

**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 2 October 2017 at 2.00 pm**

**PRESENT:** Councillor L Poots (Chairman)  
 Councillor N Trimble (Vice-Chairman)  
 Aldermen J Dillon MBE JP, D Drysdale  
 Councillors N Anderson, J Craig, O Gawith, A Girvin,  
 B Hanvey, U Mackin.

**OTHER MEMBERS:** Alderman W Leathem  
 Cllr A Redpath

**IN ATTENDANCE:** Lead Head of Planning  
 Principal Planning Officer (RH)  
 Senior Planning Officers (RT, AS and MB)  
 Committee Secretary  
 Attendance Clerk  
Cleaver Fulton & Rankin  
 Kate McCusker (Legal Advisor)

**Commencement of Meeting**

The Chairman, Councillor L Poots, 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.

1. **Apologies**

Apologies for non-attendance at the Meeting were accepted and recorded on behalf of Councillor M Tolerton.

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.

The following Declarations of Interest were made:

- Councillor B Hanvey advised that he wished to declare a non-pecuniary interest in applications S/2014/0320/O and LA05/2016/1231/F due to the fact that his son was the Case Officer. He stated that he would be withdrawing from the meeting during discussions on the above applications.
- During the course of the meeting Councillor B Hanvey and Councillor N Anderson both declared that they had interests in application no Y/2015/0002/F which was discussed as a Verbal Item within the Confidential Report. Both Councillors had made representations in the past in respect of this application.

### 3. Minutes

It was proposed by Councillor N Trimble, seconded by Councillor J Craig and agreed that the phrase 'over saturation has been identified' be removed from the list of reasons on page 5 due to the fact that this was merely an observation rather than one of the reasons put forward.

It was proposed by Councillor O Gawith seconded by Councillor J Craig and agreed that the following Minutes be approved and signed subject to the incorporation of the amendment outlined above.

- Minutes of Meeting of Planning Committee held on 4 September 2017.

### 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

##### 4.1.1 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 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.

The Chairman welcomed Mr Mark Burns to the meeting and advised that Mr Burns had been appointed as a Senior Planning Officer.

- (1) S/2011/0065/F – Major Application – Retention of existing development including the three entrance lanes and one exit lane, weighbridges, weighbridges office, site administration offices, car parking, electrical container, storage bays, leachate tank and compound, maintenance areas, mess facilities, pedestrian shelter and two earth banks to either side of the entrance with established landscaping (Amended Proposal and Plans received) at Mullaghglass Landfill, 26 Mullaghglass Road, Lisburn.

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

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 as outlined in Officer's report and subject to the conditions stated therein.

The importance of monitoring the enforcement of conditions was emphasised by Councillor U Mackin.

- (3) LA05/2016/0174/F – Local (Called in) – Re-siting of approved dwelling and garage previously approved under S/2013/0044/F, incorporating realigned private road and retaining structure to side of dwelling (amended plan) on lands 60m west of no. 92 Carnreagh, Hillsborough and rear of No.10 Farriers Green, Hillsborough

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

(During consideration of the item the Senior Planning Officer AS left the meeting at 3.06pm returning at 3.09 pm).

The Committee received Mr D Donaldson who wished to speak in opposition to the application highlighting the following:

- Approval had been granted for 4 dwellings including an access road. The proposed amendment would result in sharp dangerous bends. He outlined discrepancies in the lay-out plan, driveway, levels, number of dwellings, distance and fit.
- He stated that the proposal did not meet the requirements set out in Creating Places and outlined the impact there would be on boundary trees for which there had been no replacement arrangements outlined nor ecological surveys completed.
- He stated that the slope starts at the road edge and would be unsafe for pedestrians and cyclists and highlighted that TNI had stated that they preferred the original proposal.
- He stated that it was incumbent on the Council to achieve high quality development – a requirement not met by this proposal.
- He highlighted issued on the new approach which would be created by car headlights.

- He stated that there was no room in the revised arrangement for planted banks and that this was a backward step from the previous proposal.

A question and answer session followed.

The Committee received Councillor A Redpath who wished to speak in opposition to the application highlighting the following:

- He concurred with the comments of the previous speaker.
- The road issue was the principal concern.
- The effect of retaining structures on the sheugh was a major issue and preparation for this had already been culverted in preparation.
- He urged the Committee to consider all of the objections presented and suggested that a site visit take place so that members can see the issues highlighted.

A question and answer session followed.

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

- He welcomed the recommendation to approve.
- He stated that this was a straightforward amendment to an access route.
- All the necessary information has been provided.
- The objector has an interest in the site.
- The new application is an improved scenario as it will greatly reduce the speed traffic can travel at.
- There is no change to the dwelling type and it moves the garage away from the site boundary where retention measures would also have been required.
- The new scheme actually requires less retention.
- The application is a quality application.
- The issues raised are laughable.
- There is no culverting and there would be no wildlife issues.
- The application is largely in compliance with Creating Places.
- There is speed control in place at the bend at the bottom of the site which has not been raised as an issue.

A question and answer session followed during which it was proposed by Councillor N Trimble that a site visit take place to view the issues under discussion. The proposal was seconded by the Chairman Councillor L Poots and put to a vote where it fell by a majority of 6:4 against.

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 8:1 with 1 abstention to approve the application as outlined in Officer's report and subject to the conditions stated therein.

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 3.29 pm

Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 3.37 pm.

(4) LA05/2015/0588/O – Local (Called in) – 2 storey dwelling (amended location description) on lands approximately 30m NE of 67 Beanstown Road, Lisburn.

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

The Committee received Alderman W Leathem who wished to speak in opposition to the application highlighting the following:

- He highlighted that this application was contrary to PPS21, CTY1, 2A, 8, 13 and 14.
- He highlighted the cumulative effect of traffic in the area due to the fact that there were other applications pending.
- He highlighted a split in the road which currently causes issues which would be exacerbated by this scheme should it proceed.
- He fully supported the recommendation to refuse.

A question and answer session followed.

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

- This was an outline planning permission for a dwelling.
- When submitted it was within BMAP settlement limits.
- Initially there was an application for 2 dwellings later reduced to 1.
- There were no objections from Consultees.
- The adoption of BMAP being ruled as unlawful by a Judicial Review has seriously impacted the application.
- The Lisburn Area Plan is now the current plan and under it this application is not on development land.
- However, given the above set of circumstances and the fact that there is no demonstrable harm demonstrated one could assume that this application could be approved.
- If the application had been considered in a timely fashion it would have been approved and therefore it is being unfairly treated.
- The road should be considered as a single wrapping road and in that scenario it could be considered as an infill dwelling
- TNI offered no objection.
- He suggested a reduction to a 1.5 storey building should that be acceptable.

A question and answer session followed during which the timing issues referred to by Mr McCready were clarified by the Senior Planning Officer (AS) who advised that there had been delays on the part of the applicant and he emphasised that he did want it thought that the case officer had held the application up.

The Committee received Councillor A Redpath who wished to speak in support of the application highlighting the following:

- Initially there had been an application for 2 dwellings. In the interim the land was unzoned due to the Judicial Review.
- There were a number of built up developments in the vicinity.
- The section of road immediately around the development was reasonably good.
- Cumulative impact on traffic by applications currently in the system cannot be taken on board.
- TNI had suggested conditions but were broadly supportive.
- The decision for the Council was which Plan should be applied.
- He feels that the applicant has been left in a difficult situation.
- There was some precedent where the Committee have considered a built-up frontage going round a corner.

A question and answer session followed.

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 7:3 with 0 abstentions to refuse the application for the reasons as outlined in Officer's report.

At the request of Councillor O Gawith a recorded vote had been taken with members voting as follows:

*Voting in favour of the recommendation to refuse planning permission:*

*Councillor B Hanvey, Councillor O Gawith, Alderman D Drysdale, Councillor U Mackin, Councillor J Craig, Councillor N Anderson and Councillor A Girvin.*

*Voting against the recommendation to refuse planning permission:*

*Councillor L Poots, Councillor N Trimble and Alderman J Dillon.*

- (6) LA05/2016/1231/F – Local Application (Called in) – Proposed renovation and extension to existing stone dwelling under PPS 21 CTY 4 – with erection of detached garage on lands adjacent to 6 Ballyclough Road, Lisburn.

Councillor B Hanvey left the meeting at 4.45 pm having declared an interest in this application.

Alderman D Drysdale left the meeting at 4.45 pm and did not return.

Councillor U Mackin left the meeting at 4.45 pm and returned at 4.54 pm rendering him unable to vote on this application.

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

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

- The application was made on the basis of Planning Policy PPS 21 CTY-1 and CTY- 4 re-use of an existing building in the countryside as a single dwelling.
- The proposal meets all the criteria in that there is a permanent structure on site, its re-use maintain and enhances the original building, the proposed design was in keeping with and respects the local character of the area, all necessary services are available in this case and there are no objections from NI Water, NIEA or Environmental Health, TNI have no objections.
- He outlined the history of the site which formed part of a small holding for over 100 years whilst the construction date could have been much longer ago.
- A replacement dwelling was approved in 2000 and occupied in 2004.
- The applicant retained the building and continued to use it as a separate dwelling with rates applied until recently.
- The building is now immune from planning enforcement.
- The proposed works are sympathetic and would allow for the retention of an original stone building dating back to the early 1800s.
- He provided examples of precedent in the area and further afield.
- He outlined examples of precedent allowed by the Planning Appeals Commission.
- He stated that he considers planning permission should be granted.

A question and answer session followed.

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 5:2 with 0 abstentions to refuse the application for the reasons as outlined in Officer's report.

(Councillor U Mackin was unable to vote as he had not been present for the consideration of the application in its entirety).

- (2) S/2014/0320/O – Local Application (Called in) – Proposed farm dwelling and garage on lands adjacent to and south of no. 39 Soldierstown Road, Aghalee, Craigavon.

(Councillor B Hanvey remained outside the Chamber having declared an interest in the above application).

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

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

- This was a long running application justified under CTY10.
- Statutory Consultees apart from HED were content.
- He outlined how the proposal had attempted to mitigate the issues highlighted by HED and emphasised that only a small portion of the roof would be visible.
- All other options have been exhausted.
- Access would be well integrated.
- Sitelines would be facilitated.
- The main elevation would be parallel to the listed building and would not dominate.
- A simple rectangular structure is proposed.

A question and answer session followed during which it was proposed by Alderman J Dillon that the application be deferred pending additional information, however this proposal was not seconded and therefore fell.

At the culmination of further discussion and ensuing debate, the decision was put to a vote and by a majority of 7:0 with 1 abstention, it was agreed that the recommendation of the Planning Officer would not be upheld.

The 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 then proposed by Councillor O Gawith, seconded by Councillor N Anderson and by a majority of 7:0 with 1 abstention it was agreed that the reasons cited for the approval of the application would be:

- That the concerns of HED can be mitigated by conditions which should include vegetation and screening.

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 agreed by a majority of 7:0 with 1 abstention that the drafting of Conditions be delegated to the Planning Unit.

#### Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 5.55 pm for refreshments.



### Resumption of Meeting

The Chairman, Councillor L Poots declared the meeting resumed at 6.25 pm  
Councillor A Girvin did not return to the meeting.

(5) LA05/2016/1070/O – Local (Previously Deferred) – Proposed erection of detached farm dwelling with associated site works on lands 20m east of 7 Rock Road, Stoneyford, Lisburn.

The Senior Planning Officer (MCO'N) presented this application as outlined within the circulated report providing an update on matters since the last time it was considered.

She advised that additional information, which had been received at a late stage, had been tabled for information.

Alderman J Dillon stated that he considered it appalling that this information had been submitted by the Agent at such a late stage.

The Committee received Mr P O'Reilly who wished to speak in support of the application highlighting the following:

- He outlined that the late information had been submitted directly by the applicant rather than through him and that unfortunately there had been some confusion and the applicant had not gathered together the correct information.
- He explained why the applicant had not been able to obtain evidence from DEARA as had been requested and outlined the mitigating reasons for this.
- He emphasised the uniqueness of this case and stated that the farm was active but due to illness there was little evidence to prove this.
- He confirmed that the farm had been maintained and kept in good condition.

A question and answer session followed during which it was proposed by Councillor N Trimble, seconded by Councillor N Anderson and agreed to go 'In Committee' to receive Legal Advice in the absence of press and public being present.

After noting advice it was proposed by Councillor N Anderson, seconded by Councillor N Trimble and agreed to come out of Committee and normal business was resumed.

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 7:1 with 0 abstentions to refuse the application for the reasons as outlined in Officer's report.

(7) LA05/2017/0753/O – Local Application (Exeptions Apply) – Proposed new single storey dwelling with sunroom on lands adjacent to 1 Ballymacward Road, Dundrod, Lisburn.

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

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 approve the application as outlined in Officer's report.

At this stage (7.05 pm) the Senior Planning Officers (MCO'N, AS and MB) left the meeting.

#### Items for Noting

##### 4.2 Correspondence from the Chief Planner, Dfl

Members had been provided with a copy of the Chief Planner's Update of 20th September 2017 the purpose of which was to update councils with information on particular planning issues.

The Principal Planning Officer (RH) provided members with a verbal summary on the contents of the correspondence which included an update on the status of the new Planning Portal.

The above information was noted.

At this stage, and in response to a question from Councillor J Craig discussion ensued on how best to monitor planning enforcement, in particular the demolition of original structures when a replacement dwelling has been approved.

It was agreed that consideration be given to a process which would dovetail this with Building Control inspections.

##### 4.3 Department for Infrastructure : Roadway Adoption Certificates

Members had been provided with a copy of the following Roadway Adoption Certificates:

- (a) Halftown Road, Maze/LongKesh, Lisburn
- (b) Queensway, Dunmurry, Lisburn

The above information was noted.

##### 4.4 Development Management Practice Note 5 – Historic Environment.

Members were provided with a link to information by way of a Development Management Practice Note 5 on Historic Environment.

The above information was noted.

##### 4.5 Date of January 2018 Planning Committee Meeting

It was noted that the January meeting of the Committee would be held on Monday 8 January 2018 as the scheduled date fell on a Bank Holiday.

#### 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 31 August 2017.

#### 4.7 Verbal Item – Commendation of Planning Unit Staff

Alderman J Dillon referred to a Report on Rolling Year Absences for the Planning Unit which was to be discussed within the Confidential Report and he wished to commend the Planning Unit on the very low instances of sickness absence.

Councillor N Anderson also wished to commend the Planning Unit for the manner in which they had worked to progress the determination of legacy applications and stated that they were a credit to the Council.

After some further discussion it was proposed by Councillor L Poots, seconded by Councillor J Craig and agreed that the Mayor be asked to host an event to recognise the work carried out by the Planning Unit.

#### 4.8 Verbal Item – Use of Electronic Devices in meetings

The Lead Head of Planning advised that the above matter had been discussed with the Head of Central Support Services who had advised that the matter would be included in a forthcoming Review of Council Standing Orders.

The above information was noted.

#### 4.9 Verbal Item – NILGA Planning and Regeneration Working Group Event

The Lead Head of Planning updated that NILGA were arranging a meeting to take the organisation of the above event forward and that the Chair and Vice-Chair would be requested to attend to provide input.

The above information was noted.

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

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

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

'In Committee'

It was proposed by Councillor N Anderson, seconded by Alderman J Dillon and agreed that the items in the Confidential Report be considered 'In Committee', in the absence of press and public being present.

The Legal Advisor left the meeting at 7.25 pm.

5.1.1 Enforcement Cases with Court Proceedings in October 2017

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 October 2017 it was agreed that the information provided within the Report should be noted.

5.1.2 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.

5.1.3 Application No Y/2015/0002/F

It was agreed that the Legal Advisor be requested to return to the meeting for discussion of this item and she returned at 7.30 pm.

(Councillors Hanvey and Anderson left the meeting at 7.30 pm as they had both made representations in the past in respect of this application).

The Lead Head of Planning provided members with an update on the above application which was noted by members of the Committee.

5.1.4 Confidential Matter – Receipt of anonymous correspondence

It was agreed that Council Officers leave the meeting for the discussion of the above item.

The item was confidential for reason of information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

The Lead Head of Planning, the Principal Planning Officer, the Members Services Officer and the Attendance Clerk left the meeting at 7.40 pm. The Legal Adviser remained.

Advice from the Legal Adviser was noted.

Resumption of Normal Business

It was agreed to come out of committee and normal business was resumed.

7. Any Other Business

There being no further business, the meeting concluded at 7.55 pm.

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CHAIRMAN / MAYOR