

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Meeting of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, The Island, Lisburn, on Monday 1 November 2021 at 10.30 a.m.

PRESENT:

Present in Chamber:

Alderman J Tinsley (In the Chair)

Aldermen WJ Dillon, D Drysdale, O Gawith

Councillors J Craig, M Gregg, U Mackin and J Palmer

IN ATTENDANCE:

Present in Chamber:

Director of Service Transformation

Head of Planning and Capital Development

Principal Planning Officer

Member Services Officer (PS)

Member Services Officer (BS)

Present in Remote Location:

Principal Planning Officer (RH) (present in the Chamber for some agenda items)

Senior Planning Officer (RT)

Senior Planning Officer (MB)

Legal Advisers – H Smyth and B Martyn, Cleaver Fulton & Rankin

Commencement of Meeting

The Vice-Chairman of the Committee, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings. He outlined that he would be chairing today's meeting in the absence of the Chairman, Councillor A Swan who had submitted an apology.

He stated that Planning Officers, the legal advisers and those speaking for or against the applications would be attending the meeting remotely.

The Member Services Officer then read out the names of the Elected Members in attendance at the meeting.

1. **Apologies**

It was agreed that apologies for non-attendance at the meeting would be recorded from the Chairman, Councillor A Swan, Alderman A Grehan, Councillor J McCarthy. Councillor J Craig had advised that he would be arriving late.

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. He indicated that a form would also be available for those Members attending remotely.

The following Declarations of Interest were made:

- Alderman J Dillon referred to LA05/2017/0021/F and LA05/2020/0952/F stating that he had been contacted in relation to these applications but had made no comment, he did not consider that he had pre-determined them.
- Alderman D Drysdale referred to LA05/2017/0021/F stating that he had been approached regarding an update on whereabouts it was in the planning system and when it might come before the Committee, he had referred the enquirer to the planning unit.
- During the course of the meeting Alderman D Drysdale declared an interest in LA05/2021/0170/F as family members lived adjacent to the proposed development and that as there were objections to the application, he said that he would withdraw from discussions.

The Chairman then advised that Members of the Planning Committee (by virtue of being Members of the Council) had significant private or personal non, pecuniary interest in Planning Applications LA05/2021/0562/F, LA05/2021/0816/F and LA05/2018/0979/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and therefore Members might speak and vote on this application. He advised that, as all Members had the same interest in this case, it was not considered necessary for each Member to individually declare their interest.

3. Minutes of the Planning Committee Meeting held on 4 October 2021

It was proposed by Councillor U Makin, seconded by Councillor M Gregg, and agreed that the minutes of the Committee meeting held on 4 October 2021 as circulated be signed.

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

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

The Legal Adviser (HS) highlighted paragraphs 43 - 46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, she advised, needed to be borne in mind when determinations were being made.

- (1) LA05/2021/0562/F – New metal clad driving range to rear of golf club's service yard on unused grassed area with mono pitch roof varying in height from 3.1m to 3.6m high at Aberdelgy Golf Course, 1 Bells Lane, Lisburn

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

There was a brief delay in starting the presentation due to technical matters.

There were no speakers on this application.

There then followed a question and answer session with the planning officers during which the following issues arose:

- Councillor M Gregg sought clarification on whether trees were to be removed and he was advised, with the aid of a slide that the area was relatively free of trees but some vegetation would be removed. Councillor Gregg responded that he did not feel that the Council should be removing mature trees.

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

Councillor M Gregg requested that an additional condition be included to request that any trees removed be replaced. The Head of Planning and Capital Development responded that such a condition would best be quantified and advised that it was his understanding that there may have been three trees there at one stage so the condition should state that three trees should be replaced prior to the range becoming operational.

Alderman J Dillon concurred with the above suggestion and by a show of hands the Committee indicated their support.

- (2) LA05/2021/0816/F – Proposed modular office accommodation at Carryduff Home Recycling Centre, 8 Comber Road, Carryduff.

The Principal Planning Officer (RH) presented this application as outlined within the circulated report.

There were no speakers on this application nor were there any questions for the Planning Officers.

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

- (3) LA05/2018/0979/F – Provision of footway, road alterations, landscaping and traffic calming measures implemented at 12 Lurgan Road to 2 Lurgan Road at the junction of Lurgan Road and Soldierstown Road, Aghalee.

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

There were no speakers on this application.

There then followed a question and answer session with the planning officers during which the following issues arose:

- Alderman O Gawith asked why speed cushions were being used rather than a full width ramp. The Senior Planning Officer responded that this was what had been included in the proposal and was accepted by the Department for Infrastructure (Roads). Alderman O Gawith then asked why full width ramps were not included in the proposal. The Head of Planning and Capital Development explained the rationale for using ramps as opposed to cushions advising that such a decision would be taken on a case by case basis. He said that the trend was towards cushions rather than ramps however members could defer the determination of the application to obtain more information on this.

At this stage it was proposed by Alderman O Gawith and seconded by Councillor M Gregg that the determination of the application be deferred pending further information being obtained to explain the use of speed cushions in this case.

Alderman D Drysdale highlighted environmental issues associated with full width ramps and Councillor J Palmer outlined a scenario on the Lowe Road where the use of speed cushions had been successful.

Alderman J Dillon concurred with Alderman Drysdale's comments regarding the environmental impact caused by ramps stating that he felt the application was fine as it was.

Alderman O Gawith then amended his proposal to state that the determination of the application be deferred so that clarification could be sought from DfI Roads in relation to the most suitable type of speed control measures at the location.

This amended proposal was seconded by Councillor M Gregg and supported by a majority of 6:1.

As the meeting was running ahead of its scheduled timings, the Chairman stated that the remaining items on the Schedule of Applications would be dealt with later in the meeting when the time indicated to speakers had been reached and that items 4.2 onwards would be dealt with in the interim.

4.2 Consultations with Ofcom when assessing impacts on fixed telecommunication links

Members had been provided with information outlining that the Department for Infrastructure had written to the Head of Planning and Capital Development advising that due to GDPR and resource issues, Ofcom would no longer provide a service to respond to planning application consultations. The letter also outlined the way forward. Members were advised that the Council would be taking up an offer from Ofcom to provide planning officers with a walk through of their portal to assist in the understanding of how developments may impact on any fixed link.

It was proposed by Councillor M Gregg, seconded by Alderman O Gawith and agreed that the Committee note the information provided in relation to this matter.

4.3 Notification by telecommunication operators of intention to utilise permitted development rights.

Members were provided with information on a number of telecommunication operators regarding their intention to utilise permitted development rights. Members were also advised that further detail on the notifications were available to be viewed in the Planning Unit Offices if desired. It was proposed by Alderman O Gawith, seconded by Alderman J Dillon and agreed that the information be noted.

4.4 Permitted Development associated with developments carried out by electronic communications code operators.

Members were reminded that at the Planning Committee meeting held on 4 October 2021 members of the Committee had sought clarification as to the thresholds for permitted development for electronic communications operators installing equipment on existing masts. In response to this request they had been provided with a summary of the key issues together with a copy of The Planning (General Permitted Development) Order (NI) 2015.

It was proposed by Councillor M Gregg, seconded by Alderman J Dillon and agreed that the Committee note the above information.

4.5 Update on Planning Application LA05/2019/0748/F (former Burn House)

Members were provided with information on the above Planning Application which had been deferred to allow for further reflection and the consideration of new information at the meeting of the Committee held on 6 September 2021. The Committee were reminded of the key issues at that time and after consideration of the report circulated it was proposed by Alderman O Gawith, seconded by Alderman J Dillon and agreed by the Committee that they note that the application was recommended for approval and could be dealt with under delegated authority.

4.6 Appeal Decision in respect of planning application LA05/2018/0161/O

Members were provided with information on the above appeal and the Head of Planning and Capital Development summarised the history in respect of the application. The Committee was advised that a new Commissioner had upheld their decision and they were provided with a copy of a report from the Head of Planning and Capital Development and a copy of the Appeal Decision.

It was proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the information circulated by noted.

4.7 Statutory Performance Indicators – September 2021

Members had been provided with information on Statutory Performance Indicators for September 2021 which were verbally summarised by the Head of Planning and Capital Development. It was proposed by Alderman J Dillon, seconded by Alderman O Gawith and agreed that the information be noted.

4.8 Publication of Information Guide for Local Councils – Listed Buildings

Members had been provided with copy correspondence from the Assistant Director of Historic Environment Division which explains the listing process carried out by the Department in protecting buildings of special architectural or historic interest and which follows on from a draft previously circulated in March 2021. Clarification was provided by the Head of Planning and Capital Development on circumstances where only part of a building is listed.

It was proposed by Councillor M Gregg, seconded by Councillor J Palmer and agreed that the information be noted.

5. Confidential Report of the Director of Service Transformation.

The Chairman outlined that the matters contained in the confidential report would be dealt with “In Committee” due to containing information to which a claim to legal professional privilege could be maintained in legal proceedings.

Alderman O Gawith asked why the matter needed to be considered in Committee and he was advised, by the Director of Service Transformation, that the subject matter fell under item number 5 of Schedule 6 of the Local Government Act 2014.

“In Committee”

It was proposed by Councillor U Mackin, seconded by Councillor O Gawith and agreed that the following matters be considered “in committee”, in the absence of members of the press and public being present. The livestream was paused.

5.1 Update on Planning Advice Note (PAN) on Implementation of Strategic Planning Policy for Development in the Countryside.

After being provided with a verbal update from the Director of Service Transformation, it was proposed by Councillor U Mackin seconded by Councillor M Gregg and agreed that members of the Committee note the decision of the Minister for Infrastructure to withdraw the Planning Advice Note.

Resumption of Normal Business

It was proposed by Councillor M Gregg, seconded by Councillor U Mackin and agreed to come out of committee and normal business was resumed. The livestream recommenced.

(During the above item Councillor J Craig arrived at 11.40 am)

(Alderman D Drysdale left at 11.50 am having declared an interest in the next application).

The Chairman advised that the consideration of the Schedule of Applications would now resume.

- (4) LA05/2021/0170/F – Mixed use development to include a retail building comprising a supermarket and two retail units, a village hall, a wellness centre, 4 no townhouses with associated parking and drainage on lands front 1-11 Coopers Mill Park and 105 Coopers Mill Row backing onto 10-34 Coopers Mill Court, Dundonald.

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

The Committee received Mr J Maneely who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting. Mr Maneely said that he had nothing to add to his submission but was available to respond to any questions members might have.

There were no questions for Mr Maneely.

There then followed a question and answer session with the planning officers during which the following issues arose:

- Councillor U Mackin sought clarification of comments made regarding lighting, he also sought clarification on flooding and drainage and asked what the plans were and whether Rivers Agency were content. The Head of Planning and Capital Development responded outlining the context to this application, he advised that an Article 40 Agreement had been entered into in the past and stated that the neighbourhood facilities were integral to the comprehensive development of the land and a positive step forward in complying with the obligations of the agreement. He advised that the

necessary infrastructure was in place, consent had been applied for and drainage arrangements were in place for the entire site. He stated that the reason for the delay in support from Rivers Agency was set out in the report. Regarding lighting, the Senior Planning Officer (MB) clarified that the issue was with one of the mixed use developments and outlined where this was addressed in the report.

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

Adjournment of Meeting

The Chairman declared the meeting adjourned at 12.05 pm.

Resumption of Meeting

The Chairman declared the meeting resumed at 12.25 pm.

(Alderman D Drysdale returned at 12.25 pm).

- (5) LA05/2020/0952/F – Stables for keeping of horses (for domestic purposes) including access and paddock on land opposite and south east of 123 Ballynahinch Road, Dromore.

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

The Committee received Mr A McCready who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- He outlined the historic issues experienced by the applicant with foals becoming ill as a result of being reared in fields used by dairy cattle, he stated that foals need to be born and reared in isolation.
- He said that it was not possible to put stables in the garden of the existing dwelling.
- He said that only some of the lands were under the control of the application.
- Regarding alternative sites the only option would be fields 49 and 50A and he went on to outline the issues with those alternatives.

Mr McCready then responded to Members' queries as follows:

- Councillor U Mackin sought clarification on other lands to be considered and their proximity to the dairy farm. He was advised that field 49 could be considered but there were access issues and it was located in a wet area, there were also proximity issues to neighbouring properties. Field 50a also

had access issues. The remaining fields were linked to the dairy farm and could be potentially dangerous in terms of infection issues.

- Alderman O Gawith asked what fields 40 and 50a were currently used for and he was advised that they were used for silage.
- Alderman J Dillon asked for information on the correspondence from the two vets and was advised that both vets had stated that antibiotics used to treat dairy cows could cause a bacteria resistance to be built up and spread across the ground, this resistance could be picked up by foals sharing the field and could be fatal, they recommended avoiding using dairy land for young foals.
- Councillor John Palmer sought clarification of the size of the proposed site which was provided by Mr McCready who said that it would be ample to avoid picking up the infection, he said that older hoses would not be affected.
- Alderman J Tinsley asked what was on the Edentrillick Road site and was advised that there was a horse ménage which was used for older horses as they were able to resist infection, there was a house and a garden and it was not possible to place the stables in the garden of this house. Alderman Tinsley asked whether it would be possible to put stables to the rear of the manege and Mr McCready responded that it would not as the mare needed to be brought in a month or so prior to the birth and remain there in isolation.
- Councillor U Mackin referred to CTY14 and asked for Mr McCready's comments on the issue of ribbon development. Mr McCready gave some examples of similar applications in the Council area which had been approved. He said he felt that due to the size of the gap this would not create a ribbon of development.
- Councillor J Craig said that the field was surrounded by other agricultural lands and asked if it was not used for the dairy cows. Mr McCready advised that this land was outside the applicant's control and therefore he could not give a reassurance that it would not be.
- Councillor J Palmer sought clarification on distances which was provided by Mr McCready.
- Alderman J Dillon said that he had looked at this site and did not feel it would create a ribbon of development.

There then followed a question and answer session with the planning officers during which the following issues arose:

- Councillor U Mackin asked for an explanation of the term 'does not stand on all fours' which had been used during the Planning Officer's presentation. The Senior Planning Officer responded that this referred to comparisons with other applications and meant that all of the circumstances were not identical.
- Alderman J Dillon asked why it did not sit on all fours with the example referred to by the speaker and was advised, with the aid of a slide, that the differences were the positioning of the stables and their position to the road, the applicant in one instance lived in an urban area, there were differences in the amount of hedging to be removed, the topography was different and

one was further set back. The Head of Planning and Capital Development highlighted the importance of comparing like with like.

- Alderman O Gawith asked whether the applicant in the case of the withdrawn application was the same as the applicant in this case and was advised that it was.
- Alderman J Dillon referred to the fact that in one of the examples provided by Mr McCready it had been a material consideration that the applicant had lived in an urban environment, he said he felt that this discriminated against the rural dweller. The Head of Planning and Capital Development went on to explain this rationale highlighting that every applicants circumstances were considered on their own merits. He advised that there was land associated with this dwelling which would meet the requirements for a domestic stable and this needed to be weighed in the decision making process.
- Councillor J Palmer sought clarification on how this compared with a similar application on the Dromara Road and was advised that the ground in front was not adequate to graze a horse.

During the ensuing debate, the following comments were made:

- Alderman J Dillon said he felt that the Planning Unit had been inconsistent, he said that foals were expensive if lost and two equine vets had provided supporting evidence, he said he was at a loss.
- Councillor U Mackin said that he too was at a loss, he felt that it would appear that if you lived in a town you could erect stables but if you live in the country you could not. He referred to the size of the fields and said that he felt that if the foals and the mare had to be isolated, they would not be on the ground for a full year and he therefore considered that the judgement had been a bit heavy. Regarding the removal of vegetation he said it would take time for small plants to establish themselves however, if larger plants were selected for planting they would not take as long. Regarding CTY14 he said that this was an agricultural building and he did not think it would create a ribbon of development. He also called into question the matter of consistency, no two sites were the same it is the principle that was important, he said he could not support the recommendation.
- Councillor M Gregg said he would be supporting the recommendation. He said that if examples provided did not sit on all fours with the application then we would be introducing inconsistencies by approving this. He said that, if approved, this application would create two infill opportunities on either side and therefore would lead to a ribbon of development.

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 5:3 with 0 abstentions to refuse the application as outlined in the Officer's report.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 1.20 pm.

Resumption of Meeting

The Chairman declared the meeting resumed at 2.00 pm.

(The Legal Adviser Mr B Martyn arrived (virtually) at 2.00 pm).

(The Head of Planning and Capital Development did not return to the meeting at this stage).

- (6) LA05/LA05/2017/0021/F – demolition of existing buildings and erection of care home (Class 3(b) of the schedule of the Planning (Use Class) order (NI) 2015 comprising 86 bedrooms, day rooms, kitchens, offices, stores and ancillary accommodation (on three floors of accommodation), modification of an existing access to Saintfield Road and provision of car parking (in the basement), visitor parking and servicing at 531 Saintfield Road, Belfast.

The Principal Planning Officer (RH) attended in the Chamber to present this application as outlined within the circulated report.

Members attention was drawn to a further late submission of information in relation to traffic collisions and that this would be referenced in the presentation. Members were advised that DfI (Roads) officials were available via zoom to respond to any questions members of the Committee might have.

The Committee received Mr A Stephens who wished to speak in opposition to the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- He said that this application was not finely balanced and said that the recommendation was the wrong one.
- He said that the application had been advertised only once, four years ago.
- He outlined issues with the Carryduff Local Area Plan and the draft BMAP.
- He highlighted issues with the loss of zoned employment land.
- He said that existing long-standing businesses would be significantly constrained.
- He highlighted incompatibility issues regarding the paint spraying activities of the adjacent business.
- He said that there were no exceptional circumstances.
- There were serious road safety issues.
- He outlined why he felt the traffic figures had been skewed.
- He highlighted problems with the right turning lane

Mr Stephens then responded to Members' queries as follows:

- Councillor U Mackin sought clarification on the inconsistencies referred to with SPPS, PPS4, he sought clarification on the distance from the adjacent facility and asked why the use of comparison statistics in England could skew traffic figures. Mr Stephens responded that the Planning Officers accept that this is contrary to the policy, he said that some of the activity of the adjacent business owner (paint spraying) was incompatible with residential care. He went on to outline how the use of modelling data from

predominantly English situations had skewed the figures to indicate that there was no intensification.

- Councillor J Palmer asked whether a reduction in speed would help solve traffic issues and was advised by Mr Stephens that a reduction in speed would help but this was a very dangerous and complex road network and changes to the layout had not been recently advertised.
- Councillor J Craig said that accident information submitted appeared to contradict information provided by the Planning Unit. Mr Stephens said that he had obtained the information from the PSNI for the last ten years. He outlined the potential impact of the right hand turn into Brackenvale being reduced and a hotel development being commenced at the location. At the request of Councillor J Craig Mr Stephens went over the accident statistics he had submitted.
- Councillor M Gregg asked where the entrance to the hotel development would be sited and was told by Mr Stephens that it used the same right hand turning pocket as Brackenvale Service Station.

The Committee received Councillor N Anderson who wished to speak in opposition to the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- He said that issues of road safety and prejudice to surrounding businesses were the main concern.
- He said he was disappointed that driver error had been referred to as the reason for accidents in the area.
- He said the road was particularly dangerous and this was the most dangerous part of it.
- He highlighted a fatal accident close to the entrance and said this was an accident black-spot.
- He highlighted inconsistencies from DfI (Roads).
- He said that the dangers were aggravated by the fact that this would be an access for vulnerable individuals.
- He went on to highlight that this development would prejudice local businesses and their future operation.

There were some technical issues during Councillor Anderson's representation and he was provided with additional time accordingly.

Councillor N Anderson then responded to Members' queries as follows:

- Councillor J Craig said that the Committee were constrained in terms of road safety as they had to accept the opinion of the Department for Infrastructure (Roads), he asked Councillor Anderson why he thought there was an inconsistency. Councillor N Anderson replied that this was one of only two roads in NI with speed cameras however it is deemed by DfI (Roads) to be an acceptable location to create an access. He said that two different sets of proposals had been approved by DfI (Roads) which was inconsistent.
- Councillor M Gregg asked if Councillor Anderson was aware of the location to the entrance to the hotel development and was advised by Councillor Anderson that it appeared to be close to where the current right hand

turning lane was. He suggested that the determination of the application be deferred pending the clarification of this fact.

- Alderman D Drysdale referred to drainage issues highlighted and said that planning officers have stated that there is no issue, he referred to the fact that Dfl (Roads) were content, he said that the cause of accidents had been attributed to driver error. He asked whether Councillor Anderson had objected to the hotel development. Councillor Anderson replied that he had not been an elected member at that time. The Principal Planning Officer then put up a drawing which showed the entrance to the hotel development which was from Knockbracken Road South.

The Committee received Mr Michael Gordon who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- He outlined how the application met the policy requirement, the principal use currently was one of retail.
- Regarding compatibility, he advised that there was only one neighbour and they operated within constraints in place to protect the environment. He also stated that residents of the care home would be predominantly indoors, Environmental Health were content and there would be limited impact on neighbouring businesses.
- He advised that there was no intensification.
- He said that the Department for Infrastructure were content and that the right hand turning lane would accommodate right turners safely.

There were no questions for Mr Gordon.

There then followed a question and answer session with the Planning Officers, Environmental Health and Dfl (Roads) officials during which the following issues arose:

- Councillor J Craig asked what modelling had been done to justify the shortened right hand turning lane, he asked what modelling had been done on the road which crosses this and why were PSNI accident statistics not taken into account. Mr S Cash from Dfl (Roads) responded advising that it had been deemed that there was no need for modelling given the number of anticipated trips per day. He said that accidents in the immediate location only had been considered rather than those in the wider vicinity.
- Alderman D Drysdale asked whether consideration had been given to the fact that a lot of the use of the site would be off-peak and was advised by Mr Cash that the general use of the site was considered rather than off-peak / on-peak. The Principal Planning Officer advised that the fact that the proposal would attract off-peak use and that this detail would have been considered in the assessment of the application.
- Councillor J Palmer asked whether the PSNI traffic management team could have been consulted and was advised that they are consulted with through their management section. Councillor J Palmer wondered whether the Committee could consult with them to obtain a second opinion.

- Alderman O Gawith asked why actual accident figures were used when actual demonstrable trips was not used, instead potential trips was used. Mr Cash then outlined the rationale.
- Councillor M Gregg highlighted policy AMP3 which referred to intensification and asked whether actual or capacity figures had been used. He was advised by Mr Cash that capacity figures had been used.
- Alderman D Drysdale posed a question to Environmental Health asking if they were content that the amenity of residents would not be affected. Mr R Henry responded outlining the odour assessments which had taken place and the permit arrangements in place with the neighbouring business, he said that Environmental Health were content with the proposal and the barrier to be put in place. Alderman Drysdale then asked Planning Officers who the letters of support for the application were from and was advised that one was from Killynure Residents Association.

During the ensuing debate, the following comments were made:

- Councillor J Craig said that the site visit had been a revelation, what was currently in place was very little which brought into question the data regarding vehicular movements. What was evident was the incredible traffic situation across the road turning right and cutting across the entrance to this site. He said he found it astonishing that this was another site with a poor planning history, he said that the Committee found itself being asked to compound poor planning decisions. He said this was not good practice. He said he was dismayed that despite being asked at the site meeting to ensure that modelling was carried out it had not been deemed necessary by DfI (Roads). He said that in all consciousness he did not think this was the right place for the proposal and could not support the recommendation.
- Alderman D Drysdale said that it was important to ensure that the Committee could stand over their decision should they refuse this application. He said that the Committee had heard from Consultees who have supported it. He said there was a policing issue on this road, the traffic needs to be slowed down. There were no drainage issues and he did not feel there was adequate reason to overturn the recommendation.
- Councillor M Gregg said he concurred with comments made by Councillor J Craig, he said there was an issue regarding the gradual creep away from industrial use. He said he had grave concerns at the response from DfI (Roads) and their factual evidence. He said he considered that there was intensification and felt that the use should be assessed rather than the capacity. He said this was a dangerous stretch of road and it is not within our remit to adjust speed limits, he felt he could not support the recommendation.
- Alderman J Dillon said that whilst he did not disagree with the comments made, he felt that there was not enough proof. He said that statutory consultees were content and there was no grounds for a refusal.
- Alderman O Gawith asked what Alderman Dillon felt the Committee needed to prove and Alderman Dillon responded that it needed to prove that there were good reasons to refuse the application when the professional officers were content.
- Alderman O Gawith said he felt that in this case the statutory consultee had made a mistake. He felt the figures were based on potential, the actual

number of movements was much lower and the Committee could therefore not rely on their conclusions. He said he could not support this application and he suggested a deferral to allow for consultation to take place with DfI (Roads) regarding a traffic survey. Councillor J Palmer then suggested that a second opinion be obtained from PSNI Traffic Management.

- Councillor M Gregg asked whether the determination of the application could be deferred again given that it had already been deferred for further information and for a site visit. The Legal Advisor, Helen Smyth responded that there was no limit in the Protocol for the Operation of the Planning Committee on the number of times an application could be deferred however she drew attention to the importance of being mindful of timescales. The Principal Planning Officer also advised that there was no limit within the Protocol regarding the number of times an application could be deferred and she also highlighted the need to bear in mind the timescale.

Alderman O Gawith then proposed that the application be deferred to obtain further information from DfI (Roads) based on an actual survey to take account of real traffic as it pertains today and also that the Committee make contact with PSNI Traffic Management to obtain information on accident history. The proposal was seconded by Alderman J Dillon and by a show of hands was unanimously supported by the Committee.

Councillor J Craig asked whether the Committee could ask DfI (Roads) to carry out a modelling exercise. He was advised that the onus was on the Agent to liaise with the department however it could be requested.

The Principal Planning Officer provided clarification in this regard advising that it was not normal practice for DfI Roads to carry out modelling of junctions but rather for the applicant team to provide evidence of such and for DfI Roads as a consultee to the planning process to provide comment on the robustness of such evidence.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 3.45 pm.

Resumption of Meeting

The Chairman declared the meeting resumed at 3.55 pm.

(The Legal Adviser Mr B Martyn left at 3.45 pm).

(The Head of Planning and Capital Development returned at 3.55 pm)

- (7) LA05/2019/1168/F – Junction improvement works associated with implementation of planning permission for Mealough Road housing zoning (total 350 dwellings) relating to planning permissions Y/2008/0224/F (117 dwellings), Y/2009/0114/F (126 dwellings) and Y/2007/0455/F (107

dwellings) on lands at junction of Knockbracken Road, Brackenwood Drive, Saintfield Road and Old Saintfield Road, Carryduff.

The Principal Planning Officer (RH) presented this application as outlined within the circulated report.

The Committee received Ms Sarah Mullholland who wished to speak in opposition to the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- She highlighted inconsistencies in the application.
- She advised that no account had been taken of her client's application.
- She advised that this would result in further works being required at the location which would lead to further disruption for road users.
- She wished her client to be included in negotiations to develop a mutually suitable solution.
- She sought a deferral to allow for discussions to take place.

Ms Mullholland then responded to Members' queries as follows:

- Councillor J Craig asked if she had sought clarification on the issues raised and Ms Mullholland went on to outline how this would result in two sets of disruptive roadworks taking place at the same location.
- Alderman J Tinsley asked whether any discussions had taken place to which Ms Mullholland confirmed that they had not.
- Councillor J Craig asked for information on the junction improvements to take place and this was provided by Ms Mullholland.
- Councillor M Gregg asked how much of variation there was and was advised by Ms Mullholland that there were inconsistencies, her client was concerned that it would be worthwhile to minimise disruption for the road user.
- Councillor M Gregg asked if her client was ready to commence work and was advised that it was her understanding that they would be ready to commence in the next year.
- Alderman J Dillon asked why her client had not gone ahead and was advised that they had attempted to arrange meetings without success.
- Alderman J Tinsley asked whether this scheme, if approved, affected the approval of her client's scheme and was advised that they were conflicting.
- Alderman J Dillon asked whether it was true that a meeting had been requested seven times. Ms Mullholland said that she was aware that seven letters had been sent but she was unsure if all of them had been to request a meeting.

The Committee received Mr Philip Stinson who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting and highlighted the following:

- He said that he welcomed the recommendation to approve.

- He advised that this had been secured through a Section 76 Agreement.
- He stated that the drawings complied with the Planning Permission.
- He outlined the improvements that would be made.
- He advised of community consultation that had been held.
- He said that Dfl (Roads) were content as were Environmental Health.
- This would be an improvement on what was currently in place.

Mr Stinson then responded to Members' queries as follows:

- Alderman O Gawith asked whether Mr Stinson had heard the comments from the previous speaker, Mr Stinson confirmed that he had. He stated that overlays indicate that the works of the other party can be accommodated within the proposed layout. He said that his own proposals had been taken forward in line with the Section 76 Agreement.
- Councillor M Gregg asked whether Mr Stinson was aware of the requests for collaboration and Mr Stinson responded that he was happy to work with other parties to minimise disruption to the public road network.

There then followed a question and answer session with the planning officers and representatives from Dfl (Roads) during which the following issues arose:

- Councillor U Mackin asked for comments on the requests for collaboration from Conway Estates. The Head of Planning and Capital Development outlined the sequence of events which included the sharing of information with Dfl (Roads). He read from correspondence from the objector highlighting a question of timing which was outside the remit of the planning unit. . Ultimately there has been consultation with both developers which has not resulted in a successful outcome. Each developer has separate legal agreements to adhere to.
- Councillor M Gregg sought confirmation on the number of dwellings the Conway proposal was for and he was advised that there were 13 dwellings. He then asked why this application was being considered if it had previously been granted planning permission. The Head of Planning and Capital Development outlined the timing issues at the location and how the Section 76 Agreement had arisen. He said that Dfl (Roads) have confirmed that one does not prejudice the other, he also stated that a decision had to be made having regard to planning history.

During the ensuing debate, the following comments were made:

- Councillor M Gregg said that he did not see that there was a conflict between the recommendation and comments from Conway and therefore he would be supporting the recommendation.
- Alderman O Gawith agreed with Councillor Gregg's comments.
- Councillor U Mackin said he did not have an issue with the application but he wondered whether a condition could be added. The Head of Planning and Capital Development advised that planning permission was always subject to a time constraint, the challenge to the Mealough developer was one of phasing which formed part of the Section 76 Agreement and therefore a condition might be unenforceable. He said that it would be

possible to facilitate discussions with Dfl (Roads) post-planning. Councillor U Mackin responded that this would be helpful.

- Councillor John Palmer concurred with comments made by Councillor U Mackin.
- Councillor M Gregg said he felt there was a compelling argument for consultation and discussion to take place but agreed it could not be conditioned.

The Committee, having considered the information provided within the Report of the Principal Planning Officer, and by those making representations, agreed by a vote of 8:0 with 0 abstentions to approve the application as outlined in the report and subject to the conditions stated therein.

5. Any Other Business

1. Alderman J Tinsley Attendance of Officers in Chamber at Committee Meetings

Alderman J Tinsley requested that consideration be given to Planning Officers attending in the chamber to present applications. He said that this would reduce the number of technical issues arising.

The Head of Planning and Capital Development said that this could be explored.

2. Head of Planning and Capital Development Starting Time for Future Meetings

The Head of Planning and Capital Development reminded Committee Members that the starting time for future meetings was under consideration and any changes would be advised in due course.

The above information was noted.

3. Director of Service Transformation Forthcoming Meeting of the Development Committee

The Director of Service Transformation advised members that they were invited to attend the forthcoming meeting of the Development Committee as one of the Agenda items was a planning matter.

The above information was noted.

4. Councillor J Craig Attendance of those making representations in Chamber at Committee Meetings

Councillor J Craig requested that consideration be given to returning to the pre-covid procedure whereby those making representations on planning applications attended physically in the Council Chamber.

The Head of Planning and Capital Development said that this could be explored.

There being no further business, the meeting concluded at 4.50 pm.

CHAIRMAN / MAYOR