

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 6 February 2017 at 2.00 pm

PRESENT: Councillor A Redpath (Chairman)
Councillor N Anderson (Vice-Chairman)
Aldermen J Dillon MBE JP, D Drysdale, Alderman G Rice MBE
Councillors P Catney, T Beckett, A Girvin, U Mackin, L Poots, M Tolerton

OTHER MEMBERS: The Right Worshipful the Mayor, Councillor R B Bloomfield MBE

IN ATTENDANCE: Lead Head of Planning & Building Control
Planning Manager
Senior Planning Officers (RT, MCO'N, AS)
Committee Secretary
Attendance Clerk

Cleaver Fulton & Rankin
Kate McCusker (Legal Advisor)

Commencement of Meeting

The Chairman, Councillor A Redpath, welcomed everyone to the meeting.

Introductions were made by the Chairman and some Housekeeping and Evacuation announcements were made by the Lead Head of Planning & Building Control.

1. **Apologies**

Apologies for non-attendance at the meeting were accepted and recorded on behalf of Councillor P Catney who however arrived later in the meeting.

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. There were no Declarations of Interest; however

- Alderman WJ Dillon advised that, although he had called in application LAO5/2015/0570/O, he had not predetermined the outcome.

3. Minutes

The Chairman, Councillor A Redpath, having previously declared an interest in Application S/2014/0908/F, withdrew from the meeting at 2.08 pm and the chair was taken by the Vice-Chairman, Councillor N Anderson.

The Chairman, Councillor N Anderson, referred to the Planning Committee minutes of 9 January 2017 and asked the Committee to consider an amendment at Item 4.1.1.1(1) of the minutes

Councillor A Redpath returned to the meeting at 2.10 pm and assumed the position of Chairman. Councillor N Anderson returned to his position in the Chamber.

3.1 Minutes of the Special Planning Committee Meeting held on 9 January 2017

It was proposed by Alderman G Rice, seconded by Councillor L Poots and agreed that the minutes of the Special Planning Committee meeting held on 9 January 2017 be ratified and signed:

3.2 Minutes of the Planning Committee Meeting held on 9 January 2017

It was proposed by Councillor U Mackin, seconded by Alderman WJ Dillon and agreed that the minutes of the Planning Committee meeting held on 9 January 2017 be ratified and signed subject to the following amendment:

- Item 4.1.1 (1) - At Page 43 in the paragraph commencing "At the suggestion of the Legal Advisor" the wording of the resolution should be amended to: "agreed that the resolution to grant planning permission should include the wording "subject to the satisfactory completion of a Section 76 Agreement" and that the wording of this Agreement should come back to the Committee for approval."

3.3 Minutes of the Special Planning Committee Meeting held on 16 January 2017

It was proposed by Councillor M Tolerton, seconded by Councillor U Mackin, and agreed that the minutes of the Special Planning Committee meeting held on 16 January 2017 be ratified and signed.

4. Report from the Lead Head of Planning and Building Control

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

4.1 Report from the Planning Manager

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

Items for Decision

4.1.1 Schedule of Applications:

The 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 43 - 46 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 also advised that there were a number of speakers in attendance, making representation on some of the applications.

- (1) S/2014/0874/O – Local Application (previously deferred) – Proposed farm dwelling (amended address and siting) on land 29 metres North East of 13 The Grove, Lisburn, BT27 5LU.

Alderman D Drysdale arrived at 2.15 pm

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

The Committee was reminded that at the December Planning Committee meeting the application had been deferred to allow the applicant/agent additional time to submit supporting information. The Senior Planning Officer advised that, in light of additional information provided and the amended siting of the proposed dwelling, the revised recommendation was to approve outline planning permission for a farm dwelling.

The Committee, having considered the information provided within the Report of the Senior Planning Officer agreed by a majority of with 9:0 with 1 abstention to approve the application for the reasons outlined in the Officer's report and subject to the conditions stated.

- (2) S/2015/0060/F – Local Application (Called in) – Proposed commercial building as Uses Class B4 for Equestrian & Farm Feed Distribution use at 119B Saintfield Road, Lisburn, BT27 5PG.

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

Councillor U Mackin pointed out that, although the planning application was for the purposes of storage and distribution, the conditions outlined in the Officer's report referred to retail operations. The Senior Planning Officer confirmed that the reference to 'retail' had been included in the second condition in error. The first line of the second condition should therefore be amended to read 'No operation in or from any building hereby permitted...', with the words 'retailing or other' being deleted. It was proposed by Councillor U Mackin, seconded by Councillor A Girvin, and agreed that the condition referring to retail operations be amended.

The Committee, having considered the information provided within the

Report of the Senior Planning Officer agreed by a majority of 10:0, with 0 abstentions, to the application being approved for the reasons outlined in the Officer's report and subject to the conditions, as amended, stated.

- (3) LA05/2016/0414/O - Local Application (Called In) – Dwelling on a farm (amended plans) on land opposite 11 Kilcorrig Road, Lisburn.

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

It was proposed by Councillor L Poots, seconded by Alderman WJ Dillon and unanimously agreed that this application be deferred for one month to allow the applicant the opportunity to provide additional information.

- (4) LA05/2016/0676/F – Local Application (Called In) – Infill site for 2 no. two storey detached dwellings, associated garages and landscaping (Design & Statement received/amended site layout plan) on lands between 245 and 251 Hillhall Road, Lisburn.

The Senior Planning Officer (AS) 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 and who highlighted the following:

- The applicant had sought advice from a duty planner who had indicated that refusal for a similar site on Hillhall Road had been overturned on appeal
- Approval had been given for 2 infill sites located within 160 metres from this proposal
- Recent improvement works by Roads Service had reduced the corners on either side of the site which means that sight lines could be easily achieved
- A 6 acre site had been approved for hotel development at the site boundary
- The applicant had applied to the Woodland Trust to plant 2,500 trees to the rear of the site and would be happy for this to be made a condition of approval
- Precedent already established on the Hillhall Road for infill sites
- With regard to CTY8 requirements, there were 3 separate buildings, 2 to one side of the site and 1 to the other side, the infill site between was not capable of taking 3 dwellings but would accommodate 2 dwellings.
- The applicant would be flexible with regard to the design of the buildings, e.g. change of hipped roofs to a design more acceptable to planners

There then followed a question and answer session.

It was proposed by Councillor U Mackin, seconded by Councillor M Tolerton and unanimously agreed that the application be deferred for a period of 2 months and that the applicant be asked:

- To clarify whether there were one or two separate buildings to the left of the proposed development
 - To come back with amendments to the size and scale of the proposed buildings to make them more in keeping with the character of the rural area
- (5) LA05/2015/0570/O – Local Application (Called in) – Proposed dwelling on a farm (amended plans received) on land adjacent to 11 Halfpenny Gate Road, Moira.

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

The Committee received Mr Andrew McCready who wished to speak in support of the application and who highlighted the following:

- The application meets the criteria set out in PPS21 for a dwelling on a farm
- The farm is a substantial one of 900 acres with 1,200 head of livestock
- There are 2 groups of farm buildings, one adjacent to the site and the other located about 1 km from the site; both groups consist of 60k square feet of agricultural farm buildings
- Not possible to locate the dwelling within the existing agricultural buildings but meets the need for visual linkage
- Boundaries will be defined by substantial planting
- Approval had been given to a dwelling at the other end of the field despite similar concerns about development within the countryside
- Meets needs of CTY10 for development.

There then followed a question and answer session.

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

- The application meets conditions in terms of farming requirements.
- There was a visual linkage between the proposed dwelling and the farm buildings
- It was preferable and more logical to locate the dwelling on the side where there was an existing dwelling rather than on the other side of the farm buildings where it would restrict future growth of the farm.
- There were health and safety implications in locating the dwelling within existing farm buildings rather than to one side

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 representations, agreed by a majority of 8:2 with 0 abstentions not to refuse the application.

The Chairman stated that the Professional Officer's recommendation to refuse planning permission had fallen and that a new motion was now under consideration. Section 45 of the 2011 Planning Act stated that, in dealing with

planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations. It was then proposed by Councillor N Anderson, seconded by Alderman G Rice and by a majority of 7:2 with 1 abstention it was agreed that the reasons cited for the approval of the application were:

- The Committee does not agree with the Planning Officer that the proposal constitutes ribbon development
- The application complies with farm development requirements in that it does have a visual link with farm buildings and can be integrated
- The application does not impact upon the rural character of the area because it is associated with 60k square feet of farmyard buildings beside it.

The Chairman declared the application approved for the reasons stated above.

The Chairman then highlighted that, because the application had been recommended for refusal, no conditions had been drafted. It was proposed by Councillor N Anderson, seconded by Alderman G Rice and, by a majority of 7:2 with 1 abstention it was agreed that conditions, which should include the issue of landscaping, now needed to be discussed and agreed in principle, with the precise wording of these being delegated to the Head of Planning.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 3.56 pm to facilitate a comfort break.

Councillor RT Beckett left the meeting at 3.56 pm

Resumption of Meeting

The Chairman declared the meeting resumed at 4.14 pm.

Councillor P Catney arrived at the meeting at 4.14 pm

- (6) LA05/2016/0056/O – Local Application (Called in) – Site for dwelling with access from Benson’s Road, Lisburn on land between nos.76 & 78 Glenavy Road, Lisburn at the junction of Benson’s Road and Glenavy Road, Lisburn.

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

The Committee received Mr David Donaldson who wished to speak in support of the application and who highlighted the following:

- Application is located within an extensive ribbon development
- There were no objections from statutory consultees
- Application was refused because it was not part of a cluster and was not considered an infill site

- There is a significant group of development along the Glenavy Road forming a cluster
- Site is located within 40mph zone taking in another cluster and ribbon development
- Site is located between 76 and 78 Glenavy Road; planning approval has been granted for 4 dwellings at 76 Glenavy Road, which have been accepted as part of a cluster
- The site is located within a ribbon development and there is a frontage of 30 metres between 76 and 78 Glenavy Road
- The proposal will not be prominent and will not have substantial impact on the rural character
- Proposal can be located within the rural area without demonstrable harm.

There then followed a question and answer session

The Committee, having considered the information provided within the Report of the Senior Planning Officer agreed by a majority of with 10:0 with 0 abstention to refuse the application for the reasons outlined in the Officer's report.

- (7) S/2014/0585/F – Local Application (Exceptions Apply) – Amendment to a 250kw single wind turbine, planning approval S/2014/0117/F, to increase the blade length only by 4.5m (total rotor diameter 39m, overall tip height 59.5m), including associated ancillary works. (Additional information – Tonality Assessment) on land approx. 385m North West of no.45 Ballycrune Road, Hillsborough.

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

The Committee received Mr Cliona Gormley and Mr Shane Carr who wished to speak in support of the application and highlighted the following:

- Proposal is an amendment to a previously approved application
- Extensive analysis was undertaken in respect of the design of the project
- Proposal was amended to maximise renewable energy output
- After consultation, including with HBU, the height of the tower was reduced to what had been originally approved
- Majority of letters of objection are generic and from people living outside the area of the proposal
- Letters of support have been received from people living in the neighbourhood
- The turbine will be monitored and maintained throughout its full life with engineers on call 24/7

There then followed a question and answer session.

The Committee, having considered the information provided within the report of the Senior Planning Officer, agreed by a majority of 10:0 with 0 abstentions to approve the application for the reasons outlined in Officer's report and subject to the conditions stated.

- (8) LA05/2015/0660/F – Local Application (Called in) – Proposed single storey extension to rear of dwelling (retrospective) (amended plans) at 9 Rural Cottages, Drumbo.

The Senior Planning Officer (MCON) presented the application as outlined in the circulated report.

It was proposed by Councillor N Anderson, seconded by Councillor M Tolerton and agreed that discussion continue “In committee” in order to seek advice from the Legal Adviser.

“In Committee”

After taking advice from the Legal Advisor it was proposed by Councillor N Anderson, seconded by Councillor P Catney, and agreed to come out of committee and normal business was resumed.

Resumption of Normal Business

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 10:0 with 0 abstentions to approve the application for the reasons outlined in Officer’s report and subject to the conditions stated.

4.1.2 Correspondence from the Planning Appeals Commission with regard to Consultation on the Independent Examination of Local Development Plans

The Committee was provided with copy letter and consultation document from the Planning Appeals Commission inviting views on the draft procedures for the independent examination of local development plans.

It was proposed by Councillor P Catney, seconded by Councillor A Girvin, and agreed that Members should submit any comments to the Planning Manager by Friday 10 March 2017 to enable the Council to make a response.

4.1.3 Public Consultation by the Department for Infrastructure (DfI) with regard to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017

The Committee was provided with copy letter dated 15 December 2016 from the Department for Infrastructure (DfI) advising of their public consultation exercise on proposals to amend the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.

It was proposed by Councillor A Girvin, seconded by Alderman D Drysdale and agreed that Members should submit any comments to the Planning Manager by Wednesday 8 February 2017 to enable the Council to make a response.

Items for Noting

4.1.4 Local Development Plan – Special Meeting of Planning Committee to Agree Preferred Options Paper

The Committee noted that a special meeting of the Planning Committee would be convened on Thursday 23 February to consider a Preferred Options Paper and associated Sustainability Appraisal (SA) Report in relation to the Local Development Plan. If agreed, the Preferred Options Paper would be published for a period of 8 weeks' consultation thereafter.

4.1.5 Development Management – Live Appeals 18 January 2017

The Committee was provided with and noted details of appeals received as of 18 January 2017.

4.1.6 Development Management – Pre-Application Notices since 1 January 2017

The Committee was provided with and noted details of pre-application notices received since 1 January 2017.

Items for Noting

4.2. Legacy Planning Applications

The Committee was provided with and noted an interim report on the progress of dealing with legacy applications from 21 November 2016 and congratulated the members of staff who were part of the project.

4.3 Date of May Planning Committee

The Committee noted that, following discussion with the Chairman of the Planning Committee, it had been agreed that, due to the Bank Holiday, the May meeting of the Committee would take place on Monday, 8 May 2017 at 2.00pm.

4.4 Budget Report – Planning Unit

The Committee had been provided with copy and noted the summary Budget Report for the Planning Unit for the year to 31 March 2017 as at 31 December 2016.

4.5 Scheduling of Planning Committee Meetings

The Chair referred to previous suggestion that the Committee review the frequency or timing of meetings.

It was proposed by Councillor N Anderson, seconded by Alderman D Drysdale and agreed that the discussion continue "in Committee" as staffing issues could arise.

In Committee

Councillor P Catney left at 5.16 pm

Following discussion, it was agreed that officers be asked to consider and bring back to the Committee proposals for the provision of additional guidance or workshops for agents together with proposals for measures to improve liaison with statutory consultees, which could include the imposition of deadlines.

5. Confidential Report from the Lead Head of Planning and Building Control

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

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

- 5.1. This item was confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).
- 5.2 This item was confidential for reason of information relating to any individual; information which was 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
- 5.3 This item was confidential as it was information relating to any individual.

Item for Decision

5.1 Correspondence Received from Mr Gordon Duff

The Committee was provided with copy of correspondence received from Mr Gordon Duff which has been sent to the Minister and copied to the Chief Executive. As advised by Council's legal advisors, it was agreed that to acknowledge and note the contents of this correspondence.

Items for Noting

5.2 Enforcement Cases with Court Proceedings in February 2017

Having been provided with information on Enforcement Cases with Court Proceedings in February 2017 it was agreed that the information provided within the Report should be noted.

5.3 Rolling Year Absence Figures for the Planning Unit

The Committee noted information as circulated providing information of the rolling year absence statistics for the Planning Unit and Director's Administration team for the period 1 April 2015 to 30 November 2016.

Resumption of Normal Business

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

6. Any Other Business

There were no items of any other business.

There being no further business, the meeting concluded at 5.55 pm.

CHAIRMAN / MAYOR