

Derry City and Strabane District Council

Open Minutes of the Special Planning Committee held on Tuesday 24 March 2020 held in the Guildhall, Derry at 2.00pm.

Present: -

In attendance: - Mr Eamon Molloy (Head of Planning and Performance).

Notice and Summons for Meeting

The Head of Planning and Performance stated that as no Members were in attendance, the meeting was inquorate and could not proceed. A virtual meeting was subsequently held.

The meeting ended at 2.05pm.

Signed: _____

Date: _____

Derry City and Strabane District Council

Open Minutes of a Virtual Special Planning Committee held on Tuesday 24 March at 2.00pm.

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

In Attendance:- Head of Planning (Mrs M Fox), Head of Planning Performance and Improvement (Mr E Molly), Lead Legal Services Officer (Mr P Kingston), Lead Democratic Services and Improvement Officer (Ms E Cavanagh), Democratic Services Officer (Mrs S Maxwell), Principal Planning Officers (Mrs S McCracken, Mrs A McNee and Mr P McCaughey), Committee Services Assistant (Miss L Bell).

SP1/20 Notice and Summons for Meeting

The Head of Planning Performance and Improvement asked the meeting to agree to dispensing with the reading of the Notice and Summons for the Meeting given that this meeting was being conducted online due to the coronavirus pandemic. The Notice and Summons were taken as read.

SP2/20 Member Attendance and Apologies

The Head of Planning Performance and Improvement completed the roll call, apologies were received from Alderman Bresland.

SP3/20 Declarations of Members' Interests

There were no Declarations of Interests made by Members.

Open for Decision

Chairperson's Business

SP4/20 Options for Increased Scheme of Delegation for Planning Applications in response to Coronavirus Pandemic.

The Head of Planning presented the above report, a copy of which had been previously circulated. She advised that the purpose of the report was to appraise Members on proposed amendments to the Planning Scheme of Delegation to enable effective decision making during the Coronavirus pandemic. She emphasised that these were suggestions to Members and that it was a matter for Members and the Committee to consider/discuss and decide.

The Chair further summarised the report to Members. He relayed concerns from Alderman McClintock as she had not yet joined the meeting, regarding adding applications within the Ebrington site to the Scheme of Delegation.

Councillor McGuire expressed concerns with refusals in the countryside not being discussed at the Committee. He stated he felt the rural community would be disadvantaged. He added that he had no issue with single wind turbine applications being delegated or with any other of the Officer's suggestions.

Councillor Durkan raised concerns that the proposed increase to the threshold for the number of objections received which would warrant referral to the Committee, was too high. She also highlighted the proposed increase in the number of housing units allowed before referral to Committee from 5 to 49 units was also too high.

The Head of Planning clarified that the increase to 49 units was because this was the number of units which classified a development as major. She emphasised that the purpose of these changes was to facilitate the continuation of the planning function in the absence of a Planning Committee.

Alderman McClintock joined the meeting at this point and expressed her concerns regarding applications within the Ebrington site being added to the Scheme of Delegation. She relayed concerns from Waterside residents and referred to the strong opposition expressed to a previous application for a hairdressers as an example of the strong public opinions regarding the site.

In reply, the Head of Planning agreed with Chair and explained that she did not feel there were likely to be applications submitted for the site and that the delegation of this had only been a suggestion to Members. She further commented that the threshold for the number of housing units allowed on a development before referral to Committee

was low in the Derry City and Strabane Council area and that some other councils had higher thresholds.

Councillor Gallagher concurred with Councillor McGuire's comments. He suggested a timeframe be set for the review of decisions made regarding delegated authority.

In response to a query from the Chair, the Head of Planning explained the outlined options were the only options which were flexible and that had the capability to be amended and did not have to be accepted in full. She reiterated that this was a decision for Members. She added that feedback on Councillor McGuire's suggestion regarding wind turbines was useful.

Councillor Boyle concurred with Councillor Durkan's comment about letters of objection and the proposed raising the number required for referral to Committee to 10 rather than 15. He concurred with Alderman McClintock's comments, however he added that he did not expect any applications to be submitted for the Ebrington site. He agreed with Councillor McGuire regarding refusals of rural housing and suggested postponing the discussion of rural applications until the Committee Meeting after the Coronavirus pandemic, rather than delegating them.

Councillor Kelly stated he had no issue with applications for Tree Preservation Orders being delegated. He concurred with Alderman McClintock that the applications within the Ebrington site should not fall under the Scheme of Delegation. He concurred with Councillor McGuire's comments that the delegation of all rural applications recommended for refusal would have a negative impact on rural applications in particular. He stated he felt that the threshold for the number of objections should remain at 5 objections and highlighted the need for transparency within the decision making process. He agreed with Councillor Gallagher that a timeframe for review of these arrangements should be set and suggested that WebEx could be used to conduct more meetings in the future.

The Head of Planning highlighted that the paper had been compiled within 24 hours in response to the difficult situation faced by Council, adding that the measures were only suggestions to help Members decide how they would delegate powers.

Councillor Gallagher proposed that a timeframe of 3 months be set for a review of the changes to the Scheme of Delegation.

In response to concerns expressed by Councillor Logue that the public may find that the suggested changes to the Scheme of Delegation would make it difficult to make an objection, the Head of Planning explained that the increase in the number of units allowed within an application before it would be presented to the Committee corresponded with the categories within legislation which distinguishes between Local and Major development. She further explained that many other Councils only presented major developments to their Planning Committees. She commented that she felt the number of objections allowed was quite low and that there was no rationale applied in suggesting the increase of it, other than it being a suggestion to Members as a way of mitigating the number of applications which would need to be discussed at Committee level.

Councillor Boyle proposed that; the number of objections required for an application to be referred to the Committee remain at 5; any application for the Ebrington site be deferred until the next possible meeting of the Committee following the coronavirus crisis; all refusals be deferred until after the next meeting of the Committee following the coronavirus crisis and that housing developments up to 49 units be added to the scheme of delegation.

The Head of Planning Performance and Improvement suggested that Councillor McGuire's suggestion of adding single wind turbines and Councillor Kelly's suggestion of adding Tree Preservation Orders to the Scheme of delegation be included the proposal. Councillors agreed with this suggestion.

In response to a request from the Chair, the Head of Planning clarified that no enforcement was suggested for changes to the Scheme of Delegation which related directly to Tree Preservation Orders. She explained this was because of the speed which was sometimes required in dealing with this particular issue.

Councillor McKinney seconded the proposal. The decision of the Committee was unanimous.

The Committee

Recommended that Council make the following changes within Part B of Scheme

of Delegation be made subject to a review after a period of 3 Months;

(i) To amend the number of housing units required for referral to Committee from 5 to 49, to enable all housing applications to be delegated to Officers and to read as follows : *All applications – outline, full or reserved matters – for 49 housing units and more in all locations, other than non-significant changes of house type, roads access etc.*

(ii) All applications for Single Wind Turbines be brought within the Scheme of Delegation.

(iii) the making or Confirming of Tree Preservation Orders be brought within the Scheme of Delegation.

SP5/20 Planning Application List with recommendation for decision

LA11/2019/0727/RM- Proposed redevelopment of existing building to provide 27 unit self-contained apartments accommodation for over 55 active elderly persons including wheelchair accessible unit at ground floor at 125-139 Strand Road, Derry (Formerly Café Roc Bar/Nightclub).

The Chair informed Members that a late submission for speaking rights had been received in objection to the above application and that the application would be deferred as it would not be possible to accommodate this request at present.

The Committee

Recommended that Planning Application LA11/2019/0727/RM be deferred for discussion at a later meeting of the Planning Committee, after the coronavirus crisis in order to accommodate speaking rights.

LA11/2019/0762/RM- Proposed residential development of 28 units, comprising of 9 No. 5P/3B houses, 12 No. 3P/2B houses, 2 No. 3P/2B bungalows, 2 No. 3P/2B complex needs apartments and 3 No. 2P/1B general needs apartments at lands to south of Skeoge Link (A515), east of 21 Upper Galliagh Road and adjoining site under construction known as Galliagh Phase 4.

LA11/2019/0880/F-Proposed residential-led mixed use development comprising 158 residential units in a mix of dwellings and apartments of mixed tenure, two retail units (Class A1), office space (Class B1), multi-functional space and ancillary accommodation with public and private amenity space, parking, landscaping, access arrangements from Beechmount Avenue and associated ancillary site works (amended proposal and amended plans) at lands east of 10-32 (evens) Melmount Road, south of Beechmount Avenue, west of 19 Beechmount Avenue, 11-16 Delaney Crescent and 33-37 Olympic Drive and north of 31, 33, 35 & 37-46 Ashgrove Park, Strabane BT82 9BE.

The Lead Legal Services Officer informed Members that following recent communication with the Department of Communities, it had been advised that planning decisions should not be made via video-conferencing, as there were several legislation issues. He advised that whilst coronavirus legislation was in the process of being compiled, applications could not be discussed today.

The Chair highlighted that the applications on the agenda were funding dependant and asked that Council write to the relevant funding bodies to request they grant extensions to funding deadlines for the applicants.

Councillor Boyle concurred with the Chair and suggested holding physical meetings with appropriate social distancing.

In response to a question from the Chair, the Lead Legal Services Officer confirmed that following the announcement of Lockdown from the Prime Minister, Members of the public could not be present during

Committee Meetings and therefore physical Committee meetings were not a viable option at present.

In response to a query from Councillor Kelly the Lead Legal Services Officer clarified that the Department of Communities had given this advice to Local Government generally. He also explained that Council would have to wait until the Coronavirus Bill had been passed before he could see what was granted within it, but he anticipated that remote meetings and remote decisions would be legislated for.

The Committee

Recommended that Planning applications LA11/2019/0762/RM and LA11/2019/0880/be deferred until the next meeting of the Planning Committee due to issues surrounding legislation which prevents applications being discussed remotely.

Open for Information

SP6/20 **Update on Shared Environmental Services (SES) Position in Relation to the Assessment of Ammonia Emitting Projects**

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 advise Members on Shared Environmental Services updated position in relation to the appropriate assessment of ammonia emitting projects in International Sites.

The Committee

Recommended that Council notes the update for information and Officers will advise Members on the NIEA review of operational guidance when it takes place.

SP7/20 Planning Appeals Update (Reconvened from 4 March meeting)

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.

The Committee

Recommended that Council notes the on appeals.

SP8/20 List of Decisions Issued-February 2020

Member noted the list of decisions issued for February 2020.

The meeting went into Confidential Business.