

**LISBURN & CASTLEREAGH CITY COUNCIL**

**Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 15 April, 2024 at 1.02 pm**

**PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor U Mackin (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, S Burns, P Catney, A Martin, G Thompson and N Trimble

**IN ATTENDANCE:**

Director of Regeneration and Growth  
Head of Planning & Capital Development  
Principal Planning Officer (RH)  
Senior Planning Officer (MB)  
Member Services Officers (CR and EW)

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

**Commencement of Meeting**

At the commencement of the meeting, the Chair, Alderman M Gregg, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. **Apologies**

There were no apologies.

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

2. **Declarations of Interest**

The following declarations of interest were made:

- in respect of planning application LA05/2022/0947/F, Councillor U Mackin stated that Lagan Valley Regional Park (LVRP) was one of the consultees. Councillor Mackin was a member of the Board of LVRP, although he had not been present at any meeting at which this application had been discussed and, therefore, would be remaining in the meeting for consideration of this item; and
- in respect of planning application LA05/2022/0947/F, Councillor A Martin stated that he was a member of the Board of LVRP, although he not been present at any meeting at which this application had been discussed.

3. Minutes of Meeting of Planning Committee held on 4 March, 2024

It was proposed by Councillor P Catney seconded by Alderman J Tinsley and agreed that the minutes of the meeting of Committee held on 4 March, 2024 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 4 local applications on the schedule for consideration at the meeting. He pointed out that, since the agenda had issued, application LA05/2023/0085/F had been withdrawn by the Agent in its entirety.

4.1.1 Applications to be Determined

The Legal Advisor, Mr B Martyn, highlighted paragraphs 43-46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

- (i) LA05/2021/1007/F – Residential development consisting of three detached dwellings, a pair of semi-detached dwellings and eight apartments in two blocks plus associated site work including sewerage treatment plant and two new accesses onto Comber Road on land to rear of 7-23 Ferndene Park, Ballymaglaff, Dundonald

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

The Committee received:

- Mr C Caves to speak in opposition to the application; and
- Ms U Somerville to speak in support of the application.

A number of Members' queries were responded to by the speakers.

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

Further to discussion during which concerns were raised about the potential for overlooking from the apartment blocks into the gardens of dwellings on the opposite side of the Comber Road, it was proposed by Alderman O Gawith and seconded by Councillor A Martin that a site visit take place. This proposal was agreed on a vote being taken, the voting being 7 in favour of the proposal and 3 abstentions.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (2.42 pm).

Resumption of Meeting

The meeting was resumed at 2.53 pm.

- (ii) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a site approximately 140 metres south of 23 Corcreeny Road, Hillsborough

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

The Committee received Mr R Magee, accompanied by Dr B Erwin, to speak in support of the application. A number of Members' queries were responded to.

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

It was proposed by Alderman O Gawith and seconded by Councillor D Bassett that the application be deferred in order that Officers could visit the site and provide further advice as to whether the polytunnels could be counted as buildings, given the information provided by the speakers in relation to the length of time they had been in place and the fact that they were concreted to the ground.

Councillor N Trimble stated that he considered he had enough information to make a decision at this time, given that previous planning permission had been granted with the polytunnels being discounted as buildings. He proposed that the application be proceeded with. This was seconded by Councillor P Catney.

The proposal by Alderman O Gawith that the application be deferred was put to the meeting and, on a vote being taken, was declared 'lost', the voting being 4 in favour and 6 against.

The proposal by Councillor N Trimble that the application be proceeded with was put to the meeting and, on a vote being taken, was declared 'carried', the voting being 6 in favour and 4 against.

Debate

During debate:

- Councillor N Trimble stated that, based largely on the fact that previous planning permission on the site had been granted following assessment under what was effectively the same policy, he would be voting against the recommendation of the Planning Officer to refuse planning permission. At that time, it had been considered that the proposed dwelling did cluster with existing dwellings. In his opinion, whether or not the polytunnels were treated as buildings was irrelevant and not necessary for approval under the clustering policy, although it did enhance the weight for approval;

- (ii) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a site approximately 140 metres south of 23 Corcreeny Road, Hillsborough (Contd)
- Councillor A Martin stated that he would be voting against the recommendation of the Planning Officer to refuse planning permission. He also requested that information be provided in due course in relation to whether polytunnels could be treated as buildings, in order to assist in determining any future applications where this was an issue;
  - Councillor U Mackin stated that, setting aside the issue of the polytunnels, he considered that the proposed dwelling would cluster with, and be visually linked to, the existing farm. The proposal would meet the criteria of COU10 (c), COU15 (b) and COU16 (b) and (c). This would automatically rule out policy COU1. Councillor Mackin did not consider the polytunnels to be a deciding factor, although he deemed them to play a very important part in the clustering process. Councillor Mackin stated that he would be voting against the recommendation of the Planning Officer to refuse planning permission;
  - Councillor P Catney referred to the difficult circumstances the Committee had been made aware of previously in respect of illness and the applicant having to travel. There were a number of human aspects that came into planning. Councillor Catney also referred to planning permission having been granted previously at this site and stated that he would be voting against the recommendation of the Planning Officer to refuse planning permission;
  - Alderman O Gawith stated that he would be voting against the recommendation of the Planning Officer to refuse planning permission. His reasoning for this was in relation to the polytunnels and the information he had heard about what was deemed to be a structure. Similar to Councillor Martin, Alderman Gawith stated that he would welcome information be provided at a future date in relation to what did or did not constitute a structure;
  - Councillor G Thompson stated that, on balance and having listened to all the information provided, she would be voting against the recommendation of the Planning Officer to refuse planning permission. In relation to the polytunnels, she was of the opinion that they were more structural than they were portrayed in the Officer's report; and
  - the Chair, Alderman M Gregg, concurred with the comments already made. He urged caution when considering polytunnels and other things such as greenhouses and treehouses, as a precedent could be set. He stated that policy had been met in that the proposed building was visually linked, or was able to be visually linked, with other farm buildings.

Vote

The Committee unanimously agreed not to adopt the recommendation of the Planning Officer to refuse planning permission.

- (ii) LA05/2022/0094/O – Erection of storey and a half farm dwelling and garage including paired access and laneway at a site approximately 140 metres south of 23 Corcreeny Road, Hillsborough (Contd)

Given that the Officer recommendation to refuse planning permission had fallen, it was proposed by Councillor N Trimble, seconded by Councillor D Bassett and agreed unanimously that the application be approved with the following reasons being offered:

- COU10 (a) had already been deemed by Officers to have been met, given evidence submitted in respect of the working farm;
- the application was compliant with COU10 (c) as the proposed site was visually linked with the existing dwelling and, by nature of that, was deemed to be a cluster so COU15 (b) and COU16 (b) and (c) were also met; and
- the history of previous planning permission was a material consideration. The judgement previously was that the proposed dwelling did cluster with the existing farmhouse and garage and the Committee was minded to agree with that judgment.

- (iii) LA05/2022/0947/F – Erection of a 2 & a half storey building consisting of 10 luxury apartments with in-curtilage parking at site at 132 Hillsborough Road, Lisburn

Councillor G Thompson left, and returned to, the meeting during consideration of this application (4.20 pm and 4.26 pm respectively). Councillor P Catney left the meeting at 4.35 pm.

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

There was no-one registered to speak in respect of this application.

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

#### Debate

There were no comments made at the debate stage.

#### Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application. Not having been present for the full consideration of this application, Councillors P Catney and G Thompson did not participate in the vote.

#### Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (4.37 pm).

Resumption of Meeting

The meeting was resumed at 4.42 pm.

Councillor P Catney returned to the meeting during the comfort break.

- (iv) LA05/2024/0019/F – Proposed change of use from sports hall to Well-Being and Social Enterprises Centre and provision of new windows and external doors to allow for new first floor level; and new entrance porch and new 1.8 metre boundary fence at Grove Activity Centre, 15 Ballinderry Park, Lisburn

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

There was no-one registered to speak in respect of this application.

There were no questions put to the Planning Officers.

Debate

There were no comments made at the debate stage.

Vote

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

4.2 Statutory Performance Indicators – February 2024

The Head of Planning & Capital Development pointed out a typographical error in paragraph 3 of the Key Issues section of his report in that '110 decisions' should read '100 decisions'. He provided a verbal update in respect of the staffing complement in the Planning Unit.

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed that information relating to Statutory Performance Indicators for February 2024 be noted.

4.3 Appeal Decision – LA05/2022/1149/A

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

4.4 Appeal Decisions – LA05/2020/0311/RM and LA05/2021/0275/RM

It was proposed by Alderman O Gawith, seconded by Alderman J Tinsley and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

4.5 Notification Direction by Department in relation to LA05/2023/1001/O

Alderman J Tinsley left the meeting during consideration of this item of business (5.04 pm).

It was proposed by Councillor A Martin, seconded by Alderman O Gawith and agreed to note the content of the letter from the Department for Infrastructure and the requirement that it be notified when a decision was reached by the Council.

At the request of a Member, the Head of Planning & Capital Development agreed to provide a report to a future meeting of the Committee in relation to the number of Notification Directions issued by the Department to other councils.

4.6 Notification Direction by Department in relation to LA05/2023/0344/F

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to note content of the letter from the Department for Infrastructure and the requirement that it be notified when a decision was reached by the Council.

4.7 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights

It was proposed by Councillor D Bassett, seconded by Councillor N Trimble and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at several locations.

4.8 Pre-Application Notice (PAN) – Internal refurbishment and extension of existing music room and existing office, demolition of existing prefabricated units to the north and south of site and proposed new building on existing green space at Longstone Special School, 42 Millars Lane, Dundonald

It was proposed by Councillor G Thompson, seconded by Councillor D Bassett and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

4.9 Holding Direction from Department in relation to LA05/2021/1245/F

Discussion arose during which Officers noted, and responded to, concerns raised by Members in relation to the issuing of this Holding Direction from the Department.

4.9 Holding Direction from Department in relation to LA05/2021/1245/F  
(Contd)

The Head of Planning & Capital Development agreed to submit a request to the Department under the Environmental Information Regulations to have sight of the correspondence that had given rise to the issuing of the Holding Direction.

It was proposed by Councillor P Catney, seconded by Councillor D Bassett and agreed to note content of the letter from the Department for Infrastructure and the requirement to hold the application to allow the Department to consider whether the application was 'called in'.

5. Any Other Business

5.1 Planning Portal Training for Members  
Councillor U Mackin

Further to comments by Councillor U Mackin regarding the need for Members to be trained on the use of the Planning Portal, the Head of Planning & Capital Development agreed to contact Belfast City Council, which was the overarching body dealing with this contract on behalf of all councils, to seek assistance from its Officers in providing training.

At this stage it was agreed that confidential items of 'Any Other Business' would be considered.

"In Committee"

It was proposed by Alderman O Gawith, seconded by Councillor U Mackin and agreed to go 'into committee' to consider a number of confidential items. Those members of the public in attendance left the meeting (5.21 pm).

5.2 Written Submission on Earlier Planning Application  
Alderman O Gawith

The Head of Planning & Capital Development responded to comments made by Alderman O Gawith in respect of possible data protection issues relating to a written submission on an earlier planning application.

5.3 Judicial Reviews  
Chair, Alderman M Gregg

At the request of the Chair, Alderman M Gregg, Members were provided with, and noted, a verbal update from the Legal Advisor in respect of legal matters pertaining to judicial reviews.

Resumption of Normal Business

It was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed to come out of committee and normal business was resumed (5.30 pm).

5.4 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Committee was scheduled to take place on Monday 13 May 2024.

Conclusion of the Meeting

At the conclusion of the meeting, the Chair, Alderman M Gregg, thanked those present for their attendance.

There being no further business, the meeting was terminated at 5.31 pm.

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Chair/Mayor