

Title of Report: Item 7: Planning Appeals Update	Officer Presenting: Principal Planning Officer Author: Principal Planning Officer
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1 Purpose of Report/Recommendations

- 1.1 To appraise Members on planning appeals currently in the system. A background table is enclosed in Appendix 20 showing the current status of any live appeals and any decisions made since the last meeting and an update on the PAC procedures following the Covid-19 restrictions.

2 Background

- 2.1 Since transfer of Planning to local government, Members have been advised on a monthly basis of the transitional provisions for dealing with planning appeals following transfer of powers on 1st April 2015 as set out in The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (Northern Ireland) 2015.
- 2.2 With regard to applications refused by Council post 1st April 2015, officials have and will continue to notify the Planning Committee when appeals are received and dates for submission are published by the Planning Appeals Commission (PAC).

3 Key Issues

- 3.1 Members are advised that one new appeal has been submitted to the PAC since the last Committee meeting:

1) A/2014/0592/F (2020/A0017) Clanmil Developments Ltd - 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 (amended proposal), 8-10 Victoria Road, Derry, BT47 2AB. Appeal on refusal of planning permission.

- 3.2 Members are advised that one appeal decision has been notified since last Committee meeting. Copies of all decisions are attached in Appendix 21.

1) LA11/2018/0376/F (2019/A0133)

Proposed 6 no.1 bedroom apartments. Site 20m south of no's 22,24 and 26 Townsend Street on Back Row, Strabane.

Appeal Dismissed.

- 3.3 The appeals schedule has been updated accordingly with dates for PAC hearings and PAC site visits.
- 3.4 Members are advised that the PAC office was closed from 24th March 2020 until 11th May 2020 due to the Covid-19 restrictions. The office has now re-opened and is operating on a restricted basis. In order to progress cases, the PAC are offering alternative arrangements to hearings, to progress less complex cases, e.g dealing with cases by the written representation procedure rather than by informal hearing or accompanied site visit, subject to the agreement of the appellants. For those cases whereby a hearing is required, the PAC are currently exploring options for operating remote hearings. DCSDC has engaged with the PAC in exploring this option (see letter from Chief Commissioner in Appendix 22), and was one of three Councils who took part in a virtual stakeholder consultation on 1st June 2020 to discuss progressing remote hearings. DCSDC is willing to participate remotely at appeal hearings once this can be facilitated.

4 Financial, Equality, Legal, HR, Improvement, Rural Needs and other Implications

- 4.1 Paragraph 3(5) of The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order 2015, states that an appeal made to PAC against relevant decisions or determinations of the Department under the 1991 Order before 1st April 2015, the award of costs shall not apply. In all other cases the award of costs shall apply.

5 Recommendations

Members note the update on the appeals.

Background Papers

Appendix 20 - Appeals Schedule

Appendix 21 - PAC Decision

Appendix 22 -Correspondence from Andrea Kells, Chief Commissioner, PAC