

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 6 February, 2023 at 10.00 am

PRESENT IN CHAMBER:

Alderman J Tinsley (Chairman)

Councillor John Palmer (Vice-Chairman)

Aldermen W J Dillon MBE, D Drysdale, O Gawith and A Grehan

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

IN ATTENDANCE IN CHAMBER:

Director of Service Transformation
Head of Planning & Capital Development
Principal Planning Officer (RH)
Senior Planning Officers (RT and MCO'N)
Member Services Officers

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chairman, Alderman J Tinsley, welcomed those present to the Planning Committee. The Chairman pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. The Head of Planning & Capital Development outlined the evacuation procedures in the case of an emergency.

1. **Apologies** (00:02:37)

There were no apologies.

At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting.

2. **Declarations of Interest** (00:04:12)

Alderman W J Dillon advised that he had been contacted by the applicant of planning applications LA05/2021/0571/O and LA05/2021/0572/O. He had listened to what the applicant had to say but had offered no opinion.

Alderman O Gawith advised that in respect of planning application LA05/2021/0324/F, the immediate neighbour was his friend and the neighbour on the other side had previously asked him for advice.

Councillor U Mackin advised that, in respect of planning application LA05/2021/1014/O, he had received an email from the applicant. He had acknowledged the email but had made no comment on the application.

2. Declarations of Interest (Contd)

Councillor John Palmer advised that, in respect of planning applications LA05/2021/0571/O and LA05/2021/0572/O, one of the objectors had been in correspondence with his wife, Councillor Jenny Palmer.

3. Minutes of Meeting of Planning Committee held on 9 January, 2023 and Special Meeting of Planning Committee held on 9 January, 2023 (00:06:12)

It proposed by Councillor U Mackin, seconded by Councillor A Swan and agreed that the minutes of the meeting of Committee held on 9 January, 2023 and the special meeting of Committee held on 9 January, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications (00:06:50)

The Chairman, Alderman J Tinsley, advised that the below application had been withdrawn from today's schedule and would be considered at a special meeting of the Planning Committee to be convened later in the month. This would afford adequate time to consider correspondence received on Friday:

- LA05/2021/0033/F – Proposed mixed use development comprising 153 residential units in a mix of apartments, semi-detached and detached units with associated private amenity provision and public open spaces; 28 Class B2 and B4 industrial/employment units (4,272 square metres in total); a neighbourhood centre (965 square metres in total) comprising a petrol filling station with associated convenience store and 4 retail units (2 class A1 and 2 Sui Generis hot food bars); associated car parking; landscaping; creation of new accesses from Carrowreagh Road and Ballyoran Lane with associated works to the public road; and other ancillary development at lands formerly occupied by the Rolls Royce factory north of Upper Newtownards, south of Inspire Business Centre, east of Ballyoran Lane and west of Carrowreagh Road, Dundonald

4.1.1 Applications to be Determined (00:08:10)

The Legal Advisor, Mr B Martyn, 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.

Due to technical difficulties, it was agreed that the non-planning schedule report items would be considered at this point, followed by the schedule of applications.

4.2 Planning Monitoring Framework 2021/22 (00:12:40)

It was proposed by Councillor M Gregg seconded by Councillor D J Craig and agreed to note information on the content of the Planning Monitoring Framework 2021/22. A further report would be provided upon receipt of the associated report, providing infographics for the overall position and for each council area.

4.3 Appeal Decision in respect of Planning Application LA05/2020/0506/O
(00:14:25)

It was proposed by Councillor M Gregg seconded by Councillor D J Craig and agreed to note information set out in the report in respect of the decision of the Planning Appeals Commission (PAC) regarding the above planning application.

4.4 Appeal Decision in respect of Planning Application LA05/2019/0168/F
(00:16:30)

It was proposed by Councillor M Gregg seconded by Councillor D J Craig and agreed to note that the appeal in respect of the above planning application had been withdrawn.

4.5 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (00:18:07)

It was proposed by Councillor M Gregg seconded by Councillor D J Craig and agreed to note from the report, information regarding notification by telecommunication operators to utilise Permitted Development Rights at a number of locations.

4.6 Organisational and Personnel Changes in the Department for Infrastructure – Planning Group (00:18:36)

It was proposed by Councillor M Gregg seconded by Councillor D J Craig and agreed to note correspondence indicating key changes in personnel in the Department for Infrastructure, as well as a guide to the operational responsibilities of the Planning Group with oversight of the planning system.

The schedule of applications, under item 4.1, were now considered.

- (i) LA05/2021/1263/F – Proposed two storey dwelling with alterations to existing garage so it is part of the curtilage and accessed from 5 Ballycrune Road at site between 277 Ballynahinch Road and 1B Ballycrune Road, Annahilt (00:20:00)

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

The Committee received Mr J Todd in order to speak in support of the application and he addressed a number of Members' queries.

- (i) LA05/2021/1263/F – Proposed two storey dwelling with alterations to existing garage so it is part of the curtilage and accessed from 5 Ballycrune Road at site between 277 Ballynahinch Road and 1B Ballycrune Road, Annahilt (Contd)

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve the application.

- (ii) LA05/2022/0699/O – Residential development at land adjacent to and to the rear of no.74 Glebe Road and to the rear of nos.233-239 Ballynahinch Road, Annahilt (00:35:20)

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

The Committee received Mr J Quinn in order to speak in support of the application and he addressed a number of Members’ queries.

A number of Members’ queries were responded to by Planning Officers.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse the application.

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for a comfort break at this point (11.04 am).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed (11.13 am).

- (iii) LA05/2021/1014/O – Proposed infill dwelling and garage 50 metres northeast of 75 Drennan Road, Lisburn (01:03:03)

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

The Committee received Mr M McNeill, accompanied by Mr G Clingan, in order to speak in support of the application and they addressed a number of Members’ queries.

A number of Members’ queries were responded to by Planning Officers.

- (iii) LA05/2021/1014/O – Proposed infill dwelling and garage 50 metres northeast of 75 Drennan Road, Lisburn (Contd)

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to not adopt the recommendation to refuse the application.

Given that the Officer recommendation to refuse planning permission had fallen, it was proposed by Councillor U Mackin, seconded by Councillor M Gregg and agreed that, in approving the planning application, a number of reasons were offered.

On a vote being taken, it was agreed unanimously to approve the granting of planning permission to this application and that the precise wording of the conditions agreed in principle, as set out above, be delegated to the Head of Planning & Capital Development.

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for lunch (12.31 pm).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed (1.19 pm).

- (iv) LA05/2021/0571/O – Site for infill dwelling 60m south west of 4a Magees Road, Ballinderry Upper, Lisburn
&
(v) LA05/2021/0572/O – Site for infill dwelling 100m north east of 6 Magees Road, Ballinderry Upper, Lisburn (02:20:32)

Having declared an interest in the above applications, Councillor John Palmer left the meeting at 1.20 pm.

At the outset, Alderman O Gawith proposed that the above applications be deferred for a site visit in order that Members could view the sites and ascertain whether they deemed them to constitute small gap sites in otherwise substantial continuous frontage. Alderman Gawith stressed that he would reserve judgement until he had seen the sites. This proposal was seconded by Councillor D J Craig.

The Head of Planning & Capital Development urged caution in discussing policy considerations given that Officers had not yet presented the applications and Members had not yet heard from the applicant or objectors. If a site visit was proposed, it should be for the purposes of (a) viewing the site and (b) considering whether the proposal would be consistent with established pattern of development.

- (iv) LA05/2021/0571/O – Site for infill dwelling 60m south west of 4a Magees Road, Ballinderry Upper, Lisburn
&
- (v) LA05/2021/0572/O – Site for infill dwelling 100m north east of 6 Magees Road, Ballinderry Upper, Lisburn (Contd)

On a vote being taken, it was agreed that the application would not be deferred to a site visit, the voting being 3 in favour and 5 against.

Alderman O Gawith stated that he would abstain from the vote in respect of these applications.

The Senior Planning Officer (RT) presented the above applications as outlined within the circulated report.

The Committee received the following speakers in order to speak on the applications:

- Mr P Mobbs in opposition to the application;
- Councillor N Trimble in opposition to the application;
- Mr T Holdsworth in support of the application; and
- Councillor R T Beckett in support of the application.

The above speakers addressed a number of Members' queries.

A number of Members' queries were responded to by Planning Officers.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed to adopt the recommendation to approve planning application LA05/2021/0571/O, the voting being 8 in favour, none against and one abstention.

Having considered the information provided within the report of the Planning Officer, the Committee agreed to adopt the recommendation to approve planning application LA05/2021/0572/O, the voting being 8 in favour, none against and one abstention.

At the request of Councillor M Gregg, it was agreed that a condition be applied to the planning permission for the above applications requiring that any trees removed be replaced two for one, consistent with the Council policy for the replacement of trees.

Councillor John Palmer returned to the meeting following consideration of these applications (2.43 pm).

Adjournment of Meeting

The Chairman, Alderman J Tinsley, declared the meeting adjourned for a comfort break at this point (2.43 pm).

Resumption of Meeting

The Chairman, Alderman J Tinsley, declared the meeting resumed (2.48 pm).

- (vi) LA05/2021/0324/F – Conversion of existing dwelling to two apartments at 49 Castlevue Park, Moira (03:44:22)

Having declared an interest in this application, Alderman O Gawith did not return to the meeting at this point.

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

The Committee received Mr J McElroy in order to speak in support of the application and he addressed a number of Members' queries.

A number of Members' queries were responded to by Planning Officers.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse the application.

Alderman O Gawith returned to the meeting (3.07 pm).

- (vii) LA05/2020/0853/O – New dwelling (detached) between 23a and 23 Ballinderry Road, Aghalee, Craigavon (04:03:56)

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

The Committee received Mr J McElroy in order to speak in support of the application and he addressed a number of Members' queries.

A number of Members' queries were responded to by Planning Officers.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse the application.

5. Any Other Business

- 5.1 Update on Planning Portal (04:36:25 and 04:46:42)
Chairman, Alderman J Tinsley

At the request of the Chairman, Alderman J Tinsley, the Head of Planning & Capital Development provided an update in respect of the new planning portal. He

5.1 Update on Planning Portal (Contd)
Chairman, Alderman J Tinsley

referred to challenges that had been encountered in using both the front-end and back-end of the system. A number of programmed fixes were planned to take place throughout this month and those would hopefully address issues around data migration problems. It was the intention of the Department to keep the Client Project Team in place until June/July to assist local authorities. Difficulties being experienced by Planning Officers in relation to the planning portal were being raised both with the Department and with the system designers.

The Head of Planning & Capital Development took account of comments made regarding the benefit of training being given to Members in respect of accessing the new planning portal. He acknowledged that technology being used by Members of the Planning Committee required to be updated and that was currently being addressed. In agreeing to implement training for Members, he took account of further comments regarding the timing of this, ie. this being considered once the programme fixes had been carried out this month and the fact that Committee makeup was likely to change following the forthcoming elections.

5.2 Update on Knockmore Link Road (04:44:36)
Councillor A Swan

Councillor A Swan sought an update on the Knockmore Link Road. The Head of Planning & Capital Development advised that two meetings had taken place with the Department in respect of the Local Development Plan. It was hoped to have a timetable of when the plan would be adopted which would likely be an important consideration in relation to the Knockmore Link Road. The Department had advised that it remained on track in terms of its assessment of the Planning Appeal Commission report. It was anticipated that by mid-March it should be clearer when the report would be released and the type of direction that would come from the Department. However, that did not speak to the planning application. The Head of Planning & Capital Development confirmed that he would be seeking an urgent meeting with the new Chief Planning Officer, Mr A Beggs, to discuss this specific application.

“In Committee”

It was proposed by Councillor D J Craig, seconded by Alderman O Gawith and agreed that the following item be considered “in committee”, in the absence of members of the press and public being present (4.06 pm).

5.3 Update on Ongoing Judicial Reviews
Councillor A Swan

Alderman D Drysdale left the meeting during consideration of this item of business (4.15 pm).

The Legal Advisor, Mr B Martyn, provided a verbal update in relation to ongoing judicial reviews.

5.3 Update on Ongoing Judicial Reviews (Contd)
Councillor A Swan

The Legal Advisor provided Members with a case law update on apparent bias in relation to a recent case in the High Court in England.

Resumption of Normal Business

It was proposed by Councillor John Palmer, seconded by Councillor D J Craig and agreed to come out of committee and normal business was resumed.

5.4 Special Meeting of Planning Committee (05:02:00)
Chairman, Alderman J Tinsley

As referred to under item 4.1 earlier, the Chairman, Alderman J Tinsley, advised that a special meeting of the Planning Committee would be convened in order to consider planning application LA05/2021/0033/F.

The Head of Planning & Capital Development stated that provisional dates of either 13 or 20 February, 2023 were currently being held; however, he had been made aware that amended plans were to be submitted and, should those changes be significant, it may be necessary to go through the consultation and neighbour notification process again and the special meeting would then be further delayed.

There being no further business, the meeting was terminated at 4.24 pm.

Chairman/Mayor