

**LISBURN & CASTLEREAGH CITY COUNCIL**

**Minutes of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, Lisburn on Monday 4th July 2022 at 10.05am.**

**PRESENT:** Alderman J Tinsley (Chairman)  
Councillor John Palmer (Vice-Chairman)  
Aldermen W J Dillon MBE, D Drysdale and O Gawith  
Councillors D J Craig, J McCarthy and A Swan  
Alderman A Grehan (via Zoom)

**IN ATTENDANCE:** Present in Chamber  
Director of Service Transformation  
Head of Planning and Capital Development  
Principal Planning Officer (RH)  
Senior Planning Officer (MB)  
Senior Planning Officer (RT)  
Member Services Officers (BF & CR)  
Mr B Martyn (Cleaver Fulton Rankin) - Legal Adviser

**Commencement of Meeting**

The Chairman, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public follow proceedings. He stated that Planning Officers were present in the Chamber and that those persons speaking for or against the applications had been afforded the option of attending in person or on a remote basis.

The Member Services Officer read out the names of the Elected Members and officers in attendance. The Head of Planning and Capital Development outlined the housekeeping and evacuation procedures.

1. **Apologies**

Apologies were reported on behalf of Councillors M Gregg and U Mackin.

(Mr B Martyn (Cleaver Fulton Rankin) arrived at 10.08am)

2. **Declarations of Interest**

There were no declarations of interest.

3. Minutes of Meeting of the Planning Committee held on 13th June 2022

The Committee agreed that the minutes of the meeting of 13th June 2022 be signed as a correct record.

(Councillor John Palmer joined the meeting at 10.09am)

4. Report from the Head of Planning and Capital Development

4.1 Schedule of Applications

4.1.1 Application Withdrawn

- (i) LA05/2017/0021/F – Demolition of existing buildings and erection of a 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, BT8 8ES

The Chairman, Alderman J Tinsley, indicated that a request had been received earlier that morning from Mr Michael Gordon, the Agent representing the Applicant for the above-mentioned application, asking that it be withdrawn from the Schedule. He advised that the request had been submitted as the Agent had reportedly contracted Covid-19 and was not in a position to present to the Committee, either in-person or virtually. The Agent had also advised that several other staff members in his company had contracted Covid-19 and that there was no one else available to handle the case.

In light of the exceptional circumstances outlined, it was agreed to defer consideration of the application.

4.1.2 Applications to be Determined

The Chairman reminded Members that they were required to be present for the entire determination of an application. Should they be absent for any part of the discussion, Members would be unable to vote on the application.

The Legal Adviser, 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.

- (ii) LA05/2021/0866/F - erection of agricultural buildings, one shed for sheep birthing pens and one general purpose agricultural shed for storage of fodder and farm machinery

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

(Alderman D Drysdale joined the meeting at 10.31am)

### Speaker

The Committee received Mr A Nesbitt (via Zoom) from Andrew Nesbitt Architects who spoke in favour of the application having provided the Committee with a written submission in advance of the meeting.

### Questions to Mr Nesbitt

In response to several questions from Members, Mr Nesbitt provided clarity on the types of land usage across the site and the reasons as to why the land had previously been sub-let by the owner. In addition, he indicated:

- that the sub-letting agreement at the site had concluded in October 2020 and that the plot of land was now under the management of the landowner; and
- that the landowner had not claimed single farm payment for the land in question for a period of six-years, whilst the person who had leased the land had made claims in this regard for the site.

### Questions to the Planners

- In response to a query raised by Alderman O Gawith, regarding the eligibility of a sub-contractor to claim single farm payments on behalf of a landowner, the Head of Planning and Capital Development clarified the eligibility rules for the Basic Payment Scheme (BPS); and
- The Head of Planning and Capital Development, in response to further queries, pointed out that there remained an onus on the applicant to demonstrate that the level of activity on the land was sufficient to justify the development as presented.

### Debate

During debate, both Alderman W J Dillon and Councillor A Swan indicated that they were both satisfied that the level of activity at the site did not justify the development and, as such, they would be supporting the recommendation to refuse the application.

### Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous show of hands to refuse the application.

(It was noted that Alderman D Drysdale did not partake in the vote since he had joined the meeting after the item had commenced).

### Adjournment

The Chairman agreed to a late request for speaking rights that had only been received earlier in the morning. To assist the Members' understanding of the issues, the Committee stood adjourned from 10.52am to 11:00am to allow it to consider the written submission supplied in support of the speaking rights in respect of the undernoted application.

(iii) LA05/2021/0288/F - Site 88m east of No 75 Grove Road, Dromore, BT25 1QY re: Proposed "Dutch barn style" hayshed

The Senior Planning Officer (MB) presented the application.

### Speaker

The Committee received Mr Jonathan Todd of Ballymullan Architects who represented the Applicant and he spoke in favour of the application having provided the Committee with a written submission in advance of the meeting.

In response to a Member's question with regard to the current management and maintenance of the site, Mr Todd confirmed that the applicant had resumed those responsibilities after a period of ill health, and that it was his understanding that this site had been subject to pre-application discussions and was agreed in principle.

### Questions to Planners

The Head of Planning and Capital Development responded to Members' questions and clarified the following matters:

- that officers from the Planning Unit had met with the applicant to discuss land requirements issues in February 2020, and that no commitment was offered in respect of the siting of the farm buildings;
- that the planning approval granted previously for a dwelling near to the site re: LA05/2018/0390/O was still in place; and
- that the aforementioned development site was approximately 230 metres from the proposed new development.

### Debate

Members considered the application and a query was raised by Alderman O Gawith and Councillor A Swan regarding the invoices presented within the report to indicate that the land had been used for farming activity over the prerequisite six-year period. In this regard, it was noted that the sequential numbering of the invoices presented did not reflect the date order of their issuing.

(The Director of Service Transformation left the meeting at 11.29am).

Alderman W J Dillon suggested that a site visit be convened to enable members to consider the location of the proposed development and its proximity to existing dwellings on the site to the surrounding vicinity.

#### Vote

Several Members concurred with the comments of Alderman W J Dillon and after further discussion it was proposed by Alderman A Gawith, seconded by Councillor John Palmer, and agreed unanimously that the Committee defer consider of the application to enable a site visit to be undertaken for the reasons outlined within the previous paragraph.

- (iii) LA05/2021/0017/F - proposed stable block (domestic) including tack room/feed store, washroom/wash bay, hard standing and all associated site works

Prior to consideration of this application, the Chairman advised Members that, subsequent to the publication of the Committee papers, the applicant had, on Friday, 1st July, 2022, submitted an amended drawing for consideration and had requested a deferral to enable Members to consider the additional information in further detail. However, he pointed out that that he had discussed the request with Planning staff and that he had been advised that the late submission had been incorporated into the presentation as prepared and, on that basis, he was content to proceed with the application.

The Senior Planning Officer (RT) presented the application as outlined.

#### Speaker

The Committee received Mr Andy Stephens who represented the Applicant and he spoke in favour of the application, having provided the Committee with an amended drawing of the site in advance of the meeting. He indicated that he had only become aware on the previous Wednesday that the application was due to be considered and had submitted the revised drawing at short notice.

#### Questions to Planners

The Head of Planning and Capital Development and the Planning Officer responded to a range of questions.

- In respect of the amended drawing, the Planning Officer advised that following consideration of the information the Planners remained of the opinion that it had not addressed nor altered the original reasons for refusal which had already been identified, that being, the issue of ribbon development, site access and prominence, visual amenity and its impact on the surrounding landscape.
- The Head of Planning and Capital Development emphasised that, whilst the applicant was entitled to submit the amended drawing for consideration, it was entirely a matter for the Committee to determine whether it wished to

defer the application to consider in further detail the amended drawing. However, it remained the view, he added, that the amended drawing did not change the reasons stated for recommending refusal as set out in the original report.

### Debate

- Several Members pointed out, regarding the Agent's view that the department had not communicated sufficiently with him regarding the application, that there was an onus on applicants to liaise with planning officials throughout the process to ascertain when an application would be presented for consideration;
- Alderman D Drysdale referred to the additional information which had been submitted and pointed out that the reasons for refusal as outlined within the report had not been addressed within the new material; and
- Councillor D J Craig and Alderman O Gawith suggested that it might be prudent for the Committee to consider further the amended plans to assist in the decision-making process.

### Vote to defer application

Arising from discussion, it was proposed by Alderman O Gawith and seconded by Councillor John Palmer that the Committee agree to defer consideration of the application for one month to enable the additional information submitted on behalf of the Applicant to be considered in further detail.

On a vote by show of hands, four Members voted in favour of the proposal and four against. Accordingly, the Chairman, Alderman J Tinsley, exercised his second and casting vote against the proposal to defer the application and it was declared lost.

### Vote

Having considered the information provided within the report of the Planning Officer, together with the clarification on the additional information submitted, the Committee voted by show of hands, with seven Members voting in favour and none against, with two abstentions, to adopt the recommendation to refuse the application.

## 4.2 Statutory Performance Indicators – May 2022

Members were provided with information on Statutory Performance Indicators for the month of May 2022, and a verbal summary was provided by the Head of Planning and Capital Development.

The Committee noted the information provided.

4.3 Notification by telecommunication operator(s) of intention to use permitted development rights

The Committee was informed that three telecommunication operators had advised of their intention to utilise permitted development rights at locations within the Council area to install electronic communications apparatus in accordance with Part 18 (Development by Electronic Communications Code Operators) F31 of the Planning (General Permitted Development) Order (NI) 2015.

The Committee noted the information provided and, in response to a query from Councillor John Palmer regarding the need for Members declaring an interest in a proposed installation at 17 Old Coach Road, Hillsborough, since it would be located on Council property, the Head of Planning and Capital Developments undertook to draw the matter to the attention of the Head of Assets.

5. Any Other Business

There was no other business and the meeting concluded at 12.29pm.

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CHAIRMAN