

## Derry City and Strabane District Council

**Open Minutes of the Planning Committee Meeting held in the Chamber, Guildhall, Derry on Wednesday 4 March 2020 at 2.00pm.**

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

**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 S McCracken and Mr P McCaughey), Senior Planning Officers (Ms S Barrett, Mr K Donaghey, Mr J Spottiswood) Business Services Officer (Mrs L McKean), Administration Supervisor (Sarah-Jayne Boyle), Committee Services Assistant (Mrs J Short).**

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### **P41/20 Notice and Summons for Meeting**

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

### **P42/20 Member Attendance and Apologies**

The Head of Planning completed the roll call and noted apologies from Councillor Boyle.

### **P43/20 Declarations of Members' Interests**

Councillor McKinney declared an interest in the following planning application:

- LA11/2019/0728/O – Proposed dwelling and garage at 50m NE of 6 Oakleigh Grove, Castledearg.

Alderman Bresland declared an interest in the following planning application:

- A/2014/0592/F – Erection of 39 apartments (4 storey building) with rooftop amenity space, new access arrangements from Victoria Road, servicing and drop off provision, bin stores, cycle

parking, landscaping and associated site works at 8-10 Victoria Road, Derry.

## **Open for Decision**

### **Chairperson's Business**

#### **P44/20 Applications Deferred**

Members noted that the following planning applications were deferred from the schedule for exceptional reasons and would be presented at a future Planning Committee meeting:

- LA11/2018/0356/O – Site for dwelling and domestic garage immediately SW of 92 Camus Road, Douglas Bridge.
- LA11/2019/0559/O – Dwelling and garage on farm 140m South West of 1 Kittybane Road, Newbuildings, Derry.
- LA11/2018/0133/F – Replacement and relocation of wind turbine approved under J/2010/0068/F including an increase in rotor diameter from 26m to 39m and change of hub height from 30m to 40m, 680m NW of 37 Cavan Road, Castledearg, Co. Tyrone.

This item was deferred for a site visit

- LA11/2017/0902/F – Housing development consisting of 97 No. units, creation of new access and associated infrastructure and ancillary works on lands at Ballygudden Road to the north and west of No. 11 Ballygudden Road, Eglinton.

#### **P45/20 Late Information Received**

Members noted late information circulated at the meeting in respect to the following applications:

- LA11/2018/0481/F – Construction of 1 no. detached split level dwelling with car port and garden store, lands opposite No's 1-8 Hazelwood Road, Derry.
- LA11/2019/0728/O – Proposed dwelling and garage, 50m NE of 6 Oakleigh Grove, Castledearg.

**P46/20 Correspondence received from DfI regarding Planning Application:**

**LA11/2017/0510/F – Proposed retention of underground slurry collection chamber, proposed pipework, safety fence and landscaping (further information re. Surface water gully and level sensor laser measurement system) at Lands approximately 40 metres west of 24a Evish Road, Strabane Co. Tyrone.**

The Head of Planning referred to correspondence received from DfI (dated 14 February 2020). She explained that the Department had issued a direction under the terms of Article 17 of the Planning (General Development Procedures) Order (NI) 2015, that DCSDC may not grant planning permission until further advised by the Department.

She further advised that a response was submitted (dated 28 February 2020) on behalf of the Chairperson that requested an update on DfI's position and the likely timeframes involved for consideration of the matter. A copy of the correspondence was emailed to Planning Committee Members for information.

Councillor McGuire expressed concern and requested that Council write to the Minister for Infrastructure to ascertain if she was aware of the Department's decision to issue the aforementioned direction.

**P47/20 Emergency Tree Preservation Order (TPO) – 6 Limavady Road, Derry**

The Head of Planning reported for information that an emergency TPO had been issued at the above location on Tuesday 3 March 2020, by the Planning Section. She advised that a report would be presented to Members at a future Planning Committee meeting.

**P48/20 Additional Planning Committee Meetings (March 2020)**

Members were reminded of the forthcoming Planning Committee Meetings as listed and asked to confirm their attendance at the Pre-Determination Hearing (PDH) in particular with Ms Lois McKean, Business Services Officer, Planning Section:

- Thursday 12 March at 10.00am in Guildhall - PDH for planning application (LA11/2019/0329/O)
- Tuesday 24 March at 2.00pm in Guildhall – Special Planning Committee Meeting

**P49/20 Confirmation of the Open Minutes of the Planning Committee Meeting held on Wednesday 5 February 2020**

The Open Minutes of the Planning Committee Meeting (P23/20-P40/20) held on Wednesday 5 February 2020, were agreed and signed by the Chairperson.

**Matters Arising**

**P50/20 Withdrawn Application (P27/20)**

Councillor Kelly raised an issue regarding delay in officers' processing applications which may not in practice require permission. The Head of Planning accepted this and agreed to remind officers that whenever possible that Members be advised in advance of those applications that are deferred/withdrawn from the schedule, so to avoid unnecessary review of the information.

Councillors Harkin and McKinney joined the meeting.

**P51/20 Planning Applications List with Recommendation for Decision**

**LA11/2019/0728/O – Proposed dwelling and garage at 50m NE of 6 Oakleigh Grove, Castleberg**

The Chair advised that the above application would be presented in confidential business due to the personal details concerning the applicant.

***The Meeting went into confidential business at this stage to discuss the above planning application (refer to the confidential minutes).***

**LA11/2018/0481/F – Construction of 1 No. detached split level dwelling with car port and garden store at lands opposite No's 1 to 8 Hazelwood Avenue, Prehen Road, Derry.**

The Head of Planning presented the above application for reconsideration, details of which had been previously circulated to Members. She advised that Committee had voted at previous meeting not to accept the Officer's recommendation to refuse. She said that the two fundamental areas for consideration since the previous meeting was protection of open space and the impact upon the protected trees within the site. She also advised that in the interim period an independent arboriculturist's report was procured and additional notifications sent out to all neighbours, objectors and supporters of the

scheme. She also made reference to the definition of open space that had been expanded upon within the report in terms of planning policy criteria. She advised that in re-consideration of the proposed scheme in line with planning policy, Officers remained of the opinion to refuse planning permission for reasons as outlined within the report.

The Principal Planning Officer further highlighted that in terms of the Arboriculture Impact Assessment, the outcome broadly agreed with the initial recommendation that there was insufficient evidence to demonstrate the proposed scheme would not have a detrimental impact on the Tree Preservation Order (TPO) site.

Members granted speaking rights to Mr Andy Stephens, Mr Philip Blackstock and Mr Gerard McPeake who addressed the Committee in support of approval of the application, after which Members sought points of clarification from the representatives.

Alderman McClintock stated that, having attended the site visit, she did not see how the existing trees would be affected by incursion if the proposed development was permitted. She also referred to Mr Blackstock's comment that he did not foresee any threat to the TPOs and therefore she was of the opinion that the proposal would provide an opportunity to tidy up the existing trees and therefore was deemed as a community benefit.

The Head of Planning advised that in previous cases when the loss of open space was permitted, there was usually a substantial social community benefit. However, in her opinion, this particular proposal would not meet the criteria irrespective of the current condition of the site.

Councillor Harkin commented that he was aware that the opinion from residents was that the proposal was not considered as a community benefit. He queried the investigation of the removal of an existing tree on site and what enforcement action was being taken in that regard. He also commented that the language used in terms of PPS 8 did not refer to the actual state of an area and whether it was unsightly, the policy focused primarily on whether the area was protected and, in his opinion, this was somewhat questionable terminology.

The Head of Planning stated that, due to an ongoing enforcement investigation into the removal of a tree on site, she was not in a position to elaborate any further on the issue in question at this stage.

Alderman McClintock proposed, seconded by Councillor Dobbins, to overturn the decision of the Planning Officer and for approval to be

granted subject to the conditions provided without prejudice as outlined within the report.

The outcome of the vote; For 7, Against 3, Abstained 3. The proposal was carried and the Committee:

**Resolved** to overturn the decision by the Planning Officer to refuse planning application LA11/2018/0481/F and for approval to be granted subject to the conditions as provided within the report.

**LA11/2019/0070/F – Proposed replacement and re-siting of wind turbine approved (A/2011/0553/F) with a VESTAS V44 (250KW) turbine comprising of a 33m hub height and 44m rotor diameter (overall tip height of 55m) on lands 440m East of 35 Slaughtmanus Road, Eglinton, Derry-Londonderry.**

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. He 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.

Members granted speaking rights to Ms Theresa Cassidy, agent, who outlined reasons to support approval of the application.

Discussion ensued after which Councillor McGuire proposed to support approval of the application, subject to an additional condition in respect to telecommunication interference. The proposal was seconded by Alderman McClintock.

The outcome of the vote; For 11, Against 0, Abstention 2. The proposal was carried and the Committee:

**Resolved** that planning application LA11/2019/0070/F be approved planning permission subject to the conditions as outlined with the inclusion of an additional condition in respect to telecommunication interference.

**LA11/2018/0342/F – Proposed decommissioning of existing wind turbine approved under Planning Ref No: J/2010/0303/F and relocation of amended turbine with 52m rotor diameter and 50m hub height with output not exceeding 250kw, 284m North West of 37 Laghel Road, Castlederg.**

The SPO presented the above application, details of which had been previously circulated to Members. He provided an update on the background to the application and, based on material consideration and in line with planning policy, recommended an approval subject to the conditions as included within the report.

Members received speaking rights from Ms Theresa Cassidy, agent, who outlined reasons to support approval of the application. Members sought points of clarification in regards to the application.

Alderman Kerrigan proposed support of the recommendation to approve the application with the inclusion of a condition regarding telecommunication interference. The proposal was seconded by Councillor McGuire.

The outcome of the vote; For 11, Against 0, Abstention 2. The proposal was carried and the Committee:

**Resolved that planning application LA11/2018/0342/F be granted planning approval subject to the conditions as outlined within the report with the inclusion of a condition in respect to telecommunication interference.**

**LA11/2019/0559/O – Dwelling and garage on farm, 140m South West of 1 Kittybane Road, Newbuildings, Derry.**

Members noted that the above application was deferred and would be presented at a future meeting.

Alderman Bresland declared an interest in the following application and left the meeting.

**A/2014/0592/F – Erection of 39 apartments (4 storey building) with rooftop amenity space, new access arrangements from Victoria Road, servicing and drop off provision, bin stores, cycle parking, landscaping and associated site works at 8-10 Victoria Road, Derry.**

The Senior 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.

Members received speaking rights from Mr Hugh Hegarty who outlined reasons to object to the approval of the proposal.

Members received speaking rights from Mr Sam McKee, the agent for Turley Associates. He outlined reasons to support approval of the application. Members sought points of clarification from the representatives.

Councillor Dobbins stated that normally she would have good things to say about Clanmill Housing Association, however on this occasion she would not support a proposal that presented a 'no parking' clause because in her opinion it discriminated against people with disabilities. She added that she was highly disappointed with Clanmill Housing Association and no doubt Disability Action would have an issue with the proposal.

She continued to express her concern and stated that, whilst she acknowledged the need for housing in the City, disabled people were entitled to the same needs as everyone else.

Councillor Logue concurred with the previous speaker. She further referred to the Social Housing point system and said that no distinction should be made between applicants. She added that some disabled tenants required carers to visit them up to three times a day and some required a car and can't be treated differently from those people who don't require transport.

Councillor Harkin commented that whilst he concurred with the previous speakers, he was in support of the redevelopment of the area. However, he was not impressed with the aesthetic design of the proposed building.

Councillor McKinney referred to the impact on the traffic flow on Victoria Road, if for example a heavy goods vehicle was delayed access into the proposed development.

Alderman McClintock expressed the view that Clanmill Housing Association was submissive in terms of the genuine personal needs of residents and their changing circumstances when such a proposal was presented without car parking provision.

The Head of Planning advised Members that whilst she took on board their concerns and views she felt obligated to advise Members to focus on policy related issues. She asked Members that in consideration of the proposal to be mindful of previous planning approval granted on the site and that it was a restricted brownfield site. She also referred to previous planning approval of multiple housing of a similar nature whereby parking was also restricted. She further referred to the planning history on the site and the original proposal from a regeneration perspective and advised that, in her professional opinion and experience, this was one of the most difficult regeneration sites in the City and District. She explained that previous developers had failed to satisfy the statutory consultees and she asked for Members to consider this aspect in terms of the regeneration of the site when forming an opinion on the recommendation.

The Chair expressed support of the views of previous speakers in regards to the negative impact the proposal would have on those people with disabilities. He said that it was unfair to expect people to choose between a home or their car in order to be considered for the Social Housing Scheme.

Further discussion ensued, after which Councillor Dobbins proposed not to accept the Officer's recommendation to approve planning permission because the proposal was contrary to policy PPS3 (access/movement) and PPS7 (design) and discriminated against those people with disabilities and prevented them to be considered for the Social Housing Scheme. Councillor Logue seconded the proposal.

The outcome of the vote; For 7, Against 0, Abstention 4. The proposal was carried and the Committee:

**Resolved to overturn the recommendation to grant planning approval and for**

**the application to be refused on the grounds that it contradicted Policy PPS3 and PPS7 and prevented those people with disabilities to be considered for the Social Housing Scheme.**

Alderman Bresland returned to the meeting.

Councillor McKinney left the meeting.

**LA11/2019/0337/F – Residential development comprising 7 units, comprising 1 No. block of 3 two-storey dwellings and 1 No. block of 4 three-storey dwellings and associated landscaping, parking and access at lands 110m north of No 16 Lower Galliagh Road, Derry and south of Skeoge Link Road, Derry.**

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. She gave an overview of the background to the application proposal and, based on material consideration and in line with planning policy, recommended an approval subject to the conditions as outlined within the report.

Councillor Dobbins proposed to accept the SPO's recommendation to approve planning permission, subject to the conditions as outlined within the report. Councillor Durkan seconded the proposal.

The outcome of the vote was: For, 10, Against 0, Abstention 1. The proposal was carried and the Committee:

**Resolved that planning application LA11/2019/0337/F be granted planning approval subject to the conditions as provided within the report.**

**LA11/2019/0764/F – A new family justice centre 'One Safe Place' for Foyle Women's Aid including reception, offices, family rooms, ancillary facilities and a public drop-in centre café at ground floor level with 9 no. supported housing units in a separate associated block to the rear at 7-9 Bishop Street, Derry-Londonderry.**

The SPO presented the above application, details of which were previously circulated to Members. He 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.

Councillor Dobbins welcomed the application and proposed to support the recommendation subject to the conditions as outlined within the report. Councillor Logue seconded the proposal.

The outcome of the vote was unanimous support of the proposal and the Committee:

**Resolved that planning application LA11/2019/0764/F be approved subject to the conditions as outlined within the report.**

**LA11/2019/0767/DCA – Demolition of burnt out remains of former Poundstretcher building including front façade floors and frame along with site clearance at 7-9 Bishop Street, Derry-Londonderry.**

The SPO presented the above application, details of which were previously circulated to Members. He 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.

Councillor Dobbins proposed, seconded by Councillor Logue to support approval of the application, subject to the conditions as outlined by the Senior Planning Officer.

The outcome of the vote was unanimous support of the proposal and the Committee:

**Resolved that planning application LA11/2019/0767/DCA be granted planning permission subject to the conditions as outlined within the report.**

Councillor Harkin left the meeting.

**LA11/2018/1119/F – Redevelopment of Daisyfield Pitches with the erection of two single storey buildings comprising of a Sports Centre and Changing Pavilion. The proposed Sports Centre facility will house Oakleaf Boxing Club and Over the Hill Snooker Club. The proposed changing pavilion will accommodate Ballymoor Soccer Club. It is proposed to replace the two existing pitches with natural grass pitch and a floodlit 3G synthetic pitch. The site**

**works to the new centre and pitches will include car parking, pavements, fencing and amenity lighting. Site is bounded by the River Foyle housing developments Coshoven and Old City Court, Foyle Road, Derry.**

The SPO presented the above application, details of which had been previously circulated to Members. She briefed Members on the current status of 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.

Councillor Dobbins moved, seconded by Councillor Logue, to support approval of the application. The outcome of the vote was unanimous support of the proposal and the Committee:

**Resolved that planning application LA11/2018/1119/F be approved planning permission subject to the conditions as outlined within the report.**

**LA11/2018/0356/O – Site for dwelling and domestic garage immediately SW of 92 Camus Road, Douglas Bridge.**

Members noted that the above application was deferred and would be presented at the next Committee Meeting.

**LA11/2018/0133/F – Replacement and relocation of wind turbine approved under J/2010/0068/F including an increase in rotor diameter from 26m to 39m and change of hub height from 30m to 40m, 680m NW of 37 Cavan Road, Castlederg, Co. Tyrone.**

Members noted that the above application was deferred.

**LA11/2017/0902/F – Housing Development consisting of 97 no. units, creation of new access and associated infrastructure and ancillary works. Lands at Ballygudden Road to the north and west of No. 11 Ballygudden Road, Eglinton.**

Members noted that the above application was deferred pending a site visit and would be presented at a future meeting.

The Chair at this stage of the meeting indicated that in adherence to Standing Orders it was necessary to end the meeting as it had exceeded the finishing time of 6.00pm (extended time due to the breaks in Committee included). It was agreed that any outstanding business would be dealt with at the Special Planning Committee Meeting scheduled to take place on Tuesday 24 March 2020 at 2.00pm in the Chamber, Guildhall, Derry.

**The meeting ended at 6:30pm.**