

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 5 October 2020 at 10.30 a.m.

PRESENT:

Present in Chamber:

Alderman O Gawith (Chairman)

Alderman D Drysdale (Vice-Chairman)

Aldermen WJ Dillon, A Grehan and J Tinsley

Councillors J Craig, M Gregg, U Mackin, and A Swan

Present in Remote Location:

Councillor J McCarthy, Councillor J Palmer

IN ATTENDANCE:

Present in Chamber:

Head of Planning and Capital Development
Member Services Officer (PS) and (CR)

Present in Remote Location:

Director of Service Transformation
Principal Planning Officer (RH)
Senior Planning Officer (RT)
Senior Planning Officer (MB)
Senior Planning Officer (MCO'N)
Attendance Clerk

Legal Adviser:

B Martyn - Cleaver Fulton & Rankin
L Toland – Cleaver Fulton & Rankin

Commencement of Meeting

The Chairman, Alderman O Gawith, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings. He advised that 9 Members were present in the Council Chamber and 2 Members were participating in the meeting remotely.

He stated that planning officers, the Council's Legal Advisors and those making representations would be attending the meeting remotely.

The Head of Planning and Capital Development advised on housekeeping and evacuation procedures. The Member Services Officer then read out the names of the Elected Members in attendance at the meeting.

(Alderman D Drysdale arrived at 10.35 am).

1. Apologies

There were no apologies.

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:

- Councillor U Mackin in LA05/2019/0371/O as he had facilitated a site meeting with the Department for Infrastructure; in LA05/2020/0079/F as he was a Member of the LVRP Board; in LA05/2020/0038/F as he was a Member of the LVRP Board however he stated that neither of the two latter applications had been discussed in his presence and in LA05/2019/0943/F as he had spoken with another Member and given advice on this application.
- Councillor A Swan in LA05/2019/0371/O, in LA05/2019/0943/F, in LA05/2019/0529/F and in LA05/2020/0216/F as he had been approached by applicants/agents in respect of these but had offered no opinion.
- Councillor J Craig in LA05/2018/1136/F as he had lobbied on behalf of residents and was making representations at the meeting.
- Alderman A Grehan in LA05/2020/0454/F as the applicant was a work colleague and in LA05/2018/1136/F due to her position on the Board of the NIHE.
- The Chairman, Alderman O Gawith in LA05/2020/0454/F as the applicant was a colleague and friend.

The following Declarations were made by way of a completed form:

- Alderman J Tinsley in LA05/2019/0371/O as he spoke with the Agent but has not formed an opinion, in LA05/2018/1136/F as he arranged for the Agent to meet with a Planning Officer but did not form an opinion himself, in LA05/2019/0529/F as he arranged a meeting with the objector. He stated that he would be remaining neutral regarding this application as he did not

feel he had enough information to determine it; in LA05/2019/0797/F as he was contacted by the applicant but offered no comment and in LA05/2020/0216/F as he was contacted by the applicant but offered no comment.

The Chairman, Alderman O Gawith, 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 LA05/2020/0079/F and LA05/2020/0038/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and therefore Members might speak and vote on this. 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 7 September 2020

It was proposed by Alderman J Tinsley, seconded by Alderman A Grehan, and agreed that the minutes of the Committee meeting held on 7 September 2020 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 highlighted paragraphs 43 - 46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

Alderman O Gawith and Alderman A Grehan left the meeting at 10.45 am having declared an interest in the following application and Alderman D Drysdale assumed the position of Chairman.

- (1) LA05/2020/0454/F - Amended garage to be built at opposite side of house from previous permission granted S/2009/1000/F at 110A Lisburn Road, Glenavy.

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 Principal Planning Officer, agreed by a majority of 9:0 with 0 abstentions to approve the application as outlined in the Officer's report and subject to the conditions outlined therein.

At 10.55 am Alderman A Grehan and the Chairman, Alderman O Gawith returned to the meeting and Alderman O Gawith assumed the position of Chairman.

- (2) LA05/2020/0079/F - Proposed additional fencing to provide more secure space at Seycon Park Football Ground, Hornbeam Road, Seymour Hill, Dunmurry.

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

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

- In response to a question from Councillor J Craig the Head of Planning and Capital Development outlined the procedure for neighbour notification and the Senior Planning Officer advised that 19 letters of neighbour notification had been sent.
- Alderman O Gawith asked what the situation would be if someone erected something inside the fence which obscured the view and the Head of Planning and Capital Development responded that this would have to be done with landowner consent and the Council was the landowner.
- Councillor J Craig asked whether conditions could be put in place to deal with such a scenario and was advised that this was indeed within the gift of the Committee.

During the debate, the following comments were made:

- Councillor J Craig suggested that, if approved, conditions be put on the application to ensure that no additional fencing could be erected at the site and that the permission of the Council be sought for any structures on the site.

The Committee, having considered the information provided within the report of the Planning Officer, agreed by a majority of 11:0 with 0 abstentions to approve the application as outlined in the Officer's report with the stipulation that a condition be included to prevent any additional fencing being erected at the site without permission and that an informative also be attached to advise that no other structures should be erected on the fencing without the permission of the Council. The Committee agreed that the precise wording of such a condition be delegated to the Planning Unit.

- (3) LA05/2020/0038/F - Create new 2.4 metre high perimeter fence around existing play area to prevent vandalism at site 45 metres from rear of properties 61-71 Hill Street Lisburn to front of properties 29-39 Waterside.

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

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

- Councillor A Swann asked if there was a history of anti-social behaviour at this location or was this a preventative measure, and was advised, by the Head of Planning and Capital Development that the Planning Unit had not been provided with such information.
- Councillor J Craig said that he found it regrettable that there had been levels of anti-social behaviour at the park, he asked whether the fencing was secured and was advised that there were lockable gates.
- Councillor U Mackin asked why Statutory Consultation had been required in the previous application, but not in this one and was advised by the Senior Planning Officer that the reason for that was because the previous application was located within a sphere of influence.
- Alderman D Drysdale queried whether the fence was really required and the Head of Planning and Capital Development responded that this Committee should be focussed on this determination but undertook to try to provide information on the background to the application in due course.

During the debate, the following comments were made:

- Councillor J Craig referred to the instances of anti-social behaviour and advised that a decision had been taken by the Leisure and Community Development Committee to fence the area, he said that the decision had been taken in conjunction with the local community.
- Councillor A Swan advised that he would be voting in support of the recommendation but considered that Youth Diversion might have been a better solution.
- Alderman D Drysdale said that he would be supporting the recommendation however it was a regrettable step.
- Councillor J Craig suggested that the committee request that same condition be put on this approval as were put on the previous one.

The Committee, having considered the information provided within the report of the Planning Officer, agreed by a majority of 11:0 with 0 abstentions to approve the application as outlined in the Officer's report with the stipulation that a condition be included to prevent any additional fencing being erected at the site without permission and that an informative be attached to advise that no other structures should be erected on the fencing without the permission of the Council. The Committee agreed that the precise wording of such a condition be delegated to the Planning Unit.

Adjournment of Meeting

The Chairman, Alderman O Gawith, declared the meeting adjourned at 11.35 am

Resumption of Meeting

The Chairman, Alderman O Gawith, declared the meeting resumed at 11.45 am

Councillor U Mackin did not return to the meeting having declared an interest in some of the following applications.

- (4) LA05/2019/0371/O - Storey and a half dwelling with garage at a site between 111 & 115 Mealough Road, Carryduff, Belfast.

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

The Chairman advised that Mr B Finlay from the Department for Infrastructure (Roads) was present remotely to respond to any questions the Committee might have.

The Committee received Mr J Todd 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 why he considered the application met policy requirements stating that ribbon development was not applicable as the lane way already existed.
- He stated that it was his opinion that the road frontage included the private road.
- He provided information on applications granted in the immediate area.
- He gave examples of where he considered precedent had been set.
- He stated that this was an existing paired access and should be approved

Mr Todd then responded to Members' queries as follows:

- Alderman J Tinsley sought clarification on the entrance and use of the field gate which was provided by Mr Todd.

The Committee then posed questions to Mr B Finlay, Department for Infrastructure (Roads) as follows:

- Councillor A Swann asked Mr Finlay to clarify the Department's position and Mr Finlay advised that this was an access leading into an agricultural field, it was not considered to be a paired access. He stated that it was considered to be sub-standard with the ability to achieve forward site distance causing particular concern. Initially there had also been concerns expressed regarding visibility splays however this had since been resolved.
- Alderman J Tinsley asked if this had been highlighted at the site meeting and was advised that it had.
- Alderman J Dillon sought clarification on the forward site distance and was advised that it was 60 metres and that it should be the same as the visibility splays which were 85 metres.
- Alderman Drysdale then asked whether the Department's objection still stood and was advised by Mr Finlay that it did.

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

- Alderman J Dillon referred to the entrance and sought clarification on its use and was advised by the Head of Planning and Capital Development, with the aid of photographs, that it was a typical agricultural entrance. He

also clarified that one of the refusal reasons, number 4, had now been removed and that there were now only four refusal reasons remaining.

- Alderman J Tinsley referred to a house yet to be constructed and asked if the erection of this property would create a gap site, the Head of Planning and Capital Development confirmed that it would not and he then went on to clarify the policy.

During the debate, the following comments were made:

- Councillor J Craig said that similar applications had been before the Committee in the past and had been well debated, he said that he would be supporting the recommendation of the officers.
- Alderman J Tinsley referred to precedent and asked if the Planning Unit were satisfied that this had been addressed. The Head of Planning and Capital Development responded that instances of perceived precedent were often referred to by applicants, however it was important that each one to be considered on its own merits, in this instance the Planning Unit do not feel that the examples cited stand on all fours. There has been engagement and one refusal reason has been withdrawn however the Department for Infrastructure still consider that this proposal is unsafe.

The Committee, having considered the information provided within the report of the Planning Officer and by those making representations, agreed by a majority of 10:0 with 0 abstentions to refuse the application as outlined in the Officer's report.

- (5) LA05/2019/0943/F - Amendments to approved planning application LA05/2015/0917/F at 122 Saintfield Road Lisburn.

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

The Committee were advised that Mr Finlay from the Department for Infrastructure continued to be present remotely to respond to questions if necessary.

The Committee received Alderman James Baird 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 stated that the increased massing had a detrimental impact on visibility.
- He outlined the accident history at the location.
- He stated that the construction had had a major impact on road safety at the junction.

Alderman Baird then responded to Members' queries as follows:

- Councillor J Craig asked what the difference was in the changed orientation and was advised by Alderman Baird that the original house had no return and sat further back. This has brought the dwelling closer to the road, turned it around and this had impacted on visibility.

- Alderman J Dillon asked how many accidents there had been since the development began and was advised that information had been sought from the PCSP Officer who had advised that there had been one accident five years ago however since this development had commenced there had been a further three.
- Alderman D Drysdale stated that it was a dangerous road but wondered if the accidents were solely caused by the changes referred to or whether there were other contributing factors, Alderman J Baird said that he would put a lot of emphasis on the changes.
- The Chairman, Alderman O Gawith referred to comments made that piles of cladding waiting to be fitted had also contributed to visibility issues, he was advised that the enforcement team had intervened and some of this material had since been fitted, Alderman Baird confirmed that this had marginally improved the situation.
- Councillor J Craig suggested that it might be preferable to request that a fence replace the hedge as this would eliminate maintenance issues in respect of the hedge.

The Committee received Ms McShane and Mr Logan 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:

- Only two objections had been received.
- The application seeks to amend an approval.
- The high fence referred to in the report has been removed and does not now form part of the application,
- Department for Infrastructure (Roads) have no objections.
- She was content with the recommendation.

There then followed a question and answer session during which the following matters were explored:

- Councillor A Swan asked why the orientation was changed and was advised by Mr Logan that this had been necessary due to ground conditions, The Planning Unit had initially indicated that a non-material change would be sufficient, this had subsequently transpired not to be the case.
- Councillor J Craig asked if the proposed site differed from the building which had been there, presumably with foundations, and was advised, by Mr Logan, that it hadn't been built on exactly the same footings, it needed re-orientation to ensure adequate foundations. Mr Logan further advised that this application would result in betterment and confirmed that the very high fence had been erected in error and had been taken down straight away,
- Alderman J Dillon said that there should be no issue with foundations with modern technology and asked for more information on the issue, he was advised by Mr Logan that, on being advised by planners that all that would be required would be a non-material change, he had considered that that would be an easier option than piling. If he had known that Planning Permission would be required he may have opted for piling.

- Councillor M Gregg asked whether the building was larger than what was approved and was advised that it was slightly larger to accommodate an en-suite.

The Committee received Councillor D Honeyford 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:

- All of the objections centred around road safety.
- This application had been previously approved and the change of orientation did not affect sight lines, nor has it reduced the distance.
- The Department for Infrastructure (Roads) was content.

This was followed by a question and answer session during which the following issues were explored:

- Alderman J Dillon asked whether the approved dwelling was any different and Councillor Honeyford confirmed that it was different but that this had not affected the sight lines.
- Councillor A Swan asked whether Councillor Honeyford would acknowledge that it hadn't been before the Committee before and Councillor Honeyford responded that whether this was the case or not, it had still been approved.

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

- Alderman J Tinsley posed a question to Mr Finlay from the Department for Infrastructure (Roads) asking him what the maximum height for the hedge at the junction should be, Mr Finlay responded that the maximum height would be based on drivers' view level and would be around 600mm at this location.
- Alderman A Grehan sought clarification on the positioning of the original application which was provided by planning officers. Planning officers also illustrated the differences in orientation via the use of maps.
- Councillor J Craig asked the Department for Infrastructure (Roads) whether a fence at 600mm would be preferential to a hedge in order to eliminate maintenance issues and was advised by Mr Finlay that there were various options.
- The Head of Planning and Capital Development then advised members of the Committee that it was in their gift to ask for an alternative boundary treatment, he outlined the constraints regarding the public road and advised that the committee could also withdraw Permitted Development rights in order to provide an element of control. The Chairman Alderman O Gawith, highlighted that current conditions included a boundary hedge of 600 mm.
- Councillor A Swan asked whether Departmental officials had visited the location or carried out a desk top exercise and he was advised that a site survey had been carried out and an improvement sought.
- Alderman D Drysdale asked what specifically was impairing visibility and was advised by Mr Finlay that the hedge is what was impeding visibility.

- Alderman J Tinsley then asked whether the hedge would be immune from enforcement if it were to be maintained for five years and allowed to grow thereafter and he was advised by the Head of Planning and Capital Development that evidence would be the issue and he confirmed that it would be immune to enforcement after that period, he went on to outline options available to members stating that biodiversity also needed to be borne in mind.
- The Senior Planning Officer stated that given the size of the hedge it was unlikely that there would be biodiversity issues.

During the debate, the following comments were made:

- Alderman J Dillon stated that his main concern was road safety, he found it difficult to comprehend the need for re-orientation which he felt had been done at the expense of safety.
- Councillor J Craig concurred stating that he felt the 600 mm hedge would be difficult to enforce but he felt he would reluctantly support the recommendation. He suggested that the condition be amended to include the erection of a fence of between 600mm and 1 m to replace the hedge.
- Councillor A Swan concurred but leant towards refusal. He referred to past instances where the committee had put weight on the fact that the amended application should be on the original foundations and stated that in his opinion the change had made the road situation worse. He said that if the application were approved he would support the replacement of the hedge with a fence as outlined by Councillor Craig. He said that he felt it would be tempting for any resident to erect privacy screening.
- Members were reminded by the Head of Planning and Capital Development that they could also remove Permitted Development rights.
- Alderman D Drysdale stated that this application was about sight-lines and not about the dwelling, He agreed that if the application were to be approved it should be conditioned and stated that he felt that should the Committee refuse the application, the decision would be lost at appeal.
- Councillor M Gregg said that he agreed with Councillor J Craig, the dwelling was very close to the road and the re-orientation had compromised safety but not to the point of the Department for Infrastructure expressing concern, he hoped this would not set a precedent.
- Alderman J Tinsley stated that he would support the recommendation if it were accompanied by appropriate conditioning.

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 8:2 with 0 abstentions to approve the application as outlined in the Officer's report and requested that the approval include conditioning to request that the hedge referred to in the report be replaced with a fence of between 600 mm and 1 metre and that Permitted Development rights be removed, they also requested that conditions be put in place to ensure that no planting take place along the hedge, the precise wording of conditions to be delegated to the Planning Unit.

Adjournment of Meeting for lunch

The Chairman, Alderman O Gawith declared the meeting adjourned for lunch at 1.35 pm

Resumption of Meeting

The Chairman, Alderman O Gawith declared the meeting resumed at 2.06 pm

Alderman J Dillon and Councillor U Mackin did not return at this point.

(6) LA05/2019/0935/O - Dwelling and access on lands Adjacent and northwest of 12 Temple Road Upper Ballinderry.

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

Alderman J Dillon arrive at 2.10 pm

The Committee received Mr A McCreedy 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 stated that this was a small gap site in a continuously built up frontage and referred to the map he had submitted to illustrate the frontage.
- He clarified the development pattern at the location.
- He stated that the dwelling would respect the pattern of development in the surrounding area.
- He advised that this would be the seventh generation in the area.

Mr McCreedy then responded to Members' queries as follows:

- Councillor J Craig stated that there seemed to be an issue regarding the frontage and sought Mr McCreedy's opinion on the comments in the report in respect of plot size. Mr McCreedy responded that No. 12 was not connected to Nos. 10 and 10a was not visible from the infill site so was not part of the frontage, he stated that the annex examples supported the compatibility of size.

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

- Alderman J Tinsley referred to the issue re plot sizes and asked whether the Committee should consider the wider context as there did appear to be larger and smaller plots in the general area.
- The Head of Planning and Capital Development, with the aid on Mr McCreedy's photograph, outlined the relevant houses illustrating the gap between 10a, 12 and a garden shed and that the plot was not similar in character to others found in the local context of the site

During the debate, the following comments were made:

- Councillor A Swann stated that he would be supporting the recommendation.
- Councillor M Gregg said that he would also be supporting the recommendation, he stated that it was ludicrous that a shed could create an infill opportunity.
- Councillor J Craig felt himself also supporting the recommendation due to plot size.

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

Councillor U Mackin arrived at 2.34 pm but both he and Alderman J Dillon were unable to vote as they had not been present for the entire presentation.

Alderman A Grehan and Councillor J Craig left the meeting at 2.35 pm having declared interests in the next application.

- (7) LA05/2018/1136/F – Proposed demolition of three existing retail/commercial buildings and replacement with six social housing apartments at 18-22 Grand Street, Lisnagarvey, Lisburn.

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

The Committee received Councillor S Carson 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 challenged the Committee to visit the site to view the issues.
- He highlighted that there was potential for 16 people to be housed in this development, according to Council's own information 85% of people have access to a car so the four spaces referred to would not be adequate.
- He highlighted inaccuracies within the report.
- He stated that the traffic information submitted was now historic.
- He requested a site meeting to view the issues referred to.
- He stated that the Department for Infrastructure had initially raised issues with the application but appeared to have changed their mind.

Councillor S Carson then responded to Members' queries as follows:

- Councillor J Palmer asked what impact of the recently opened Spar shop on traffic and was advised by Councillor S Carson that this had increased traffic in the area.
- Councillor U Mackin asked Councillor S Carson to elaborate on the change of mind referred to by the Department for Infrastructure (Roads) and Councillor S Carson responded that initially the Department for Infrastructure had raised issues, however further information was submitted and the

application then became acceptable to them, they had not advised on what had changed.

- Councillor A Swan asked whether the train station had any impact on traffic and was advised that it did to some degree, Councillor S Carson stated that the local area was serviced by a Busibus which struggled to navigate through the traffic at times.
- Alderman D Drysdale asked Councillor S Carson to comment on available parking. Councillor S Carson responded by advising that the traffic survey carried out had been done in the evenings which were a relatively quiet time in terms of road traffic, he considered that residents would have issues getting parked and said that he did not feel that the spaces referred to would be adequate.

The Committee received Councillor J Craig 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 stated that in his opinion there were two issues. The first was that PPS7 stated that design should draw on the local area. The area was predominantly commercial with some two or three bedroom homes and there was a mix of both social and privately owned homes. The proposal differed in design as it was for apartments.
- The second issue was that of parking. He highlighted flaws in the report which centred around out-of-date information and not taking recent changes into account.

Councillor J Craig then responded to Members' queries as follows:

- He elaborated on the out of date information which was now 9 years old. Since then speed control measures had been put in place, traffic movements had changed, there has been a fatal accident and further development has taken place. Car parking at the rear of the Spar shop has been included in the report but in reality it has been removed from public access. He encouraged members of the Committee to attend a site meeting to view the context.
- Councillor J Palmer highlighted proposed new development which, he stated, would create more issues.
- Councillor J Craig said that whilst he had issues with development still in the planning system the committee had to deal with the merits of this one and he urged them to seek clarification of the information within the traffic survey.
- Alderman J Dillon referred to the fact the great credence had been placed earlier in the meeting on the opinion of the Department for Infrastructure (Roads) and he questioned why this application should be any different.
- Councillor J Craig responded that in his opinion some matters required clarification, the information submitted was historic and he felt that the Department should have more up to date information available to them.

The Committee received Mr J Jackson 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:

- The report from the Planning Officer was comprehensive.
- The traffic survey indicated 31 spaces available.
- The apartments were betterment in terms of parking.
- There was huge housing demand in the area.
- Housing Association Schemes usually have 0.5 spaces and often none at all.
- Overlooking issues have been addressed.

Mr Jackson then responded to Members' queries as follows:

- Councillor M Gregg sought clarification on the dates and times of the surveys carried out and this was provided by Mr Jackson.
- Councillor U Mackin asked whether the Spar would have been open when the survey was carried out. Mr Jackson advised that he wasn't sure whether it had been or not.
- Councillor U Mackin then asked how this would be considered a betterment and Mr Jackson responded that this would be in terms of traffic.

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

- Councillor A Swan sought clarification of the policy 'Secure by Design' which he was familiar with and was advised by the Head of Planning and Capital Development that this was not a planning requirement but may be one which was more pertinent to funding. He advised that it was the document Creating Places which stipulated parking requirements in terms of planning and it required around 8 spaces to service a development of this size.
- Councillor J Palmer asked why there was no in-curtilage parking included and was advised that this was due to the location, there was no access at this location to provide in-curtilage parking but he went on to outline capacity in the immediate area.

During the debate, the following comments were made:

- Councillor J Palmer referred to the parking issues and stated that he would not be supporting the recommendation.
- Councillor M Gregg also felt that parking was a major concern, however the development was betterment on what was currently there, he also acknowledged the housing need, particularly for developments of this size. He felt it important though that the committee should not single out smaller developments and decide that they do not require parking. He stated that he was not satisfied with the survey carried out, especially in terms of the time of day it had been carried out and felt that additional parking might need to be created.
- Councillor U Mackin highlighted his parking concerns but said that he felt that a site meeting, if arranged, would have to be held at an appropriate time so that members of the Committee could understand the issues. He said it was concerning to him that homes were being developed which rely on on-street parking.
- The Head of Planning and Capital Development reminded members of the Committee that they could defer the application pending receipt of additional

information given the concerns they had expressed at the information within the traffic survey.

- Councillor A Swan said that anyone applying to live in one of the apartments would be aware of the parking issues and therefore he would be supporting the recommendation.
- Alderman D Drysdale felt that the Committee should defer the determination of the application pending the receipt of further information and to allow for a site meeting to take place to view the site and context.
- Alderman Dillon and the Chairman, Alderman O Gawith concurred.

It was then agreed, by a majority vote, that the determination of this planning application be deferred to allow for the receipt of an up to date traffic survey and for a site meeting to be arranged to view the site and context.

The Head of Planning and Capital Development advised members that it may take a number of months for a traffic survey to be completed.

Adjournment of Meeting

The Chairman, Alderman O Gawith declared the meeting adjourned for a comfort break at 3.35 pm

Resumption of Meeting

The Chairman, Alderman O Gawith declared the meeting resumed at 3.45 pm

- (8) LA05/2019/0529/F - Proposed fertiliser storage compound extension (to Greenfield Fertilisers), fencing, landscaping/bunding, access and ancillary site works on lands approximately 20 metres south of the existing Greenfield Fertilisers Factory at 20 Glenavy Road and north of Soldierstown Road, Moira

Before the application was presented to the Committee, it was proposed by the Chairman, Alderman O Gawith, seconded by Alderman D Drysdale and subsequently agreed that the determination of the above planning application be deferred to allow for a site visit to take place to view the site and context.

- (9) LA05/2019/0797/F – Replacement Dwelling - Lands approximately 180 metres south west of 40 Sandy Lane, Lambeg

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

The Committee received Mr David Donaldson 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:

- The building has all the essential characteristics of a dwelling.

- With minor adjustments, which would not require planning permission, it could be lived in.
- He outlined the history of the dwelling.
- He stated that this was an opportunity to remove an unsightly building and replace it with something more visually appealing.

Mr Donaldson then responded to Members' queries as follows:

- Alderman J Tinsley sought clarification on what was shown on the 1962 map and it was confirmed that the block built structure had been an amendment.
- Alderman J Dillon asked whether there was planning permission on the block built structure and was advised that he did not believe there was but no enforcement action had been taken.
- Alderman J Dillon then asked for confirmation that we were being asked to replace a dwelling which wasn't built according to regulations in the 1960s or 1970's and was advised that the current applicant was not responsible for that, the works carried out at that stage had retained a building, the application before the Committee met the policy test.
- Alderman J Dillon responded that we do not know whether that is the case or not due to the works carried out.
- Councillor J Craig asked whether there was any proof that anyone lived there and Mr Donaldson responded that according to a Griffiths Valuation of 1864 an Isabella Henderson lived there, on being asked by Councillor Craig if there was any more up to date information, Mr Donaldson responded that he had not been able to find any.
- Councillor A Swan asked whether Mr Donaldson would not agree that if you cannot identify who lived there then the likelihood is that no-one did, to which Mr Donaldson responded that the policy requires it to have essential characteristics, we are not required to have information on who lived in it.

The Committee received Alderman J Baird 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 stated that in his opinion the building carried all the characteristics which the policy demanded and it should be approved.

Alderman J Baird then responded to Members' queries as follows:

- Councillor J Craig asked whether Alderman Baird could explain why local residents are totally unaware of who lived there in the 1960's. Alderman Baird responded that he was unaware of who lived there.
- Alderman J Tinsley referred to the planning history at the site and asked if anything had been carried out since the last refusal in 1990, he was advised that Alderman J Baird was not aware of any.

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

- Alderman J Tinsley asked whether planners would compare the information in old files with that included in new submissions and was advised that most historic files would have been destroyed with only limited records being retained, the policy would also have changed in the intervening period.
- Councillor U Mackin asked why the Planning Unit felt that the building did not demonstrate the essential characteristics of a dwelling. The Head of Planning and Capital Development responded that this was a matter of judgement, however this building had no point of entry, there was a hole in the gable wall but this does not appear to be a door. There was a chimney but no pipework, electricity or sanitation, what is there does not constitute characteristics of a dwelling.
- Councillor J Craig asked what weight should be put on existing planning history and was advised that the policy tests would have been different in the past. He went on to outline how planning officers weighed up the evidence.
- Councillor M Gregg asked whether this was the subject of an enforcement notice and was advised that there was no enforcement pending.

During the debate, the following comments were made:

- Councillor M Gregg said that there were a number of reasons for refusal, the dwelling was considerably smaller than the footprint, there were no natural boundaries and he would be supporting the recommendation.
- Councillor J Craig said he felt that there was a degree of interpretation. The overriding factor was that there was no point of entry. The other issues were that there was no over-riding need for his development at this location and for those reasons he would be supporting the recommendation.
- Councillor J Palmer also said that he would be supporting the recommendation as it did not resemble an old building.
- Councillor A Swan stated that he would be supporting the recommendation and did not think anyone ever lived there.
- Alderman J Dillon commended planning officers on their recommendation.

The Committee, having considered the information provided within the report of the Planning Officer and by those making representations, agreed by a majority of 11:0 with -0 abstentions to refuse the application as outlined in the Officer's report.

(10) LA05/2020/0216/F - Proposed change of access adjacent to 57 Creevy Road, Lisburn.

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

The Committee received Mr D Carlisle 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:

- The over-riding reason for the new access was to ensure health and safety on the farm.
- He outlined issues with the current access arrangement.
- Department for Infrastructure (Roads) had not raised any issues.

- Ancillary works would improve and would be done sensitively
- The proposed access would allow for development of the farm.

Mr Carlisle then responded to Members' queries as follows:

- In response to a question from Alderman J Tinsley Mr Carlisle advised that the access would be used to service a dwelling already approved i.e. an alternative access to that already approved.
- Alderman J Dillon asked whether the planning permission for that dwelling had expired or not and was advised by Mr Carlisle that it was his understanding that it had not. There was some discussion on the attendance by Building Control Officers at the site and whether or not a Certificate of Lawfulness had been obtained.
- Councillor J Craig asked whether the main reason for this application was to facilitate mortgage conditions and he was advised that this was the case as it would keep the dwelling separate from the land block.
- Councillor J Palmer sought clarification on the size of the farm and was advised that there were 30 head of cows over 30 acres, the new lane would service the dwelling and he went on to outline this with the aid of a map.
- Councillor M Gregg asked Mr Carlisle what the mound of gravel was which was referred to in the Planning Officer's report and was advised that this was shale which came out when the foundations were being dug, it was only there on a temporary basis.

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

- Alderman J Tinsley sought confirmation that the Planning Permission had been activated. The Planning Officer advised that Building Control had referred to a trench being dug but that there was no evidence of concrete being poured, there was no evidence to demonstrate that planning permission had not lapsed. The Head of Planning and Capital Development outlined that under Permitted Development an agricultural opening could be applied for as an alternative access.
- Councillor J Craig said that it was important to know whether the approval was still live and was advised that it was the officer's view that it has time expired as there is no documentary evidence to the contrary.
- There was some discussion on whether or not the application should be deferred to allow for the production of a Certificate of Lawfulness and whether or not this would resolve the issues and it was clarified by the Head of Planning and Community that should a Certificate of Lawfulness be obtained it could still be submitted separately, the two processes were separate and do not need to be linked.
- Councillor U Mackin referred to the site history, the fact that there was a lapsed approval, the fact that foundations had been dug, to him this meant that the development had been started.
- He asked how Planning Officers get to a point where they see something on site but, based on information from Building Control, they turn this around and report something else, he felt that the applicant required some advice.

At this juncture, the Chairman, Alderman O Gawith reminded members of the Committee that they were being asked to determine the alternative access

road application, the status of the planning permission on the dwelling was not entirely relevant.

- The Head of Planning and Capital Development stated that, in the absence of a CLEUD, the Committee needed to be satisfied that a material start had been made. The Planning Officer was unable to view any works to demonstrate commencement.

Councillor J Craig then proposed that the determination of this planning application be deferred pending a site meeting together with the production of a Certificate of Lawfulness.

The Head of Planning and Capital Development said that the purpose of the site visit would be to ascertain whether or not there were foundations there and to allow members to ascertain whether the new lane could visually integrate.

The proposal was seconded by Councillor J Palmer and put to a vote and by a majority of 3:8 the proposal fell.

During the debate, the following comments were made:

- Councillor M Gregg said that he was now reasonably content with the recommendation of the planning unit, he felt that a Certificate of Lawfulness could be pursued by the applicant separately but felt that the application would still be refused.
- Councillor A Swan stated that he had reluctantly to agree with the Planning Officer's recommendation in this case.
- Alderman D Drysdale stated that the Committee had to deal with what was in front of it and whilst he had sympathy with the applicant, he would be voting in favour of the recommendation.
- Alderman J Dillon said that he felt for the applicant but could not comprehend why his agent was not involved, he considered that the recommendation was the correct one.
- Councillor J Craig said that he found it unfortunate that a site meeting had not been taken forward. He did not feel that he had enough information to make a decision and therefore would be voting against the recommendation.
- Councillor J Palmer stated that he concurred with the comments made by Councillor J Craig.

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 7:3 with 1 abstention to refuse the application as outlined in the Officer's report.

4.2 Planning Notification Direction in respect of LA05/2018/0181/LBC

Members were provided with information on the background to the above matter in relation to the report presented to the Planning Committee on 3 August 2020 in respect of planning application LA05/2017/0187/F, Members were advised that Historic Environment Division recommended that the proposed

development failed to satisfy the policy requirements of paragraphs 6.13 of the SPPS and policy BH 8 of PPS 6. However, the planning officer, having regard to the detail of the proposal placed a different weight and emphasis on the interpretation of this policy and the application was recommended for approval and subsequently approved by the Committee contrary to the advice of a Statutory Consultee.

After consideration, it was proposed by Councillor M Gregg, seconded by Alderman A Grehan and agreed that in the above instance the test of the Direction for notifying the Department is met as the advice of Historic Environment Division is not followed and that therefore the application should be forwarded to the Department for Infrastructure.

Items 4.3 – 4.10

It was proposed by Councillor J Craig, seconded by Alderman A Grehan and agreed that the following items be taken as read and the information noted by the Committee.

4.3 Appeal Decision LA05/2019/0717/F

Members had been provided with information on the above Planning Appeal Decision which had been dismissed. It was agreed that the information be noted.

4.4 Statutory Performance Indicators – July and August 2020

Members had been provided with information on Decision which had been Statutory Performance Indicators for July and August 2020 and it was agreed that the information be noted.

4.5 Notification of the intention to utilise Permitted Development

Members were advised that Notification had been received from a telecommunication operator of their intention to utilise permitted development rights at existing telecommunications mast at Strawberry Hill, 158 Ballynahinch Road, Lisburn.

It was agreed that the above information be noted.

4.6 Dfl Consultation under Section 76 (3) of the Planning Act

Members had been provided with information on Consultation under section 76(3) of the Planning (Northern Ireland) Act 2011 in respect of Planning Application LA03/2017/0310/F – Proposed extraction, transportation and working of sand and gravel from Lough Neagh.

It was agreed that the above information be noted.

4.7 Correspondence from Friends of the Earth

Members of the Committee were provided with a copy of correspondence from Friends of the Earth who had written to the Council in relation to the NIEA Operational Policy on Ammonia emitting projects.

It was agreed that the above information be noted.

Councillor J Palmer left the meeting at 5.45 pm.

Alderman A Grehan drew attention to the fact that Northern Ireland had such high levels of pollution and welcomed comments made.

Councillor M Gregg asked whether the paragraph on new regulations could be incorporated into the application discussed earlier and the Head of Planning and Capital Development highlighted the constraints on this.

4.8 PAN Report – LA05/2020/0653/PAN

Members of the Committee had been provided with a copy of a Submission of Pre-application Notice (PAN) – Proposed Erection of Residential development and associated works on lands at 26, 30 and 32 Lisburn Road, Hillsborough together with a copy of a site location map.

It was agreed that the above information be noted.

4.9 PAN Report – LA05/2020/0691/PAN

Members of the Committee had been provided with a copy of a Submission of Pre-application Notice (PAN) – New Lisburn Southern Relief Road encompassing a bypass from Ballynahinch Road to Hillhall Road incorporating a 10 metre buffer, cycle paths, footway and other ancillary/associated works; new roundabout on Ballynahinch Road; new roundabout on Saintfield Road and new junction layout on Plantation Road and Hillhall Road together with a copy of a site location map.

Councillor U Mackin referred to the proposed Consultation in respect of this application stating that the area referred to in terms of a leaflet drop would be inadequate and would not include many homes. Councillor J Craig concurred and stated that it was his opinion that the entire areas of Lisburn South and Lisburn North would be impacted by this development and therefore needed to be included in any consultation.

After some further discussion it was requested, by the Committee, that the Head of Planning and Capital Development make contact with the Developer advising them of the Committee's opinion on the proposed consultation.

There was some discussion on how best to advertise Planning Applications which culminated in the Head of Planning and Capital Development advising that a recent Chief Planners update had advised that the Department were currently considering this and were setting up a working group to take it forward.

It was agreed that the above information be noted subject to the action requested to be carried out by the Head of Planning and Capital Development.

4.10 DfI Review of Emergency Period in respect of Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020.

Members of the Committee had been provided with a copy of correspondence from DfI in relation to review of the emergency period included in the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020.

It was agreed that the information be noted.

5. Any Other Business

5.1 PAN Report
Councillor M Gregg

Councillor M Gregg advised that he had received an e-mail from a developer advising of a PAN which had contained no PAN number which he thought was strange.

The Head of Planning and Capital Development outlined the process but said that there was nothing stopping developers alerting members to their intentions.

There being no further business, the meeting concluded at 5.55 pm.

CHAIRMAN / MAYOR