

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 6 September 2021 at 10.30 a.m.

PRESENT:

Present in Chamber:

Councillor A Swan (Chairman)

Alderman J Tinsley (Vice-Chairman)

Aldermen WJ Dillon, D Drysdale, O Gawith and A Grehan

Councillors U Mackin, J McCarthy and J Palmer

IN ATTENDANCE:

Present in Chamber:

Head of Planning and Capital Development

Member Services Officer (PS)

Member Services Admin Officer (EW)

Legal Adviser:

B Martyn - Cleaver Fulton & Rankin

Present in Remote Location:

Director of Service Transformation

Principal Planning Officer (RH)

Senior Planning Officer (MB)

Senior Planning Officer (RT)

Commencement of Meeting

The Chairman, Councillor A Swan, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings.

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

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

1. Apologies

It was agreed that apologies for non-attendance at the meeting would be recorded from Councillor M Gregg and Councillor J Craig.

2. Declarations of Interest

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk. He indicated that a form would also be available for those Members attending remotely.

The following Declarations of Interest were made:

- Alderman O Gawith referred to LA05/2019/1236/F and LA05/2020/0761/F stating that he had expressed support for the applications and been sympathetic to them and that he would be withdrawing during discussions.
- Councillor J McCarthy referred to LA05/2020/0971/F and stated that he had facilitated a meeting and expressed an opinion on the application and would be withdrawing during discussions.
- Alderman J Tinsley referred to LA05/2019/0748/F stating that he knew the applicant and was aware of the application but that he had not pre-determined it.
- Councillor J Palmer referred to LA05/2020/0761/F stating that he would be making representations at the meeting and would be withdrawing during discussions.
- Councillor A Swan referred to LA05/2018/0862/F stating that he had a telephone conversation regarding the site but had not pre-determined it.
- After the meeting and by the submission of a completed Declarations of Interest Form, Councillor U Mackin referred to LA05/2020/0229/F stating that he was a member of the Board of Lagan Valley Regional Park in which the site is located however he had not been involved in any discussion on the matter.

3. Minutes of the Planning Committee Meeting held on 2 August 2021

It was proposed by Councillor J McCarthy, seconded by Alderman D Drysdale, and agreed that the minutes of the Committee meeting held on 2 August 2021 as circulated be signed.

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

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

The Legal Adviser highlighted paragraphs 51 - 53 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.

(1) LA05/2019/0748/F - Retrospective perimeter fencing, gates, walls, guard house, CCTV cameras and floodlights on mounted poles and improved access (previously granted under S/2010/0041) on land at 211 Moira Road, Lissue, Lisburn, BT28 2SN (former Burn House)

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

The Committee received Mr A Stephens 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 proposal was ancillary to existing development.
- He outlined how he felt the planning policy had been met.
- He outlined the additional modelling which had taken place.
- He outlined how it had been considered that the threshold for a Drainage Assessment had not been met.
- He asked that the recommendation be overturned.

Mr Stephens then responded to Members' queries as follows:

- Councillor U Mackin sought information on engagement with Rivers Agency and asked for information on the number of people employed. Mr Singleton outlined the engagement which had taken place with Rivers Agency regarding modelling and said that unfortunately engagement had ceased. Mr Morrow advised that there were three sites employing 250 people with plans to expand. Councillor U Mackin asked whether there was a possibility that operations might be relocated if this application was not approved and Mr Morrow said that NI Protocol issues were also problematic and a site north of Dublin had been identified, if this site in Lisburn cannot be developed then that option may need to be considered.
- Alderman J Dillon asked for information on Health and Safety implications of the proposal which was provided by Mr Stephens.
- Alderman D Drysdale sought clarification of comments regards the extent of the existing risk of the building flooding within the submission which were clarified by Mr Stephens.

- Alderman J Tinsley referred to drainage issues and asked whether the footprint of the proposal was the same as it would have been during the period it was a Burn House, he also asked whether the modelling reflected effects upstream. Mr Stephens said that there had been no change to the site, the buildings were the same as they had been during the period of the Burn House, but there had been some tidying up. Regarding the modelling, Mr Singleton explained the impact on flood risk elsewhere which would not be permitted and stated that they had been able to demonstrate no increase either upstream or downstream.
- Councillor J Palmer asked how many times the site had flooded and was advised that there had been one flooding incident in 86 years and that was in January 1979.
- Councillor J McCarthy sought clarification on comments within the written submission provided in support of his request to speak in terms of the new information that was available which were responded to by Mr Stephens. He clarified that the flooding had been modelled but the flood risk assessment is not updated.
- Alderman A Grehan asked whether changes had been made to fencing and Mr Stephens said that the footprint was the same, there were some walls around the site which had been replaced but these were not flood barriers.

The Committee received Alderman A Ewart 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:

- This was a well-known site which had been an eye-sore for many years.
- The company had been very successful employing 250 people with potential to increase that.
- They will move other operations to this site.
- There will be environmental benefits derived from this development.
- The gate-lodge is insignificant.
- There has been little flooding in the area.
- This will bring economic benefit to the area.

Alderman A Ewart then responded to Members' queries as follows:

- Alderman J Dillon asked how he would rate this company's contribution to the area and Alderman Ewart responded that they were very successful and want to develop and expand, he said he would recommend the company.
- Alderman D Drysdale asked whether Alderman Ewart could recall flooding at this site, he asked if the position of the guard-house had changed and whether it was considered it would enhance the area. Alderman Ewart responded that he could not recall flooding at the site, the previous entrance was further out with this option being a safer one and he did feel it enhanced the area.

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

- Councillor U Mackin sought clarification concerning an omission from the report. The Principal Planning Officer, explained that the report had not provided an assessment against Policy AMP 3 of PPS 3 and that this information have been provided for in the presentation itself.
- Councillor U Mackin also sought clarification around who was advised that the report had been lodged in April and the reasons for its delay. The Head of Planning and Capital Development outlined, with aid of a slide, the process of modelling undertaken by Rivers Agency. He said it was normal practice to request drainage assessments in these circumstances. He read out the policy wording regarding this. He outlined the sequence of events stating that the proposal did not meet any of the exception tests and compared this against the reason as to why the applicant does. He went on to outline the chronology regarding what information had been requested and when it had been submitted. Mr Clarke from the Rivers Agency, who was present remotely to respond to questions explained their assessment of the application and outlined their concerns.
- The Chairman, Councillor A Swan asked what depth of flooding had been experienced and was advised by Mr Clarke, that the one flooding incident had been around three feet.
- Alderman D Drysdale asked how this development could influence flooding upstream or downstream if the hard standing was in the same place and Mr Clarke went on to explain that new ground levels had not been taken into consideration. He then went on to explain the need for a Drainage Assessment and the Head of Planning and Capital Development explained how changes to buildings could affect flooding.
- Alderman D Drysdale asked why Rivers Agency would not have engaged with the applicant and the Head of Planning and Capital Development explained why this might have been the case given that the application was not considered to be an exception to planning policy.
- Alderman O Gawith asked whether this application might be premature and the Head of Planning and Capital Development responded that this was not. There had been a sequence of requests for information and based on what is in front of the Council it remains not demonstrated that the building is beyond the Q100 flood level this required the Council to adopt a precautionary approach.
- Alderman A Grehan asked Mr Clarke to advise whether or not the information he requested had been received and Mr Clarke responded that changes made had not been incorporated into the modelling and therefore it was considered that it could not be properly assessed. Alderman Grehan asked whether there had been evidence of flooding since the changes and Mr Clarke replied that there hadn't been to his knowledge.
- Alderman J Tinsley asked whether the applicant's report indicated that the guardhouse was inside or outside the flood plain and Mr Clarke responded that it was shown to be outside the flood plain however the accuracy of the report was challenged.
- Councillor J McCarthy then proposed that the Committee defer the determination of the application for the receipt of further information, the proposal was seconded by Alderman O Gawith and there was some discussion on whether or not the required information could be provided within the time-frame.

- Alderman J Tinsley said if this was helpful he would not be against a deferral, he asked what the applicant would need to do.
- The Head of Planning and Capital Development said that the report was not submitted however he understood it modelled the site and would inform Rivers Agency that the guard house was outside the flood plain. If that was the case then the refusal reasons would fall away.
- The report needed to be submitted, Rivers Agency consulted and a decision made. He said that advice would also need to be sought from Rivers Agency regarding the drainage assessment and Mr Clarke went on to explain that this may be deemed necessary for historical reasons.

Having been proposed and seconded, Councillor McCarthy's proposal to defer consideration of the application to allow for additional modelling information to be provided was then put to the Committee and fell by a vote of 3:6 and the Committee proceeded to determine the application.

During the ensuing debate, the following comments were made:

- Alderman A Grehan said she was disappointed at the result of the vote to defer determination.
- Alderman J Dillon stated that many of the points raised were not sensible and if this was deferred it would send out the message that Lisburn was not open for business.
- Alderman D Drysdale said that he wanted to support business, he did not see the flooding issue and would be supporting the application.
- Alderman O Gawith said that the Committee did not have comprehensive data on the current impact of the development on flooding and therefore he would be abstaining, he asked that when it came to voting for or against the recommendation, that a recorded vote be taken.
- Councillor U Mackin said he would not be supporting the recommendation, he felt that if information was outstanding it should have been waited on. He felt that there was an exception – FLD1 PPS 15 in that it has already been met as there has been a business in place for decades. There has been flooding on the south side at a lower level, there has always been a history of economic activity on the site and only one instance of flooding. He said that he felt that this small guardhouse was insignificant, the gasification plant approved was much larger, the danger of flooding was remote and he feels this was the exception. He said that another material consideration was that jobs would be created, 100 over a period of time and he considered that this too was an exception that outweighs the minimal flooding risk, he said he would be voting against the recommendation.
- Councillor J McCarthy said that the Committee did not know the topography changes as they did not have the requisite report and to overturn a recommendation based on that was, he considered, bad decision making, and therefore he would be abstaining.
- Councillor J Palmer said that most flooding was south of the river and he would be voting against the recommendation.
- Alderman J Tinsley said that on weighing up the pros and cons this was very finely balanced but he considered the application should be approved.
- Alderman A Grehan said that she could recall a few years ago receiving calls from the area where flooding was getting closer, she said her concern

was the lack of confirmation of the topographic levels and therefore she also considered she could not make a decision and would be abstaining.

- Councillor A Swan said he did not, as a general rule, like retrospective applications however he did not see that this would make a big difference and therefore he would not be supporting the recommendation.

The Head of Planning and Capital Development outlined the importance of engaging with the detail of the policy in making planning decisions. He went on to explain the detail of the criteria of policy FLD 1 and how the members needed to go through each part of the policy if they are to proceed contrary to the advice of the officer.

Adjournment of meeting

The Chairman, Councillor A Swan declared the meeting adjourned at 12.35 pm for a comfort break.

Resumption of meeting

The Chairman, Councillor A Swan declared the meeting resumed at 12.45 pm

“In Committee – Legal Advice”

It was proposed by Alderman O Gawith, seconded by Alderman D Drysdale and agreed that the meeting go “in committee” to obtain legal advice in the absence of members of the press and public being present. The livestream was paused.

Legal Advice was obtained and noted.

Resumption of Normal Business

It was proposed by Alderman O Gawith, seconded by Alderman J Dillon and agreed to come out of committee and normal business was resumed. The livestream recommenced.

At this stage Alderman D Drysdale drew attention to paragraph 62 of the Protocol for the Operation of the Planning Committee and proposed that the Committee agree to a one month deferral of the determination of the application. The Members were minded to go against the recommendation but sought to refer under paragraph 62 to allow further time for reflection and to seek the further information. The proposal was seconded by Councillor J McCarthy and unanimously agreed by the Committee.

Adjournment of Meeting

The Chairman, Councillor A Swan, declared the meeting adjourned at 1.10 pm

Resumption of Meeting

The Chairman, Councillor A Swan, declared the meeting resumed at 1.43 pm

(2) LA05/2020/0229/F - Proposed eight small light industrial units, at the existing Drumbo Park site and also the addition of a new water harvesting tank associated with the dog track maintenance at Drumbo Park, 57 Ballyskeagh Road, Lisburn

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

The Committee received Mr N Rose 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:

- This was an infill brownfield site and was not in open countryside.
- The small units would replace a derelict ugly taller structure.
- There would be no adverse impact.
- The proposal complied with PED 6 and 9.
- There were no similar units available in the area.
- They would create jobs.
- Presumption was in favour of development unless harm would be caused and there would be no harm in this case.
- The proposals will make Drumbo Park financially sustainable and will support jobs.
- He urged support.

Mr Rose then responded to Members' queries as follows:

- Alderman J Tinsley asked whether the jobs created would be full time and was advised that they were mainly part time roles.
- Alderman J Dillon asked whether this was not an area zoned for leisure and was advised that it was a commercial stadium. Alderman J Dillon asked if a change of use was required and Mr Rose responded that the desire was to replace an unsightly structure with starter units.
- Alderman D Drysdale asked if there were any other businesses within the Park and what type of businesses were interested in the units. Mr Rose advised that currently there was the dog track business and when restrictions were lifted there will be car boot/craft and similar events, Distillery Football Club have their bar and restaurant at the location. He advised that interest had been expressed from an upholsterer, a garden furniture maker, a valet company and a costume designer, these, he stated, were uninvited expressions of interest.
- Alderman O Gawith asked whether Mr Rose had e-mails or correspondence from these parties to evidence the interest and was advised that they had been verbal enquiries.

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

- Alderman J Tinsley sought clarification on what the Coca Cola area in Lambeg was zoned for and was advised by the Head of Planning and Capital Development that the site in Lambeg was currently being marketed at various sizes with potential for sub-division, He advised that the area was established and had been for a considerable time.
- Alderman D Drysdale said that he had been advised that there was no availability of units at the Coca Cola site. The Head of Planning and Capital Development re-iterated that the information is currently on the agent's website and the officers had no reason to dispute the accuracy of the posting. He then referred to PED 6 which referred to 'Community' Enterprise Centre and stated that this was a commercial development with no community sponsor. He said it also referred to the second part of the policy which allowed a small rural enterprise (singular) to be considered however this was a Business Park and was not accepted to fall within the meaning of small rural enterprise in the policy. He advised that the nearest settlement would be Lisburn and that there were a number of units and sites available there that could accommodate the scale of development proposed.

During the ensuing debate, the following comments were made:

- Councillor J Palmer said that the fact that the area was within Lagan Valley Regional Park concerned him and he would be supporting the recommendation.
- Alderman D Drysdale said he had every sympathy with the applicant however he felt there was too much against this application for it to be approved.
- Alderman J Dillon said that he did not think this was the place for small start-up units.
- The Chairman, Councillor A Swan, said that he would also be supporting the recommendation.

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

(Councillor J McCarthy left the meeting at 2.15 pm having declared an interest in the next application).

(Alderman J Dillon also left the meeting at 2.15 pm)

(3) LA05/2020/0971/F – Proposed detached dwelling to rear garden of 65 Antrim Road, Lisburn

The Senior Planning Officer (RT) 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:

- The issue with this application was one of access.
- The laneway is very difficult to negotiate.
- There were parking issues which affected visibility.
- There would be issues for emergency services gaining access.

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

- Councillor J Palmer sought clarification on the width of the access which was provided by Councillor S Carson.
- Alderman J Tinsley asked whether the laneway serviced other houses as well and was advised that it did service adjacent houses.
- Councillor J Palmer asked why the access could not have been onto Monaville Park and was advised that this question was one for the applicant.

The Committee received Mr C McCord 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:

- These were three separate parcels of land and there was provision within the Deeds for services.
- The exit was designed in collaboration with Dfl (Roads), the width quoted by Councillor Carson, he said, was not accurate.
- The gates referred to were erected by previous objectors so that he could not use the exit. The proposed exit is far safer and superior than Monaville Park.

There were no questions for Mr McCord.

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

- Alderman A Grehan sought clarification on some comments by Councillor S Carson in relation to the planning history and the previous decision to recommend approval. Mr Finlay from Dfl (Roads) was present at the meeting and outlined the chronology of the consultation process and distinguished between the two recommendations for the previous applications.
- Alderman J Tinsley sought clarification on how this application could be approved when there appeared to be no change. The Senior Planning Officer responded that previously the application had been for two houses so there would have been intensification. Mr Finlay also stated that the space between the two houses had also been an issue in terms of the access arrangements. Alderman J Tinsley asked what would happen if another application for a second dwelling was submitted for the site and Mr Finlay confirmed that this would be viewed as intensification.

- Councillor J Palmer asked whether any consideration had been given to increased volumes of traffic between 2006 and 2020 and Mr Finlay responded that it was not considered that there had been a significant difference.
- Councillor U Mackin sought clarification on sightlines which was provided by Mr Finlay. With the aid of a map the Head of Planning and Capital Development outlined the differences between the two applications' sightline and access arrangements and explained how this would have been considered by planners highlighting that it was up to members to weigh the difference in both having heard the advice of officers and the concerns of the third parties.
- The Chairman, Councillor A Swan, highlighted the difficulties for the committee should they decide an access was unsafe when a statutory body had said that it was safe.
- The Head of Planning and Capital Development highlighted that the red line did not include Monaville Park. He said that the new application provided an alternative access and therefore careful consideration needed to be given to the arrangements as presented and explanation offered by DfI Roads as to why they were content. He asked Mr Finlay to read out the guidance and explain why they were content and Mr Finlay proceeded to do so.
- Alderman J Tinsley stated that when DfI (Roads) state that something is below average it concerns him, he asked whether there was an alternative.
- Councillor U Mackin concurred and asked how two cars could pass in the scenario of this development. Mr Finlay explained that the drawing was for illustrative purposes only.

During the ensuing debate, the following comments were made by Councillor J Palmer to propose deferring the determination of this planning application pending a site visit being arranged to view the access arrangements given the road safety issues raised. The proposal was seconded by Alderman J Tinsley and the committee voted unanimously to support it.

The determination of the application was therefore deferred pending a site visit being arranged.

(During the above discussion Alderman J Dillon returned at 2.51 pm)

(Councillor J McCarthy returned at 3.09 pm)

(Alderman O Gawith left at 3.09 pm having declared an interest in the next application).

(4) LA05/2019/1236/F - Construction of a new 14 classroom primary school, comprising a multi-purpose hall, teaching and resource facilities with associated hard and soft landscaping, including a new access road, car parking and drop-off facilities at 18 Clarehill Road, Moira, Craigavon

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

The Committee were advised that Mr R Cuthbertson, who had submitted a written submission in support of this application, was present to respond to any questions from the Committee.

There were no questions for Mr Cuthbertson.

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

- Alderman J Dillon wished to welcome this application but sought assurance that traffic issues would be resolved. The Head of Planning and Capital Development, with the aid of a map, outlined the access arrangements and how traffic movements would be managed within the site. The proposed parking provision was also outlined.

During the ensuing debate, the following comments were made:

- The Chairman, Councillor A Swan said he would be supportive of the recommendation.

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

(Alderman A Grehan left the meeting at 3.26 pm and did not return).
(Alderman O Gawith returned at 3.26 pm)

(5) LA05/2018/0862/F - Proposed infill site for 2 dwellings with detached between 26 & 30 Magheraconluce Road, Hillsborough

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

The Committee received Mr Malcolm Kee who had submitted a written submission in support of the application and who advised that he was present to respond to any questions raised by the Committee.

There were no questions for Mr Kee.

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

- Alderman J Dillon sought clarification on previous approvals which was provided by the Head of Planning and Capital Development.
- Councillor J Palmer asked if this application was related in any way to a previous one which was the subject of a Judicial Review, the Head of Planning and Capital Development responded that it was not.

During the ensuing debate, the following comments were made:

- Councillor J McCarthy queried why this had been brought before the Committee given the previous history. He confirmed that he would be supporting the proposal.
- Alderman D Drysdale felt it was straightforward and should be approved.

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

(Councillor J Palmer and Alderman O Gawith left the meeting at 3.46 having declared an interest in the next application).

(6) LA05/2020/0761/F – Retrospective application for the erection of a retractable awning for an outdoor eating and drinking area to the rear of the restaurant at 48 Lisburn Street, Hillsborough

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

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

- She was not opposed to the business but was opposed to this awning.
- This application is for a permanent development.
- This is intensification which will affect car parking and delivery.
- There is substantial loss of amenity even when the pub is closed and staff are setting up, deliveries are made very early in the morning and very late at night.
- There are associated smells i.e. cooking and poor bin management.
- There are parking issues.
- There are no requests or conditions regarding noise.
- It is not necessary, other restaurants in Hillsborough have removed their temporary outdoor facilities.

Ms McGirr then responded to Members' queries as follows:

- Alderman J Tinsley asked whether the awning had ever been retracted and was advised that it often was retracted to boost heat.

- Alderman J Dillon said that the pandemic was still with us and this canopy would facilitate those who wanted to eat outside. Ms McGirr responded that this was a permanent development, it was not temporary, people could now use the inside of the pub so it is not necessary.
- Alderman D Drysdale asked where Ms McGirr lived in relation to the pub and who she represented. He also asked whether it was only the pub who contributed to the parking issues. Ms McGirr responded that she lived at no 32 and confirmed that the noise travelled as far as her home. She said she represented Hillsborough District Committee. She said there were ongoing parking issues in Hillsborough but the servicing of this business makes the outdoor space unavailable for parking and deliveries and at the same time the business is expanding so there are more deliveries etc., it was a worsening situation.
- Councillor J McCarthy referred to the awning and asked what it was fixed to and what the space had been used for in the past. Ms McGirr advised that it was currently fixed to a party wall which was being contested as it was causing issues with water run-off. She advised that the space had been used for car parking, service space and a smoking area in the recent past.
- Councillor U Mackin referred to one of the pictures and asked whether she considered it to be a permanent structure. Ms McGirr replied that this was the view from the neighbouring house which has always overlooked the pub. She said that she did consider the structure permanent as there was insulation, heating and the application was not for a temporary structure.
- Councillor A Swan asked whether removing the awning would impact the noise and Ms McGirr responded that the pub was there and was not a problem. A small area outside was a given however this was a well-lit, insulated heated space creating noise and nuisance.

The Committee received Councillor John Palmer 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:

- The awning was fixed to a party wall, it had been put up without planning permission. Water now runs into the neighbouring property and is causing a nuisance.

Councillor Palmer then responded to Members' queries as follows:

- Alderman J Tinsley asked whether there were downpipes coming from the awning and was advised that there were not, Councillor Palmer suggested that perhaps a site visit might assist the Committee in viewing the problem.
- The Chairman, Councillor A Swan asked whether Councillor Palmer would be content if the water run issue was addressed and Councillor Palmer responded that it would help.
- Alderman J Dillon said that the neighbour issue was a civil one and was not a planning matter to which Councillor Palmer responded that he felt it should be addressed by planning before it becomes a civil matter.
- Alderman D Drysdale said that the issue of water run off had been dealt with in the report.

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

- Alderman J Dillon said that this Council encouraged hospitality business to do business outside and asked whether the business had obtained a Council grant. He was advised that the matter of grant aid was not a material consideration in the processing of this planning application.
- Alderman J Tinsley asked how we could make sure that the rainwater run off issues will have been dealt with and was advised by the Head of Planning and Capital Development that the applicant had outlined how this was being dealt. He accepted this was a dispute between the applicant and his neighbours and that a civil and legal issue may arise which would have to be resolved outside of the planning process.
- Councillor U Mackin asked how noise i.e. music would be controlled. With the aid of a photograph the Head of Planning and Capital Development explained how the outside space had been used for outdoor dining and as a beer garden. There had been tables with parasols in situ prior to the awning some of which still remained at the perimeter, he pointed out that the awning was set back from the perimeter and went on to advise how about the officer had sought to reconcile the impact on amenity.

During the ensuing debate, the following comments were made:

- Alderman D Drysdale said he would be supporting the application as having read the detail of the report and listened to the third party representation there were no reasons to refuse.
- Alderman J Dillon said that he had every sympathy with the neighbour however he feels that there is no alternative but to support the recommendation.
- Councillor U Mackin said this was a large expensive canopy and it did seem to be an extension by default and he did not feel he could support it.
- The Chairman, Councillor A Swan said he would be supportive as there were no reasons for refusal.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, and by those making representations, agreed by a vote of 5:1 with 0 abstentions to approve the application as outlined in the report and subject to the conditions stated therein.

(Councillor J Palmer and Alderman O Gawith returned to the meeting at 4.38 pm).

(7) LA05/2019/0795/F – Proposed erection of 6 detached dwellings, garages, landscaping and all other associated site and access works on Lands at 29 Belvoir View Park, Belfast

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

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

- He said that he was a reluctant objector but this will affect the amenity and privacy of him and his wife who has a disability.
- He highlighted flaws within the report.
- He said this would impact on privacy.
- He outlined the unsuitable boundary treatment and the fact that the fence that had been erected was not as high as he had anticipated.

Mr Watts then responded to Members' queries as follows:

- Alderman O Gawith sought clarification on what would be suitable to Mr Watts and was advised that an increase of 0.7m in the fence would provide the privacy required. Alderman O Gawith sought clarification of the unsuitability of the planting and Mr Watts went on to outline this.
- Alderman D Drysdale sought clarification on distances which was provided by Mr Watts.
- The Chairman, Councillor A Swan asked whether a visual barrier was necessary given that Mr Watts had stated that no light was able to get through the conifers which, he was advised, were owned by the developer.

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

- He outlined that a similar application had been recommended for approval by the planning unit but had been overturned by the Committee in the past, he said that the decision to refuse was upheld on appeal.
- He outlined issues of density.
- He outlined issues of impact on residential amenity and emphasised that this was not a back to back scenario but was front to back.

Councillor Anderson then responded to Members' queries as follows:

- Councillor U Mackin sought clarification of the front to back / back to back scenario which was provided by Councillor Anderson.
- Alderman D Drysdale sought clarification on what was being sought by Mr Watts in terms of screening and was advised that he simply wants the fence erected as requested.

The Committee received Councillor M Guy 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:

- Mr Watts welcomes development on this site however he was concerned at the loss of amenity.
- The garden was an extension to their living space.

- His wife is disabled and they are concerned at the loss of privacy given that she spends more time than average in the affected rooms.
- Mr Watts has worked with the developer to reach a solution but the fence, at the requested height, was not forthcoming.

Councillor Guy then responded to Members' queries as follows:

- Councillor J McCarthy sought clarity on some statistics within Councillor Guy's submission which was provided by Councillor Guy.
- Alderman D Drysdale asked whether Councillor Guy had made contact with the developer in relation to the fence and was advised that she had messaged the developer but had not received a response.

The Committee received Mr Tom Stokes 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 believes they have delivered a high quality proposal.
- He outlined how he had liaised with Mr Watts.
- He described the fence proposed but said that he felt that the additional 0.7m requested by Mr Watts was excessive given the ground levels involved.
- He is satisfied that plans are accurate.
- The number of dwellings have been reduced by two.
- He outlined separation distances which he said were well in excess of recommendations in Creating Places.
- He urged approval.

Mr Stokes then responded to Members' queries as follows:

- Alderman J Tinsley sought clarification on the lay-out of the site and fence and Mr Stokes advised that a 2.7m fence had been proposed which was well in excess of the normal height in such circumstances. He advised that there was also a change in ground levels of 1.1m which provided a boundary of 3.8m and a separation of 31m.
- Alderman D Drysdale asked what height a normal fence would be, what is the difference between this and the previous application and what is the relationship with Mr Watts. Mr Stokes responded that a typical fence would be 1.8 or 2m high, he advised that there were now two less dwellings abutting Mr Watt's property and the previous fence was 1.8m, he advised that conversations had been ongoing with Mr Watts and said that he was sensitive to his issues however a 3.5m high fence was considered too high.
- Alderman O Gawith said that a typical build is referred to however he asked if Mr Stokes accepted that this was not typical and that the front of his house will view the back of yours, he asked when the last discussion with Mr Watts had taken place. Mr Stokes outlined how the scheme had been adapted to suit the design of Mr Watt's home and said that the last discussion with him had been in November.

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

- Councillor U Mackin sought clarity around density and shared surface layout. The Head of Planning and Capital Development outlined the guidance in Creating Places and said that there were other factors to consider. He said that Creating Places was guidance to be weighed and outlined how it was considered that this proposal exceeded guidance.

During the ensuing debate, the following comments were made:

- The Chairman, Councillor S Swan felt that this was an issue around the expectation of privacy.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, and by those making representations, agreed by a vote of 7:0 with 1 abstention to approve the application as outlined in the report and subject to the conditions stated therein.

At this juncture, it was agreed by the Committee that, due to the time of day, the following two applications plus the remaining items on the Report of the Head of Planning and Capital Development be presented to the Committee at its next meeting.

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

and

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

There being no further business, the meeting concluded at 5.35 pm.

CHAIRMAN / MAYOR