

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Meeting of the Planning Committee held in the Council Chamber, Lisburn & Castlereagh City Council Offices, Island Civic Centre, The Island, Lisburn on Monday 5 March 2018 at 10.00 am

PRESENT:

Councillor L Poots (Chairman)

Councillor N Trimble (Vice-Chairman)

Aldermen J Dillon MBE JP, D Drysdale, T Jeffers
Councillors N Anderson, J Craig, O Gawith, A Girvin,
B Hanvey, U Mackin,

OTHER MEMBERS:

The Right Worshipful the Mayor, Councillor T Morrow
Alderman J Tinsley
Councillor J Palmer

IN ATTENDANCE:

Director of Service Transformation
Lead Head of Planning
Planning Manager
Principal Planning Officer (RH)
Senior Planning Officers (AS, PMcF and MB)
Committee Secretary
Attendance Clerk

Cleaver Fulton & Rankin
Kate McCusker (Legal Advisor)
Brendan Martyn (Legal Advisor)

A&L Goodbody
Orla O'Hare (Legal Advisor)

Commencement of Meeting

The Chairman, Councillor L Poots, welcomed everyone to the meeting. In particular, he welcomed Alderman T Jeffers to his first meeting of the Planning Committee and advised that Alderman Jeffers was replacing Councillor M Tolerton who was still in hospital. He passed on his best wishes to Councillor Tolerton.

He also welcomed Mr Brendan Martyn from Cleaver Fulton & Rankin who was also attending the meeting for the first time. Finally the Chairman advised Members that this would be the last Planning Committee meeting for the Council's Lead Head of Planning who would be retiring at the end of the month.

Introductions were made by the Chairman and some Housekeeping and Evacuation announcements were made by the Lead Head of Planning.

It was agreed to consider Item 5, Confidential Report, at this stage in the meeting.

1. Confidential Report from the Lead Head of Planning

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

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

'In Committee'

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

1.1 Planning Application LA05/2015/0342/O

Councillor Gawith indicated that, as he had not been present when this application had been considered in December 2017, he would not take part in the discussions or in voting with regard to the decision to rescind the resolution. Alderman T Jeffers also did not take part in the voting.

It was proposed by Councillor U Mackin, seconded by Councillor A Girvin, and agreed by a majority of 7:0 with 2 abstentions to rescind the resolution made at the December Planning Committee regarding LA05/2015/0342/O to enable it to be re-determined at this meeting.

Councillor N Anderson arrived at 10.08 am

Items for Noting

1.2 Cases with Court Proceedings in March 2018

Having been provided with information on enforcement cases with court proceedings in March 2018 it was agreed that the information provided be noted.

1.3 Presentation by Commissioner of Standards

The Committee was provided with copy of agreed questions received from Members of the Planning Committee and submitted to the Commissioner of Standards. Councillor N Anderson raised a specific concern and was advised that this had been included in the issues forwarded to the Commissioner.

It was noted that, pending a response from the Commissioner, a meeting would be arranged to receive a presentation in relation to planning matters from the Commissioner that would take account of the issues raised by Members.

1.4 New Planning IT System

The Committee was provided with copy and noted a Market Engagement report received from the Planning Policy Division DfI in relation to the ongoing work for a new Planning IT System.

1.5 Rolling Year Absence Figures for the Planning Unit

Having been provided with information on rolling year absence figures for the Planning unit, it was agreed that the information be noted.

1.6 Potential Judicial Review

The Committee was updated on the possibility of a Judicial Review of a planning decision taken by the Council and noted that advice from Senior Counsel was being obtained.

1.7 Forthcoming Events

The Committee noted that the NILGA event, Eye on the Hill, scheduled for 27 March 2018 had been cancelled.

The Committee noted that the proposed study visit to Birmingham City Council, scheduled for April 2018, had been postponed until June 2018.

1.8 Audio-Recording of Meetings

The Committee noted that the Council's Management Team was considering the introduction of audio-recording of Planning Committee meetings and was seeking legal advice on the issue.

1.9 Applications

In response to a query in respect of correspondence on files, the Planning Manager confirmed that officers as part of the process carried out planning history checks of all applications and read the correspondence if available..

Resumption of Normal Business

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

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 10.44 am

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 10.56 am

Councillor N Anderson left the meeting at 10.56 am

2. Apologies

The Chair advised that Councillor J Craig had indicated that he would be arriving later in the evening. There were no apologies.

3. Declarations of Interest

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

The following Declarations of Interest were made:

- Councillor B Harvey declared an interest in Applications Nos Y/2007/0455/F, Y/2008/0224/F AND Y/2009/0114/F on the basis that he had previously made representations on these applications.
- Councillor B Harvey also declared an interest in Application No LAO5/2017/0535/F on the basis that he had attended a public consultation event and had expressed his support for a water business facility.
- Councillor O Gawith referred to Application No LAO5/2015/0342/O and stated that in December 2017 he had declared an interest in that he had supported objectors to a neighbouring development. He stated however that, in the interim, he had taken legal advice and would be taking part in the discussions as he had not predetermined this application.
- Alderman WJ Dillon referred to Application No LAO5/2015/0342/O and stated that he had met with the consultant and with the owner of the estate a year ago but that he had not predetermined the application.
- The Chairman, Councillor L Poots, declared an interest in Application No LAO5/2015/004/F on the basis that he had lobbied on behalf of the applicant and would be withdrawing from the meeting during the discussion.
- The Chairman, Councillor L Poots, advised his father would be speaking on the following applications but that he himself had not predetermined any of these applications: LAO5/2015/0342/O; LAO5/2015/0040/F; LAO5/2016/0994/O; LAO5/2017/0678/O; LAO5/2017/0682/O; LAO5/2017/1140/O and LAO5/2017/1141/O

During the course of the meeting, the following Declarations of Interest were submitted:

- Councillor N Anderson declared an interest in the following applications: Y/2007/0455F, Y/2008/0224/F, Y/2009/0114/F, LAO5/2017/0535/F and LAO5/2015/0920/F on the basis that he had already predetermined his opinion and had met with applicants and/or objectors as a local councillor and, in some cases, had been involved as an advocate and mediator.
- Alderman D Drysdale referred to the following applications: Y/2007/0455/F, Y/2008/0224/F and Y/2009/0114F and stated that these applications may

have been presented to the former Castlereagh Borough Council but he had no recollection of commenting on any of these applications as they were not in his area.

- Alderman D Drysdale referred to Application No LAO5/2015/0342/O and stated that he was Chair and Director of Inspire Business Park, Dundonald.

Councillor B Hanvey, the Director of Service Transformation and the Planning Manager left the meeting at 11.05 am

4. Report from the Lead Head of Planning

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

Items for Decision

4.1 Report of the Planning Manager

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

4.1.1 Schedule of Applications:

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

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

- (1) Y/2007/0455/F – Major Application – 107 dwellings, access roads, open space and associated site works (2 of 6 phases of BMAP Zoning CF 03/05) - total of 350 dwellings, access from Mealough Road, as per scheme approved under Y/2009/0034/F on lands to the rear and north of 9-21 Marlborough Crescent and 8-22 Blenheim Park accessed from Mealough Road, south of reservoir and east of 6 Mealough Road, Carryduff (part of BMAP Zoning CF 03/05).

The Senior Planning Officer (AS) presented a combined report on the 3 applications, Y/2007/0455/F, Y/2008/0224 and Y/2009/0114/F (Items 4.1.1(1), 4.1.1(2) and 4.1.1(3)).

The Committee received Mr Michael Gordon, Mr Brendan Daly, Mr Jonathan Skelton, Mr Dermot Monaghan, Mr David Worthington, Mr David Sutherland and Mr Paul Fraser who wished to speak in support of the 3 applications.

Mr Gordon indicated that he would speak on behalf of all the consultants and he highlighted the following:

- The 3 applications have been in the system for a long time
- Applicants have been working together to deliver a positive outcome
- Infrastructure improvements include upgrading of junctions at Saintfield Road/Mealough Road and Saintfield Road/Knockbracken Road; widening and realigning of Mealough Road, with a footway and street lighting being installed.
- There have been ongoing discussions with planners to address the details of the design
- Applicants have consulted widely including with Killynure Community Association and Carryduff Regeneration Forum
- The development of 350 houses is a significant investment in the local area and will create construction jobs.

There then followed a question and answer session.

The Committee received Councillor Nathan Anderson who wished to speak in support of the application, highlighted the following:

- Outline planning approval for 350 houses had been granted as far back as 2004
- The developers had been working together and with the Council's planning unit
- There are local concerns about traffic levels on the Saintfield Road
- People want development in Carryduff to be carried out in a sustainable way.
- The development includes significant upgrading and realignment to the Mealough Road which will be completed in advance of dwellings on the site.
- Happy to see that developers have taken on board concerns about Carryduff Greenway and there is connectivity between this development and previous developments
- Local community groups are very supportive of the riverside walk way
- Lough Moss is located 500 m from the site and there will be pedestrian access from the development
- Welcome the inclusion of a play area within the scheme.

Councillor N Anderson left the meeting again at 11.34 am

There then followed a question and answer session with the Planning Officer.

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 7:1 with 0 abstentions to approve the application as outlined in Officer's report subject to the conditions stated therein and the satisfactory completion of a section 76 Planning Agreement.

- (2) Y/2008/0224/F – Major Application – Development of 117 new houses of mixed variety (amended plans) on lands to the rear and north of 21 – 57 Marlborough Crescent accessed from Mealough Road and south of 6, 14 and 16 Mealough Road (part of BMAP Zoning CF 03/05).

The Senior Planning Officer (AS) presented a combined report on the 3 applications, Y/2007/0455/F, Y/2008/0224 and Y/2009/0114/F.

The representations made by Mr Michael Gordon and Councillor N Anderson as detailed at Item 4.1.1.(1) and the discussions that ensued also applied to this application.

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 7:1 with 0 abstentions to approve the application as outlined in Officer's report subject to the conditions stated therein and the satisfactory completion of a section 76 Planning Agreement.

- (3) Y/2009/0114/F – Major Application – Erection of 126 dwellings, access roads, open space including that part of the Carryduff Greenway from Queensfort Road to Mealough Road and associated site works (amended proposal and plans) on lands north of Blenheim Park and Queensfort Court, west of Saintfield Road and south of Mealough Road, Carryduff, accessed from Mealough Road, south of the reservoir and east of No.6 Mealough Road (part of BMAP Zoning CF 03/05).

The Senior Planning Officer (AS) presented a combined report on the 3 applications, Y/2007/0455/F, Y/2008/0224 and Y/2009/0114/F.

The representations made by Mr Michael Gordon and Councillor N Anderson as detailed at Item 4.1.1(1) and the discussions that ensued also applied to this application.

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 7:1 with 0 abstentions to approve the application as outlined in Officer's report subject to the conditions stated therein and the satisfactory completion of a section 76 Planning Agreement.

The Chairman, Councillor L Poots, left the meeting at 11.41 am

Councillor N Anderson, Councillor B Hanvey and the Planning Manager returned to the meeting at 11.43 am

In the absence of the Chairman, Councillor L Poots, the Vice-Chairman, Councillor N Trimble took the chair for the following item.

- (4) LA05/2015/0040/F – Major Application – Housing development of 72 dwellings with a mix of terrace, semi-detached and detached houses (amended scheme) on lands 100m south of 23 Saddlers Hall, Carnreagh, Hillsborough, accessing from Ballynahinch Road.

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

The Committee received Ms Anne Farrell and Mr Roy Elliott who wished to speak in opposition to the application highlighting the following:

- The date of validation of the application, 31 March 2015, was incorrect and the objectors had still not received a response from the Planning Office as to the correct date of validation. The date of validation is relevant as the rules relating to public consultation changed in July 2015.
- Objectors are asking for an environmental impact assessment to be carried out. Matters relating to planting, traffic impact and nature conservation need to be dealt with in a consultation process and that has not been adequately addressed.
- Objectors feel there should be a full community consultation with public meetings. Only 44 residents received neighbour notification yet there were 114 objectors to the proposal. People's concerns and views need to be taken into account
- Objectors seek an independent drainage and ecology report
- The previous traffic impact assessment was carried out in 2003 and is no longer fit for purpose
- The planner's report inaccurately states that there is consideration of a new access to the public road.
- Access to the development is through Governor's Gate and the roads in that development have not been adopted
- There is still an adverse impact in terms of overlooking and overshadowing
- The play area should be relocated to the badger protection area to create a wildlife area
- There are omissions and inaccuracies in the planner's report including reference in condition 15 to buffer planting on the eastern boundary when it should be the western boundary.
- A site meeting would be helpful in demonstrating the problems and issues arising.

This was followed by a question and answer session

The Committee received Councillor John Palmer who wished to speak in opposition to the application highlighting the following:

- There is major concern about the suitability of access via Governors Gate in view of the unadopted road
- Continuing traffic problems in Hillsborough and congestion
- Access to this development should have been via the developer's own land
- Further information re the drainage assessment was requested from Rivers Agency and has not been received.
- Some early information regarding this application is no longer available on the planning portal
- Request deferral of the application for further information and a traffic impact assessment.

This was followed by a question and answer session.

The Committee received Mr Trevor Lunn MLA who wished to speak in opposition to the application highlighting the following:

- The traffic impact assessment on which the planning opinion was based dates from 2003 and Hillsborough is very different now with traffic volume through the village greatly increased
- 100 houses was the threshold for a traffic impact assessment but there is a lot more than 100 houses taking into account those planned and those already built
- Given the history of the site, it would be important that any badger protection works be overseen by an ecologist.
- Culvert and works to provide badgers with access to the open countryside will require excavation close to the badger setts and require close supervision.
- Maintenance of the buffer planting along the boundary with Downshire Crescent is to be the responsibility of home owners but he would query to what extent that would be enforceable. He suggested that consideration should be given to covering this issue in the contracts between the developer and the buyers.
- There is concern about separation distances between houses particularly those in Downshire Crescent. While on the face of it distances are adequate, they do not take into account the topography of the site. He feels that the developer should adjust the location of the houses to make rear gardens slightly larger and improve separation distances.

This was followed by a question and answer session.

The Committee received Mr Edwin Poots MLA who wished to speak in opposition to the application highlighting the following:

- He was not necessarily opposed to the application but had concerns regarding the attached conditions
- His key focus at the PAC hearing was traffic and its impact on the existing development. This remained a key issue. Traffic volume in Hillsborough has changed. The school has doubled in size; other new businesses include a private medical facility, a new restaurant facility and a children's nursery which have all impacted on traffic volume.
- Hillsborough is gridlocked at certain times of the day.
- PAC had recommended traffic lights in the centre of Hillsborough but these had not been implemented due to opposition from local businesses
- Buffer areas recommended by PAC have not been planted. There were still some aspects of the PAC recommendations that could be implemented.
- The relocation of the open space to create a wild life zone would seem to be logical
- Very important that errors within the planner's report be corrected, e.g. changing 'eastern' in Condition 15 to 'western'.
- Overlooking issues affecting Downshire Crescent need to be addressed
- The issue regarding unadopted roads in Governors Gate also needs to be addressed

This was followed by a question and answer session.

The Committee received Mr Eamonn Loughrey who wished to speak in support of the application, highlighting the following:

- He welcomed the recommendation to approve the application
- The land is zoned for housing in both BMAP and the Lisburn Area Plan
- The application has been under consideration for 3 years and the applicant has reduced the number of dwellings from 82 to 72
- Adequate public and open space has been provided in accordance with PPS8 and there is adequate car parking provision
- The applicant has incorporated a large badger protection zone and an underpass for badgers
- There is a 5 metre wide landscaped buffer zone between the site and Downshire Park which will help to retain privacy and reduce overlooking
- Separation distances are in accordance with Creating Places guidelines and houses are arranged either back to back or rear to gable
- The application is below the 100 dwelling threshold and therefore does not require an impact assessment
- Traffic Impact Assessments have a life time of 20 years and one was completed in 2003; Transport NI can request an assessment if they consider it appropriate but did not do so in this case
- Applicant is happy to comply with conditions in respect of landscaped buffers
- A deferral is only to be requested in exceptional circumstances and the application has already been deferred once.
- It may not be straightforward to move a house further away from the boundary.

This was followed by a question and answer session.

The Planning Manager provided clarification on some of the issues that had arisen during the presentations including validation dates, traffic impact assessment, access to the development and relocation of open space. In particular, he confirmed that the date of validation of the application was 8 May 2015 which meant it was not affected by changes in consultation requirements that came into force later in the year. He also advised that relocation of open space provision closer to the badger's habitat might not be a suitable option in terms of wildlife protection.

The Planning Officer then answered Members' questions.

In Committee

During the course of the debate, it was proposed by Councillor N Anderson, seconded by Alderman D Drysdale and agreed to go into Committee to receive legal advice in the absence of the press and public.

Members noted the advice provided by the Legal Adviser.

It was proposed by Councillor N Anderson, seconded by Councillor O Gawith, and agreed to come out of committee and normal business was resumed.

The Committee was reminded that this application had been withdrawn from the Schedule at the Committee's meeting on 5 February 2018 rather than being considered and then deferred.

It was proposed by Councillor N Anderson, seconded by Councillor O Gawith, and agreed on a majority of 5:4 with 0 abstention to defer the application for a site meeting at which information on the roads issue and the badger protection zone be made available to Members and Transport NI be invited to attend.

Adjournment of Meeting

The Vice-Chairman, Councillor N Trimble, declared the meeting adjourned at 2.17 pm.

The Chairman, Councillor L Poots, returned to the meeting at 2.52 pm. Councillor DJ Craig arrived at the meeting at 2.52 pm

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 2.52 pm.

- (5) LA05/2015/0342/O – Major Application -- Extension of existing established industrial estate including new access from Lurgan Road, associated landscaping and ancillary works (amended proposal description and plans) on lands immediately south-east of Moira Industrial Estate extending and including properties 49 to 53 Lurgan Road, Moira.

[Note Item 1.1 – Previous decision rescinded to allow decision to be taken again]

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

The Committee received Mr Michael Graham who wished to speak in opposition to the application highlighting the following:

- Mr Graham was representing developers who were currently seeking residential approval for land close to the site
- There was already provision for industrial land within Moira at Glenavy Road
- The application should be refused on the grounds of prematurity in view of the emerging Lisburn Development Plan
- Application fails to satisfy PPS4 in relation to industrial development in the countryside
- This is not a major industrial application and will not make a significant contribution to the regional economy
- There are no other exceptional circumstance that would permit this development
- Will impact on the amenity of nearby residents
- Vehicular access arrangements are convoluted and pass through land that has already receive planning approval for residential housing.

- The proposal is not an extension of existing premises but is brand new development
- The need for new industrial development at this location has not been established

This was followed by a question and answer session.

The Committee received Mr William Orbinson QC, Mr Andy Stephens, Mr Hannan, Mr Warke and Mr Brown who wished to speak in support of the application highlighting the following:

- This was an exceptional circumstances case and whether or not to grant permission was a decision that can only turn on planning judgement
- Neither BMAP or the Lisburn Development Plan contributes anything of significance to this site
- Planning policy seeks to support economic development but it does not say Glenavy road or bust.
- The application is to provide a facility on the site to meet the future needs of the business
- With the demolition of the Moy Park facility, no suitable alternative site exists within Moira.
- The site cannot be expanded within Moira; it can only be expanded within the countryside.
- The proposed site is the next most preferable site; it is on the edge of the settlement
- The Glenavy Road site is in open countryside 2 miles outside Moira
- The current usages on the Glenavy Road site are not compatible with the usages on this site.
- The development will involve an investment of £2-3 million, with 50 construction jobs and potentially 80 new operation jobs
- The existing business will have the capacity to double in size and will bring new people and new jobs into Moira from the adjoining council area.
- Would argue that these reasons are exceptional circumstances and the reasons for refusal of the application are misconceived.

This was followed by a question and answer session which covered the following issues:

- The businesses on the site are light industrial, storage and distribution and there would be no inconsistency in permitting this development and still permitting housing development in the proximity.
- Hannan Foods had already relocated 3 members of management staff to Moira and the business relocating to the new site would bring an additional 12 members of staff. The estimate of 80 new jobs was considered to be a conservative estimate based on business plans and the capacity of the proposed development
- Businesses on the Glenavy Road site included production of fertilisers and processing of end of life cars and these businesses are incompatible with a food business

- There are ongoing discussions between the applicant and the owner of the site approved for housing and through which vehicular access would be required
- With regard to the issue of prematurity, it was argued that PAC had been clear that a refusal could not be sustained on the basis of prematurity where no definite plan had been published.
- With regard to urban sprawl, it was argued that CCTY15 referred to a visual assessment and the site was screened from view along the Lurgan Road; there was therefore no evidence of urban sprawl.
- Mr Hannan emphasised that his business had been at the location for 28 years and over that time a sum of £5 million had been invested in the premises which included very bespoke facilities which could not be transferred elsewhere. He stated that moving away from the site was not an option for consideration

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

- Every reason for refusal has been refuted by the previous speakers
- Moira is a very successful town with quite exceptional growth; there is a great need for jobs and, in particular, quality jobs that are long term and sustainable. The Council would not wish to drive these jobs elsewhere
- Following the closure of the Moy Park premises, the land was rezoned for residential use and that meant a loss of industrial land within Moira.
- The requirement for job creation is an overriding reason from a planning point of view.

There then followed a question and answer session with the Planning Officer.

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 with 9:1 with 1 abstention that the recommendation of the Planning Officer to refuse the application would not be upheld.

A recorded vote had been requested by Alderman WJ Dillon and voting was as follows:

In favour of the recommendation to refuse planning permission: Councillor B Hanvey

Against the recommendation to refuse planning permission: The Chairman, Councillor L Poots; Alderman D Drysdale, Alderman T Jeffers, Councillor N Anderson, Councillor J Craig, Councillor O Gawith, Councillor A Girvin, Councillor U Mackin, Councillor N Trimble

Abstaining: Alderman W.J. Dillon

The Chairman stated that the Professional Officers' recommendation to refuse planning permission had fallen and that a new motion was now under consideration.

In Committee

It was proposed by Councillor N Anderson, seconded by Alderman D Drysdale and agreed to go into Committee to receive legal advice in the absence of the press and public.

Members noted the advice provided by the Legal Adviser.

It was proposed by Councillor N Trimble, seconded by Councillor N Anderson and agreed to come out of committee and normal business was resumed.

It was then proposed by Councillor N Anderson, seconded by Councillor U Mackin and agreed by a majority of 9:1 with 1 abstention that the reasons cited for approval of the application would be:

- The application is not contrary to policy CTY1 of PPS 21 or paragraph 6.97 of the SPPS as there are overriding reasons why the development is essential on this site
- The zoned industrial lands at the Glenavy Road is not a suitable alternative as the current business uses on that site (fertiliser storage and distribution) are not in keeping with the type of business proposed (butchery and meat processing);
- This is an exceptional case and the application is not contrary to CTY15 of PPS 21 as it will not result in urban sprawl.
- The application is not contrary to Para 5.73 of the SPPS as it is not premature in respect of the emerging Lisburn & Castlereagh City Council local development plan which is not published at this stage. The application is not contrary to policy PED1 of PPS 4 in that it is an exceptional case as there are no other locations in Moira suitable for the proposed types of business
- The application is not contrary to policy PED2 of PPS 4 as it is an exceptional case.
- The application will bring significant benefits to the area; it will secure 20 existing jobs, create 80 new jobs. The investment is between £2-3 million.
- The application will help the local community as it will provide essential services and benefit the local economy

The Chairman highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Councillor N Anderson, seconded by Councillor O Gawith and agreed that the drafting of conditions be delegated to the Planning Unit.

It was proposed by Councillor N Anderson, seconded by Councillor O Gawith and agreed on a majority of 9:1 with 0 abstention that the application be declared approved.

It was proposed by Councillor N Anderson, seconded by Councillor J Craig and agreed unanimously that the Department for Infrastructure be notified of the Planning Committee's decision.

Councillor N Anderson, Councillor B Hanvey and Councillor U Mackin left the meeting at 5.08 pm

- (6) LA05/2017/0535/F – Major Application – The proposed Phase 1 is a change of use of the existing reservoir to a new recreational water park. There is to be an upgrade of the existing access and associated parking, provision of paths and pontoons, 10 camping pods and associated facilities, lifeguard, reception and storage buildings. A boathouse consisting of clubhouse and storage facilities for the Belfast Kayak Academy will also be created alongside 2 no. water polo pitches at the Belfast International Water Sports Centre, Knockbracken Reservoir, 591 Saintfield Road, Carryduff.

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

The Committee received Councillor N Anderson who wished to speak in support of the application highlighting the following:

- The application will support urban regeneration
- It will promote the health and well-being of the local community
- It will contribute to building a shared society
- It will create a leisure hub at the end of the proposed Carryduff Greenway
- It increases tourism potential within Carryduff
- It creates jobs
- Local residents are very supportive of the proposal

Councillor N Anderson left the meeting again at 5.16 pm

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

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 5.20 pm

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 6.07 pm

Alderman T Jeffers and Councillor N Anderson left the meeting at 6.07 pm;

The Planning Manager left the meeting at 6.08 pm

The Chairman advised that, due to a conflict of interest, the Council's Legal Adviser, Ms Kate McCusker, would be replaced for consideration of this item. Ms McCusker and Mr Brendan Martyn left the meeting at 6.08 pm and Ms Orla O'Hare took their place.

(14) LA05/2016/0920/F – Local Application (Exceptions Apply) – Proposed construction of 24 no. dwellings consisting of 2 storey semi-detached dwellings, associated 3 storey apartment block with associated communal and integral parking and public open space (amended address) on lands bounded by nos.12 and 25 Alveston Drive, nos 1-15 (odd numbers) Alveston Drive and nos.1 to 27 (odd numbers) and 54 to 60 (even numbers) Killynure Green, Carryduff.

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

The Committee received Mr Aaron Thompson and Mr David McPhillips who wished to speak in opposition to the application, highlighting the following:

- During the Phase 1 development, there were promises to the community about integration and providing community facilities for the area
- A 25 ft retaining wall has been built at the development
- Community facilities were pulled from the proposal without any discussion with the local community
- Since Phase 1 was completed, levels of anti-social behaviour and crime rates have gone through the roof; Killynure is now considered a critical areas by PSNI
- The local community is concerned about the management of the site, with one tenant in particular having 140 petitions submitted against him
- There continues to be an issue regarding maintenance
- At the bottom of the retaining wall, there is a temporary fence 3 ft from the back of existing houses.
- There are grass cutting and general maintenance issues
- The issues are creating distress within the local community
- An apartment block is being planned for an area that has been used by the community as open space
- Choice Housing recently held community consultation and acknowledged the issues that had to be addressed.

This was followed by a question and answer session.

The Committee received Councillor N Anderson who wished to speak in opposition to the application highlighting the following:

- There is not enough green space on the site
- The proposal for the apartments is at a higher elevation and will create overlooking and overshadowing
- Fear of crime can be considered a material consideration in planning matters; there has been an increase in crime in the local area both in anti-social behaviour and in crime
- Choice Housing has to accept people who are at the top of the housing list and some of these are people who have been removed from other areas because of anti-social behaviour
- He would request that the application be deferred and a site meeting be held

This was followed by a question and answer session.

Councillor N Anderson left the meeting again at 6.58 pm

The Committee received Mr Sam McKee and Ms Catherine Devlin who wished to speak in support of the application highlighting the following:

- Think a site meeting would be beneficial
- This is a phase 2 scheme and is for 24 units with in-curtilage parking
- Acknowledged the concerns regarding anti-social behaviour and in Phase 2 a central landscaped area will mitigate against incidents of anti-social behaviour
- Phase 2 of the scheme also provides increased private amenity space
- Phase 2 also includes ad landscaping scheme to include management and maintenance plans
- Community consultation event was held on 30 January 2018
- Monthly multi-disciplinary meetings are being held with Killynure Community Association, NIHE and other groups to address issues of concern
- Choice Housing made a contribution of £80k towards provision of a community hub and the money is being held by the Council
- The provision of open space within the development is within planning requirements

This was followed by a question and answer session. In response to Members' queries, Ms Devlin advised that Choice became aware of the level of community concerns about anti-social behaviour at the consultation event in January. She advised residents to report anti-social behalff both to PSNI and to Choice Housing. She also advised that Choice Housing had instigated private security patrols in the development from November 2017 and residents had been provided with contact numbers for the patrols.

Having considered the information provided within the Report of the Senior Planning Officer and by those making representations, it was proposed by Councillor JD Craig, seconded by Councillor O Gawith and agreed on a majority of 8:0 with 0 abstention to defer the application for a site meeting,

Councillor N Anderson returned to the meeting at 7.22 pm

Ms Orla O'Hare, Legal Adviser, left the meeting and Ms Kate McCusker and Brendan Martyn, Legal Advisers, returned to the meeting at 7.22 pm

The Director of Service Transformation left the meeting at 7.23 pm

- (7) LA05/2017/0738/O – Local Application (Previously Deferred) Proposed dwelling and garage (amended proposal) on land adjacent to No.103 Hillsborough Road, Carryduff.

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

The Committee received Mr John Kirkpatrick who wished to speak in support of the application highlighting the following:

- The application was not in agreement with the Planning Officer's assessment
- The proposal only fails to meet 1 of the 6 criteria set out in CTY1 in that there was not a focal point in the area
- The cluster represents as a visual entity in the countryside
- PAC has previously allowed approval to be given to an application where there was also no focal point at the cluster

This was followed by a question and answer session.

The Committee, having considered the information provided within the Report of the Planning Officer and by those making representation, agreed by a majority of 5:4 with 0 abstentions to refuse the application for the reasons outlined in Officer's report.

- (8) LA05/2016/0994/O – Local Application (Called In) – Replacement dwelling at 13 Moneybroom Road, Lisburn

The Committee noted that the above application had been withdrawn from the Schedule to allow further consideration.

- (9) LA05/2017/0678/O – Local Application (Called In) – A site for an infill dwelling on lands 80m west of 90 Ballydonaghy Road, Dundrod, Crumlin

The Principal Planning Officer (RH) presented a combined report on this application and application no LA05/2017/0682/O (Item 4.1.1(10)) as outlined within the circulated report.

The Committee received Mr Les Ross who wished to speak in opposition to the applications highlighting the following:

- There is a huge gap between the existing buildings
- There are flooding problems
- Planning seeks to protect the countryside and one of the exceptions are in-fill sites; CTY 8 specifies that an exception can be made where there is a small gap; this is not a small gap
- The proposed sites are significantly larger than the nearby sites both in terms of width and in depth.
- The site does not look like a small gap; it is a large gap between 2 small pockets of development
- You cannot describe the character of the area as a built up frontage; it will create ribbon development
- There has been incidents of flooding in this field in 2001, 2005 and 2008; the flooding assessment is incorrect.

This was followed by a question and answer session.

The Committee received Mr Edwin Poots MLA who wished to speak in support of the applications, highlighting the following:

- Clearly 3 existing buildings between No 86 and No 90
- 124 metres is not an unusual gap for 2 sites and is in keeping with widths in existence along the road
- With regard to the flooding issue, the Rivers Agency have given their opinion and they are the experts in flooding issues

This was followed by a question and answer session.

This was then followed by a question and answer session with the Planning Officer.

The Committee, having considered the information provided within the Report of the Planning Officer and by those making representations, agreed by a majority of 6:0 with 2 abstentions to approve the application as outlined in Officer's report and subject to the conditions stated therein.

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 9.00 pm

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 9.05 pm

- (10) LA05/2017/0682/O – Local Application (Called In) – Site for infill dwelling on lands 50m east of 86 Ballydonaghy Road, Dundrod, Crumlin.

The Principal Planning Officer (RH) presented a combined report on this application and application no LA05/2017/0678/O (Item 4.1.1(9)) as outlined within the circulated report.

The representations made by Mr Les Ross and Mr Edwin Poots MLA in respect of Application LA05/2017/0678/O and the discussions that ensued also applied to this application.

Councillor N Trimble left the meeting at 8.05 pm

The Committee, having considered the information provided within the report of the Principal Planning Officer and by those making representations, agreed by a majority of 6:0 with 2 abstentions to approve the application as outlined in Officer's report and subject to the conditions stated therein.

- (12) LA05/2017/1140/O – Local Application (Called In) – Dwelling and garage on lands beside and north-west of 65 Cockhill Road, Maze.

The Principal Planning Officer (RH) presented a combined report on this application and application no LA05/2017/1141/O (Item 4.1.1(13)) as outlined within the circulated report.

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

- He outlined the buildings on either side of the application to demonstrate that there was a substantial level of built-up frontage
- The gap will provide 2 sites with widths of 50 metres; the Planning Office has just issued a recommendation to approve infill sites that had a width measurement of over 60 metres each

The Committee received Mr Andrew McCreedy who wished to speak in support of the applications highlighting the following:

- There are two applications for in-fill dwellings
- These applications are similar to two applications considered previously and recommended for approval
- There is substantial and continuous built-up frontage in the area
- The gap is big enough only to allow two in-fill dwellings
- Other sites in the area have similar road frontage widths

This was followed by a question and answer session.

This was then followed by a question and answer session with the Planning Officer. Discussion focused on the measurement of the infill gap which had been measured from building to building. The site adjoining the applicant's site had a glass house to the rear and building foundations to the front and this site had been included with the applicant's site in the measurement of the gap.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a majority of 6:2 with 0 abstentions that the recommendation of the Planning Officer to refuse the application would not be upheld.

It was then proposed by Councillor N Anderson, seconded by Alderman WJ Dillon and agreed by a majority of 6:2 with 0 abstention that the reasons cited for approval of the application would be:

- The Committee believes that this to be an infill site
- The measurement of the infill gap should be from boundary to boundary rather than from building to building

The Chairman highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Councillor N Anderson, seconded by Councillor DJ Craig, and agreed on a majority of 7:1 with 0 abstention that the drafting of conditions be delegated to the Planning Unit.

It was proposed by Councillor N Anderson, seconded by Alderman WJ Dillon and agreed on a majority of 6:2 with 0 abstention that the application be declared approved subject to conditions to be drafted by the Planning Unit.

- (13) LA05/2017/1141/O – Local Application (Called In) – Dwelling and garage on lands approx. 75m north-west of 65 Cockhill Road, Maze, Lisburn

The Principal Planning Officer (RH) presented a combined report on this application and application no LA05/2017/1140/O (Item 4.1.1(12)) as outlined within the circulated report.

The representations made by Mr Edwin Poots MLA and Mr Andrew McCready as detailed at Item 4.1.1.(12) and the discussions that ensued also applied to this application.

The Committee, having considered the information provided within the Report of the Planning Officer and by those making representations, agreed by a majority of 6:2 with 0 abstentions that the recommendation of the Planning Officer to refuse the application would not be upheld.

It was then proposed by The Chairman, Councillor L Poots, seconded by Councillor N Anderson and agreed by a majority of 6:2 with 0 abstention that the reasons cited for approval of the application would be:

- The Committee believes that this is an infill site
- The measurement of the infill gap should be from boundary to boundary rather than from building to building.

The Chairman highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Councillor N Anderson, seconded by Alderman WJ Dillon, and agreed on a majority of 8:0 with 0 abstention that the drafting of conditions be delegated to the Planning Unit.

It was proposed by Councillor N Anderson, seconded by Alderman WJ Dillon and agreed on a majority of 6:2 with 0 abstention that the application be declared approved subject to conditions to be drafted by the Planning Unit.

- (11) LA05/2017/0973/O – Local Application (Mandatory) – Proposed infill of 2 no. dwellings on lands between 2 & 6 Creevy Road, Lisburn

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

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

Item for Noting

4.1.2 Planning Appeal Decisions as at 21 February 2018

The Committee was provided with copy of a Planning Appeals Decision dated 31 January 2018 regarding planning application LA05/2017/0196/O for a dwelling on an infill site within existing ribbon development on lands adjacent to 8D Station Road. The Committee noted that the appeal had been dismissed.

Item for Noting

4.2. Budget Report – Planning Unit

The Committee had been provided with and noted a summary Budget Report for the Planning Unit for the year to 31 March 2018 as at 31 December 2017.

5. Any Other Business

In Committee

It was proposed by Councillor N Anderson, seconded by Councillor DJ Craig and agreed to go into committee to consider the next item.

5.1 LA05/2015/0342/O – Major Application – Extension of existing established industrial estate including new access from Lurgan Road, associated landscaping and ancillary works (amended proposal description and plans) on lands immediately south-east of Moira Industrial Estate extending and including properties 49 to 53 Lurgan Road, Moira.

It was proposed by Councillor N Anderson, seconded by Councillor DJ Craig and agreed that the opinion of Senior Counsel be obtained in respect of the reasons for approval drafted by the Planning Committee.

It was proposed by Councillor A Girvin, seconded by Councillor N Anderson, and agreed to come out of committee and normal business was resumed.

5.2 Farewell to Lead Head of Planning

The Chairman reminded the Committee that this meeting would be the last meeting attended by the Lead Head of Planning before his retirement.

The Chair placed on record his appreciation of the hard work carried out by the Lead Head of Planning in supporting the Planning Committee as it assumed responsibility for planning matters. Members then individually recorded their thanks and good wishes to Mr Wilson and referred in particular to his achievements in establishing planning protocols, introducing training programmes and completing the determination of the legacy cases inherited by the Lisburn and Castlereagh City Council.

The Lead Head of Planning in turn thanked Members for their support and wished them every success in the future.

Alderman W.J. Dillon left the meeting at 9.59 pm

6. Minutes

It was proposed by seconded by and agreed that the Minutes of the Planning Committee meeting held on 5 February 2018 be approved and signed subject to the following amendments:

- At Item 4.1.1 Schedule of Applications at ultimate line of 3rd Paragraph: replace the word 'deferred' with 'removed from the schedule'
- At Item 4.1.1(2): replace the word 'deferred' with 'removed from the schedule'

There being no further business, the meeting concluded at 10.02 pm.

CHAIRMAN / MAYOR