

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 August 2019 at 12.35 pm

PRESENT: Councillor J Craig (Chairman)
Councillor O Gawith (Vice-Chairman)
Aldermen: D Drysdale, A Grehan
Councillors: M Gregg, U Mackin, C McCreedy, John Palmer, A Swan

OTHER MEMBERS: Councillor N Anderson
Councillor R T Beckett
Councillor N Trimble

IN ATTENDANCE: Director of Service Transformation
Head of Service – Planning and Capital development
Principal Planning Officer (RH)
Senior Planning Officers (RT and MB)
Committee Secretary
Attendance Clerk

Cleaver Fulton & Rankin
Brendan Martyn (Legal Advisor)

Commencement of Meeting

The Chairman, Councillor J Craig, welcomed everyone to the meeting.

Introductions were made by the Chairman and some Housekeeping and Evacuation announcements were made by the Director of Service Transformation who advised those present that Council car parks would close that evening at 5.00 pm to facilitate an event.

(Alderman D Drysdale arrived at 12.40 pm).

1. **Apologies**

It was agreed that apologies be recorded on behalf of the Deputy Mayor Councillor J McCarthy and Alderman W J Dillon.

2. Declarations of Interest

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

The following Declarations of Interest were made:

- Councillor J Craig declared an interest in the following items on the Agenda – LA05/2018/1094/F due to an issue with site meeting protocol; and in LA05/2018/0910/F due to the fact that his wife worked for the company making the planning application.
- Councillor O Gawith declared an interest in LA05/2018/0932/0 as the applicant was a personal friend.
- Alderman D Drysdale declared an interest in LA05/2018/0932/0 and stated that, whilst one of the speakers was a board colleague on the Inspire Business Park board, he himself had not predetermined the application.
- Councillor A Grehan declared an interest in LA05/2019/0932/0 due to the fact that one of the speakers was her employer.
- Councillor C McCready declared an interest in LA05/2019/0932/O and stated that whilst one of the speakers was a relative, he himself had not pre-determined the applications.

3. Minutes

It was proposed by Councillor A Swan seconded by Councillor J Palmer and agreed that the following Minutes be confirmed and signed.

- Minutes of the Meeting of Planning Committee held on 1 July 2019.

4. Report from the Director of Service Transformation

It was agreed that the reports and recommendations of the Director of Service Transformation be adopted, subject to any decisions recorded below.

4.1 NILGA Conference - Changing Places – Planning, Place Shaping and Place-making in Northern Ireland

Members had been provided with information on the above conference which was scheduled to take place on 8 October 2019 at the Killyhevlin Hotel, Enniskillen from 9.30 am to 4.30 pm at no cost other than mileage. It was proposed by Councillor J Palmer, seconded by Councillor O Gawith and agreed that the Chairman and Vice-chairman, or their nominees, should be nominated to attend.

5. Report from the Head of Planning and Capital Development

The Chairman advised that operational and legal matters would be discussed 'in Committee'

'In Committee'

It was proposed by Councillor A Swan, seconded by Councillor U Mackin and agreed to go 'In Committee', in the absence of press and public being present.

The Committee noted information provided by the Director of Service Transformation, the Legal Advisor and the Head of Planning and Capital Development on operational and legal issues.

Resumption of Normal Business

It was proposed by Councillor A Swan, seconded by Councillor U Mackin and agreed to come out of Committee and normal business was resumed.

5.1 Schedule of Applications:

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

The Legal Adviser highlighted paragraphs 46 - 48 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. 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/2009/0407/F – Proposed residential development of 109 dwellings (85 houses and 24 apartments), nursing home of 62 bedrooms, ancillary accommodation, associated site works and provision of a new signalised junction with Saintfield Road (amended landscaping and site level plans) on land at and to the north of 360 Saintfield Road (including 350, 352 Saintfield Road) Castlereagh, Belfast.

The Head of Planning and Capital Development provided some background to this application and explained why a revised recommendation had come forward. He advised that Members had two options which were to rescind their previous decision to approve planning permission and consider the new information or to continue with the application with the same recommendation with a negative condition relating to the works in the public road noting however that the advice of the Department for Infrastructure Roads to date was that the applicant could not meet their technical requirements and a negative condition would be unlikely to be complied with given the absence of agreement to date.

After consideration it was proposed by Councillor M Gregg, seconded by Alderman D Drysdale and unanimously agreed by the Committee that the previous decision be rescinded and that new information be considered.

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

The Committee received Mr M Worthington who wished to speak in opposition to the application and whose comments included the following:

- He supported the recommendation made by planning officers
- He outlined some background to the application and related planning history in the area
- He stated that this type of access was contrary to policy
- He said that road engineers instructed by his client had looked at the area and feel that there are other options
- This proposal would add to the already significant number of signal controlled junctions
- This design takes no cognisance of upgrades in the area at Mealough Road.

This was followed by a question and answer session which focused on the impact of the works at Mealough Road and how existing development would link to this proposal.

The Committee received Councillor N Anderson who wished to speak in opposition to the application and whose comments included the following:

- He wished to support the recommendation
- The Planning Officer's report is comprehensive
- The proposal did not meet roads standards or policy
- Road safety is a material consideration and this part of the road is particularly susceptible to collisions
- There has been extensive lobbying to improve road safety in the area and this proposal would compromise any measures which have been taken
- The Department for Infrastructure, Roads feel that the amendments cannot be made
- He urged refusal, this Council must insist on the fulfilment of commitments made by developers

There were no questions for Councillor Anderson.

Members of the Committee sought clarification on a number of points of detail from Mr S Cash from the Department for Infrastructure Roads who was present at the meeting. The Head of Planning and Capital Development clarified that the Committee's decision had to be based on information which was currently before them. It could not be ruled out however that a new application that would address the concerns of DfI Roads might be made in the future.

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

- (2) LA05/2018/1007/O – Dwelling for non-agricultural business enterprises under policy CTY7 on a site adjacent to 25 Station Road, Upper Ballinderry, Lisburn – (called in).

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

The Committee received Mr Neil Hickland who wished to speak in support of the application and whose comments included the following:

- CTY7 stated that one dwelling could be built
- His father had retired and he was now the only employee
- Extended working hours mean he has to reside on site
- He traded in local stores and further afield
- Stores were now open seven days a week to do business and also in the evenings and this creates an irregular working pattern for him
- He required instant access to both office and storage facilities
- He needed to be able to provide next day delivery of samples to potential customers
- He was supportive of local businesses
- His contact with foreign businesses also meant working outside UK working hours
- He cannot relocate the business
- He is under pressure to work longer hours and feels that the business would fail if he is unable to live on-site
- He cannot purchase a suitable home locally due to price
- The site is screened by natural boundaries
- There are no objections by consultees
- There is no other solution which meets his requirements

This was followed by a question and answer session which focused on examples of out of hours deliveries, the distance he currently lives from the business, the size of the storage facility and office accommodation and other options available to him.

The Committee received Councillor R T Beckett who wished to speak in support of the application and whose comments included the following:

- The applicant's father had built up a successful business
- The applicant had lived at home until his marriage when he left the family home
- The applicant had outlined how the business would suffer if he were unable to reside on-site
- Local firms would also feel a knock-on effect should this business suffer
- He fully supported this application

- He outlined PPS21 and why the business cannot be located in a settlement
- He outlined CTY7 and how the application met this criteria
- He stated that this would not create a ribbon of development or impact on road safety or rural character
- He urged approval and highlighted the importance of economic development
- He highlighted a similar approval which set a precedent in Aghalee

This was followed by a question and answer session which focused on the other businesses operated by the applicant, the number of employees and how long the applicant had been living away from the family home.

In response to questions from the Committee the Planning Officer provided information on boundaries to the site, the creation of ribbon development and a view as to whether the fact that the applicant was now the only employee was material.

Members also discussed the evidence which had been provided to support the application.

The Committee, having considered the information provided within the Report of the Planning Officer, agreed by a majority of 6:3 with 0 abstentions to refuse the application as outlined in the Officer's report.

(2) LA05/2018/1163/O – Site for two dwellings and two garages in compliance with CTY8 of PPS21 on lands immediately adjacent to and south of no 57 Ballyregan Road, Dundonald – (Previously deferred).

The Senior Planning Officer (MB) presented this application as outlined within the circulated report highlighting that it had previously been deferred pending a site meeting to view the site and context.

Councillor U Mackin stated that he had requested the site meeting but had been unable to attend; however he was familiar with the location and was satisfied that, while not able to attend the site visit, he was still content to proceed.

Alderman D Drysdale stated that, despite being late for the site visit and not able to participate, he was familiar with the area and was content to still proceed.

The Committee received Messrs Larkin, Agus and Clarke who wished to speak in opposition to the application and whose comments included the following:

- The proposal recommends an unsafe access
- Policy AMP2 requires access to be safe and well designed and this should have been recommended for refusal
- The potential betterment has not been demonstrated and surveys taken do not concur with speeds indicated by the Department for Infrastructure, Roads
- This is highly subjective

- It is located within an area of high scenic value
- If you decide from the site meeting that this is not a small gap site then it should be refused
- If you decide from the site meeting that it will rely on new planting to integrate it then it should be refused
- If you decide from the site meeting that it is located on the inside of a sharp bend then it should be refused
- If you feel it will adversely affect the character of Craigtlet as an area of high scenic value then it should be refused
- They strongly urged members to refuse
- Mr Clarke highlighted an area of planting which had previously been put there to shield the NI Water construction but which would be removed to facilitate the proposed visibility splays.

This was followed by a question and answer session which focused on the speakers' knowledge of the traffic situation in the wider area and on the fact that the Department for Infrastructure Roads officials consider the proposal would improve existing road safety.

The Committee received Mr David Donaldson who wished to speak in support of the application and whose comments included the following:

- There is a clear gap of 120m which will provide consistency and is not larger than the average plot in the area
- Department for Infrastructure officials have now recommended approval of the proposal three times
- This was a busy road at certain times but this proposal will improve visibility
- The adequacy of the visibility splays is supported by Highway Code stopping distances
- Planning decisions must be based on fact
- There is no demonstrable harm
- He urged approval

This was followed by a question and answer session which focused on visibility splay information with Mr Donaldson advising that the applicant would be amenable to increasing the size of the visibility splays to 2.4m x 70m on each side of the proposed access. When asked about the potential straightening of the road, Mr Donaldson stated that the road would not be re-aligned but visibility at the bend would be improved by setting back the hedgerow. On being asked whether a barrier would be incorporated, Mr Donaldson stated that some sort of barrier could be included at the design stage but that mounding would also be adequate.

There was further discussion on how the speed of traffic would be affected if visibility and forward visibility was improved. Mr S Cash from the Department for Infrastructure, Roads stated that it was possible that the improved visibility may lead to increased speed on the road.

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

- The Planning Officer has outlined the application and there are no planning reasons to refuse it
- Mr Donaldson has dealt with all of the issues raised regarding road safety
- He felt that the road would actually be safer as a consequence of this development

In response to Members' queries, Mr Poots confirmed that it was his opinion that the road would be safer as a result of the development. Councillor M Gregg commented that this was a matter of opinion rather than evidence.

This was followed by a question and answer session with the officers which focused on further clarification of road safety at the site with Mr Cash from the Department for Infrastructure Roads providing Members with information on the speeds which had been recorded by his colleague when he visited the site, the time of day that they were taken and on and policy of the Department in respect of such circumstances. Mr Cash stated that each application would be considered on its own merits as this application was for access onto a road and not an application for a road itself. The DMRB is not the appropriate guide for assessment of access onto the public road.

In response to a question from a Committee Member the Head of Planning and Capital Development further clarified in reading extracts that DCAN 15 was the appropriate guidance for accesses onto public roads.

During the debate which followed, Members expressed individual views in relation to visual amenity concerns, removal of hedgerows, visibility splay arrangements and the potential for the proposed development to impact on road safety by virtue of increased speeds which they considered to be unacceptable. Differing opinions as to whether the application, if approved, would improve on the current situation were also expressed.

At the culmination of further discussion and ensuing debate, the decision was put to a vote. A recorded vote was requested by Councillor A Swan. By a majority of 5:3 with 1 abstention, it was agreed that the recommendation of the Planning Officer would not be upheld.

Voting was as follows:

Abstaining:

Councillor U Mackin

Voting in favour of the recommendation to approve:

*Councillor A Swan
Alderman A Grehan
Councillor J Craig*

Voting against the recommendation to approve :

*Councillor M Gregg
Alderman D Drysdale
Councillor J Palmer
Councillor O Gawith
Councillor C McCreedy*

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

'In Committee'

It was proposed by Alderman D Drysdale seconded by Councillor M Gregg and agreed to go 'In Committee', to receive legal advice in the absence of press and public being present.

Legal advice was received.

Resumption of Normal Business

It was proposed by Councillor J Palmer seconded by Councillor A Swan and agreed to come out of Committee and normal business was resumed.

Having sought clarification and advice from the Legal Advisor as to the inclusion and engagement with policy in formulating a refusal reason, it was then proposed by Councillor M Gregg and seconded by Alderman D Drysdale that the reasons for refusing the application were as follows:

- That the Committee does not believe that this application meets the requirements of a substantial and continuously built up frontage under CTY8 and the fact that under BMAP it is designated as an Area of High Scenic Value adds weight to this. It is also contended that the improvement of visibility will lead to greater speeds on the road, a fact which has been agreed to by the Department for Infrastructure (Roads). The Committee believes this will add to a perception of fear and harm.

The above proposal was put to a vote and members voted 3 in favour of the proposal, 3 against the proposal with 3 abstentions. The Chairman, Councillor J Craig, having the deciding vote, voted against the proposal and it therefore fell.

It was then put to the Committee to vote on whether or not to rescind their decision not to uphold the recommendation of the Planning Officer taken earlier in the meeting and by a majority of 4:3 with 2 abstentions it was agreed to rescind that decision.

It was then put to the Committee to amend the original officer recommendation. Councillor O Gawith sought to include a condition to increase visibility splays to 2.4 x 70 metres and this proposal was put to the meeting and carried by a majority of 4:3 with 2 abstentions. It was therefore agreed that the recommendation of the planning officer to approve the application be upheld as amended with the added inclusion of the above condition.

The Chairman declared the application approved.

At this juncture, the Chairman, Councillor J Craig advised those present that, due to an event taking place at Lagan Valley Island that evening, all Council car parks on site needed to be cleared of vehicles by 5.00 pm and that he would therefore unfortunately have to adjourn the meeting.

It was proposed by Councillor O Gawith, seconded by Alderman D Drysdale that the meeting resume on Monday 12th August 2019 at 12.30 pm.

The Chairman, Councillor J Craig apologised for any inconvenience caused to those in the public gallery and declared the meeting adjourned at 4.47 pm.

CHAIRMAN / MAYOR