

LISBURN CITY & CASTLEREAGH DISTRICT COUNCIL

Minutes of the Meeting of the Planning Committee held in the Council Chamber, Lisburn City Council offices, Island Civic Centre, The Island, Lisburn on Monday, 1 June 2015 at 6.00 pm

PRESENT:

Alderman M Henderson MBE (Chairman)

The Right Worshipful the Mayor, Councillor T Beckett

Aldermen: D Drysdale, G Rice MBE

Councillors: A Girvin, R Butler, P Catney U Mackin, L Poots, John Palmer and M Tolerton

IN ATTENDANCE:

Lisburn & Castlereagh City Council

Director of Development and Planning

Area Planning Manager

Legal Advisor

Principal Planning Officers (RH and LJ)

Senior Planning Officers (MCO'N, RT and AS)

Committee Secretary

Attendance Clerk

Assistant Director Corporate Services (Central Support)

Commencement of Meeting

The Chairman, Alderman M Henderson, welcomed everyone to the meeting of Lisburn & Castlereagh Planning Committee.

1. **Apologies**

There were no apologies.

2. **Declarations of Interest**

The Chairman, Alderman M Henderson, sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk.

The following Declarations of Interest were made:

- Councillor U Mackin declared an interest in Planning Application Nos. S/2015/0030/O and S/2015/0047/F. He advised that whilst he had called these in on behalf of the agent and another Elected Member, he would be asking questions in relation to the applications. The Legal Advisor then asked if Councillor Mackin had been lobbied or if his mind had been made up in respect of the applications. Councillor Mackin responded that this was not the case.

3. Minutes of Meeting of Planning Committee held on 11 May 2015

It was proposed by Alderman G Rice, seconded by Councillor P Catney and agreed that the Minutes of the Meeting of the Planning Committee held on 11 May 2015 be adopted as an accurate record of proceedings and signed.

4. Report of the Director of Development and Planning

It was agreed that the report and recommendations of the Director be adopted, subject to any decisions recorded below:-

4.1 Schedule of Applications to be Determined

The Chairman, Alderman M Henderson, advised Members that a presentation was being made on each of two local planning applications and he therefore wished to bring these forward.

Members were reminded that they needed to be present for the entire item. If absent for any part of the discussion they would render themselves unable to vote on the application.

4.1.1 S/2015/0030/O – Local Planning Application (Called-In in accordance with Paragraph 21 of the Protocol for the Operation of the Planning Committee) – Dwelling and Garage at 56A Drumbo Road, Ballyaghlis, Lisburn, BT27 5TX

(Presented by the Senior Planning Officer (AS))

The Senior Planning Officer advised that the applicants had submitted an application for a dwelling and garage at 56A Drumbo Road, Ballyaghlis and he gave an update, with the aid of a visual presentation, and referred to the relevant planning history of the application.

Members were advised that this local application had been 'called in' in accordance with Paragraph 21 of the Protocol for the Operation of the Planning Committee.

The recommendation of the Senior Planning Officer was that the proposal was contrary to Policy CTY1 and CTY3 of the Planning Policy Statement 21, Sustainable Development in the Countryside in that there were no overriding reasons why this development was essential in this rural location and could not be located within a settlement.

The Chairman, Alderman M Henderson, called upon the agent, Mr Hawthorne, to speak on behalf of the planning application.

Mr Hawthorne outlined a number of points in relation to the planning application, including:

- the fact that the planning application was not required to satisfy both CTY3 and CTY4 planning policies
- there was an ambiguity in relation to the term 'new'
- the proposed building would be purposely designed of permanent construction
- he made reference to the Rural Design Guide.

At this point, the Chairman, Alderman M Henderson, thanked Mr Hawthorne for his presentation and invited Members to ask any questions in relation to the planning application.

Several of the Members posed a number of questions, including:

- The feasibility of the reasons for refusal
- Clarification of the number of vehicle movements and the significance of their environmental impacts in terms of reduction in air quality levels
- Similarity in shape of the proposed new building to the existing one
- The uniqueness of the proposal
- The improvement to the aesthetic appearance and higher standard of building
- Clarification of the Certificate of Lawful Development

The Senior Planning Officer and the Area Planning Manager responded in relation to the questions raised.

At this juncture, the Chairman referred to the Senior Planning Officer's recommendation which was put to the Meeting and a recorded vote was taken at his request, the voting being as follows:

For: The Right Worshipful the Mayor, Councillor R T Beckett, Alderman M Henderson, Alderman D Drysdale, Councillor A Girvin and Councillor P Catney.

Total: 5

Against: Alderman G Rice, Councillor John Palmer, Councillor M Tolerton, Councillor L Poots and Councillor R Butler

Total: 5

Abstained: Councillor U Mackin

Total: 1

The Chairman, M Henderson, stated that the result of the vote had been a split decision and he would be using his casting vote and voted to accept the recommendation of the Senior Planning Officer.

It was therefore agreed that the Committee, having considered all of the information provided within the Report of the Senior Planning Officer, supported the recommendations within the Report to refuse the application for the following reasons stated:

- The proposal is contrary to Policy CTY1 and CTY3 of the Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

4.1.2 S/2015/0047/F – Local Planning Application – Proposed 2 No. dwellings to infill a small gap site in established line of buildings fronting Eglantine Road at Lands between 49 and 53 Eglantine Road, Lisburn, BT27 5RQ

(Presented by the Senior Planning Officer (MSO'N))

The Senior Planning Officer advised that the applicants had submitted an application for 2 No. dwellings to infill a small gap site in an established line of buildings fronting Eglantine Road at lands between 49 and 53 Eglantine Road, Lisburn and gave an update on the planning application with the aid of a visual presentation.

Members were advised that this local application had been 'called in' in accordance with Paragraph 21 of the Protocol for the Operation of the Planning Committee.

The recommendation from the Senior Planning Officer was to refuse the planning application for the following reasons stated:

- The proposal is contrary to Policies CTY 1 and CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Eglantine Road;
- The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the ancillary works do not integrate with their surroundings and the design of the proposed buildings is inappropriate for the site and its locality.
- The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted, add to a ribbon of development and the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the countryside.

At this juncture, the Chairman, M Henderson, called upon the Agent, Mr Martin Johnston, to speak on behalf of the applicants of the planning application.

Mr Johnston raised a number of points relating to the application, including:-

- he contested the Planning Department's measurements of the gap
- he stated that the proposal was in keeping with rural design and the character of the area
- similar proposals in the area had already been granted planning approval.

At this point, the Chairman, M Henderson, thanked Mr Johnston for this presentation and invited Members to ask any questions in relation to the planning application.

Several of the Members posed a number of questions, including:

- changes in interpretation of the Planning Policy
- the continuous established build which is already present on the Eglantine Road
- removal of the vegetation and its impacts
- the size of the small gap site in relation to further potential infill applications

The Senior Planning Officer responded in relation to the questions raised.

At this juncture, the Chairman, M Henderson, referred to the Senior Planning Officer's recommendation which was put to the Meeting and a vote was taken at his request, the voting being 8 votes in favour of the Officer's recommendation and 3 votes against.

It was, therefore, agreed that the Committee, having considered all of the information provided within the Report of the Senior Planning Officer, supported the recommendations within the Report to refuse to approve the application for the reasons as outlined above.

4.1.3 S/2014/0716/F – Major Planning Application - Restoration and conversion of existing building into restaurant (including function area) plus extension and associated works at Mill Farm, 12 Dromara Road, Hillsborough

(Presented by the Senior Planning Officer (RT))

The Senior Planning Officer advised that the applicants had submitted an application for the restoration and conversion of the existing building at Mill Farm, 12 Dromara Road, into a restaurant (including function area) plus extension and associated works. It was highlighted within the report of the Senior Planning Officer that there had been no letters of objection received in relation to the application.

The recommendation from the Senior Planning Officer was that planning permission be granted, subject to a number of conditions.

Councillor U Mackin welcomed the proposal but expressed concern at the close proximity of the proposal to a residential Veterinary Practice.

The Senior Planning Officer clarified that the owner of the Veterinary Practice had been included in the neighbourhood notification exercise and indicated that Transport NI, as a Statutory Consultee, had been satisfied with the potential traffic implications.

In response to a query from Councillor John Palmer, the Senior Planning Officer gave an assurance that work on this proposal had not yet commenced on site.

(The Assistant Director Corporate Services (Central Support) left the meeting at 7.30 pm.)

The Committee having considered the information provided within the Report of the Senior Planning Officer, unanimously agreed to grant the application, subject to the following conditions for the reasons stated:

- As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

- The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 10 (Planning Dwg No. 05) bearing the date stamp 12 March 2015, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- The access gradient to the dwelling hereby permitted shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 10 (Planning Dwg No. 05), bearing date stamp 12 March 2015 to provide adequate facilities for parking and circulating within the site. No part of these

hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and circulating within the site.

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

- Details of any air handling, filtration and extraction system, or refrigeration units to be installed must be submitted to and approved in writing by the Council prior to any operation of the development hereby approved.

Reason: In the interest of public health

- All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the operation of any part of the development.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

- The existing natural screenings of this site, as indicated on the approved plan date stamped 12 March 2015, shall be retained unless necessary to prevent danger to the public.

Reason: To ensure the maintenance of screening to the site.

- If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use, another tree or trees shall be planted at the same place and (that/those) tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

- If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives it written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

4.1.4 S/2014/0717/F – Major Planning Application - Restoration and conversion of existing buildings into 3 No. self-catering cottages plus extension and associated site works at Mill Farm, 12 Dromara Road, Hillsborough

(Presented by the Senior Planning Officer (RT))

The Senior Planning Officer advised that the applicants had submitted an application for the restoration and conversion of existing buildings at Mill Farm, 12 Dromara Road, into 3 No. self-catering cottages plus extension and associated site works.

It was highlighted within the report of the Senior Planning Officer that there had been no letters of objection received in relation to the application.

The Assistant Director(Corporate Services (Central Support) returned to the meeting at 7.37 pm.

The recommendation from the Senior Planning Officer was that planning permission be granted, subject to a number of conditions.

The Committee having considered the information provided within the Report of the Senior Planning Officer, unanimously agreed to grant the application, subject to the following conditions for the reasons stated:

- As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

- The dwellings hereby permitted shall be used only for holiday accommodation and shall not be used for permanent residences.

Reason: The site is located within a rural area where it is the policy of the Council to restrict development and this consent is hereby granted solely because of its proposed holiday use.

- The vehicular access, including any visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 10 (Planning Dwg 05), bearing the date stamp 12 March 2015, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.

- The access gradient to the dwelling hereby permitted shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

- The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 10 (Planning Dwg No. 05), bearing date stamp 12 March 2015 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and circulating within the site.

- Any existing street furniture or landscaping obscuring or located within the proposed carriageway, sight visibility splays, forward sight lines or access shall, after obtaining permission from the appropriate authority, be removed, relocated or adjusted at the applicant's expense.

Reason: In the interest of road safety and the convenience of road users.

- All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the operation of any part of the Council.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

- The existing natural screenings of this site, as indicated in the approved plan date stamped 12 March 2015, shall be retained unless necessary to prevent danger to the public.

Reason: To ensure the maintenance of screening to the site.

- If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of the occupation of the building for its permitted use, another tree or trees shall be planted at the same place and (that/those) tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

- If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies,

or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives it written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

4.2 Development Management

(Presented by the Area Planning Manager)

4.2.1 Scheme of Delegation – Identification of Applications made by Elected Members

Members were provided with a copy of a report from the Planning Manager which made reference to the Scheme of Delegation and a letter which would be issued to all Elected Members.

It was proposed by Councillor R Butler, seconded by Councillor U Mackin and agreed that the intention to issue the letter associated with the Scheme of Delegation be noted.

4.2.2 Letter from Mark H Durkan MLA, Minister of the Environment regarding transfer of Planning Application S/2013/0401/F

Members had been provided with a copy of a letter from Mark H Durkan MLA Minister of the Environment regarding transfer of Planning Application S/2013/0401/F.

The Director of Development & Planning recalled the background to the transfer of Planning Application S/2013/0401/F and advised that, at the behest of the Minister, it had now been referred back to Council and once the new Case Officer had made a determination, it would subsequently be reported to the Planning Committee in due course.

Councillor L Poots wished to record that, in his view, the Minister had treated the applicant disgracefully. Furthermore, he advised that the applicant already had been issued planning permission for other waste codes which he could have used and which would have created more controversy but he had declined to do so.

It was proposed by Councillor P Catney seconded by Councillor M Tolerton and agreed that the above information be noted.

4.2.3 Decisions issued in April 2015

Members had been provided with a copy of Decisions Issued in respect of applications during the month of April 2015 and were advised that arrangements would be made for this information to be placed on the Planning Portal website.

Alderman G Rice referred to a previous application at St Ita's Primary School in which the conditions of the application had stated that any work carried out would be contained within the school grounds. She referred to a number of disabled residents living within the local vicinity who had been severely impacted as a result of parked utility vehicles on the pavement which had affected access and she had raised the matter with the PSNI on a number of occasions.

The Director of Development & Planning responded that the safety of pedestrians was the responsibility of Transport NI.

The Committee agreed that the above information be noted and that a letter would be sent to Transport NI in respect of the ongoing works at Alderwood Hill Primary School highlighting the safety implications of pedestrians using the pavements, especially in light of the number of disabled residents living in the vicinity.

4.3 Development Plan

(Presented by the Principal Planning Officer (LJ))

The Principal Planning Officer provided an update and outlined the next steps in relation to the Development Plan work programme.

A series of workshops would be held for Elected Members in the coming months to obtain their views in relation to planning issues on the ground and the proposed Work Programme would be presented to the Committee over the summer months.

The Principal Planning Officer advised that the first workshop would refer to the 'General Approach to Planning' to demonstrate how the Development Plan could be achieved within the 40-month timeframe. She advised that it was proposed that the Work Programme would be delivered in key stages and Officers would carry out the preparatory work in advance of the commencement of the 40-month time period.

In response to a query from Alderman G Rice, the Principal Planning Officer advised that Planning Officers would be working closely with the Community Planning Manager to adopt a joined-up approach with a view to informing the public and generating local community involvement.

Alderman G Rice referred to 'Community Planning Week' which was being held this month and suggested that it would be useful to obtain feedback from the public at this stage.

It was agreed that the update from the Principal Planning Officer (LJ) be noted.

4.4 Enforcement

(Presented by the Area Planning Manager)

4.4.1 Draft Enforcement Strategy

Members had been provided with a report from the Planning Manager which made reference to a draft Enforcement Strategy.

It was agreed that the Committee note the report from the Planning Manager and agree the content of the draft Enforcement Strategy.

Confidential Business

'In Committee'

It was proposed by Councillor P Catney, seconded by Councillor R Butler and agreed that the Enforcement Cases with Court Proceedings in June be considered 'In Committee' in the absence of press or members of the public as the item included information relating to an individual, likely to reveal the identity of an individual and related to legal proceedings.

4.4.2 Enforcement Cases with Court Proceedings

(Presented by the Area Planning Manager)

Members had been provided with information on Enforcement Cases with Court Proceedings for June 2015.

Councillor U Mackin sought clarification on two cases within the report in which enforcement action was being processed when a planning appeal was already in place.

It was agreed by Committee that the information provided within the Officers' report be noted and that more detailed information, as requested, would be provided at the next meeting.

Resumption of Normal Business

It was proposed by Councillor P Catney seconded by Councillor R Butler and agreed to come out of committee and normal business was resumed.

4.5 Advanced Notice of Listing – Oak Hill, 264 Hillhall Road, Lisburn

(Presented by the Area Planning Manager)

Members had been provided with and noted the contents of a letter dated 14 May 2015 from the Department's Historic Environment Division providing details of a property within LCCC that was being considered under section 80(1) of the Planning Act (Northern Ireland) 2011 for listing.

In response to queries from Councillors M Tolerton and L Poots, the Area Planning Manager stated that she would ensure that the owner would be notified prior to listing, if this had not already been carried out.

4.6 The New Northern Ireland Regional Landscape Character Assessment (NIRLCA)

(Presented by the Area Planning Manager)

Members had been provided with and noted the contents of a letter dated 28 April 2015 from the Northern Ireland Environment Agency. The correspondence related to the Consultation Draft of the new Northern Ireland Regional Landscape Character Assessment published on 28 April 2015.

4.7 Shared Environment Service – Service Level Agreements

(Presented by the Area Planning Manager)

Members had been provided with and noted the contents of details of an agreement in relation to services to be provided by the Shared Environmental Service Unit based within the Mid and East Antrim Borough Council.

4.8 Planning Portal Training

(Presented by the Area Planning Manager)

Members noted that training was being organised relating to the Planning Portal with the first session being organised week commencing 15 June 2015 and other possible further sessions being held for those Members unable to attend.

There being no further business, the meeting concluded at 8.10 pm.

CHAIRMAN/MAYOR