

LISBURN & 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, 2 November 2015 at 6.00 pm

PRESENT:

Alderman M Henderson MBE (Chairman)

The Right Worshipful the Mayor, Councillor
R T Beckett

Aldermen: G Rice MBE

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

IN ATTENDANCE:

Lisburn & Castlereagh City Council
Director of Development and Planning
Planning Manager
Principal Planning Officers (RH and LJ)
Senior Planning Officers (RT, AS and PS)
Transition Manager
PCSP Manager
Committee Secretary
Attendance Clerk

Cleaver Fulton & Rankin
Kate McCusker (Legal Advisor)

Commencement of Meeting

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

1. **Apologies**

It was agreed to accept an apology from Alderman D Drysdale and Councillor L Poots.

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 received as follows:

- Councillor R Butler in respect of Planning Application No. LA05/2015/0514/F. The Chairman, Alderman M Henderson, advised that Councillor R Butler would be leaving the

Council Chamber when the planning application was being discussed due to the pecuniary nature of his Declaration of Interest.

- The Right Worshipful the Mayor, Councillor R T Beckett, in respect of Planning Application No. S/2014/0776/F due to fact he had previously been involved in the 'call-in' at the last Planning meeting.
- Councillor M Tolerton in respect of Planning Application Nos. S/2014/0458/F, S/2014/0776/F and Y/2015/0065F. Councillor Tolerton advised that she had not been in attendance at the September Meeting and therefore would be leaving the Council Chamber during the discussion.

3. Minutes

3.1 Minutes of the Special Planning Committee Meeting held on 1 October 2015

It was proposed by Councillor P Catney, seconded by Councillor U Mackin and agreed that the minutes of the meeting of the Special Planning Committee meeting held on 1 October 2015 be adopted as an accurate record of the proceedings and signed.

3.2 Minutes of the Planning Committee Meeting held on 5 October 2015

It was proposed by Councillor P Catney, seconded by Councillor U Mackin and agreed that the Minutes of the Meeting of the Planning Committee held on 5 October 2015 be adopted as an accurate record of the 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 that the Schedule of Applications had to be determined in line with the Protocol for the Operation of the Planning Committee and Members therefore needed to be present for the whole of the item under discussion. Furthermore, if any Member had not been present for the deferred planning items at the last Planning Meeting, or if they left the room during discussion of the item, they would also be unable to vote upon their return.

The Legal Advisor took Members through the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which provided guidance on decisions, 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 can 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 proper 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.'

Alderman G Rice expressed concern that, in her view, Members were not allowed to express their opinion on any decision which was contrary to the Planning Officer's recommendations. The Legal Advisor explained that Members could express an opinion contrary to an officer recommendation, but in doing so, sound planning reasons must be cited.

Alderman G Rice commented that, in her view, she was being severely restricted in her role as a Member of the Planning Committee and as an Elected Representative, given her obligations to her constituents. The Legal Advisor reiterated the legislation and the potential for a legal challenge.

Alderman G Rice referred to the fact that the Minister had overturned planning decisions in the past.

It was agreed that Alderman G Rice would liaise with the Legal Advisor following the meeting in relation to her comments.

The Right Worshipful the Mayor, Councillor R T Beckett, and Councillor M Tolerton left the meeting at 6.15 pm.

4.1.1(9) S/2014/0776/O – Local Planning Application (previously deferred) – Dwelling on a Farm at Inverbrae Farm, 21 Comber Road, Hillsborough BT26 6LN

(Presented by the Senior Planning Officer (RT))

The Senior Planning Officer reminded Members that this planning application had been considered at the Planning Committee meeting in September and that the recommendation presented had been to refuse planning permission.

Members were also reminded that it had been agreed to defer consideration of the application until more detailed information became available in respect of the farm's current status as an active farm business.

The Senior Planning Officer advised Members that following the September meeting, additional information had been submitted by the Agent in support of the application.

The Officer stated that whilst the appeal site may have been used to a degree for agricultural purposes in association with the appellant's ID in earlier years, there had been no evidence to prove that the applicant's DARD ID was currently active and established. The DARD entitlement

had been transferred to Mr Murphy's farm business ID and therefore the application had not been part of an active and established farm business for at least 6 years and therefore the proposal was contrary to CTY 10 as it failed to meet criterion (a). Therefore, the recommendation presented remained as before, to refuse the planning application.

At this point, the Chairman, Alderman M Henderson, advised Members that Mr Maurice Johnston, had submitted a request to speak at tonight's meeting in respect of the planning application. However, despite a number of requests calling for Mr Johnston to speak, it was evident that he was not in attendance at the Planning Meeting.

At this point, the Chairman, M Henderson, invited Members to ask any questions in relation to the planning application.

Councillor U Mackin sought clarification from the Senior Planning Officer in relation to the definition of an 'active established farm' with reference made to Article 4 of the European Council Regulations (EC) No. 1307/2013.

The Senior Planning Officer provided clarity in relation to the definition of 'an active established farm' and 'the maintenance of an agricultural area in a state suitable for grazing'. The Officer stated that this application failed the policy as there was no land attached to it, and she advised Councillor U Mackin that she could provide him with a copy of the Article referred to in the Deferred Consideration Report.

At this point, 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. Members unanimously voted in favour of the Officer's recommendation.

Having considered all of the information provided within the Officer Reports the Committee agreed with the Professional recommendation that planning permission should be refused for the following reason:

- The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and the proposed new dwelling will not be visually linked or sited to cluster with an established group of buildings on a farm

The Right Worshipful the Mayor, Councillor R T Beckett, returned to the meeting at 6.28 pm.

4.1.1(7) Y/2015/0065/F – Local Planning Application (previously deferred) – Variation of condition 4 of Y/1986/0061 – To allow a catalogue showroom retailer (Argos) to occupy 115 square metres of the existing 4000 square metre Homebase store at Homebase Upper Galwally, Belfast

(Presented by the Senior Planning Officer (AS))

The Senior Planning Officer reminded Members that this planning application had been considered at the Planning Committee meeting in September and that the recommendation presented had been to refuse planning permission.

Members were also reminded that it had been agreed to defer consideration of the application to allow appropriate conditions to be drawn.

The Senior Planning Officer advised that whilst the recommendation associated with the Planning Officer's report called for a refusal of the planning application, the conditions had been provided as requested

The Senior Planning Officer recapped on the characteristics site and surroundings, referred to retail outlets at Sprucefield and Junction One. The Officer outlined the differences in relation to the planning permission and restrictive covenants in relation to the size and type of goods sold which were applicable to each site, in comparison to the Upper Galwally site.

The Officer referred to the difficulties that may be encountered trying to enforce some of the conditions associated with the planning permission granted in respect of the Argos Store at Junction One due to its lack of conditions.

The Officer also outlined that whilst, the other retail outlets were located within defined District Centres, the Homebase site at Upper Galwally was not. Members were urged to apply caution if applying the conditions suggested.

The Senior Planning Officer commented that 'Argos' was regarded as a multi-channel retailer and therefore followed a different business format to other retailers. The Officer confirmed that the Agent had asked that the proposed conditions should refer to a 'Catalogue Showroom retailer' as opposed to a 'Catalogue Retailer'.

The Senior Planning Officer summarised for Members, the conditions submitted by the Agent and outlined how the conditions failed to satisfy the tests of a condition. Reference was also made to the potential a precedent to be set.

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

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

- Some of the information outlined was not entirely accurate.
- There was a fundamental difference between companies like 'Argos' as a catalogue showroom retailer, and companies like 'Screwfix' which offered goods purchased from their shelves.
- The proposed floor space within Homebase, Upper Galwally could only be utilised by 'Argos' as it would be contained within the building.
- The only access to 'Argos' would be through the main door of Homebase
- 'Argos' was owned by the same retail group as Homebase
- The wording that he had submitted would provide security to the Council and remove the possibility of setting a precedent.
- Inclusion of the word 'Showroom' would limit the planning permission to 'Argos'

Alderman G Rice asked what detrimental effect would be caused if 'Argos' moved away from the Homebase site? She also sought clarification in relation to the difference in terms of bulky goods, should this occur.

Mr Worthington responded that if the word 'showroom' was included, it would limit the planning restriction to 'Argos' and should they leave the site, Homebase would return the floor space to the way it initially operated as 'Argos' would operate entirely inside the store.

Furthermore, whilst there were other stores at the retail site which sold a range of goods other than bulky goods, the A1 retail classification would be a specific restriction limiting it to 'Argos'.

Councillor P Catney asked how this could be enforced and expressed concern about setting a precedent. He also sought clarification in relation to the number of staff who would be employed at the proposed catalogue showroom and expressed concern that the site had not been designed for this use in the first instance.

Mr Worthington responded that 'Argos' operated throughout Northern Ireland in town centre and out-centre sites under the term 'catalogue showroom retailer' within their planning permission conditions. He advised that this 'wording' had been deemed appropriate to the range, limit of goods and applicable to one particular retailer.

Mr Worthington was of the view that it would be enforceable because it defined very clearly the end user and type of retailer and the restrictions on the range and type of goods, as a catalogue showroom retailer.

Mr Worthington further clarified that up to 25 jobs would be created as a result of the proposal and he assured Members that it would not involve the closure of any existing Argos stores.

Councillor U Mackin commented on the similarities between the operation of 'Argos' and companies such as 'Screwfix'. He asked if these conditions were put in place what protection would it offer the Council with regard to the possibility of similar retailers such as 'Screwfix' operating from this location in the future.

Mr Worthington responded that 'Argos' operated a different buying process from other catalogue retailers.

Councillor R Butler referred to the fact that jewellery could be purchased over the counter and certain goods were on display for purchase at other Argos stores. Mr Worthington responded that this would not be the case at the proposed Upper Galwally store due to the limited floor space.

Alderman G Rice referred to Paragraphs 32 and 33 which had been discussed at the previous meeting and stated that she was of the view that they should be removed, as they contained some inaccuracies. The Chairman clarified that comments should be confined to the deferred report (dated 2 November 2015).

The Senior Planning Officer stated that the inclusion of the words 'Catalogue showroom retailer' within the Conditions would provide no protection to the Council. The Officer expressed the view that the limitations could be open to different interpretations and whilst it may apply to 'Argos' at the present, this may not be the case in the future.

The Officer also expressed the view that a 'Catalogue Showroom Retailer' who sold comparative goods would be operating in a building which was restricted to selling a certain range of goods only.

Alderman G Rice expressed her concern that there was a lack of commercial facilities within the Carryduff and Castlereagh area and she referred to the fact that Argos and Homebase were both owned by the same retail group.

The Senior Planning Officer emphasised that based on correspondence from the agent Homebase were only 'tenants' and the planning permission applied to the land in question, not the company that occupied it.

Councillor R Butler queried if there was any way that this restriction could be time bound with a specified review date, e.g. 10 years.

The Senior Planning Officer commented that the conditions had to satisfy certain tests, they had for example to be precise, reasonable and relevant. The issue in this case was that 'Argos' sold comparison goods and as the planning permission applied to the land, it would therefore be unreasonable to apply a time condition within which any planning permission should be reviewed.

At this juncture, the Chairman referred to the recommendation presented to the Committee and a vote was taken at his request

5 Members voted in favour of the Senior Planning Officer recommendation to refuse the planning application and 3 Members voted against it.

Having considered all of the information provided within the Officer Reports the Committee agreed with the Professional recommendation that planning permission should be refused for the following reasons stated:

- The proposal is contrary to the Retail Planning Policy objectives as contained within PPS5 Retailing and Town Centres in that if approved this proposal would not sustain nor enhance the vitality or viability of town centres.
- The proposal is contrary to the Retail Planning Policy objectives as contained within PPS5 Retailing and Town Centres in that if approved this proposal would create a wide ranging precedent for existing retail warehousing and floor-space to a significant degree.
- The proposal is contrary to the Retail Planning Policy objectives as contained within PPS5 Retailing and Town Centres in that if approved this proposal would create a wide ranging precedent pertaining to edge of district centre development.

Councillor M Tolerton returned to the meeting at 7.21 pm.

- 4.1.1(1) S/2013/0560/F – Major Planning Application – Proposed relocation of approved retail floor space, reconfiguration of approved layout and reduction in approved housing units and storey heights at Ballantine Garden Village, Lisburn to provide crèche, petrol filling station, boutique craft units, retail units and coffee shop (extension to existing ornamental cottage). Includes 12 No. relocated apartments (reduction in numbers from previous approval ref: S/2006/0691) and removal of 2 No. residential units from previous approval Ref: S/2008/0202/F. Also includes associated garages, carports, landscape features and all other associated site works on land adjoining and south west of 126 Hillhall road, Lisburn, Ballantine Garden Village

The Chairman, Alderman M Henderson suggested a deferral of this planning application in order that a site visit could be held.

It was proposed by Councillor P Catney, seconded by Councillor U Mackin and agreed that consideration of this planning application be deferred to enable a site visit to be arranged.

It was further agreed that a date and time for the aforementioned site visit would be agreed at the end of the meeting.

- 4.1.1(2) S/2015/0087/F – Major Application – Renewal of existing approval S/2009/1046/F for the replacement dwelling and retention of existing dwelling to convert to garage and storage on site 500 metres west of no. 30 Tullynore Road Hillsborough BT26 6QE

(Presented by the Senior Planning Officer (RT))

Councillor U Mackin left the meeting at 7.24 pm.

The Senior Planning Officer advised that this planning application had been categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the area of the site exceeded 1 hectare.

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 Professional Report, unanimously agreed to grant planning permission, subject to the following conditions:

- 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.

- Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approved plan 01 date stamped 11th February 2015, shall no longer be used or adapted for purposes of human habitation and may only be used for the purposes specified in this permission or any other purpose incidental to the enjoyment of the approved dwelling house.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in this rural area.

- No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 3998, 1989 Recommendations for Tree Work.

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 its written consent to any variation.

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

- 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 during the first available planting season after the occupation of the dwelling hereby approved.

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

(Councillor U Mackin returned to the meeting at 7.27 pm).

4.1.1(3) LA05/2015/0347/F – Major Application – Amendment to approved landscaping of planning applications (Y/2007/0512/F and Y/2008/0476/F) to vary site works to adjust the levels and reduce gradient within the northern half of the site on lands at 70 Gransha Road, Dundonald, Belfast

(Presented by the Senior Planning Officer (AS))

The Senior Planning Officer advised that this planning application had been categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the area of the site exceeded 1 hectare.

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 Professional Report , unanimously agreed to grant planning permission, subject to the following conditions:

- As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 1 years from the date of this permission.

Reason: Time Limit.

- During the first available planting season after the completion of the works hereby approved landscaping shall be carried out in accordance with those details contained on Drawing No. 01, date stamped 26 June 2015.

Reason: To ensure the works integrate into the countryside.

- 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 its written consent to any variation.

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

4.1.1(4) LA05/2015/0260/F – Major Application – Proposed prefabricated double classroom unit and associated site works at Millennium IPS, 139 Belfast Road, Lisdoonan, and Saintfield.

(Presented by the Senior Planning Officer (PS))

The Senior Planning Officer advised that this planning application had been categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the area of the site exceeded 1 hectare.

The Senior Planning Officer advised that one objection had been received in respect of the planning application.

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

Councillor John Palmer sought clarification in relation to the conditions applied to the planning application following consultation by Transport NI and Environmental Health.

The Senior Planning Officer provided clarification in relation to the comments received from Transport NI and agreed that the conditions would be included in any Decision Notice should Members agree with the recommendation to approve.

In response to a query from Councillor Tolerton in relation to the potential for an approval to have a detrimental impact on local primary schools in the area, the Planning Officer advised that this concern not class was not a material planning consideration but a matter for the relevant Educational Authority to consider.

The Chairman, Alderman M Henderson, referred to the current problems with traffic turning right into the school during peak hours and asked if Transport NI had applied any traffic restrictions. The Planning Officer advised that the increase in traffic would be insignificant and suggested that the impact of any cumulative applications could be taken up with Transport NI in the future.

The Planning Manager and Legal Advisor reminded Members that they would either have to agree the wording of the additional conditions, or alternatively, Members could agree the principle of an approval with the further conditions being delegated to Planning Officers under Section 7 of the Local Government Act 2015.

The Committee having considered the information provided within the Professional Officer's report, unanimously agreed to Approve the application subject to the following conditions and with the addition of the conditions recommended by Transport NI and Environmental Health with responsibility delegated to Officer in accordance with Section 7 of the Local Government Act 2014.

- 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 existing hedgerow, as indicated in green on approved drawing number 01 date stamped 8 June 2015, shall be retained at a minimum height of 1.5 metres and trees within the hedgerow shall be allowed to grow on.

Reason: To ensure the maintenance of screening to the site and to integrate the development into the countryside.

4.1.1(5) LA05/2015/0514/F – Local Application (Mandatory) Proposed chalet bungalow farm dwelling with garage on land to rear of 102 Glenavy Road, Lisburn with frontage to Hungry House Lane

Presented by the Senior Planning Officer (AS)

Councillor R Butler left the meeting at 7.50 pm.

The Senior Planning Officer advised that this was a local application for an elected member of the Council and as such, it is presented to the Planning Committee for determination in accordance with Part A of the Scheme of Delegation.

The Officer gave a detailed presentation on the site and its surroundings, outlined the policy considerations and provided a conclusion and recommendation.

Councillor U Mackin referred to PPS21 and the enclosure of sites and stated that he was aware of the previous planning history on this site and he asked if there was a reliance on new planting which was currently not visible.

The Planning Officer made reference to the policies in respect of integration and confirmed that there were no detrimental implications in relation to this planning application.

The Committee having considered the information provided within the Professional Officer's report, unanimously agreed to approve the application, subject to the following conditions:

- 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 accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. LA05/2015/0514/01 bearing the date stamp 21st August 2015 prior to the commencement of any 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 250mm 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 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, 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 parking / hard standing has been provided and permanently retained in accordance with the approved drawing no. LA05/2015/0514/01 date stamped 21st August 2015.

Reason: To ensure that adequate provision has been made for parking.

- 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.

- 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 Department gives its written consent to any variation.

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

Councillor R Butler returned to the meeting at 7.58 pm.

4.1.1(6) LA05/2015/0262/F - Local Application (Mandatory) Amended siting for previously approved farm dwelling S/2012/0478/RM for 1 no. 4 bedroom 2-storey house and double garage (Amended plans) – Site 40 metres north of 1 Ballymacward Road, Dundrod, Crumlin

Presented by Senior Planning Officer (AS)

The Senior Planning Officer advised that this local planning application was presented to Committee for determination in accordance with Part A of the Scheme of Delegation.

The Committee having considered the information provided within the Professional Officer's report, unanimously agreed to approve the application, subject to the following conditions:

- As required by section 61 of the Planning Act (Northern Ireland) Order 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 accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. LA05/2015/0262/03 bearing the date stamp 3rd August 2015 prior to the commencement of any 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 250mm 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 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, 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.

- No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved drawing no. LA05/2015/0262/03, bearing the date stamp 3rd August 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.

- 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.

- 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 Department, 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 Department gives its written consent to any variation.

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

4.1.1(8) S/2014/0458/F – Local Application (previously deferred) – Two storey dwelling on a farm and associated domestic garage with access lane from Mill Road on lands to the rear of 3, 9 and 11 Mill Road, Lisburn

Presented by Senior Planning Officer (RT)

Councillor M Tolerton left the meeting at 8.04 pm.

The Senior Planning Officer advised that this application had been categorised as a major planning application in accordance with the Development Management Regulations 2015 in that the site area exceeded 1 hectare.

The Senior Planning Officer reminded Members that this planning application had been considered at the Planning Committee meeting in September and that the recommendation presented had been to Approve planning permission.

Members were also reminded that it was agreed that consideration of this planning application S/2014/0458/O should be deferred until more detailed information had become available in respect of alternative access to the proposed new dwelling, and in relation to the number of trees, and the amount of vegetation to be removed.

The Senior Planning Officer advised Members that no new information had been provided. Instead, a letter had been received to indicate that the initial objection had been withdrawn. As such, the recommendation presented to Members remained as presented previously.

Councillor Catney expressed his concern at the fact that, in his view, there were certain instances whereby objectors were 'playing' Planning Committee. He expressed the view that this behaviour was unacceptable and unfair to the Councils Planning Officers who have to put further effort in to take an application back to Committee with a recommendation that is unchanged.

The Planning Officer provided clarity that the objector had written to Members of Council to withdraw the objection. Councillor John Palmer commented that he had not received a copy of this letter, emphasising the importance that Members of the Planning Committee should receive such correspondence to keep them updated.

The Planning Manager reiterated that 'deferrals' should only occur in exceptional circumstances but she would take on board the Member's comments.

The Committee having considered the information provided within the Professional Officer reports, unanimously agreed to approve the application.

The Right Worshipful the Mayor, Councillor R T Beckett, left the meeting at 8.13 pm.

Councillor M Tolerton returned to the meeting at 8.14 pm. The Senior Planning Officers left the meeting at 8.14 pm.

4.1.2 Local Development Plan

Presented by the Principal Planning Officer (LJ)

The Principal Planning Officer provided a detailed update on the two position papers which would inform the Lisburn & Castlereagh City Council Local Development Plan, namely the Countryside Assessment (Position Paper 9) and the Development Constraints (Flood Risk, Drainage and Minerals). (Position Paper 10).

Members were advised that associated Settlement Appraisal document and flood risk maps had been prepared.

Alderman G Rice left the meeting at 8.14 pm.

The Principal Planning Officer took Members through the Countryside Assessment (Position Paper 9) and outlined the 4 component parts of the Countryside Assessment and its Key Findings.

She advised Members that whilst the document was in draft format, she would appreciate Members' feedback on the content.

Alderman G Rice entered the meeting at 8.19 pm.

The Principal Planning Officer then took Members through the Development Constraints (Flood Risk, Drainage and Minerals) (Position Paper 10)

The Chairman, Alderman M Henderson, wished to put on record his gratitude at the amount of hard work undertaken by the Officer in preparing these lengthy reports. Councillor U Mackin concurred with his comments.

Alderman G Rice stated that she was pleased to see that the Development Plan included areas of Carryduff as residents had experienced severe flooding problems.

She also advised that she would like to see a very robust plan on the transport and road network in light of the gridlock and capacity of traffic on the Saintfield Road.

The Principal Planning Officer agreed that the integration of land use and transport was extremely relevant to the Development Plan.

Following a request from Councillor U Mackin, it was agreed that the Principal Planning Officer would arrange for both documents to be made available for Members to peruse.

Councillor John Palmer referred to SuDS (Sustainable Urban Drainage Systems) which were available in Mainland UK and were designed to alleviate potential flooding problems. He felt that, in the past, housing developments had been built without installing any sustainable method of removing surplus rain water.

Following a proposal by Councillor M Tolerton, which was seconded by Councillor U Mackin, it was agreed that the Position Papers 9 and 10 would be noted and made available for Members to view.

4.1.3 Statement of Community Involvement (SCI)

The Planning Manager asked Members to note that the Public Consultation in respect of the Statement of Community Involvement had been initiated on 19 October 2015 and details had been uploaded on the Council's website.

The Manager advised that the consultation period would run for a period of 8 weeks, ending on 14 December 2015 and the final Statement of Community Involvement (SCI) would be tabled at a future Planning Committee meeting.

It was proposed by Councillor P Catney, seconded by Alderman G Rice and agreed that the Planning Committee note the Public Consultation in respect of the Statement of Community Involvement (SCI).

4.1.4 Development Management

4.1.4.1 Quarter 2 End Statistics

The Planning Manager outlined the Development Management Statistics associated with Quarter 2 end including details of applications received, decided and live application numbers by length of time in the system.

It was proposed by Councillor John Palmer, seconded by Councillor R Butler and agreed that the Quarter 2 End Statistics be noted.

4.1.4.2 Decisions Issued – October 2015

The Planning Manager advised that the Decisions Issued Report for October was not yet available but would be circulated to Members and posted to the Planning Portal as soon as it was ready.

It was proposed by Councillor John Palmer, seconded by Councillor R Butler and agreed that the Planning Manager's comments on the Decisions Issued – October 2015 report be noted.

4.1.5 DETI Consultation on the closure of the Northern Ireland Renewables Obligation to new onshore wind in 2016

The Planning Manager referred Members to a report which summarised the key findings associated with correspondence from the Director of Planning Policy Division dated 2 October 2015 in respect of the above Public Consultation which proposed early closure of NI Renewables Obligation (NIRO) to bring Northern Ireland in line with the rest of Great Britain.

It was proposed by Councillor U Mackin, seconded by Councillor R Butler and agreed that the information on the DETI Consultation on the closure of the Northern Ireland Renewables obligation to new onshore wind in 2016 be noted.

4.1.6 Amount of Unrecognised Income associated with Live Planning Applications

The Planning Manager referred Members to correspondence from the Director of Finance and Business Planning Division outlining the amount of unrecognised income associated with live applications as at 31 March 2015.

It was proposed by Councillor M Tolerton, seconded by Alderman G Rice and agreed that the information regarding the amount of unrecognised income associated with Live Planning Applications at the point of transfer be noted.

4.1.7 The Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015 S.R. 2015 No. 344

The Planning Manager referred Members to correspondence dated 5 October 2015 received from the Planning Policy Division regarding the above Statutory Rule which came into operation on 16 October 2015.

It was proposed by Councillor P Catney, seconded by Councillor M Tolerton and agreed that this correspondence be noted.

4.1.8 Letter to Chief Executives regarding Ombudsman's finding – Enforcement Case and Maladministration

The Planning Manager referred Members to correspondence from the Department's Chief Executive's Office regarding Ombudsman's finding – Enforcement Case and Maladministration.

Councillor John Palmer sought clarification on the nature of the live enforcement cases currently in the Council's system.

The Director of Development & Planning provided clarity on the range of enforcement cases currently in the system and explained that due to the nature of non-compliance cases with planning matters, there would always be a number of such cases in the system. The Director outlined that many enforcement cases would be resolved before they reached the formal enforcement stage or summons action stage. The Planning Manager stated that Officers had reduced the number of live enforcement cases substantially over the past few months.

The Director of Development & Planning assured Members that any contentious or court-bound cases would always be tabled at the Planning Committee for Members' information.

It was proposed by Alderman G Rice, seconded by Councillor R Butler and agreed that this information be noted.

4.1.9 Enforcement

The Planning Manager referred to Enforcement Statistics associated with Quarter 2 end.

It was proposed by Councillor M Tolerton, seconded by Councillor P Catney and agreed to note the Enforcement statistics associated with Quarter 2 end.

4.2 Conference 'How to Operate Skilfully and Advantageously within the Scottish Planning System' – 26 November 2015, Edinburgh

The Planning Committee agreed that the Chairman and Vice-Chairman, or their nominated representatives, be approved to attend the 'How to Operate Skilfully and Advantageously within the Scottish Planning System' Conference on 26 November 2015.

4.3 Additional Report from the Director of Development and Planning

4.3.1 Town and Country Planning Association – Garden Cities and Suburbs Seminar - 5 November 2015, Belfast

The Director of Development & Planning advised Members that details of this Seminar had just recently been received by Council, which was the reason for the lateness in tabling the information.

It was agreed that any Planning Committee Member wishing to attend this Seminar should contact Member Services as soon as possible.

5. Confidential Business

The Director of Development & Planning advised Members that the item contained in his confidential report would be dealt with 'In Committee' and outlined the reason for the item listed in the Confidential report, as follows:

Item 5.1.1 : Confidential for reason of information relating to an 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 M Tolerton and seconded by Councillor P Catney and agreed that Item 5.1 be considered 'In Committee'.

5.1 Enforcement

5.1.1 Cases with Court Proceedings in October 2015

It was proposed by Councillor M Tolerton, seconded by Alderman G Rice and agreed to note the cases with Court Proceedings in October 2015.

Out of Committee

It was proposed by Councillor M Tolerton and seconded by Alderman G Rice that the Committee come 'Out of Committee' and that normal business be resumed.

6. Any Other Business

6.1 Date of Site Visit – S/2013/0560/F – Major Application – Proposed Relocation of approved retail floor space, reconfiguration of approved layout and reduction in approved housing units and storey heights at Ballantine Garden Village, Lisburn to provide crèche, petrol filling station, boutique craft units, retail units and coffee shop (extension to existing ornamental cottage). Includes 12 No. relocated apartments (reduction in numbers from previous approval ref: S/2008/0202/F. Also includes associated garages, carports,

landscape features and all other associated site works on lands adjoining and south west of 126 Hillhall Road, Lisburn, and Ballantine Garden Village.

The Director of Development & Planning referred to earlier discussion in relation to this planning application in which Members had agreed to hold a site visit.

As Alderman G Rice was currently unable to drive at present, the Vice-Chairman offered to provide her with transport.

It was agreed that the site visit to Ballantine Garden Village, in respect of planning application S/2013/0560/F, be held on Monday, 30 November 2015 at 10.00 am.

6.2 Senior Planning Officer – Ms Marie Claire O’Neill

Councillor U Mackin referred to the absence of Ms Marie Claire O’Neill at tonight’s meeting due to illness and following a proposal by Councillor U Mackin and Councillor P Catney, it was agreed that a card offering words of support be sent to Ms O’Neill, on behalf of the Planning Committee.

6.3 Planning Committee Agenda and Reports – Hard Copy Format

Councillor M Tolerton commented on the excellent way the hard copy version of the Planning Committee agenda and reports had been formatted, as it was now much easier to navigate.

It was agreed that Councillor M Tolerton’s thanks be passed on to Member Services Officers for the excellent way the hard copy version of the Planning Committee Agenda and Reports had been formatted.

There being no further business, the meeting concluded at 8.51 pm.

CHAIRMAN/MAYOR

