

## Derry City and Strabane District Council

**Open Minutes of the Planning Committee Meeting held remotely on  
Wednesday 7 October 2020 at 2.00pm**

---

**Present: - Councillor Jackson (Chairperson), Aldermen Bresland, Kerrigan and McClintock; Councillors J Barr, J Boyle, Dobbins, Gallagher, Harkin, Kelly, McGuire, 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 Officer (Mrs S McCracken), Senior Planning Officers (Mr J Spottiswood, Mr M McCarron), Business Services Officer (Mrs L McKean), Committee Services Assistant (Mrs J Short).**

**Mr M McKervey – Historic and Environment Division, Development and Management**

---

**P116/20 Notice and Summons for Meeting**

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

**P117/20 Member Attendance and Apologies**

The Head of Planning took the roll and recorded apologies from Councillor McKinney.

**P118/20 Statement for Remote Meetings**

The Chair read the Statement for Remote Meetings.

**P119/20 Declarations of Members' Interests**

Councillor Boyle declared an interest with Agenda Item: Proposed Court Action LA11/2017/0182/CA.

**Open for Decision**

**P120/20 Presentation – Historic Environment Division (HED)**

The Committee received a presentation from Mr Brian McKervey Historic Environment Division (HED). He provided an update

on the work of HED. (A copy of the presentation was previously circulated to Members).

The Chair thanked Mr McKervey for the presentation. He stated that whilst he respected the role of HED, he was aware of public criticism that the remit was more Belfast City centred despite the significant historical buildings that existed in the West particularly Derry City. He said that HED were occasionally viewed as an obstacle when it came to the restoration of buildings and major applications were delayed in order to address petty requirements from HED. He hoped that the concerns raised by Council at the meeting today would be considered by HED Officials because it was important to support the restoration of historic buildings throughout the City and District Council area.

The Chair invited Members to comment or seek points of clarification if they so wished.

Councillor Boyle thanked Mr McKervey for the presentation. He concurred with the Chair's previous comments. He added that whilst he appreciated the work of HED he was also aware of the frustrations experienced by potential developers when making application for listed building consent. He referred to the fact that due to the requirements of HED some Developers refused to proceed with the work and buildings are left in a derelict state. He asked for HED to adopt a more pragmatic approach when assessing applications, in order to alleviate the risk of an increase in derelict buildings throughout the City and District.

Mr McKervey in response to Members concern said that he understood the developer's frustration with the application process. He added however that Derry City had fantastic heritage and congratulated the Officers involved with the City of Culture

He assured Members that HED Officials would engage with applicants and Planning Officials in order to achieve the best result for everyone. He admitted that HED's remit was restrictive in policy terms, however they continued to work with the applicant in order to reach solutions to progress applications whilst ensuring that architectural features be retained.

The Chair thanked Mr McKervey for taking the time to address Committee and for providing a better understanding of the remit of HED.

Mr McKervey left the meeting.

### **Chairpersons Business**

#### **P121/20 Delay in Physical Site Visits due to Covid-19**

The Chair referred to the increase in Covid cases throughout the Derry and Strabane District Council area and as a result there would be no physical site visits until it was deemed safe. He added that unfortunately the progress of relevant applications would be delayed, however this was totally out of their control due to the current pandemic crisis.

It was agreed that all relevant applicants would be kept informed of the delay in progress due to Covid restrictions.

#### **P122/20 Planning Appeals Commission: Non-Determination Appeal by J P McGinnis (M G Famco Ltd) re: application LA11/2017/0002/F**

The Head of Planning reported that notification was received from the Planning Appeals Commission (PAC) dated 25 September 2020 notifying Council that the applicant J P McGinnis (M G Famco Ltd) had lodged an appeal with the Commission due to the Council not determining the application.

The Chair expressed disappointment that the Committee would not be given the opportunity to make a decision on the application.

The Head of Planning in response Member's queries advised that all Committee and Delegated applications were subject to this course of action following an 8-week period if no decision is taken by Council and every applicant has the right of this appeal mechanism. She further advised there is an opportunity for Members to make further submissions to the PAC but won't be as a decision of Committee. She advised that essentially the PAC become the decision-making body. She alluded to the fact that this was the first occasion such an action was taken since the transfer of Planning function to Council in 2015.

The Lead Legal Services Officer clarified for Members that effectively Committee Members were in the same position as any other elected Member and were entitled to make their own representations in respect of the application to PAC. He confirmed that there was no possibility that the application would be referred to Committee once request for Non-Determination Appeal was made to PAC. He said that

Requests for a non-determination appeal to the PAC had been rare since planning powers had transferred to the council.

**P123/20 NILGA Webinar Session**

The Head of Planning referred to the following Webinar sessions to be hosted by NILGA and will focus on Place Shaping and Infrastructure. (An email notification was forwarded to Members earlier that day);

- 21 October 2020 (10.30am-12noon) – ‘Designing Quality Places’
- 4 November 2020 (10.30am-12noon) – ‘Back to the Future Heritage Led Regeneration’
- 11 November 2020 (11.30am-1.00pm) – Long-Term Impact of Planning Decisions
- 25 November 2020 (10.30-12noon) – The New Normal

**P124/20 Scheme of Delegation**

The Chair referred to applications categorised under the Scheme of Delegation and in particular in relation to those applications for Ammonia Emissions and Houses of Multiple Occupancy (HMOs) and indicated that officers wished to engage with members to consider Delegated arrangements with these matters. Head of Planning agreed to coordinate an informal meeting for Members to discuss these detailed matters.

**P125/20 Late Item Received re: LA11/2016/0436/F**

The Head of Planning reported late information received in respect to Application: LA11/2016/0436/F and Members would be given the opportunity to review the information prior to the presentation of the application later in the meeting.

**P126/20 Matters arising from the Open Minutes of the Special Planning Committee Meeting held on Wednesday 29 July 2020**

There were no matters arising from the above minutes.

**P127/20 Matters Arising from the Open Minutes of the Planning Committee Meeting held on Wednesday 2 September 2020**

There were no matters arising from the above minutes.

**P128/20 Matters Arising from the Open Minutes of the reconvened Planning Committee Meeting (2 September 2020) held remotely on Thursday 3 September 2020**

There were no matters arising from the above minutes.

**P129/20 Planning Applications List with Recommendation for Decision**

The Planning Case Officers presented the following planning applications for decision:

**LA11/2016/0436/F – Retention of diagnostic and automotive electrical repair workshop with new access to Carrickdartans Road, Castleberg**

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members together with late information received the previous day. She stated that based on material consideration in line with planning policy it was recommended to refuse planning permission for reasons as outlined within the report.

Members accepted speaking rights from Mr Jim Rob, applicant who outlined reasons to support approval of the application. After which they were given the opportunity to seek sought points of clarification from the applicant if they so wished.

The Chair invited Members to seek points of clarification from the PPO.

Councillor McGuire queried with the PPO if alternative units within the locality had been considered.

The PPO clarified that the applicant had submitted an email from a operator advising of no alternative sites available. She said that she had a conversation with the Agent however no clear survey had been carried out.

Discussion ensued after which Alderman Kerrigan, moved, seconded by Councillor McGuire to support approval of the application subject to standard conditions to include restriction of use to electrical and diagnostic repair and no more than 6 vehicles to be externally stored on the site. It was also noted that there would be no restriction on operational hours due to the nature of the work.

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

The Committee

**Resolved to overturn the recommendation to refuse planning permission and for approval to be granted subject to standard conditions with the inclusion of restriction of use to electrical and diagnostic repair only and no more than 6 vehicles to be externally stored on the site.**

**LA11/2019/0011/F – Retention of change of use to existing boxing club and community facility from vacant town hall and proposed extension and alterations to existing building to form a single storey multi-purpose activity space at 7 Townhall Street, Newtownstewart, BT78 4AX**

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. He advised that based on material consideration in line with planning policy it was recommended to refuse planning permission for reasons as outlined within the report.

Members received speaking rights from Mr Brendan Johns, Planning Consultant and Mr John Gallagher, applicant who outlined reasons to approve the application.

The Chair invited Members to seek points of clarification from the Senior Planning Officer if they so wished.

Councillor Boyle referred to the alterations to the townhall building and queried if HED had any issue at that time. The SPO clarified that the only issue that he was aware of was in relation to the sheer scale of the extension because it was much larger in comparison to the existing building, however HED had no issue with the internal structure.

The Head of Planning advised Members that if they were minded to over-turn the recommendation to refuse planning permission that it would be necessary to notify DfI of the decision.

Councillor McGuire proposed not to accept the SPO's recommendation to refuse planning permission and for planning approval to be granted, as it was considered the proposal met with Strabane Area Plan para 81.3, PPS 6 BH 8 & 12, SPPS para 6.13, as the proposal was an enhancement and supported by the policies. Alderman Kerrigan seconded the proposal.

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

The Committee

**Resolved to overturn the recommendation to refuse planning application LA11/2019/0011/F and for approval to be granted subject to standard conditions.**

**LA11/2018/1161/LBC – Retention of change of use to existing boxing club and community facility from vacant town hall and proposed extension and alterations to existing building to form a single storey multi-purpose activity space at 7 Townhall Street, Newtownstewart, BT78 4AX**

The Senior Planning Officer presented the above applications, details of which were previously circulated to Members. He advised that based on material consideration in line with planning policy it was recommended to refuse planning permission for reasons as outlined within the report.

Councillor McGuire proposed not to accept the SPO's recommendation to refuse planning permission and for approval to be granted subject to the conditions as outlined within the report, as it was considered the proposal met with Strabane Area Plan para 81.3, PPS 6 BH 8 & 12, SPPS para 6.13, as the proposal was an enhancement and supported by the policies. . Alderman Kerrigan seconded the proposal.

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

The Committee

**Resolved to overturn the recommendation to refuse planning application; LA11/2018/1161/LBC and for approval to be granted subject to standard conditions.**

Councillor Harkin left the meeting.

**LA11/2019/0318/F – Proposed 2 No. pullet rearing poultry sheds with 4 No. feed bins, 2 no. gas tanks and associated site works (poultry sheds to contain 13,000 pullets and 1,560 roosters each giving a total site capacity of 26,000 pullets and 3,120 roosters). Land approx. 350m south west of 17 Drumcraig Road, Magheramason, Londonderry, BT47 2SE.**

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. He stated that following material consideration in line with planning policy it was recommended to approve planning permission, subject to conditions as outlined within the report.

Members accepted speaking rights from Mr Philip Marshall, Agent who outlined reasons to support the recommendation to approve planning permission.

The Chair invited Members to seek points of clarification from the SPO if they so wished.

The SPO in response to a query from Councillor Mellon, clarified that the applicant had provided well-reasoned cases as to the reason for not locating the poultry sheds within the existing site.

The SPO in response to Alderman McClintock confirmed that there existed a number of residential properties located within approximately 200-250 metres from the proposed site. He further confirmed that in relation to traffic flow adequate passing bays already existed on route to the site.

The SPO further clarified that noise was considered in terms of residential amenity and Environmental Health were consulted and they requested that the noise level from the ventilation system be conditioned so not to exceed a certain level.

Councillor Dobbins expressed the opinion that she would not be supportive of an approval on this occasion.

Alderman Kerrigan stated that whilst he was aware that concerns were raised in relation to the proposal, he was convinced that all of the issues had been addressed and in that regard was minded to support approval of the application subject to conditions as outlined within the report. Alderman Bresland seconded the proposal.

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

The Committee

**Resolved to support the recommendation to approve planning application LA11/2019/0318/F.**

**LA11/2016/0781/F – Retention of car compound at 18 Lower Strabane Road, Churchtown, Castledearg**

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. He stated that following material consideration in line with planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Alderman Kerrigan proposed, seconded by Councillor McGuire to support the SPO's recommendation to grant 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 to support approval of planning application LA11/2016/0781/F, subject to conditions as outlined within the report.**

**LA11/2018/0882/F – Retention of Change of Use from rental accommodation to a B&B and retrospective works to facilitate B&B at 6a Northland Road, Derry/Londonderry.**

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. He stated that following the consideration of additional amended plans that were material considerations, in line with planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Councillor Boyle proposed, seconded by Councillor Dobbins to support the 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 and the Committee;

**Resolved that planning application LA11/2018/0882/F be granted planning permission subject to the conditions as outlined within the report.**

**LA11/2018/0847/LBC – Retention of Change of Use from rental accommodation to a B&B and retrospective works to facilitate B&B at 6a Northland Road, Derry/Londonderry.**

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. He stated that following the consideration of additional amended plans that were a material consideration, in line with planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Councillor Boyle proposed, seconded by Councillor Dobbins to support the 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 and the Committee;

**Resolved that planning application LA11/2018/0847/LBC be granted planning permission subject to the conditions as outlined within the report.**

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

**LA11/2019/0739/F – Proposed Community Hub and Proposed Creche at Surestart, 1 Ringfort Road, Derry, BT48 0PZ and land to NE currently occupied by Childrens Playpark.**

The Senior Planning Officer presented the above application, details of which were previously circulated to Members. He stated that following material consideration in line with planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Councillor Dobbins proposed, seconded by Councillor Mellon to support approval of the recommendation to grant planning approval subject to the conditions as outlined within the report.

The outcome of the vote was unanimous in support of the proposal and the Committee;

**Resolved that planning application LA11/2019/0739/F be granted planning permission subject to the conditions as outlined within the report.**

**The meeting ended at 6.08pm and would reconvene the following day at 4.00pm.**