

**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 1 October 2018 at 10.00 am**

**PRESENT:** Alderman D Drysdale (Chairman)  
Councillor O Gawith (Vice-Chairman)  
Alderman T Jeffers  
Councillors N Anderson, A Givan, A Girvin,  
B Harvey, L Poots and N Trimble

**OTHER MEMBERS:** The Right Worshipful the Mayor, Councillor U Mackin  
Alderman J Tinsley  
Councillor A Grehan

**IN ATTENDANCE:** Director of Service Transformation  
Head of Service Planning and Capital Development  
Principal Planning Officer (RH)  
Senior Planning Officer (MB)  
Member Services Officer  
Attendance Clerk  
  
Legal Advisor:  
Tughans – Maria O’Loan  
Cleaver Fulton & Rankin - Brendan Martyn

**Commencement of Meeting**

The Chairman, Alderman D Drysdale, welcomed everyone to the meeting.

Introductions were made by the Chairman and some housekeeping and evacuation announcements were made by the Director of Service Transformation.

1. **Apologies**

It was agreed that apologies for non-attendance at the meeting be recorded on behalf of Alderman WJ Dillon and Councillor JD Craig.

On behalf of the Committee, the Chairman express condolences to Alderman WJ Dillon who had suffered a sudden family bereavement.

## 2. Declarations of Interest

It was highlighted that with reference to applications and where the applicant was the Council, and the application related to land in which the Council has an interest, all members have the same interest and therefore paragraph 6.6 of the Code of Conduct applies and it was therefore not necessary for individual declarations of interest to be made.

The Chairman sought individual 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 L Poots declared an interest in Application LAO5/2017/1301/O on the basis that the land and property at 59 Comber Road was owned by himself and his family
- Councillor A Glvan declared an interest in Application LAO5/2018/0095/F on the basis that he had a relationship with the applicant through family in that his son was married to the applicant's daughter.

## 3. Minutes of the meeting of the Committee held on Monday 3 September 2018.

It was proposed by Councillor N Trimble, seconded by Councillor A Girvin, and agreed that the above Minutes as circulated be confirmed and signed.

## 4. Deferment of Agenda Item

It was agreed that agenda item 4, Confidential Report from the Director of Service Transformation be deferred for consideration until later in the meeting.

## 5. Report of the Director of Service Transformation

It was agreed that the report and recommendations of the Director of Service Transformation be adopted, subject to any decisions recorded below:-

It was agreed that agenda item 5.4, Report of the Head of Service – Planning and Capital Development, be considered at this stage in the meeting.

### Items for Decision

#### 5.1 Report of the Head of Service – Planning and Capital Development

##### 5.1.1 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, Maria O'Loan, 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 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) LA05/2016/0700/O - Major Application – Site for a new cemetery including ancillary reception building, maintenance depot, attenuation pond, bridges, new vehicular access, parking, waste water treatment works, associated infrastructure works and demolition of existing farm buildings on Land North of No. 10 Quarterland Road sandwiched between Carnaghliss Road and Quarterland Road, Dundrod.
- (2) LA05/2017/0974/F – Local Application – Construction of access road to serve proposed cemetery development, including associated site works and landscaping on Land north east of no. 29 Carnaghliss Road, Dundrod.

It was agreed that these two applications would be considered together. The Principal Planning Officer (RH) presented these applications as outlined within the circulated report.

(Councillor L Poots arrived at 10.27 am)

The Committee received Mr Les Ross who wished to speak in opposition to the applications highlighting the following:

- Mr Ross was speaking on behalf of the many objectors to the application including people who lived close to the site, people from the wider community and people from the motor biking community.
- The applicant had been required to consult with the local community and people had indicated to him that the application was unacceptable
- The site was unsuitable for a cemetery in practical terms and the proposal would cause harm to the local community and area
- The motor cycling community opposed the application. The serenity that would be expected in a cemetery would be at odds with the annual Grand Prix festival
- The proposal was for a Roselawn type facility with funerals every day and large numbers of visitors to the site
- Objections were based on issues such as increased traffic, ground pollution, drainage issues, change of character and impact on the local community
- No support for the scheme within the area plan
- The applicant was required to demonstrate that this proposal in the countryside was essential and acceptable and had not done so
- The applicant referred to the need for burial space in the Belfast area but Belfast City Council has not supported the application
- The concept of a super-sized cemetery was based on outdated ideas
- The proposal would bring large volumes of traffic onto narrow, winding country roads

- Funeral processions would be travelling over the Belfast Hills to access the cemetery
- The ground conditions were not suitable with natural springs occurring on the land

Mr Ross then responded to Members' questions on a number of issues including

- The micro-climate in the area included south westerly winds coming in over Lough Neagh, high levels of rainfall and dense fog, and in winter adverse weather meant that these country roads were first to be closed
- Super-sized cemeteries were no longer considered appropriate and Belfast City Council had opted instead to provide a series of smaller cemeteries around the council area.
- The Ulster Grand Prix brought considerable economic benefits to the local community; a cemetery would bring few benefits and would impact adversely on the Grand Prix event.

The Committee received Alderman J Tinsley who wished to speak in opposition to the application, highlighting the following:

- Micro-climate in the area meant that weather can change very quickly and the last race in a recent UGP event had to be stopped due to a sudden change in conditions
- In the pre-application discussions the local community and the UGP supporters club indicated their total opposition to the development
- Road safety was an issue as there had been numerous traffic accidents in the area and two fatalities
- The proposal was not compatible with the farming community and the character of the village
- The secondary access arrangements did not remove issues of the cemetery being used during UGP events; the noise of the bikes, the loud speaker systems, etc meant that funerals could not proceed while the event was ongoing.
- The Presbyterian Church in the village had a graveyard attached that had further burial capacity
- Neither Belfast City Council nor Lisburn and Castlereagh City Council were under any immediate pressure to obtain additional cemetery capacity
- The proposed cemetery was situated on the fringe of the Lisburn and Castlereagh City Council area and would not suit a large proportion of the residents of the Council area.

There then followed a question and answer session during which Alderman Tinsley responded to queries as follows:

- An ancient rath was located beside the proposed site; the Coopers River ran through the site; there were boreholes in the area; all of these should be preserved
- Drainage issues due to a high water table in the area
- This was a quiet isolated rural community with a local primary school and church; in winter the roads were often closed due to adverse weather; it was not an appropriate location for a large cemetery with several funerals per day

- There were road safety issues; roads were narrow and winding and susceptible to frost and icy conditions; funeral attendees would be strangers to the area and there was no public transport.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a majority of 8:0 with 1 abstentions to refuse the application LAO5/2016/0700/O as outlined in the Officer's report. Councillor Poots abstained from the vote as he had not been in attendance for the entirety of the discussion.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a majority of 8:0 with 1 abstentions to refuse the application LAO5/2017/0974/F as outlined in the Officer's report. Councillor Poots abstained from the vote as he had not been in attendance for the entirety of the discussion.

### Adjournment of Meeting

The Chairman declared an adjournment at 11.03 am

### Resumption of Meeting

The Chairman declared the meeting resumed at 11.20 am

(The Legal Advisor, Ms Maria O'Loan, left the meeting at 11.20 am and was replaced by Mr Brendan Martyn.)

### 'In Committee'

It was proposed by Councillor N Anderson, seconded by Councillor a Girvin, and agreed to go 'In Committee' in order to receive legal advice in the absence of press and public.

Members noted the advice received from the Legal Advisor.

### Resumption of Normal Business

It was proposed by Councillor N Anderson, seconded by Councillor N Trimble, and agreed to come out of committee and normal business was resumed.

(Councillor L Poots left the meeting at 11.37 am)

- (3) LA05/2017/1301/O – Local Application (Exceptions apply) – Proposed two no dwellings to replace existing at 59 Comber Road, Hillsborough.

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

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

(4) LA05/2018/0095/F – Local Application (Exceptions apply) – Erection of a dwelling under CTY 10 of PPS21 with associated landscaping and site works on lands 75m south west of 7a Ballyclough Road, Lisburn, BT28 3UY.

(Councillor A Givan and the Head of Service – Planning and Capital Development left the meeting at 11.53 am; Councillor L Poots returned to the meeting at 11.56 am)

(The Senior Planning Officer (MB) had commenced the presentation at 11:53 am; however, at the request of Councillor Poots and with the Committee's agreement, the officer recommenced the presentation at 11:56 am so that Councillor Poots could take part in consideration of the application).

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

The Committee received Mr David Lamont and Mr Andrew McCready who wished to speak in opposition to the application highlighting the following:

- Mr Lamont advised that he was a resident of 7a Ballyclough Road
- He referred to a previous planning application in 2009, details of which seemed to have disappeared from the online planning portal
- He referred to PPS21, CTY10 and advised that the original farmhouse at 14 Ballyclough Road had been sold to the applicant's son who no longer resided in the house
- Mr McCready referred to the CTY10 criteria that had been debated at the Judicial Review requiring that a proposed development must be linked to an established group of buildings; he stated that the proposed development was sited near two buildings that had previously been one building, part of which had been demolished to split it into two.
- Mr McCready referred to the CTY10 requirement that no development opportunities should be sold off and he argued that the transfer of the original farmhouse to the son was still relevant and contrary to the CTY10 requirement.

There then followed a question and answer session during which Mr McCready advised that the transfer of the original farmhouse to the owner's son took place in 2015 and the works to split the one property on the site into two also took place in 2015.

The Committee received Mr Trevor Lunn MLA who wished to speak in opposition to the application highlighting the following:

- Mr Lunn was surprised that this application had come back with a recommendation to approve as the application had changed very little; he stated that the house had been moved 20 metres and the farm building had been split into two
- At the Judicial Review, the judge had been scathing of the planners' decision to approve the application

- The 2009 application that had been removed from the planning portal should be available for the public to view together with the wording of the Judicial Review
- He referred to the criteria outlined in CTY10 and stated that there had been 3 dwellings or development opportunities sold off or transferred within the 10 year period
- He suggested that, if a shed required to be subdivided for farming reasons, the obvious way to do this would be to build an internal wall rather than demolish a part of it; such demolition has reduced the size of the usable area of the building
- The main evidence of farming activity on the site was that the applicant had received subsidies and farming grants
- If the application was approved, there was little doubt that it would be subject to another Judicial Review

There then followed a question and answer session during which Mr Lunn responded to Members' queries as follows:

- He confirmed that he had had sight of the hard copy of the previous 2009 application and of the judge's comments at the Judicial Review.
- He was of the opinion that the decision to split the farm building into two was more to do with convincing planners that this was a cluster of buildings than with achieving more effective farming.

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

- The recommendation to approve the application was welcomed
- The applicant's site forms part of a wider farm holding and DAERA has confirmed that the farm has been established for at least 6 years
- The original farmhouse was transferred to the applicant's son
- The applicant has retained the wider farm holding
- The site consists of 2 existing agricultural buildings and there is clearly a visual linkage between the buildings
- The dwelling will not appear dominant in the surrounding landscape
- The existing boundaries will be developed to provide enhanced screening
- With regard to the splitting of the buildings, this was investigated by the Council's enforcement team and it was not considered to be development and did not require planning permission
- The transfer of the dwelling to the applicant's son was not a development opportunity as outlined in CTY10

There then followed a question and answer session during which the speakers responded to Members' queries as follows:

- The material difference between this application and the previous one was how the site had been presented
- The proposed ridge height of the dwelling was 7.3 metres; it would sit proud of the existing farm buildings and the development would sit significantly below the existing road level
- In the local area there are variations in buildings in terms of ridge height

- The site had previously been transferred to the applicant's daughter but had since been transferred back and the land outlined in the application was all in the ownership of the applicant

The Committee received Alderman J Tinsley who wished to speak in support of the application highlighting the following:

- The application meets the criteria set out in CTY10
- It was very clear that the farm has been established for a period of time and farming activity had been clearly taking place on the site
- It was accepted that the farm buildings on the site had originally been one building but the splitting into two of the original building was raised with the enforcement team who was satisfied that no planning application was required; it now meets the CTY10 criteria

The Senior Planning Officer responded to Members' queries, during which he advised that the previous planning application was no longer on the planning portal as the application had been deemed to be invalid when the applicant had not responded to a request for submission of a P2 certificate of ownership.

Following discussion it was proposed by Councillor N Trimble and seconded by Councillor O Gawith that the Committee defer a decision on this application for 1 month to allow the Committee to obtain a copy and consider the content of the Judicial Review. The proposal was put to the meeting and, on a vote of 2:5 with 1 abstention, the proposal was declared not carried.

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 1 abstention to approve the application as outlined in the Officer's report and subject to the conditions stated therein.

#### Adjournment of Meeting

The Chairman declared an adjournment at 1.07 pm

#### Resumption of Meeting

The Chairman declared the meeting resumed at 1.45 pm

(Councillor A Givan and the Head of Service – Planning and Capital Development returned to the meeting and Councillor L Poots left the meeting at 1.45 pm)

- (5) LA05/2018/0490/O – Local Application (Called in) – Proposed gap infill site to lands between 7 and 5a Sycamore Road, Dundrod on Lands between 5 and 5a Sycamore Road, Dundrod

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

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

- The applicant hoped to build a family home; he had four generations of family living close to the site; he wished to be part of the local Dundrod community and attended a local church
- CTY8 and CTY14 of PPS21 applied to this development
- The opportunity was to build on a small gap site in a substantial and built up frontage of 3 or more dwellings
- The existing lay out of buildings does display the requirements for an infill opportunity
- 5 Sycamore Road has the traditional frontage to Sycamore Road; 5a has 2 buildings on the plot and frontage is represented by private lane access
- He referred to application T/2012/0107/0 which was very similar to the current application and which did receive planning approval
- The gap site is only suitable for two dwellings
- It was clear to see that the proposal is not out of ordinary in the local area
- The proposal meets the requirements of CTY14 in that it nestles behind the existing tree line and the rural character of the area would not be compromised.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 8:0 with 0 abstentions to refuse the application as outlined in the Officer's report,

- (6) LA05/2018/0604/O – Local Application (Called in) – Proposed infill dwelling in a small gap in a substantially built up road frontage on lands between 69b and 71 Lisburn Road, Glenavy

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

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

- With the agreement of the Chair, Mr Johnston distributed to Members hard copy of maps relating to the application
- The proposed site was located between 69 and 71 Lisburn Road, Glenavy, and there were 12 buildings within 200 metres of the site
- The infill site had road frontage of 32 metres
- Planning policy for infill opportunities refers to a small gap in built up frontage; this application has been turned down because the site was a side garden but the policy does not refer to side gardens
- The application would not be detrimental to the character of the area
- 2 planning applications of a similar nature have been submitted in the last 3 years.
- This was an outline application but additional information could have been provided with regard to sewerage treatment if it had been requested by the planners.

There then following a question and answer session during which Mr Johnston responded to Members' queries regarding the distances between the proposed dwelling and the neighbouring building and the issue of a garden area being considered as an infill gap site.

The Committee, having considered the information provided within the report of the Principal Planning Officer, agreed by a majority of 8:0 with 0 abstentions to refuse the application as outlined in the Officer's report,

- (7) LA05/2018/0396/O – (Local Application – Called In) - Site for dwelling, garage and associated ancillary works (Infill opportunity as per CTY 8 of PPS 21) on land opposite 10 Shore Road, Upper Ballinderry.

The Committee noted that this application had been withdrawn from the schedule.

#### Items for Noting

##### 5.1.2 Pre-Application Notice (PAN) – Retention of Existing HGV Trailer Park 120m South East of 23 Mullaghcarron Road, Upper Ballinderry, Lisburn

The Committee was provided with copy and it was proposed by Councillor N Anderson, seconded by Councillor N Trimble, and agreed to note information contained within a Pre-Application Notice received in respect of a potential major application for the retention of existing HGV trailer park at site of former commercial Quarry and Limeworks, 120 metres south east of 23 Mullaghcarron Road, Upper Ballinderry, Lisburn.

##### 5.1.3 Planning Notifications in respect of Telefonica's Proposed Upgrades

The Committee received copy and it was proposed by Alderman T Jeffers, seconded by councillor A Girvin and agreed to note information provided in respect of Telefonica's proposed upgrades of equipment at the following locations:

- 5.1.3.1 Footpath at Saintfield Road, Belfast
- 5.1.3.2 Footpath at Saintfield Road, Ballydollaghan, Belfast
- 5.1.3.3 Junction of Beechwood Manor, Old Dundonald Road, Dundonald
- 5.1.3.4 Craigleith Drive, Ballybean, Dundonald
- 5.1.3.5 Bentrin Centre, Bentrin Road, Lisburn

##### 5.1.4 Dfl Statistical Bulletin for Quarter 1 – 2018/19

The Committee noted that the Dfl Northern Ireland Planning Statistics covering the first quarter of 2018/19 had been published on 20 September 2018.

In particular the Committee noted that Lisburn and Castlereagh City Council had been specifically mentioned in the report on account of the reduction in the Council's processing times from 22 to 17 weeks. Both the Chairman and the Director of Service Transformation expressed appreciation for this achievement to the Planning Unit.

#### Items for Noting

## 5.2 Planning Roadshow

It was proposed by Councillor N Anderson, seconded by Councillor A Givan, and agreed to note information regarding Planning Roadshows commencing in October 2018 which had been considered and approved by Council at its September meeting. Members noted that the first two roadshows would be in Dundonald and Lisburn. At the request of Councillor N Anderson it noted that consideration would be given to having Lough Moss as a venue for a roadshow in Carryduff.

## 5.2 Telephone System Update

It was proposed by Councillor N Anderson, seconded by Councillor A Girvin, and agreed to note an update regarding the move away from the NI Direct telephone system from 1 October 2018.

## 5.3 Budget Report – Planning Unit

The Committee was provided with copy and it was proposed by Councillor N Anderson, seconded by Councillor N Trimble and agreed to note a summary budget report for the Service Transformation Department for the year to 31 March 2019 as at 31 August 2018.

## 6. Confidential Report from the Director of Service Transformation

It was agreed that the report and recommendations of the Confidential Report of the Director of Service Transformation be adopted, subject to any decisions recorded below.

The Chairman advised that the following items would be discussed 'in Committee' for the reasons indicated on the meeting Agenda.

### 'In Committee'

It was proposed by Councillor A Givan, seconded by Councillor N Trimble, and agreed that the items in the Confidential Report of the Director of Service Transformation be considered 'In Committee', in the absence of press and public.

### 6.1 Enforcement Cases with Court Proceedings in October 2018

Having been provided with information on Enforcement Cases with Court Proceedings in October 2018, it was proposed by Councillor A Girvin, seconded by Alderman T Jeffers, and agreed that the information provided within the Report should be noted.

### 6.2 Development outside Settlement Limits

It was proposed by Councillor N Trimble, seconded by Councillor A Givan, and agreed to note an update in respect of a planning application for development outside settlement limits where the Council's decision had been notified to the Department for Infrastructure.

### 6.3 Legal Matters

It was proposed by Councillor N Anderson, seconded by Councillor N Trimble, and agreed to note correspondence with the Department for Infrastructure regarding legal issues arising from the interpretation of PPS21 and the need for a regional/sub-regional approach to cemetery provision.

### Resumption of Normal Business

It was proposed by Councillor N Anderson, seconded by Councillor A Givan, and agreed to come out of committee and normal business was resumed.

## 7. Any Other Business

### 7.1 Planning Policy Documents on Sharepoint – Councillor N Anderson

At the request of Councillor N Anderson, officers undertook to investigate the practicalities of having planning policy documents uploaded to Sharepoint for easy access by Members.

### 7.2 Knockmore Halt – Councillor A Givan

Councillor A Givan referred to Planning Application S/2014/0884/F and enquired whether it would be possible to look at this issue and bring it forward.

The Head of Service – Planning and Capital Development updated the Committee on the issues that were being considered as part of this application and advised that the assessment was close to completion and that it was hoped to bring the application to Committee in the next few months.

### 7.3 Update on the Planning Portal – Director of Service Transformation

The Director of Service Transformation updated Members on issues relating to the procurement of a new Planning Portal and advised that a report on this matter would be considered by the Development Committee at its next meeting in October.

In response to a query by Councillor N Trimble regarding the software tender process, the Director advised that the Department was taking the lead in this matter and a full public tender would be issued in due course.

### 7.4 Belfast Draft Plan Strategy – Councillor N Anderson

Councillor N Anderson enquired whether the Council would be responding to consultation on the publication of the Belfast Plan Strategy. The Director of Service Transformation confirmed that a response was being drafted on behalf of the Council.

7.5 NI Local Government Commissioner for Standards – Councillor N Anderson

Councillor N Anderson enquired whether the Council had received a response from the Commissioner for Standards to its correspondence earlier in the year. The Director of Service Transformation advised that no response had been received but that, together with the Chief Executive, he had recently met with the Commissioner who had confirmed that he would write back to the Council in this regard.

There being no further business, the meeting concluded at 3.17 pm.

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CHAIRMAN / MAYOR