

Derry City and Strabane District Council

Open Minutes of the Planning Committee Meeting held remotely on Wednesday 17 June 2020 at 2.00pm.

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

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 Mrs A McNee), Senior Planning Officers (Ms S Barrett, Mr J Spottiswood and Mr M McCarron) Business Services Officer (Mrs L McKean), Committee Services Assistant (Mrs J Short).

P54/20 Notice and Summons for Meeting

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

P55/20 Member Attendance and Apologies

The Head of Planning completed the roll call and noted full attendance.

P56/20 Statement for Remote Meetings

The Chair read the Statement for Remote Meetings. He also reminded Members of the addendum to the Protocol for Operation of Planning Committee applicable to virtual meetings to be held due to the Covid-19 Pandemic.

P57/20 Declarations of Members' Interests

Councillor Gallagher declared an interest in planning application: LA11/2019/0685/F.

Councillor Bresland declared an interest in planning application: LA11/2019/0880/F.

Councillor J Barr declared an interest in planning application: LA11/2019/0685/F

Councillor Jackson declared an interest in planning applications:
LA11/2020/0071/A and LA11/2019/0431/O.

Councillor Harkin declared an interest in planning application:
LA11/2019/0595/F.

Open for Decision

Chairperson's Business

P58/20 Expression of Appreciation

The Chair expressed his delight with the continuation of his role as Chair of Committee for another consecutive year. He expressed his appreciation to the outgoing Deputy Chair, Councillor Harkin and welcomed the incoming Deputy Chair, Councillor J Boyle. He expressed his appreciation to the outgoing Members, Councillor Logue and Durkan and thanked them both for their valuable contribution to Committee business during the previous term. He welcomed newly appointed Members, Councillor Mellon and Mooney and said that he looked forward to their contribution with Planning decisions during the new term.

The Chair referred to the previous 3 months and said that it had been a challenging period for Council due to the Covid-19 restrictions. He said that he looked forward to the return of the Planning Committee meeting today, despite it being a virtual meeting, because it provided the opportunity for Members to make important Planning decisions that would impact the economy and also the lives of citizens from the City and District Council area.

The Chair commended the Head of Planning and Officers on the tremendous amount of work achieved during the emergency crisis and for the continuation of the Planning service. He however added that due to an accumulation of applications it would be necessary to hold additional Planning Committee meetings next month and Members would be kept updated on the arrangements.

Members expressed congratulations to the Chair and wished him well for the new term.

**P59/20 Late items received re. Planning Application:
LA11/2017/0902/F**

The Head of Planning confirmed that 3 No. late items had been received in relation to planning application: LA11/2017/0902/F and the information was subsequently forwarded to Members by email, in advance of the meeting today.

The Chair referred to the late information received from Councillor Fleming, wherein he expressed frustration that the objectors could not access the IT equipment in order to avail of the opportunity to address Committee. He proposed that the application be deferred to the next Committee Meeting, to allow all interested parties to express their views. Alderman McClintock seconded the proposal and the consensus from Members was to support the proposal.

The Committee

**Resolved that planning application
LA11/2017/0902/F be deferred and
presented at the next Planning
Committee meeting.**

P60/20 Pre-Determination Hearing (PDH) re:

Planning Application: LA11/2016/0976 Residential development of 33 No. houses comprising 8 no bungalows and 25 no 2 storey dwellings with landscaped amenity space, internal road layout and pedestrian cycle link to riverside walkway. Junction improvements at Ebrington Park / Limavady Road and Rockport Park / Limavady Road junctions to provide visibility splays at Lands @ Rossbay off Limavady Road, Waterside, Derry.

The Head of Planning declared an interest with the above item and left the meeting.

The Head of Planning Performance and Improvement referred to the above application and advised that it was necessary to schedule a PDH due to the high number of significant objections received. He requested that Members provisionally hold Wednesday 8 July 2020 at 10.30am and further details would be forwarded in due course.

The Head of Planning returned to the meeting.

P61/20 Arrangement for future Planning Committee Meetings

The Chair referred to discussions with the Officer Team regarding social distanced meetings and the return of Committee meetings to the Guildhall Chamber next month. He said that in comparison to other Committees, the Planning Committee presented a unique set of challenges due to the involvement of the public. He sought Members views on the way forward.

The Deputy Chair expressed the opinion that he would be keen and anxious for Members to meet physically as soon as possible. He asked for Officers to investigate options of returning to the Chamber, taking into consideration adherence to social distancing guidelines. He also referred to the backlog of planning applications to be processed and suggested an additional Planning Committee meeting be scheduled during the recess period in August.

The Head of Planning advised Members that the number of accumulated planning applications due to the emergency crisis period was in the region of between 15-20 applications that required presentation to Committee. She further advised that two consecutive meeting days of the Planning Committee were required in July (1 July and 2 July, in order to process all of the applications. She also advised that Officers had issued a total of 82 applications under delegated scheme during the month of May and resulted in a higher than average outcome and no backlog of applications.

Members expressed support of a socially distanced meeting of the Planning Committee next month and for Officers to explore the options in consideration of the current restrictions.

Matters Arising from the Open Minutes of the Planning Committee Meeting held on Wednesday 4 March 2020

P62/20 P46/20 Correspondence from DfI re. Planning Application: LA11/2017/0510/F

Councillor McGuire referred to the above item and the request for Council to write to the Minister for Infrastructure to ascertain if she was aware of the Department's decision to issue the direction for DCSDC not to grant planning permission until further advised by the Department. He requested an update.

The Head of Planning agreed to provide an update to Members at the next Planning Committee meeting.

Councillor McGuire requested that if a response had not been issued from the relevant Minister, that a further request be made for an urgent update and to advise whether the direction provided by the Department would set a precedent for similar applications in the future.

P63/20 Matters Arising from the Open Minutes of the Inquorate and Virtual Special Planning Committee Meeting held on Tuesday 24 March 2020

There were no matters arising from the above minutes.

P64/20 Planning Applications List with Recommendation for Decision

New Applications

LA11/2017/0902/F – Housing Development consisting of 97 units, creation of new access and associated infrastructure and ancillary works (amended plans) at lands at Ballygudden Road, to the North and West of No. 11 Ballygudden Road, Eglinton.

It was agreed under Chairperson's business to defer the above application due to late items received that reflected a high number of objections. The application would be presented at a future in person social distance meeting to give objectors the opportunity to address Committee Members.

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

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 and 37-46 Ashgrove Park, Strabane BT82 9BE

The Senior Planning Officer (SPO) presented the above application, details of which had been previously circulated to Members. It was

recommended to grant approval based on material consideration in-line with planning policy and subject to the conditions as outlined within the report.

Members received speaking rights from Councillor M Boyle (Non-Committee Member) who outlined reasons to support approval of the application on behalf of the applicant.

Members received speaking rights from Mr Sam McKee who outlined reasons to support approval of the application, after which Members sought points of clarification from the speakers.

Councillor J Barr expressed support of the application because the site had laid derelict for many years. He added that the application also addressed the social housing crisis within the City and District Council area.

Councillor J Barr proposed, seconded by Councillor McGuire to support the SPO's recommendation to grant planning approval, subject to the conditions as provided within the report.

Discussion ensued after which the outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2019/0880/F be granted planning approval, subject to the conditions as outlined within the report.

Councillor M Boyle and Mr Sam McKee left the meeting at this stage.

Alderman Bresland returned to the meeting.

LA11/2019/0007/RM – Demolition of existing buildings, site remediation, repositioning of existing vehicular access on Woodside Road and the erection of 71 residential units and associated car parking provided both in-curtilage and on-street,

together with the provision of centrally located public open space. This application seeks permission for an amended layout to that approved under Outline Planning Permission ref. LA11/2016/0753/O on land at former IAWS site located at Woodside Road, Newbuildings together with existing residential land at No's 61-63 Woodside Road, Newbuildings.

The SPO presented the above application, details of which had been previously circulated to Members. She provided an outline 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 the applicants' agent Mr Mark McIvor, who outlined reasons to support approval of the application.

Alderman McClintock proposed, seconded by Councillor Mooney that the SPO's recommendation to approve the application be supported.

Members unanimously agreed to support the proposal.

The Committee

Resolved that planning application LA11/2019/0007/RM be granted planning approval subject to the conditions as outlined in the report.

The Chair declared an interest in the following application and left the meeting. The Deputy Chair (Councillor J Boyle) took the position as chair of the meeting and invited the Senior Planning Officer to present the application to Members:

LA11/2019/0431/O – Erection of 4 No. IT service and data centre buildings, substation compounds, generators, switch gear and transformers together with internal access roads, vehicular access, car parking, security perimeter fencing and gate houses, external site lighting, and associated works. Lands East and West of Maydown Road and situated approximately 150 metres North and North-West of No. 23 Maydown Road, Derry, BT47 6UJ.

The SPO presented the above application, details of which were previously circulated to Members. She reported on the detail of the application and based on material consideration in line with planning policy recommended an approval, subject to conditions as included within the report.

Members received speaking rights from Mr Mark McIvor, agent who outlined reasons to support approval of the application. Members sought points of clarification from the speaker.

The SPO referred to Cllr Dobbins remarks this proposal is IT storage and clean industry and no omissions.

Alderman McClintock moved, seconded by Councillor McKinney to support the recommendation to approve planning permission subject the conditions as outlined within the report. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2019/0431/O be approved, subject to the conditions as outlined within the report.

Mr McIvor left the meeting at this stage.

Councillor Jackson returned to the meeting and resumed his position as Chair of the Meeting.

The meeting was adjourned for 10 minutes to allow Members a comfort break in line with Planning protocol.

Councillor Gallagher and Councillor J Barr declared an interest in the following application and left the meeting.

LA11/2019/0685/F – Removal of existing modular changing accommodation. Proposed new covered seated stand and standing terrace, changing accommodation and toilets. Two new spectator entrance booths and turnstiles. Proposed associated external works include a stone clad wall with perforated screen on top of the stand area, 2.4m high perimeter paladin fencing and 46

**space car parking. 120m north east of house no's: 133-149
Ballycolman Estate, Strabane.**

The SPO presented the above application, details of which had been previously circulated to Members. He provided an overview of the background to the application and recommended an approval, subject to the conditions as outlined within the report.

The SPO in response to queries from Councillor Dobbins, clarified that initially DfI Roads had concerns regarding traffic issues, however following the submission of amended plans to include visibility splays and measures to control car parking, they were content with the application. He further clarified that the site was within the protected flood-plain and therefore should be no flooding concerns associated with the application. He also clarified that the necessary disability access requirements were identified within the plans submitted by the applicant.

Councillor Kelly stated that the application represented the final stage of the development scheme for the whole Melvin complex and the proposal was an elegant design. He proposed approval of the application and Councillor McGuire seconded the proposal.

The outcome of the vote was;

For, 10
Against 0,
Abstention 2

The proposal was agreed and the Committee

**Resolved that planning application
LA11/2019/0685/F be approved
planning permission, subject to the
conditions as outlined within the
report.**

Councillor Gallagher and Councillor J Barr returned to the meeting.

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

LA11/2019/0595/F – New playpark complete with railings, fence enclosure, gates, play equipment and safety surfacing, seats, bins, cycle stands, new footpaths, ungraded vehicular maintenance access provision, tree and shrub planting, service relocations, grass works and park signage. Lands adjacent to immediately to the east of Little Acorns Pre-School, 3 Benview Road, Derry.

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

Councillor Mellon welcomed the application for playpark provision for the residents from Coshquin in particular. However, she expressed concern in relation to the carparking provision at the facility and the safety aspect for users as it was a busy location with traffic.

The SPO in response to Councillor Mellon, clarified that there was an existing carpark facility primarily to serve the residents from Coshquin and the proposal included new footpaths for pedestrians.

Councillor Kelly also expressed concern that the carparking provision was located at the opposite side of a busy road to the playpark facility. He also referred to the electricity pylon located close to the facility and sought assurances that access prevention measures would be in place at this location.

The SPO assured Councillor Kelly that an adequate fence was erected on site to prevent public access to the area.

Councillor J Boyle welcomed the proposal and alluded to residents campaigning for the play park facility over a long period of time. He proposed that the Committee accepted the SPO's recommendation to approve planning permission. Councillor Kelly seconded the proposal.

The outcome of the vote was unanimous support of the recommendation and the proposal was carried.

The Committee

Resolved that planning application LA11/2019/0595/F be approved, subject to the conditions as outlined within the report.

Councillor Harkin returned to the meeting.

LA11/2020/0135/F – Provision of accessible amenity space including timber edge planter and tree, 1 No. seat, litter bin, entrance sign, wishing-well feature and associated landscaping. Lands south east of Ballynameen Bridge, Claudy, Co. Derry.

The Principal Planning Officer (PPO) 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 conditions as outlined within the report.

Councillor Kelly proposed the recommendation to approve the application, seconded by Alderman Bresland. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2020/0135/F be approved planning permission subject to the conditions as outlined within the report.

LA11/2020/0136/F – Removal of existing benches, bin and bus shelter and replacement with new hardwood seat, timber planters, bin and hardwood bus shelter with built in bench. Lands at the junction of Learmount Road and Altinure Road, Park, Co. Derry.

The PPO 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.

Councillor Kelly proposed that the PPO's recommendation to approve planning permission be accepted. Councillor Dobbins seconded the proposal. The outcome of the vote by Members was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2020/0136/F be approved, subject to the conditions as outlined within the report.

LA11/2020/0159/F – Erection of an 8m high ballstop fence between the existing grass pitch and juxtaposed car park. The proposed development is located within the grounds of Newbuildings Community and Environmental Association, 4 Duncastle Road, Newbuildings.

The PPO 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 conditions as included within report.

Alderman McClintock proposed, seconded by Councillor Kelly to accept the recommendation to approve the application. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2020/0159/F be approved planning permission, subject to the conditions as outlined within the report.

The Chair declared an interest in the following application and left the meeting. The Deputy Chair proceeded to chair the meeting.

LA11/2020/0071/A – Community centre signage. PPC metal lettering directly fixed to building or fencing around building. 82m south west of the Church of the Immaculate Conception, 10 Trench Road, Derry, BT47 3UB.

The SPO presented the above application, details of which had been 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 included within the report.

Alderman McClintock proposed, seconded by Councillor McKinney to support approval of the application. The outcome of the vote was unanimous support of the proposal.

The Committee

Resolved that planning application LA11/2020/0071/A be approved, subject to the conditions as outlined within the report.

The Chair returned to the meeting.

P65/20 Transboundary consultation from DfI regarding planning application LA11/2020/0255/TBA for removal of 25 existing wind turbines and replacement with up to 13 wind turbines at Barnesmore, Co. Donegal

The PPO presented the above report, a copy of which was previously circulated to Members. The purpose of the report was to advise

Members of receipt of a consultation from DfI Planning dated 22 May 2020 in relation to the above.

Councillor McGuire queried any mitigation measures to alleviate television/radio/mobile/broadband signal interference due to the proposed relocation of the replacement turbines.

The PPO agreed to include Councillor McGuire's concerns within the DfI consultation response submission.

She further clarified for Councillor Dobbins that DfI had consulted with the Environmental Health Department regarding consideration of natural heritage impact. She further advised that Planning Policy regulations in relation to windfarms in Southern Ireland also required consideration of environmental and amenity issues.

The PPO in response to Councillor Kelly, agreed to include request for clarification of the remediation aspect of the scheme within the consultation response to DfI.

The Committee

Recommended that Council note the contents of the paper and advise Officers of comments/issues to be raised in the response to be issued to DfI

Open for Information

P66/20 List of Decisions Issued – March, April and May 2020

The list of decisions issued during the period March – May 2020 were noted by Members for information.

Councillor Kelly queried if all applications during the months listed had been included in the weekly circulation to Members. The Head of Planning advised that she was not aware of any issue with regards to the circulation of the application process and agreed to investigate further and report back to Councillor Kelly with an update.

The Meeting went into confidential business.