is a suitable degree of enclosure, site is well sheltered.
4. CTY 8 – there is accompanying development to the rear and at the farm.

Alderman McClintock seconded the proposal.

Councillor Boyle expressed the view that he would be supportive of the recommendation to refuse planning permission.

The outcome of the vote; For 8, Against 4, Abstentions, 2. The proposal was carried.

The Committee

Resolved not to support the recommendation to refuse planning application LA11/2018/0353/O. The application would be reconsidered at a future meeting.

LA11/2018/0741/O - Proposed 2 no. infill dwellings and 2 no. garages at lands adjacent to and north of 170 Tamnaherin Road, L'Derry.

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

overview of the background to the application and, based on material consideration and in line with planning policy, recommended a refusal for reasons as outlined within the report.

Mr Andy Tate, Agent addressed the Committee in support of the application.

Councillor Boyle proposed that the PPO's recommendation be accepted subject to the conditions as outlined within the report. Councillor Dobbins seconded the proposal.

The outcome of the vote; For 4, Against 8, Abstention 2.

Councillor McGuire proposed not to accept the PPO's recommendation as he believed there was sufficient gap site and the farmhouse had a frontage with the road. Alderman McClintock seconded the proposal.

The outcome of the vote; For 7, Against 4, Abstention 3. The proposal was carried.

The Committee

Resolved not to support the recommendation to refuse planning application LA11/2018/0741/O. The application would be returned for reconsidered at a future meeting.

Councillor J Barr left the meeting at this juncture and would not return.

The Chair declared an interest with the following application and left the meeting. The Vice-Chair took over the position of Chair of meeting for the duration of his absence.

LA11/2018/1039/F - Demolition of existing buildings on site and construction of 27 No. Apartments including 9 No. 1 bedroom and 18 No. 2 bedroom together with associated site works and landscaping at site at 23-34 Mimosa Court, Derry BT47 2DY.

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. She provided an overview of the background to the application and, based on material

consideration and in line with planning policy, recommended an approval subject to the conditions as outlined within the report.

Mr Conor McGirr, Agent addressed the Committee in support of the application.

Members expressed the following views:

- Car parking major issue on site.
- Need for social housing within the city
- No consistency regarding car parking spaces

Councillor Gallagher moved, seconded by Councillor Boyle to accept the recommendation to approve planning permission subject to the conditions as outlined within the report.

Members requested that officers attach a condition in relation to restriction of delivery times during times when children may be going to/coming from school.

The outcome of the vote; For 11, Against 1, Absention 0. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/1039/F be granted planning permission subject to the conditions as outlined within the report.

The Chair returned to the meeting and resumed his position.

LA11/2018/0295/O - Proposed replacement dwelling and detached garage at lands between 24a & 35 Slaughtmanus Road, L'Derry.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. He gave an overview of the background to the application and, based on material consideration and in line with planning policy, recommended a refusal for reasons as outlined within the report.

Mr Andy Tate, Agent addressed the Committee.

Ms Mary McLaughlin, Applicant addressed the Committee.

Following lengthy discussion Councillor Dobbins moved, seconded by Councillor Boyle to accept the recommendation to refuse planning permission.

The outcome of the vote; For 6, Against 5, Abstention 2. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0295/O be refused planning permission for reasons as outlined within the report.

LA11/2018/1059/F - Retention of unit no's 1-20, 2no 4 bedroom bungalows, 18no 4 bedroom two storey semi-detached dwellings and amendment to landscape proposal and associated site works, boundary treatments and access at lands due north of no's 1-21 Coneyville, Culmore, Derry.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. She gave an overview of the background to the application 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.

Mr Brian Kelly and Mr Lee Hannigan, Agents addressed the Committee and outlined reasons to support approval of the application.

Councillor Gallagher moved, seconded by Councillor McGuire to support the recommendation to approve planning permission 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 LA11/2018/1059/F be approved planning

permission subject to the conditions as outlined within the report.

LA11/2017/1097/A - PVC Banner on 2 walls (fixed with studs) at 89c Ballyore Industrial Estate, Newbuildings.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. He gave an overview of the background to the application and, based on material consideration and in line with planning policy, recommended a refusal for reasons as outlined within the report.

Councillor Gallagher moved, seconded by Councillor Boyle to support the recommendation to refuse planning permission.

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

The Committee

Resolved that planning application LA11/2017/1097/A be refused planning permission for reasons as outlined within the report.

LA11/2018/1046/F - Retention of a change of use from a single dwelling to a house in multiple occupation (HMO) at 33 Glenvale Park, 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 to refuse planning permission, for reasons as outlined within the report.

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

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

The Committee

Resolved that planning application LA11/2018/1046/F be refused approval subject to the reasons as outlined within the report.

LA11/2019/0110/F - The provision of three temporary 3.6 x 12m portacabins in a linear configuration aligned to the north of the existing bungalow on site. All associated required site works at 15 Longfield Road, Eglinton.

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

Councillor Dobbins moved, seconded by Alderman McClintock to accept the SPO's 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 LA11/2019/0110/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2018/0817/O - 2no dwellings and domestic garages (in-fill site) immediately south (and adjacent to) 114 Duncastle Road, Cullion, L'Derry.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. He gave an overview of the background to the application and, based on material consideration and in line with planning policy, recommended a refusal for reasons as outlined within the report.

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

The outcome of the vote For; 9, Against 4. The proposal was carried.

The Committee

Resolved that planning application LA11/2018/0817/O be refused planning permission for reasons as outlined within the report.

LA11/2019/0194/F - Single storey side and two storey rear extension to existing dwelling to provide additional ground floor living space and additional first floor bedroom at 22 Messines Park, 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 to approve planning permission, subject to the conditions as outlined within the report.

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

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

The Committee

Resolved that planning application LA11/2019/0194/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2019/0200/F - Two storey extension to rear of property to relocate kitchen / dining on ground floor and provide additional bedrooms and bathroom on first floor at 46 Glencaw Park, 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 to approve planning permission subject to the conditions as outlined within the report.

Councillor Logue moved, seconded by Alderman McClintock to support the recommendation to grant planning approval.

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

The Committee

Resolved that planning application LA11/2019/0200/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2018/0376/F - Proposed 6 no. 1 bedroom apartments at site 20m south of No's 22, 24 and 26 Townsend Street on Back Row, Strabane.

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

Councillor Logue said that whilst she agreed with the refusal reasons she expressed concern that there was inconsistency in relation to car parking provision required.

The PPO advised that, on the basis of evidence associated with this application, there was a shortfall of car parking spaces.

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

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

The Committee

Resolved that planning application LA11/2018/0376/F be refused planning

permission for reasons as outlined within the report.

LA11/2018/0897/F - Retention of change of use from home/dwelling to three self-catering cottages at 37A Upper Galliagh Road, Elagh, Derry.

The above application was deferred for a site meeting request to be submitted.

J/2014/0293/F - 4 Semi Detached 2 storey Dwellings at site 20m South West of 97 Camus Road, Douglas Bridge.

The above application was deferred for a site meeting request to be submitted.

LA11/2018/0882/F - Change of use from rental accommodation to a B&B at 6a Northland Road, Derry.

The above application was deferred to allow for further consultation with DfI, NIEA and DfC.

LA11/2018/0847/LBC - Change of use from rental accommodation to a B&B at 6a Northland Road, Derry.

The above application was deferred to allow for further consultation with DfI, NIEA and DfC. The application would be presented at a future meeting.

Councillors Dobbins and Durkan left the meeting at this stage and would not return.

P64/19 Appointments to Internal Working Group (LDP Steering Group)

The Lead Legal Services Officer presented the above report. The purpose of which was to seek Elected Members recommendations on the composition and method of appointment of Elected Members to individual internal bodies/working groups associated with this Committee, namely the LDP Steering Group.

Councillor McGuire moved, seconded by Councillor Boyle that one Member from each party and one independent Member including the Chair of Committee be represented on the LDP Steering Group.

The nominations would be scheduled to take place on

confirmed at the Full Council Meeting
Thursday 27 June 2019.

The Committee

Resolved that one Member from each party and one independent Member be represented on the LDP Steering Group including the Chair of Committee. The nominations to be confirmed at Council Meeting on 27 June 2019.

P65/19 Local Development Plan (LDP 2032) – Update and Revision of Timetable

The Principal Planning Officer presented the above report, details of which had been previously circulated to Members. The purpose of the report was to update Members on the current progress with the preparation of the Council's Local Development Plan (LDP 2032) and associated recommendations contained therein.

Discussion ensued after which it was agreed that papers be released as early as possible so to afford Members ample time to review the information before presentation of same at Committee meeting. It was also suggested that information on the various topics be circulated to each Member.

Councillor Boyle moved, seconded by Councillor McGuire that the recommendations as outlined be agreed.

The Committee

- Recommended**
- i) Members note the contents of the above paper and the revised LDP Timetable for submission to DfI Strategic Planning for legislative approval. Subject to DfI approval and provided no significant amendments Planning Officials will publish and advertise both documents as legally required.**
 - ii) Members agree the arrangement of a meeting of the LDP Steering Group attended by**

the nominated Members and to attend subsequent Steering Group meetings.

Open for Information

P66/19 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 update Members on planning appeals currently in the system.

Councillor Logue requested a copy of Council's submission on appeal 2018/A0161.

The Committee

Recommended that Council notes the contents of the above report.

P67/19 Doraville Wind Farm Application and Public Inquiry

The Principal Planning Officer presented the above report, details of which had been previously circulated to Members. The purpose of the report was to advise Members of receipt of a letter from the Planning Appeals Commission to DfI Strategic Planning Division in relation to a regionally significant planning application LA10/2015/0292/F for the erection of 33 wind turbines at land approximately 12km to the west of Draperstown, Co. Derry/Londonderry.

The Principal Planning Officer reported that DfI Strategic Planning Division (the Department) requested the Commission to hold a public inquiry in relation to the above major planning application. The inquiry was scheduled to open on 4 September 2019 in Omagh.

P68/19 List of Decisions Issued – April and May 2019

Members noted the List of Decisions issued during the month of April and May 2019.

The meeting went into confidential business.

The meeting ended at 9.30pm.