

Derry City and Strabane District Council

**Open Minutes of the Planning Committee Meeting held remotely on
Wednesday 4 November 2020 at 2.00pm**

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

P145/20 Notice and Summons for Meeting

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

P146/20 Member Attendance and Apologies

The Head of Planning took the roll call and no apologies were received.

P147/20 Statement for Remote Meetings

The Chair read the Statement for Remote Meetings.

P148/20 Declarations of Members' Interests

Councillor Mellon declared an interest in Planning Application noted at Item No. 8 on the agenda: LA11/2020/0219/F

Councillor Gallagher declared an interest in Agenda Item No. 12: TPO Update.

Open for Decision

Chairpersons Business

P149/20 Agenda Item No. 15: Re-Advertisement of Fermanagh & Omagh District Council Local Development Draft Plan Strategy – Proposed Changes Consultation

The Chair advised Members that the above item would be removed from Confidential Business and discussed in Open Business later in the meeting.

P150/20 Planning Application LA11/2020/0451/O

The Chair advised that a request had been received to defer the above application for decision due to the current Covid-19 pandemic.

P151/20 Late Items Received

The Head of Planning reported that late information had been received in respect to Planning Application LA11/2020/0295/O and was circulated to Members previously.

The Chair reminded Members that they would be given the opportunity to review the late information prior to the presentation of the application later in the meeting.

Matters arising from the Open Minutes of Planning Committee Meeting held remotely on Wednesday 7 October 2020

P152/20 Minute Ref: P124/20 – Scheme of Delegation

The Head of Planning in response to a query raised by Councillor Harkin agreed to provide all Members with a summary of the informal meeting that took place as agreed by the Planning Committee previously in order to discuss procedural issues in relation to applications categorised under the Scheme of Delegation and in particular those applications for Ammonia Emissions and House of Multiple Occupancy (HMO's).

P153/20 Minute Ref: P129/20 Planning Application LA/2019/0318/F

Councillor Harkin requested that it be noted that Committee Members had received correspondence in relation to the above planning application and there was a risk that it may raise concern for Council in the future.

Matters arising from the Open Minutes of the reconvened Planning Committee Meeting held remotely on Thursday 8 October 2020

P154/20 Restriction on Site Visits by Members

The Chair advised Members that a restriction on Members attending site visits would be continued due to the current Covid-19 Pandemic and the issue would be kept under review in going forward.

P155/20 Planning Applications List with Recommendation for Decision

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

LA11/2018/0526/F – Retention of change of use to children’s recreational activity space and café area on new mezzanine from a furniture warehouse. Unit 2 Elagh Business Park, Derry

The Senior Planning Officer (SPO) presented the above application, details of which was previously circulated to Members. An outline of the application was provided and 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 Liam Nelis, Agent who outlined reasons to support approval of the application. After which Members were given the opportunity to seek points of clarification from the Agent and SPO if they so wished.

Discussion ensued after which Councillor Mellon proposed not to accept the SPO’s recommendation and for approval to be granted on the grounds that the recreational facility was essential for children based in the City and that the site should not be left empty Councillor McKinney seconded the proposal. Councillor Boyle supported the proposal.

The outcome of the vote was unanimous support of the proposal to approve planning permission with the exception of Councillor’s Gallagher and Harkin who both abstained from supporting the proposal.

The Committee

Resolved to overturn the SPO's recommendation to refuse planning application LA11/2018/0526/F and for planning approval to be granted subject to standard conditions.

LA11/2020/0345/O – Infill site for two storey detached dwelling and garage. Infill site 70m north of 12 Tullanee Road, Eglinton

The Principal Planning Officer (PPO) presented the above application, details of which were previously circulated to Members. An overview of the application proposal was provided and following 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 Gerard McPeake, Agent who addressed Committee and outlined reasons to approve the application, after which they were given the opportunity to seek points of clarification from the speaker and the PPO if they so wished.

Alderman McClintock commented that she failed to see how the development was deemed inappropriate. She referred to the fact that it was located on a dead-end road and queried why this did not add weight to an approval being granted.

The PPO advised that the dead-end road would add no weight to the proposal. The policy refers to the development of a a small gap, and the site was only part of an existing gaps that currently formed a visual break, despite other buildings along the road, and therefore was contrary to Strategic Planning Policy Statement and Policies CTY 8 and CTY 14 of Planning Policy Statement 21 in that a gap would create a visual break despite other buildings on site.

Councillor McGuire expressed the viewpoint that it was entirely about the interpretation of policy. He referred to the statement 'rural character' and the fact that some farms were located along the

roadside and others where further back; in his opinion the proposed development would not result in a suburban style build-up.

Councillor McGuire proposed, seconded by Alderman Kerrigan to overturn the PPO's recommendation to refuse planning permission and for approval to be granted subject to standard conditions.

The outcome of the vote was; For 9, Against 0, Abstention 5. The proposal was carried.

The Committee

Resolved to overturn the PPO's recommendation to refuse planning application LA11/2020/0345/O and for approval to be granted subject to standard conditions.

LA11/2020/0295/O – Erection of a dwelling and garage on a farm. Approximately 120m south west of 18 Ligford Road, Strabane

Members were given the opportunity to review the late information received in relation to the above application prior to the Senior Planning Officer's presentation.

The Senior Planning Officer presented the above application details of which had been previously circulated to Members. An overview of the background to the application was provided and following 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 Ms Oonagh Given, Agent who outlined reasons to approve the application, after which they were given the opportunity to seek points of clarification if they so wished.

Members had no questions for the Agent.

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

Councillor Kelly referred to the recommendation as outlined within the report and specifically to the fact that it was considered that the proposal was contrary to Policy CTY10 in that the application was not visually linked and in that regard it would have been useful for a site visit. He expressed the opinion that in terms of localised views there was visual linkage because the proposed site and farm cluster could be viewed at the same time and therefore the application met policy CTY10.

Councillor Kelly further commented that in terms of the Area Plan this permitted a different interpretation of policy because of the context of the rural aspect. He added that this was a family run farm and weight should be given towards the social economic aspect of the proposal and the impact of rural depopulation. He added that he was not persuaded that there was a case that visual linkage cannot be achieved particularly given the backdrop of the forestry and therefore this proposal was not going to create a major impact in the area.

Councillor Kelly proposed to overturn the SPO's recommendation to refuse planning permission and for approval to be granted subject to standard conditions. Councillor McGuire seconded the proposal.

The outcome of the vote was; For 11, Against 2, Abstention 1. The proposal was carried.

The Committee

Resolved to overturn the Senior Planning Officer's recommendation to refuse planning application LA11/2020/0295/O and for approval to be granted subject to standard conditions.

LA11/2018/1038/O – Proposed site for one detached dwelling and garage. Rear of 12 & 13 The Beeches & Rear of 14 Ballyfatten Park, Sion Mills, Co. Tyrone

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. An overview of the background to the application was provided and following material consideration in line with planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

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

Councillor Boyle proposed, seconded by Alderman Bresland to accept the recommendation to approve planning permission, subject to conditions as outlined within the report.

The Members unanimously supported the proposal.

The Committee

Resolved to support the recommendation to approve planning application LA11/2018/1038/O, subject to conditions as outlined within the report.

LA11/2019/0716/F – Proposed pontoon and upgrading of existing car park and installation of external platform cast. Prehen Boat House, Victoria Road, Derry

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. An overview of the background to the application was provided and further to material consideration in line with planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

Councillor Mooney proposed, seconded by Councillor Mellon to accept the recommendation to approve planning permission, subject to the conditions as outlined within the report.

Members welcomed the application and expressed unanimous support of the proposal.

The Committee

Resolved to accept the SPO's recommendation to approve planning application LA11/2019/0716/F subject to the conditions as outlined within the report.

LA11/2018/0372/RM – Local distributor road (in accordance with requirements of approval A/2005/0217/O at H1B Lands – Phase 1 East South of Beraghill Road and north of Skeoge Link Road, Galliagh, Derry

The Principal Planning Officer presented the above application, details of which had been previously circulated to Members. An overview of the background to the application was provided and 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 J Boyle to accept the PPO's recommendation to approve planning permission, subject to conditions as outlined within the report.

The Committee

Resolved to support the recommendation to approve planning application LA11/2018/0372/RM, subject to conditions as outlined within the report.

LA11/2020/0219/F – Proposed four storey extension to the northern side of the existing cleanroom facility, to provide new sub-fab. Cleanroom, recirc fan and plant room floor levels

Councillor Mellon declared an interest in the above application and left the meeting.

The Senior Planning Officer presented the above application, details of which had been previously circulated to Members. An overview of the background to the application was provided and in line with planning policy it was recommended to approve planning permission, subject to the conditions as outlined within the report.

The SPO in response to Councillor Dobbin's concern regarding air pollution advised that the Environmental Health Department had provided a number of conditions and she referred specifically to a condition that requested the applicant to carry out additional Air Dispersal Modelling to assess the overall cumulative impact of emissions on residential properties. She also clarified that conditions were also required in respect to noise and noise assessments would be carried out post completion of the development.

Councillor McGuire proposed, seconded by Councillor J Boyle to accept the recommendation to approve the application.

The Members unanimously supported the proposal.

The Committee

Resolved to support the recommendation to approve planning application LA11/2020/0219/F, subject to the conditions as outlined within the report.

Councillor Mellon returned to the meeting.

LA11/2020/0451/O – Site for proposed infill dwelling in line with Policy CTY8 – Ribbon Development of PPS21 Sustainable development in Countryside

Members noted that the above application was deferred.

P156/20 Donegal County Council Local Development Plan

The Principal Planning Officer presented the above report, a copy of which was previously circulated to Members. The purpose of the report was to advise Members of a consultation received from Donegal County Council regarding the Strategic Environmental Assessment (SEA) Screening Report, the Appropriate Assessment (AA) Screening Report and on the Proposed Variation No. 1 to the County Donegal Development Plan 2018-2024.

Councillor Boyle proposed, seconded by Councillor Gallagher to support the recommendation as outlined within the above report.

The Committee

Recommended that Council note the contents of the report and agree for Officers to issue the attached letter to Donegal County Council, before close of consultation at the end of 4 November 2020.

P157/20 Amendment to Planning Committee Minutes

The Head of Planning Performance and Improvement presented the above report, details of which had been previously circulated to Members. The purpose of the report was to seek a recommendation from the Committee to correct an inaccuracy in the Minutes of a previous Planning Committee Meeting.

Councillor Kelly proposed, seconded by Councillor J Boyle that the recommendation as outlined within the above report be agreed.

The Committee

Recommended **that Council agree the recommendation to amend an inaccuracy in the Minutes of the Planning Committee held on 3 July 2019 (Minute Ref: P83/19)**

P158/20 Re-advertisement of Fermanagh and Omagh District Council Local Development Draft Plan Strategy – Proposed Changes Consultation

The Principal Planning Officer presented the above report a copy of which was previously circulated to Members. The purpose of the report was to advise Members of the re-running and re-advertisement of the Fermanagh and Omagh District Council Local Development Plan Draft Plan Strategy – Proposed Changes Consultation. Members considered the previous consultation with a paper to the Planning Committee in September 2020.

The PPO referred to the recommendations as outlined within the report. He advised that a meeting of the 4 council representatives had taken place the previous day and therefore it was agreed that a further meeting of the Sperrin's Forum was unnecessary at this stage.

Councillor Kelly proposed, seconded by Councillor Gallagher to accept the recommendation as outlined within the report.

The Committee

Recommended **that Council i) note the contents of the above report and familiarise themselves with the ongoing re-consultation accessible via the link as noted ii) agree draft response to be issued to Fermanagh and Omagh District Council LDP team prior to the 3 December 2020 consultation deadline.**

Open for Information

P159/20 Planning Appeals Update

The Principal Planning Officer provided the above report, a copy of which was previously circulated to Members. The purpose of the report was to appraise Members on planning appeals currently in the system.

Members noted the contents of the above report.

P160/20 Update on Tress Preservation Orders for March-October 2020

The Senior Planning Officer presented the above report, details of which was previously circulated to Members. The purpose of the report was to advise Members on Tree Preservation Order (TPO's) activity since the start of the COVID 19 restrictions in March 2020. From that time, the serving and confirming of TPO's has been operating under the Amended Delegated Scheme.

The SPO in response to Councillor Dobbins, assured Members that there was protection with trees located at the City side and a TPO was currently under consideration in that locality.

The Head of Planning reassured Members that this particular update was only in relation to recent TPO requests/queries. She added that there was an abundance of TPO's previously located throughout the City and District area and the TPO register was currently being updated.

Members noted the contents of the above report.

P161/20 List of Decisions Issued – October 2020

Members noted the List of Decisions issued during the month of October 2020 for information.

The Meeting went into confidential business.