

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Meeting of the Planning Committee held in the Council Chamber, Lisburn & Castlereagh City Council Offices, Island Civic Centre, The Island, Lisburn on Monday 8 January 2018 at 2.00 pm

PRESENT:

Councillor N Trimble (Vice-Chairman)

Aldermen J Dillon MBE JP, D Drysdale
Councillors J Craig, O Gawith, A Girvin
B Hanvey, U Mackin.

OTHER MEMBERS:

The Right Worshipful the Mayor, Councillor T Morrow

IN ATTENDANCE:

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

Cleaver Fulton & Rankin
Kate McCusker (Legal Advisor)

Commencement of Meeting

In the absence of the Chairman, the Vice-Chairman, Councillor N Trimble, took the chair and welcomed everyone to the meeting. In particular, he welcomed the Planning Manager to his first meeting of the Committee.

Introductions were made by the Vice-Chairman and some housekeeping and evacuation announcements were made by the Lead Head of Planning.

1. **Apologies**

Apologies for non-attendance at the meeting were accepted and recorded on behalf of the Chairman, Councillor L Poots, Councillor N Anderson, and Councillor M Tolerton. The Committee was advised that Alderman D Drysdale would be arriving later in the meeting.

2. Declarations of Interest

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

The following Declarations of Interest were made:

- Councillor B Hanvey declared an interest in Item 4.1(7), Application No LAO5/2017/0698/O, on the basis that his son had been the case officer dealing with this application. He indicated that he would leave the meeting during discussion of this item.
- Councillor N Trimble declared an interest in Item 4.1((3), Application No S/2014/0398/F, on basis that a party colleague would be speaking in support of the application but he stated that he had not pre-determined the outcome
- Councillor U Mackin declared an interest in Item 4.1(8), Application No LAO5/2017/0710/O, on the basis that he had called in the application but he stated that he had not pre-determined the outcome.

3. Minutes

3.1 Minutes of Planning Committee Meeting held on 4 December 2017

It was proposed by Councillor A Girvin, seconded by Councillor O Gawith, and agreed that the minutes of the Planning Committee meeting held on 4 December 2017 be approved and signed.

4. Report from the Lead Head of Planning

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

Items for Decision

4.1 Schedule of Applications:

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

The Legal Adviser highlighted paragraphs 46 - 48 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, she advised, needed to be borne in mind when determinations were being made. The Vice-Chairman advised that there were a number of speakers in attendance making representation on some of the applications and therefore the Schedule of Applications would be taken out of order to enable these applications to be taken first.

- (1) LA05/2017/0330/RM – Major Application – Demolition of existing buildings and erection of mixed use development including guest house, equestrian facilities and 2 no. replacement dwellings on lands bounded by Hillsborough Road, Lisburn Road and Sandringham Court, Hillsborough.

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

There then followed a question and answer session.

The Committee, having considered the information provided within the report of the Principal Planning Officer, agreed by a majority of 7:0 with 0 abstention to approve the application as outlined in the officer's report and subject to the conditions stated therein.

The Planning Manager left the meeting at 2.29 pm.

- (2) LA05/2017/0428/F – Major Application – Erection of 53 no. dwellings (comprising detached, semi-detached and townhouse dwellings), with garages, landscaping, access and other associated site works on lands immediately adjacent to and north-east of 21 & 30 Glebe Park, Aughnafosker, Moira.

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

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

- The application would create 50 construction jobs and would bring other spin off benefits
- There were no objections from statutory consultees nor from third parties
- Mr McKee asked the Committee to reconsider the conditions imposed by Historical Environment Division regarding finishes to the dwellings, including the use of Welsh slates and specific windows, as similar conditions had not been imposed on other housing development located closer to the listed building, Magherahinch House.
- Landscaping scheme included planting of native trees up to 2 metres in height and would mean that, within 5 years, the dwellings would be screened up to eaves height.

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

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

- (3) S/2014/0398/F – Local Application – Erection of 9 dwellings (Amended plans) at 15 Rathfriland Road, Dromara.

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

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

- The application was for social housing and was supported by NIHE
- This was a brown field site located within Dromara village
- The principle of housing development on the site had been accepted.
- A previous application for housing on the site had been refused; the current application was for a different lay out and arrangement and with smaller house types, increased amenity space and landscaping
- With the exception of Transport NI, there were no objections from statutory consultees.
- Small garden areas are appropriate for houses with 2 bedrooms; the garden areas vary in size but do not fall below the minimum standard of 40 sq metres
- The proposal for dwellings and planting at the site frontage represents a big improvement to the current security wall
- With regard to overlooking of 117 Rathfriland Road, the properties no 3, 4 and 5 within the site were set 14 metres back from the boundary, the gable at no 9 has no windows, and any other overlooking windows would be bedrooms; any issues regarding overlooking had been minimised.
- The internal carriageway would be designed to an adoptable standard
- 15 car parking spaces were provided for the 9 dwellings while the normal rule of thumb for social housing was 1 space per dwelling.
- There was no demonstrable harm caused by the proposed development

There then followed a question and answer session.

The Committee received Councillor T Mitchell who was appearing in place of Mr Robbie Butler MLA and who highlighted the following:

- Social housing was greatly needed to address the growing crisis of homelessness
- The Council had the opportunity to make the right decision and relieve the pressures on housing needs within the area
- This was a unique opportunity to see the old police station site reused in a way that would be beneficial to the community
- Proposal provides the local community with modern, purpose built homes
- This is a brown field site
- Proposal is complementary to existing properties and is accessible to the facilities within the village.

There then followed a question and answer session.

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

- This is an old police station site set on a hill and this presents difficulties for any proposed development
- Over development issues had been addressed by Mr S McKee but Mr Poots pointed to housing density within Dromara and the terraced housing along Rathfriland Road.
- No objections to the development had been received from residents in Dromara

- The old police station site had become an eye sore within the village
- Proposal provided much needed housing
- 15 car parking spaces for 9 2-bedroomed houses was more than adequate
- Additional car parking would be available along the Rathfriland Road
- Development is within walking distance of local shops and facilities within Dromara
- The overlooking issue seems to be about the potential for a bedroom window to overlook No 117 and no objections to the development have been received from the overlooked property
- The benefits of the provision of much need housing on a difficult site should outweigh the other considerations that have been raised and should result in a decision in favour of the proposal.

There then followed a question and answer session.

Having considered the information provided within the report of the Senior Planning Officer and by those making representations, it was then proposed by Councillor U Mackin, seconded by Councillor J Craig and agreed to defer the application for a period of 2-3 months to allow the applicant the opportunity to reconsider the design of the proposal taking into account the issues raised and to submit amendments as appropriate.

- (5) LA05/2016/0721/O – Local Application – Erection of detached dwelling to rear garden of existing dwelling, with access via shared driveway at 176 Saintfield Road, Belfast.

The Committee noted that this application had been withdrawn completely from the schedule at the request of the applicant's agent.

The Planning Manager returned to the meeting at 3.20 pm

- (6) LA05/2017/0472/O – Local Application – Outline planning application for 2 infill dwellings, garages and associated site works on lands between 20 and 26 Windmill Road.

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

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

- Ribbon development requirements included respecting existing development, plot size and siting
- Mr Massey did not consider the plot sizes quoted in the planning officer's report to be accurate
- Plot size on one side is 77m and on the other side is 69m; proposed plot sizes are 70m and 76m
- There was 210m between the existing buildings with mature trees and hedges to either side
- CTY8 asks for frontages to have a gap between them

- He suggested that dividing the site into 3 plots as suggested by the planners would be less in keeping with the characteristics of ribbon development
- CTY13 refers to prominent features in the landscape; within the proposal, the buildings are located at the bottom of a hill and the traditional design of the houses respect the contours of the site

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

- The area has an engineering business and dwelling, then the gap site and then 2 dwellings; the issue seems to be about separation distances
- Developments on either side have frontages of 69m and 70m and frontages of proposed sites are in keeping with those
- The land runs down from the proposed site and the dwellings will not be unduly prominent in the landscape

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

The Committee, having considered the information provided within the report of the Planning Officer and by those making representation, agreed by a majority of with 7:0 with 0 abstentions to refuse the application for the reasons as outlined in the officer's report.

Adjournment of Meeting

The Vice-Chairman, Councillor N Trimble, declared the meeting adjourned at 3.40 pm

Resumption of Meeting

The Vice-Chairman, Councillor N Trimble, declared the meeting resumed at 3.55 pm.

Alderman D Drysdale arrived at 3.55 pm

Alderman WJ Dillon and Councillor B Hanvey did not return to the meeting at 3.55 pm

- (7) LA05/2017/0698/O – Local Application – 1 no. dwelling and garage including vehicular access (under policy CTY10 and Policy CTY2a of PPS21) (Amended plans) on lands south east of 120 Pond Park Road, Lisburn.

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

The Committee received Mr David Worthington and Mr Conor Colgan who wished to speak in support of the application highlighting the following:

- The proposed dwelling is located on land owned by the applicant with a right of way to it from the Pond Park Road
- PPS21 does not require that the applicant is engaged in full-time farming; part-time farming is acceptable
- The applicant's main farm is in England and farm housing had not been required up to now
- There were no buildings on the farm that the dwelling could cluster with
- CTY10 does not address circumstances where the farm does not have buildings as an application for a house on a farm without any other buildings was considered to be a rare occurrence
- In these circumstances, CTY13 should be used to assess the proposal
- The site is hidden from view and will not be visually intrusive on the landscape.
- The proposal is set in conjunction with an existing group of dwellings and the proposed dwelling will have a lower ridge height.
- The applicant's father has farmed in the area since 1969 taking land on conacre
- The applicant's mother wishes to return to Northern Ireland to manage the business; this will contribute to the local economy.

There then followed a question and answer session.

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

- Planners appear to have placed emphasis on the fact that the applicant did not own the land; it has been clarified that the applicant owns the land on which the proposed dwelling will be built and rented additional land for farming purposes
- The proposed building is clustered with other buildings but not with farm buildings
- The proposed building would not be prominent in the landscape.

There then followed a question and answer session.

The Committee, having considered the information provided within the report of the Senior Planning Officer and by those making representation, then voted and the vote was 3:3 with 0 abstentions. On the casting vote of the Vice-Chairman, it was agreed to refuse the application for the reasons as outlined in the officer's report.

Councillor B Hanvey returned to the meeting at 4.38 pm

8) LA05/2017/0710/O – Local Application – Proposed dwelling and garage on lands adjacent to 6 Edentrillick Hill, Hillsborough.

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

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

- The site does not form part of the garden of the neighbouring property at No 16; the original planning approval for No 16 included an outline of the site which did not include this land;
- The site is land left over after subsequent planning approvals in the area
- The site had no planting, ornamentation or decoration on it that would indicate it had ever been used as a garden
- The site frontage is very similar to other site frontages in the area
- The plot sizes in the area vary greatly and he would argue that, in appeal cases where there was not uniformity of plot sizes, approval was granted.

The Committee welcomed Mr Edwin Poots MLA who wished to speak in support of the application and highlighted the following:

- This application falls within the policy relating to infill dwellings
- Planners appear to have an issue about the plot size but it is the same size as the plot beside it.
- The original planning approval for the adjacent site indicated that this site was not the garden of the adjacent site.

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

The Committee, having considered the information provided within the report of the Senior Planning Officer and by those making representation, agreed by a majority of with 6:1 with 0 abstentions that the recommendation of the Senior Planning Officer would not be upheld.

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

It was proposed by Councillor U Mackin, seconded by Councillor J Craig, and agreed by a majority of 6:1 with 0 abstentions that the reasons cited for approval of the application would be:

- The application complies with PPS21, CTY8 in terms of frontage along the road
- The application complies with PPS21 CTY14 in that it respects the plan of settlement within the area

The Vice-Chairman then highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Alderman D Drysdale, seconded by Councillor O Gawith, and agreed by a majority of 6:1 with 0 abstentions that the application be approved for the planning reasons agreed and that the drafting of conditions be delegated to the Planning Unit.

Alderman J Dillon returned to the meeting at 5.04 pm

It was then proposed by Councillor O Gawith, seconded by Alderman D Drysdale and agreed by a majority of 6:1 with 0 abstentions to approve planning permission

for the application in accordance with the planning reasons agreed at the meeting and for the precise wording of conditions agreed in principle to be delegated to the Head of Planning.

(4) LA05/2016/0565/O – Local Application – Proposed dwelling on in-fill site between 4 & 4a Windmill Road, Hillsborough.

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

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

- The infill policy refers to a small gap that can accommodate up to 2 dwellings; this site is a small gap and 1 dwelling is proposed
- The proposed site is between a large site on one side and a small site on the other that is a similar size to the proposed site; the fact that this is a small site does not seem reasonable grounds for a refusal.

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

Councillor O Gawith left the meeting at 5.12 pm

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 6:1 with 0 abstention that the recommendation of the Senior Planning Officer would not be upheld.

It was proposed by Councillor U Mackin, seconded by Councillor J Craig, and agreed by a majority of 6:1 with 0 abstentions that the reasons cited for approval of the application would be:

- The application complies with PPS21, CTY8 in that it is an infill opportunity on a small gap site
- The proposal would not be unduly prominent within the landscape and would not have adverse impact

The Vice-Chairman then highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Councillor J Craig, seconded by Councillor N Trimble, and agreed by a majority of 6:1 with 0 abstentions that the application be approved for the planning reasons agreed and that the drafting of conditions be delegated to the Planning Unit.

It was then proposed by Councillor J Craig, seconded by Alderman D Drysdale and agreed by a majority of 6:1 with 0 abstentions to approve planning permission for the application in accordance with the planning reasons agreed at the meeting and for the precise wording of conditions agreed in principle to be delegated to the Head of Planning.

Item for Decision

4.2 NILGA Planning Portal Training Information

The Committee was provided with copy of an invitation from NILGA to a Planning Portal information morning on 23 January 2018 in the Coleraine offices of Causeway Coast and Glens Borough Council together with a written update from DfI Planning Policy Division outlining the new Planning IT System.

It was proposed by Councillor N Trimble, seconded by Councillor J Craig, and agreed that any Member wishing to attend the Planning Portal information morning should notify Member Services by close of business on Thursday 11 January 2018.

Items for Noting

It was proposed by Councillor J Craig, seconded by Alderman D Drysdale, and agreed that the following items (item 4.3 to 4.6) be noted.

4.3 Planning Appeal Decisions as at 20 December 2017.

The Committee was provided with copy and noted a Planning Appeals decision dated 12 December 2017 regarding planning application LA05/2016/0317/O for a manager's dwelling at 27A Divis Road, Belfast, and a Planning Appeals decision dated 18 December 2017 regarding planning application LA05/2016/0317/O for the erection of 1 no. dwelling and garage adjacent to No. 284 Ballynahinch Road, Annahilt. Both appeals were dismissed.

4.4 Northern Ireland Planning Statistics 2017/18 Second Quarter Statistical Bulletin

The Committee noted the publication by the Department for Infrastructure of the NI Planning Statistics 2017/18 Second Quarter Statistical Bulletin.

4.5 Development Management Practice Note 24 – Section 54 Applications

The Committee was provided with and noted copy Development Management Practice Note 24 – Section 54 Applications which provided guidance regarding legislative requirements associated with planning applications for the development of land without complying with conditions previously attached to a grant of planning permission

4.6 Budget Report – Planning Unit

Members noted information provided in a copy of the summary Budget Report for the Planning Unit for the year to 31 March 2018 as at 30 November 2017.

Verbal Report by the Lead Head of Planning

4.7 Presentation by NI Local Government Commissioner for Standards

The Lead Head of Planning referred to a proposed presentation to Council by the NI Local Government Commissioner for Standards. He advised that, in response to a request to Members, 23 areas of concern had been raised which had been

condensed to 11 main areas. He indicated that he would send out details of these concerns to Members for final review before submitting them to the Local Government Commissioner for Standards asking that all areas of concern be covered in their presentation to be arranged.

4.8 Planning Seminar: Role of Councillors in Place Making– 30 January 2018

The Committee was advised that details of the above seminar were being brought to the Council's Development Committee on 10 January 2018 for consideration.

It was proposed by Alderman J Dillon, seconded by Alderman D Drysdale, and agreed that the Chairman and Vice-Chairman be nominated to attend the seminar together with any other Member wishing to attend.

5. Confidential Report from the Lead Head of Planning

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

The Vice-Chairman advised that the following items would be discussed 'in Committee' for the reasons indicated:

'In Committee'

It was proposed by Councillor J Craig, seconded by Councillor U Mackin, and agreed that the items in the Confidential Report be considered 'In Committee', in the absence of press and public.

5.2 Enforcement Cases with Court Proceedings for January 2018

It was noted that this item was confidential for reason of information relating to any individual; information which is likely to reveal the identity of an individual; and information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

Having been provided with information on Enforcement Cases with Court Proceedings in January 2018, it was agreed that the information provided within the report should be noted.

5.3 Rolling Year Absence Figures for the Planning Unit

It was noted that this item was confidential for reason of information relating to any individual.

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

Resumption of Normal Business

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

6. Any Other Business

6.1 Road Conditions at Ballyknock Road, Hillsborough, leading to Ballyknock Road, Moira – Alderman J Dillon

Alderman J Dillon, stated that he had raised with Roads Service the condition of the road at Ballyknock Road, Hillsborough, leading to Ballyknock Road, Moira. Works carried out following his complaint were ineffective and the road was in an even worse condition. He asked the Committee to take this up with Roads Service.

The Lead Head of Planning advised that he would progress this matter with Roads Service but suggested that Alderman Dillon raise the matter at Council.

There being no further business, the meeting concluded at 5.45 pm.

CHAIRMAN / MAYOR