

**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 5 December 2016 at 2.00 pm**

**PRESENT:** Councillor A Redpath (Chairman)  
Councillor N Anderson (Vice-Chairman)  
Aldermen J Dillon MBE JP, D Drysdale,  
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  
Alderman J Tinsley

**IN ATTENDANCE:** Lead Head of Planning & Building Control  
Planning Manager  
Principal Planning Officer (RH)  
Senior Planning Officers (RT, MCO'N, AS and PS)  
Committee Secretary  
Attendance Clerk  
Admin Assistant

Cleaver Fulton & Rankin  
Kate McCusker (Legal Advisor)

Commencement of Meeting

Legal Advice

It was proposed by Councillor P Catney, seconded by Councillor M Tolerton and agreed that this item be considered 'in committee' in the absence of press and public being present due to the fact that it was information which was in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

In Committee

The Council's Legal Adviser, Ms K McCusker, provided some legal advice regarding Section 76 Planning Agreements and discussion ensued.

Following comments made by Alderman D Drysdale, it was agreed that council officers should leave the meeting for the duration of the discussion.

Council Officers left the meeting at 2.08 pm and Councillor L Poots arrived at 2.08 pm

Resumption of Normal Business

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

Council Officers returned to the meeting at 2.40 pm

### Commencement of Meeting

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

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

#### 1. Apologies

Apologies for non-attendance at the Meeting were accepted and recorded on behalf of Alderman G Rice.

#### 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:

- Alderman D Drysdale declared an interest in application number LA05/2016/0002/O as he was the Chairman of a local Business Park which had an interest in light engineering and industrial works. He confirmed that he would be withdrawing from the meeting during discussions.
- Councillor U Mackin declared an interest in application numbers S/2014/0874/O and LA05/2015/0541/F as he planned to speak on behalf of residents and, with respect to the latter application, he resided in the area. He confirmed that he would be withdrawing from the meeting during discussions on both applications.
- Councillor L Poots declared an interest in application number LA05/2016/0953/F as he was the applicant. He confirmed that he would be withdrawing from the meeting during discussions.

#### 3. Minutes

It was proposed by seconded by Councillor A Girvin, seconded by Councillor M Tolerton and agreed that the following Minutes be signed subject to the insertion of the words 'legal agreement and' between the words 'to' and 'conditions' on page 929.

- Minutes of Meeting of Planning Committee held on 7 November 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.

(2) LA05/2016/0002/O – Major Application – Development of site for residential purposes (housing), public open space, street network to include pedestrian and cycle provision and access to Comber Greenway and Billy Neill Soccer Centre, vehicular access onto Comber Road, landscaping and any other necessary works on land at Comber Road, Dundonald, north of Comber Road, east of Millmount Road and south of the Comber Greenway.

Alderman D Drysdale left the meeting at 2.46 pm having declared an interest in this application.

The Senior Planning Officer (AS) presented this application as outlined within the circulated report advising that there had been three late representations since Reports had been circulated.

The Committee received Mr Peter Carr (Dundonald Green Belt Association) who wished to speak as an objector to the application and who highlighted the following:

- This application was at odds with planning policy.
- This application was contrary to BMAP and RDS.
- This application was contrary to SPPS which prioritises brownfield sites
- This application is contrary to the advice of Invest NI who deem that the land should be retained for employment.
- There was a distinct lack of community consultation and what had taken place had been flawed.
- This development would not generate a rates windfall as there were other sites in the area which could be developed.
- There were more appropriate sites at other locations in Dundonald.
- This application will remove potential for job creation in Dundonald, particularly in the Ballybeen area.
- The application was not based on housing need.
- This site is not required, it will be expensive to service and will result in sprawl.

There then followed a question and answer session.

The Committee received Mr Clyde Shanks and Mr Nolan Watson who wished to speak in support of the application and who highlighted the following:

- Material considerations in this case can be justified by the following:
  1. A Section 76 Secured Community Benefit – not alluded to in the Officer's Report.
  2. Substantial economic benefit – not alluded to in the Officer's Report.
  3. Absence of demand for employment use – not alluded to in the Officer's Report.
  4. Two transport schemes in the area had been shelved which would have serviced the site – not alluded to in the Officer's Report.
- These four considerations should convince members that the Officer's recommendation is incorrect.

There then followed a question and answer session.

The Committee received Ms Joanne Bunting MLA who wished to speak in support of the application and who highlighted the following:

- There were four main considerations – zoning, timing, future need and precedent.
- The e-way and park & ride schemes had been shelved thus affecting the sites suitability for employment.
- There is high demand for residential property in Dundonald.
- The Council can re-zone the land in its Local Development Plan.
- The Council will gain from the rate base increase.
- A Section 76 Agreement will be put in place for community benefit.
- There will be economic benefit by way of jobs.
- A precedent has already been set at Grove Street East by Belfast City Council.
- All statutory consultees have responded positively.
- The CEO of Invest NI has confirmed that there has never been an interest in this site for industrial purposes.
- Circumstances have changed since BMAP was introduced.

There then followed 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:

- This was waste land currently not being used. He then went on to describe its location and topography.
- The debate was around whether it should be used for industry or housing and in his opinion housing was a much better fit.
- Local roads do not lend themselves to industry.
- The e-way has been shelved and this fact compliments housing development use of the site.
- The Comber Greenway is suitable for residential development.

There then followed a question and answer session.

At the culmination of further discussion and ensuing debate, the decision was put to a vote and by a majority of 8:1 with 0 abstentions, it was agreed that the recommendation of the Planning Officer would not be upheld.

(Alderman D Drysdale was unable to vote due to having declared an interest).

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.

It was then proposed by Councillor U Mackin, seconded by Councillor L Poots and by a majority of 8:1 with 0 abstentions it was agreed that the reasons cited for the approval of the application were:

- The economic benefits of the development through the creation of new jobs
- The suitability of the site for the proposed development
- The absence of any other use for the site

The Chairman declared the application approved for the reasons stated above.

The Chairman then highlighted that because the application had been recommended for refusal, no conditions had been drafted. Conditions would now need to be discussed and agreed in principle with the precise wording of these being delegated to the Head of Planning in accordance with section 7 of the Local Government (NI) Act 2014.

After discussion it was agreed that conditions drafted should include the provision of a Section 76 Agreement and that the precise wording of the conditions should be delegated to the Head of Planning as outlined above.

It was further agreed that, as it was considered that this development did not significantly prejudice the implementation of the Local Development Plan's objectives, that there was therefore no requirement for it to be forwarded to the Department for Infrastructure.

#### Adjournment of Meeting

At this stage (4.06 pm) the Chairman, Councillor A Redpath, declared that there would be a brief adjournment.

#### Resumption of Meeting

The meeting resumed at 4.20 pm and Alderman D Drysdale returned to the meeting.

(4) LA05/2015/0897/F – Local Application (Deferred for information) – Erection of 36 apartments for social housing with on street parking, landscaping and associated works on lands immediately north of junction of Graham Gardens and Wardsborough Road, Lisburn.

The Senior Planning Officer (RT) presented this application as outlined within the circulated report advising that it had been deferred at the previous committee meeting pending receipt of additional information on parking considerations.

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

- He wished to thank the committee for the opportunity to have the application reconsidered.
- He endorsed the recommendations of the Senior Planning Officer.

There then followed a question and answer session.

The Committee, having considered the information provided within the two circulated reports agreed by a majority of 10:0 with 0 abstentions to approve the recommendations as outlined and it was proposed by the Chairman, Councillor A Redpath, seconded by Councillor U Mackin and agreed that the parking provision should continue for a period of ten years.

(5) LA05/2016/0542/F – Local Application – Proposed temporary surface level car park (for a maximum of 2 years) on lands at 24 Antrim Street, Lisburn.

The Legal Adviser, Ms Kate McCusker, left the meeting at 4.33 pm due to a conflict of interest.

The Senior Planning Officer (RT) advised that this application had been approved at the previous month's committee meeting and that it was now necessary to agree conditions. She highlighted that proposed conditions had been circulated with Reports.

It was proposed by Alderman J Dillon seconded by Councillor P Catney and agreed that the conditions outlined within the Report of the Senior Planning Officer, should be approved.

(6) S/2014/0874/O – Local Application (Exception Applies) – Proposed farm dwelling (amended address and siting) on lands 29m north east of 13, The Grove, Lisburn.

The Legal Advisor, Kate McCusker returned to the meeting at 4.36 pm. Councillor U Mackin left the meeting at 4.37 pm having declared an interest in this application.

The Senior Planning Officer (MCO'N) presented this application as outlined within the circulated report.

The Committee received Mrs Patterson who wished to speak in support of the application and who highlighted the following:

- She provided information on the ownership of the site.
- She advised that the owner's death had contributed to the confusion.
- It had been established that farming had taken place.
- Meetings had taken place with planners.
- There had been a site survey and relocation of the dwelling suggested and submitted.
- DARD has brought forward incorrect information on a development at the site.

There then followed a question and answer session after which it was proposed by Councillor L Poots, seconded by Alderman J Dillon and agreed that this application should be deferred for the period of one month pending clarification of the ownership issues raised in the report.

(7) LA05/2015/0541/F – Local Application (Called in) – Erection of 4 no. semi detached dwellings, with car parking and other associate site works (proposed amendment to residential development previously permitted under references S/2011/0383/F and S/2008/0714/F) on lands approximately 80m north of 14 Mount Royal, Lisburn.

Councillor U Mackin remained outside the meeting for the discussion of this item as he had declared an interest in it.

The Senior Planning Officer (AS) presented this application as outlined within the circulated report.

The Committee received Mr Keith Trimble who wished to speak as an objector to the application and who highlighted the following:

- The 'Creating Places' document had not been considered.
- There were 68 objectors to the scheme.
- This was a shared space.
- The applicant's statement is incorrect.
- The bus gate is not in place and it should be.
- This will set a precedent for future developments.

There then followed a question and answer session.

The Committee received Councillor U Mackin who wished to speak as an objector to the application and who highlighted the following:

- This was a site within a larger development – Ballantine Garden Village.
- Access was always to be from Hillhall Road but a through road with a bus gate was approved.

- A new Planning Permission in 2013 to reduce the number of houses was made with a change of access, this then went to appeal and there was no date on the approval for the provision of the bus gate which effectively means that the developer does not have to put it in.
- Another application was made which went to appeal and was granted.
- The opening of this route creates a rat-run.
- This issue cannot be allowed to continue.
- A message needs to be sent to those concerned that this must be rectified.
- Transport NI recognise the issue.
- Perhaps a meeting of Planning Officers and other stakeholders might have influence.

There then followed a question and answer session.

The Committee welcomed Mr Richard O'Toole who wished to speak in support of the application and who highlighted the following:

- Approval was previously in place and now slightly re-aligned.
- There was no justification to refuse permission.
- The bus gate is part of a different scheme.

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those attending to make representations, agreed by a majority of 9:0 with 0 abstentions 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 declared an interest in this application).

Councillor M Tolerton requested that Council Officers meet with representatives of Transport NI in an attempt to expedite provision of the bus gate.

#### Adjournment of Meeting

The Chairman declared at 5.30 pm that there would be a 30 minute adjournment during which refreshments would be served in the Members' Room.

#### Resumption of Meeting

The meeting resumed at 6.08 pm and Councillor U Mackin returned to the proceedings.

(10) LA05/2016/0648/F – Local Application (Called in) – Replacement dwelling and new access at 11 Lougherne Road, Hillsborough.

Alderman D Drysdale returned to the meeting at 6.10 pm.

At this stage the Chairman, Councillor A Redpath advised that some photographic information had been circulated in respect of this application.

This had been submitted in advance of the meeting but due to an oversight on his part it had not been circulated.

He also advised that for a personal reason he would need to vacate the position of Chairman for a few moments to step outside the meeting and that the Vice-Chairman, Councillor N Anderson would be chairing the next item.

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

The Committee welcomed Mr Andrew McCready who wished to speak in support of the application and who highlighted the following:

- There had been no objections to the proposed development.
- CTY3 allows for this development, the existing lane-way is dangerous and the applicant does not own the viability splay area.
- The applicant wishes to retain out-buildings which has resulted in the development being outside the curtilage area.
- The circulated pictures show that it fits well into the local context.
- He considers that there is little visual impact over and above the original dwelling.

There then followed a question and answer session.

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

- The current building is of replacement standard.
- Visual impact is not significantly more than the original dwelling. Any modern house is going to be larger than the one it replaces.
- The information circulated is accurate and the house can only be seen in one of the images.
- The height is less of an issue as it would be cut into the land to reduce its impact.

There then followed a question and answer session

The Committee received Mrs Jenny Palmer MLA who wished to speak in support of the application, and who highlighted the following:

- Regarding the issue of developing outside the curtilage, there were 2 points to consider – the current curtilage was too restrictive and there would be amenity benefit. The current access was dangerous and this applies to the farm business as well as to the residence.
- There is an amenity benefit. The owner wants to develop the land as a farming business and the existing house would be in the middle of the farm building area.
- The house is larger than the one it replaces, but it will blend well into the site and will not dominate the landscape.

- There is a similar application also being presented tonight and therefore both should be approved.

At the culmination of further discussion and ensuing debate, the decision was put to a vote and by a majority of 8:0 with 0 abstentions, it was agreed that the recommendation of the Planning Officer would not be upheld.

(Alderman D Drysdale was unable to vote as he had not been present for the entire discussion).

(The Chairman, Councillor A Redpath was unable to vote as he had not been present for the discussion of the application).

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.

It was then proposed by Councillor U Mackin, seconded by Councillor L Poots and by a majority of 8:0 with 0 abstentions it was agreed that the reasons to be cited for the approval of the application were:

- The suitability of the site given the reduced level dig and improved access
- The fact that it is considered by the committee that visual impact of the replacement dwelling is not significantly greater than the one it replaces.

The Chairman declared the application approved for the reasons stated above.

The Chairman then highlighted that because the application had been recommended for refusal, no conditions had been drafted. Conditions would now need to be discussed and agreed in principle with the precise wording of these being delegated to the Head of Planning in accordance with section 7 of the Local Government (NI) Act 2014.

After discussion it was agreed conditions should be drafted by the Head of Planning as referred to above.

Councillor A Girvin left the meeting at 6.53 pm and did not return.

At 6.54 pm the Chairman Councillor A Redpath returned to the meeting and resumed the position of Chairman.

(1) S/2015/0258/F – Major Application – Erection of 127 no. dwellings, comprising detached and semi-detached dwellings, including garages and all other associated site works on lands located to the east of 54 and 56 Magheralave Road, Lisburn.

The Senior Planning Officer (AS) presented the application as outlined in the circulated report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 9:0 with 0 abstentions to approve the application as outlined in Officer's report and subject to the conditions stated.

(3) LA05/2016/0953/F – Local Application (Exceptions Apply) – Erection of a dwelling on lands opposite 22 Gardners Road, Lisnastrean, Lisburn.

Councillor L Poots left the meeting at 7.00 pm as he had declared an interest in the application and he did not return.

The Senior Planning Officer, (MCO'N) presented the application as outlined in the circulated report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 8:0 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 declared an interest)

(8) LA05/2015/0752/F – Local Application (Called in) – Erection of dwelling and garage in compliance with planning policy statement 21 CTY 10 on lands 40m north east of 73 Drennan Road, Boardmills, Lisburn.

The Senior Planning Officer (MCO'N) presented the application as outlined in the circulated report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 8:0 with 0 abstentions to refuse the application for the reasons outlined in the Officer's report.

(9) LA05/2016/0438/F – Local Application (Called in) – Erection of dwelling in a cluster in accordance with PPS21 CTY2a (amended plans) on lands 40m north of 178 Saintfield Road, Carricknaveagh, Lisburn

The Senior Planning Officer (RT) presented the application as outlined in the circulated report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 8:0 with 0 abstentions to refuse the application for the reasons outlined in Officer's report and subject to the conditions stated.

### Items for Noting

#### 4.1.2 Development Management – Live Appeals 24 November 2016

It was proposed by Councillor P Catney, seconded by Alderman D Drysdale and agreed that the Committee note information provided on Live Appeals as at 24 November 2016.

#### 4.1.3 Development Management – Appeal Decisions

It was proposed by Councillor P Catney, seconded by Alderman J Dillon and agreed that the Committee note information provided on details of three recent Appeal decisions.

#### 4.1.4 Correspondence from Department for Infrastructure

It was proposed by Alderman D Drysdale, seconded by Councillor M Tolerton and agreed that the Committee note information provided from the Department for Infrastructure referencing an advice document entitled Overview of Planning Enforcement Responsibilities.

#### 4.1.5 Correspondence from Department of Agriculture, Environment and Rural Affairs (DAERA)

It was proposed by Councillor P Catney, seconded by Alderman J Dillon and agreed that the Committee note correspondence from the NIEA confirming that Belshaw's Quarry Area as now been designated an ASSI.

#### 4.2. Conference – Planning Reform in Northern Ireland – Progress, Economic Development and Forward Strategy

It was proposed by Councillor P Catney, seconded by Councillor M Tolerton and agreed that the Chairman and/or Vice Chairman or their nominees attend the above conference to be held on Thursday 23 March 2016 in Belfast. Any other member wishing to attend should advise Members' Services.

#### 4.3 Budget Report – Planning Unit

It was proposed by Councillor M Tolerton, seconded by Alderman J Dillon and agreed that the Committee note a copy of the summary Budget Report for the Planning Unit for the year to 31 March 2017 as at 31 October 2016.

In response to a question from Councillor N Anderson, clarification was provided on income variances by the Lead Head of Planning and Building Control.

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

Senior Planning Officers left the meeting at this point (7.30 pm)

It was agreed that the reports and recommendations 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.

5.1.2 This item was confidential due to it being information relating to any individual.

5.1.3 This item was confidential due to it being information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

5.1.4 This item was confidential due to it being information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

#### 'In Committee'

It was proposed by Councillor N Anderson, seconded by Councillor P Catney 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 December 2015

Having been provided with information on Enforcement Cases with Court Proceedings in December 2016 it was agreed that the information provided within the Report should be noted.

#### 5.1.2 Rolling Year Absence Figures for the Planning Unit

The Committee noted information as circulated providing information of the rolling year absence statistics for the Planning Unit and Director's Administration team for the period 1 April 2015 to 30 September 2016.

#### 5.1.3 Request for a Pre-determination Hearing in respect of a forthcoming Application

The Committee agreed to accede to the request for a pre-determination hearing in respect of a forthcoming application as outlined by the Lead Head of Planning and Building Control and the Principal Planning Officer (RH).

It was agreed that in advance of this, research on best practice is carried out by officers and an update provided at the next meeting of the Committee.

#### 5.1.4 Update on application number S/2014/0908/F

The Chairman, Councillor A Redpath left the meeting during discussion of this item (at 7.34 pm) as he had declared an interest in it when it had originally been determined by the Committee.

The position of Chairman was taken by the Vice-Chairman, Councillor N Anderson.

It was proposed by Councillor M Tolerton, seconded by Councillor P Catney and agreed that Members note the information provided by the Legal Adviser on the above previously agreed application and that the following action should be taken:

- (a) that the Legal Adviser write to the Department for Infrastructure highlighting that there is no need for this application to be re-presented to the Committee for consideration.

(b) if the above request is not acceded to by the Department, then the application should be expedited as swiftly as possible.

(c) that in future there is an assumption by planning officers that the default position is that applications are not forwarded to the Department for Infrastructure as a matter of course.

#### 5.1.5 Update on Legacy Applications

Members noted information on an initiative to address legacy applications, which had recently been put in place by the Lead Head of Planning and Building Control, stating that they wished to express their thanks to all concerned.

#### 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.

The Chairman, Councillor A Redpath returned to the meeting at 8.05 pm and took the position of Chairman.

#### 7. Any Other Business

##### Preferred Options Paper

##### Lead Head of Planning and Building Control

Members noted that this would be brought to a Special Meeting of the Committee which would hopefully be held in February. A further update will be provided at the next meeting of the Committee in January.

##### NILGA Planning Workshop

Members noted information on a NILGA event scheduled for 13 December 2016.

There being no further business, the meeting concluded at 8.20 pm.

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CHAIRMAN / MAYOR