

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Meeting of the Planning Committee held in the Council Chamber, Lisburn & Castlereagh City Council Offices, Island Civic Centre, The Island, Lisburn on Monday 3 October 2016 at 2.00 pm

- PRESENT:** Councillor A Redpath (Chairman)
Councillor N Anderson (Vice-Chairman)
Aldermen : J Dillon MBE JP, D Drysdale, G Rice MBE
Councillors: T Beckett, P Catney, A Girvin, U Mackin, L Poots, M Tolerton
- OTHER MEMBERS:** The Right Worshipful the Mayor, Councillor R B Bloomfield MBE
Aldermen : J Tinsley
Councillors: B Hanvey, J Baird
- IN ATTENDANCE:** Lead Head of Planning & Building Control
Planning Manager
Principal Planning Officers (RH and LJ)
Senior Planning Officers (RT and PS)
HPTO (PMcF)
Committee Secretary
Attendance Clerk
- Cleaver Fulton & Rankin
Kate McCusker (Legal Advisor)

Commencement of Meeting

The Chairman, Councillor A Redpath, welcomed everyone to the meeting.

Introductions were made and some Housekeeping and Evacuation announcements were made by the Lead Head of Service (Planning & Building Control).

1. **Apologies**

There were no apologies.

2. **Declarations of Interest**

The Chairman 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 stated that as Chairman of Lisburn City Council Planning Committee he had attended meetings in respect of application no S/2014/0910/F however he had not pre-determined the application.
- Councillor U Mackin stated that he would be speaking at the meeting on behalf of objectors in respect of application no S/2014/0548/F and would therefore be declaring an interest in that application and would not be taking part in the discussion.
- Councillor L Poots stated that he had been involved in the call-in procedure in respect of application no LA05/2016/0682/F but that he had not pre-determined the application.
- Alderman J Dillon stated that he had attended a pre-application meeting in respect of application no S/2014/0910/F but that he had not pre-determined the application.
- During the course of the meeting, Alderman D Drysdale stated that he wished to declare an interest in application no LA05/2016/0596/F due to the fact that he was involved in a similar type of enterprise.

The Chairman advised that Application Number LA05/2015/0153/F had been withdrawn from the schedule by the Agent pending receipt of additional information.

3. Minutes

It was proposed by Alderman J Dillon seconded by Councillor M Tolerton and agreed that the following Minutes be signed.

- Minutes of Meeting of Planning Committee held on Monday 5 September 2016.

4. Report from the Lead Head of Planning and Building Control

It was agreed that the report and recommendations of the Lead Head of Planning and Building Control be adopted, subject to any decisions recorded below:-

4.1 Report from the Planning Manager

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

Items for Decision

4.1.1 Schedule of Applications:

The Chairman reminded Members 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.

The Legal Advisor referred to the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which provides guidance on decisions made which are contrary to Officers' recommendations.

Reference was made to Paragraphs 43-46 within the Protocol which states that 'the decision as to whether planning permission should be approved or refused lies with the Committee. The views, opinions and recommendations of planning officers may on occasion, be at odds with the views, opinions or decisions of the Planning Committee or its Members. This is acceptable where planning issues are finely balanced.'

The Legal Advisor further advised Members that the Committee could accept or place a different interpretation on, or give different weight to, the various arguments and material considerations'.

Members were reminded that 'Committee decisions contrary to officer recommendation may be subject to legal challenge. Members must therefore ensure that the reasons for the decision are set out and based on material planning reasons. Furthermore, the Planning Officer should always be given the opportunity to explain the implications of the Planning Committee's decision.'

Therefore 'Decisions contrary to an Officer's recommendation must be formally recorded in the Committee minutes and a copy placed on the file.'

Members were also advised that the Planning (Notification of Applications) Direction 2015 came into operation on 1 April 2015. The direction states that where the council proposes to grant planning permission for development falling within any of the descriptions of development listed in the Schedule to this direction it must send the Department information as set out in Regulation 3(1) (a) – (d) in the Direction. Descriptions of development included in the Schedule to this direction include the following:

1. A major development application which would significantly prejudice the implementation of the local development plan's objectives and policies
2. A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013.
3. Significant objection by a Government Department or Statutory Consultee to a major development applications including :
 - (a) Development affecting a road,
 - (b) Development in the vicinity of major hazards,

- (c) Development which has the potential to impact on Nature Conservation, Archaeology and Built Heritage Interests,
- (d) Development where DARD has raised significant objection (Flooding) against the grant of planning permission or has recommended conditions which the Council does not propose to attach to the planning permission.

The Chairman advised that there were a number of speakers in attendance making representation on some of the applications and therefore the Schedule of Applications would be taken out of order to enable these applications to be taken first.

- (1) S/2014/0910/F – Major Application – Interim Development Proposal. Development of 123 dwellings and amendment to 3 dwellings on sites 1, 125 and 126 (being dwellings approved under S.2014/0209/F and S/2004/1466/F respectively) to give a total of 126 dwelling with associated open space and access arrangement (amended description and additional information) on lands north of Wellington Parks and south of HMP Maghaberry, Maghaberry.

The Senior Planning Officer (RT) presented this application as outlined within the circulated Report.

The Committee received Mr David Worthington, Mr Gary McGhee, Ms Sheila Davidson and Mr Stewart Beattie who wished to speak in support of the application and who highlighted the following:

- BMAP was the first port of call for planners unless there are material considerations, there are many other factors to be taken account of
- It is not 'BMAP or bust'
- BMAP is out of date
- The Council's own documents highlight the lack of housing supply. There is only a 4.2 year housing supply whereas there is a need for there to be a 5 year supply according to the SPPS
- Traffic flow concerns were highlighted in consultation responses as being of concern, this has been addressed by the developer putting in an access road at his own cost. This has addressed concerns and local residents are hopeful that the development will help address anti-social behaviour issues in the area.
- The developer has set up a Community Trust with £126,000 available (£1k per dwelling) which can be availed of by the local community submitting applications for funding
- The BMAP period was 1998 – 2015, the PAC wanted to extend this but this didn't happen
- The development will create 40/50 jobs and is an investment of £19m in the area.

This was followed by a question and answer session.

The Committee received Mr R Butler MLA who wished to speak in support of the application and who highlighted the following:

- This application provides the Council with an opportunity to consider serious benefits for the community
- It provides a natural evolution of development for the village
- There will be 40 plus jobs created as well as those in the supply chain
- It will provide greater footfall for local businesses
- There is a social and community benefit to be derived from the Community Development Trust
- There is an opportunity to improve traffic flow
- This use of the land will reduce anti-social behaviour
- The local Primary School will benefit from a steady stream of future intake numbers
- He urged members to take all matters on board and not just those highlighted within BMAP.

This was followed by a question and answer session.

The Committee received Mr Edwin Poots MLA who wished to speak in support of the application and who highlighted the following:

- The local landscape was one of housing, prison, roads and sports facilities therefore urban sprawl would not be an issue as it is land locked.
- Regarding open space, in the past land was gifted, by the developer, to the Council for a playground and a MUGA. Therefore there is a lot of open space in the area and which is located in the centre of the village.
- There is only 1 year's sustainable housing stock in the area and the Council has a duty to approve this application in order to help address this shortfall

This was followed by a question and answer session.

The Committee, having considered the information provided within the Report, and by those making representations, agreed by a majority of 11:0 with 0 abstentions, not to refuse the application as outlined in the Officer's report.

The Chairman stated that the Professional Officer's recommendation to refuse planning permission had fallen and that a new motion was now under consideration. Section 45 of the 2011 Planning Act states that in dealing with planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

After due consideration, it was proposed by Councillor L Poots, seconded by Councillor P Catney and agreed by a majority of 11:0 with 0 abstentions that a combination of the following five material considerations be cited as the reasons for approving planning permission:

- The suitability of the site for the proposed development.
- The economic benefits of the development through the creation of new jobs and the community benefit.
- The suitability of the type of development in terms of compatibility with neighbouring property and the locality; and
- The potential positive impact on adjoining property from noise, odours, fumes etc.

A new motion was therefore put to the Committee that application S/2014/0910/F be approved.

It was proposed by Councillor L Poots, seconded by Councillor P Catney and agreed by a majority of 11:0 with 0 abstentions that the above application receive planning permission pending the approval, at the following Committee Meeting, of conditions which were to be drawn up in the interim by the Planning Manager.

At this stage, Members were reminded by the Legal Advisor, of her comments at the start of the meeting advising that, in circumstances where a major development application would significantly prejudice the implementation of the local development plan's objectives and policies, it was necessary to notify the Department for Infrastructure.

Members expressed their dismay at this referring to the fact that since 2015 responsibility for Planning matters had transferred to local Councils.

After further discussion on this matter, it was proposed by Councillor Catney, seconded by Councillor Poots and agreed that the application should not be forwarded to the Department for Infrastructure as it was considered that the decision did not significantly prejudice the implementation of the local development plan's objectives and policies.

Adjournment of Meeting

The Chairman, Councillor A Redpath declared the meeting adjourned at 3.50 pm for 5 minutes.

Resumption of Meeting

The Chairman, Councillor A Redpath declared the meeting resumed at 4.07.

- (4) S/2014/0548/F – Local Application (Called In) – 2 No dwellings and garages, including access road. (Amended site location) to the rear of 28/30/44 Holborn Hall, Plantation Road, Lisburn.

(Councillor U Mackin had declared an interest in this application and retired to the public gallery at 4.07 pm)

The Senior Planning Officer (RT) presented this application as outlined within the circulated Report.

The Committee received Mr Paul Duggan who wished to speak in objection to the application and who highlighted the following:

- He was objecting on behalf of an elderly neighbour
- This development would be at a higher ground level than his neighbour's bungalow
- It would be expected that planning would be carried out with adherence to BMAP
- Land locking had been self-created
- The amount of land breaching development limits was almost one third
- He expected elected representatives and civil servants to uphold planning policies.

This was followed by a question and answer session.

The Committee received Councillor U Mackin who wished to speak in objection to the application and who highlighted the following:

- There was a breach of settlement limits with this application which was significant and was approximately one third of the red line area
- The land on which the breach occurs was placed on the open market, so this approval will open up further development
- The site is land locked with no alternative access and this is as a result of choice
- He outlined the impact on residential amenity re the resident at number 28 advising that the proposed site sits high on a hillock above the bungalow at number 28, the level is not slight it is around 1.7m. He also outlined that there was a gable wall and a garage wall where there would be significant pedestrian activity.

This was followed by a question and answer session.

The Committee received Mr Russell Finlay who wished to speak in support of the application and who highlighted the following:

- there had been 43 objectors but many of these were from far outside the area
- Transport NI were content
- The land was zoned for development
- Buffer planting had been provided and overlooking issues addressed. A 1.5m high fence and buffer planting had been incorporated.
- He had worked with the case officer to address any issues with the application.

This was followed by a question and answer session.

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those making representations, agreed by a majority of 9:1 to approve the application as outlined in Officer's report and subject to the conditions stated.

(Councillor U Mackin was unable to vote as he had withdrawn).
(Councillor U Mackin returned to his seat in the chamber at 4.37 pm)

- (7) LA05/2016/0682/F – Local Application (Called In) – Development of tourism/conference facility, including accommodation, meeting/conference rooms, kitchens/dining facilities, car parking, additional landscaping and improvements to existing access on land adjacent to 120 Ballynahinch Road, Hillsborough.

The Senior Planning Officer (RT) presented this application as outlined within the circulated Report highlighting that whilst a subsequent application had been received for this location, this particular application would be considered on its own merits.

The Committee received Mr David Cox who wished to speak in objection to the application and who highlighted the following:

- He feels permission had been rushed through in 5 weeks and during a holiday period
- There had been no neighbourhood consultation
- There were plans to expand the development further
- This would not be in the spirit of serving tourism
- If this application were to be approved it would give a green light to the entire scheme
- That in order to be approved, the proposal should be located close to a countryside tourism venue in order to meet requirements – this application, he feels, is not
- The developer has not approached other land-owners
- There were water service issues at the location

This was followed by a question and answer session.

The committee received Ms J Muldoon who wished to speak in support of the application and who highlighted the following:

- There had been 9 letters of objection from 6 individuals only 1 of which lives in the area
- There had been 15 letters of support including those from high profile individuals
- Concerns raised have all been fully addressed
- Objections raised do not focus on planning policy
- This is a stand-alone application, Phase II is dependent on funding
- Phase II hopes to develop the first 3G indoor pitch in Ireland
- The development would improve visual appeal

- The development responds to accommodation needs in the area
- The development would improve vehicular access
- She hoped the council would uphold the recommendation of their Planning Officer

This was followed by a question and answer session.

The committee received Councillor J Baird who wished to speak in support of the application and who highlighted the following:

- The applicant had identified a need
- The applicant had extensive business experience
- The design blended well into the rural area
- The application had been expedited due to the fact that the applicant had fully utilised the pre-application stage
- Stage II will hopefully access funding
- The scheme will draw and facilitate tourists
- The scheme will meet a need in the area and will create full and part time jobs

This was followed by a question and answer session during which Councillor L Poots left the meeting at 5.14 pm returning at 5.25 pm).

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those making representations, agreed by a majority of 10:0 with 0 abstentions to approve the application as outlined in Officer's report and subject to the conditions stated.

(Councillor L Poots was unable to vote as he had not been present for the entire discussion).

Adjournment of Meeting

The Chairman, Councillor A Redpath declared that the meeting would be adjourned at 5.30 pm for a period of 20 minutes during which refreshments would be available in the Members Room.

Resumption of Meeting

The Chairman, Councillor A Redpath declared the meeting resumed at 5.55 pm.

- (2) LA05/2016/0432/F – Local Application (Exceptions Apply) – Demolition of existing detached garage and erection of 2-storey side extension to allow garage and bedroom above. Single storey family room to rear with amended access at 53 Moss Road, Lambeg, Lisburn, BT27 4NT.

(Alderman G Rice, Councillor N Anderson, Councillor L Poots and Councillor M Tolerton returned to the meeting at 6.00 pm and were therefore unable to vote).

The Senior Planning Officer (PS) presented this application as outlined within the circulated Report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 7:0 with 0 abstentions to approve the application as outlined in Officer's report and subject to the conditions stated.

(Alderman G Rice and Councillors N Anderson, L Poots and M Tolerton were unable to vote due to not being present for the entire discussion).

- (3) LA05/2016/0596/F – Local Application (Exceptions Apply) – Demolition of existing single storey Light Industrial Enterprise Units and replacement with new 2 storey Enterprise Business Offices, with additional in-curtilage parking at Enterprise Crescent, Ballinderry Road, Lisburn.

The Senior Planning Officer (PS) presented this application as outlined within the circulated Report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 10:0 with 0 abstentions to approve the application as outlined in Officer's report and subject to the conditions stated.

(Alderman D Drysdale was unable to vote as he had declared an interest in the application).

- (5) LA05/2015/0101/O – Local Application (Called In) – Infill site for proposed dwelling and garage with new access on a site 80m northwest of 15a Tansy Road, Upper Ballinderry, Lisburn BT28 2PX.

The HPTO (PMcF) presented this application as outlined within the circulated Report.

After consideration of the application, it was proposed by Councillor L Poots, seconded by Councillor N Anderson and agreed that this application be deferred to give the applicant the opportunity to arrange for representations to be made at a future meeting of the Committee.

Items for Noting

It was proposed by Alderman G Rice, seconded by Councillor M Tolerton and agreed that items 4.1.2, 4.1.2 and 4.1.4 be noted.

4.1.2 Development Management - Live Appeals September 2016

Members noted Development Management Statistics associated with Live Appeals at September 2016.

4.1.3 Proposal of Application Notices

Members noted details regarding Proposal of Application Notices received since 1 April 2016.

4.1.4 Development Plan Update

Members noted information provided by way of a verbal update on the Local Development Plan.

The Principal Planning Officer (LJ) reminded members of the next two Workshops on the Plan which were scheduled for 26th October 2016 and 23rd November 2016.

Councillor N Anderson wished to commend the work of the Principal Planning Officer (LJ) and her team.

4.2 Budget Report – Planning Unit

Members noted information provided within a copy of the summary Budget Report for the Planning Unit for the year to 31 March 2017 as at 31 August 2016.

4.3 Rolling Year Absence Figures for the Planning Unit

Members noted information provided within a copy of the rolling year absence figures for the Planning Unit for the period 1 April 2015 to 31 July 2016.

5. Confidential Report from the Lead Head of Planning and Building Control

It was agreed that the reports and recommendations of the Confidential Report of the Lead Head of Planning and Building Control be adopted, subject to any decisions recorded below.

The Chairman advised that the following items would be discussed 'in Committee' for the following reasons:

- 5.1.1 This item was confidential for reason of information relating to any individual; information which is likely to reveal the identity of an individual; and information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

'In Committee'

It was proposed by Councillor P Catney, seconded by Councillor N Anderson and agreed that the items in the Confidential Report be considered 'In Committee', in the absence of press and public being present.

5.1.1 Enforcement Cases with Court Proceedings in October 2015

It was noted that this item was confidential for reason of information relating to any individual; information which is likely to reveal the identity of an individual; and information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

Having been provided with information on Enforcement Cases with Court Proceedings in October 2015 it was agreed that the information provided within the Report should be noted.

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Councillor M Tolerton and agreed to come out of committee and normal business was resumed.

6. Any Other BusinessThe Chairman, Councillor A Redpath
Additional responsibility Allowance

The Chairman, Councillor A Redpath wished to advise that the above matter was being progressed. This information was noted.

Alderman D Drysdale
Entry to Council Chamber by Members of the Public

Alderman D Drysdale drew attention to the fact that Members of the Public were entering the Chamber at Planning Committee Meetings by the wrong entrance and were walking through the Chamber to reach the public gallery instead of being directed to the entrance which led directly to the public seating. He requested that directional measures needed to be put in place to address this.

There being no further business, the meeting concluded at 6.25 pm.

 CHAIRMAN / MAYOR