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 Wednesday 8 November 2017 at 2.08 pm

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

OTHER MEMBERS:
- Alderman J Tinsley
- Councillor T Mitchell

IN ATTENDANCE:
- Lead Head of Planning
- Principal Planning Officer (RH)
- Senior Planning Officers (AS and MCON)
- Committee Secretary
- Attendance Clerk
- Cleaver Fulton & Rankin
- Kate McCusker (Legal Advisor)
- A&L Goodbody
- Orla O'Hare (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 Alderman D Drysdale, Councillor A Girvin and 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:

- The Chairman, Councillor L Poots declared an interest in application no S/2015/0208/F – 5 no dwellings on lands adjacent to and south of 7 Woodfall Manor, Annahilt, Ballycrune, Hillsborough on the basis that he had called the application in at the agent’s request but had not pre-determined the outcome.

- The Chairman, Councillor L Poots declared an interest in application no LA05/2015/0345/F – 3 no. new detached dwellings with associated site works and landscaping at 16 Dromore Road, Hillsborough on the basis that he had called the application in at the agent’s request but had not pre-determined the outcome.

- Councillor B Hanvey declared an interest in application no LA05/2016/1054/RM – Proposed Supermarket on the site of the former Down Royal Public House, Ballinderry Road, Lisburn - on the basis that his son was the case officer dealing with the application.

3. Minutes

3.1 Minutes of Planning Committee Meeting held on 2 October 2017

It was proposed by Alderman J Dillon, seconded by Councillor J Craig, and agreed that the minutes of the Planning Committee meeting held on 2 October 2017 be approved and signed.

3.2 Recording of Votes

Arising from the minutes of the previous meeting, it was proposed by Councillor O Gawith and seconded by Councillor B Hanvey that a recorded vote be taken in every instance where voting was not unanimous.

After discussion and with the agreement of the proposer and seconder, it was agreed that consideration of the proposal be deferred to the next meeting of the Committee and that legal advice be provided on the issue together with information on voting procedures adopted by other Councils.

Councillor O Gawith indicated that, as the meeting progressed, he would propose a recorded vote where he considered appropriate.

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 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.

(2) LA05/2017/0858/F - Major Application – Proposed pavilion building for use as conference and exhibition space on lands at Balmoral Park, Halftown Road, Maze Long Kesh (MLK), Lisburn.

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

Councillor N Anderson arrived at 2.33 pm

The Committee, having considered the information provided within the report of the Principal Planning Officer, agreed by a majority of 6:0 with 1 abstention to approve the application as outlined in the officer’s report and subject to the conditions stated therein.

(1) LA05/2016/1054/RM – Major Application – Proposed supermarket on the site of the former Down Royal Public House, Ballinderry Road, Lisburn.

Having declared an interest in this item, Councillor B Hanvey left the meeting at 2.34 pm.

The Chairman advised that, due to a conflict of interest, the Council’s Legal Adviser, Ms Kate McCusker, would be replaced for consideration of this item. Ms McCusker left the meeting at 2.34 pm and Ms Orla O’Hare took her place.

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

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

- This was a straightforward application with the principle for development having already been established and the reserved matters complying with planning requirements.
- Applicant has worked with the Planning Office and with statutory consultees
- The development represents a £4m investment for the Lisburn area and provides 60 new retail jobs

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 6:0 with 0 abstentions to approve the application as outlined in the officer’s report and subject to the conditions stated therein.
The Council’s Legal Adviser, Ms Orla O’Hare left the meeting at 2.48 pm and was replaced by Ms Kate McCusker.

Councillor B Hanvey returned to the meeting at 2.48 pm.

(7) S/2015/0208/F - Local (Called In) – 5 no dwellings on lands adjacent to and south of 7 Woodfall Manor, Annahilt, Ballycrune, Hillsborough.

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

The Committee received Mr Rodney McMullan who wished to speak in opposition to the application highlighting the following:

- Mr McMullan was speaking on behalf of residents of Woodfall Manor
- The proposed development would overlook the existing bungalows impacting on privacy and residential amenity
- Kitchens and living rooms are located on the first floor of new dwellings and will cause significant loss of privacy for the existing home owners
- The proposal is detrimental to the overall lay out and character of the area
- Proposal is much higher density than the existing dwellings
- Limited on-site car parking facilities could force residents to park on the road with the potential to impede bin collection vehicles.

There then followed a question and answer session.

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

- The site is located within the Woodfall Manor development which had no major or distinguishing features and the site could only be seen from within Woodfall Manor.
- The draft BMAP had included the site within the settlement limits for Anahilt and PAC had also recommended that it be included within settlement limits
- The proposed development reflects the characteristics of existing dwellings
- The application was submitted in 2015
- Applicant has addressed concerns raised by planners regarding design, scale and massing, landscaping and planting, etc.
- The development provides a natural rounding off of this part of Anahilt
- Responses from statutory consultees were positive
- Proposed development will not be a prominent feature in the landscape as the houses are set into the hillside rather than being built on top of the hillside.
- The development will not erode the rural character of the area as the settlement appears unfinished and this proposal would be a rounding off of the settlement.
- The proposal would not mar the distinction between countryside and Anahilt.
- Amenity space provided is greater than that specified in planning requirements
- Transport NI are satisfied with the parking provision for each dwelling
There then followed a question and answer session.

The Committee received Councillor T Mitchell who advised that he was speaking on behalf of Mr R Butler MLA who was unable to attend the meeting and he read out a statement from Mr Butler supporting the application and highlighting the following:

- Mr Butler does not lightly support any planning application but had been approached by the applicant and had visited the site
- Woodfall Manor is an adopted road and it looks as if there should be houses on both sides to finish the street off
- Absence of housing on one side of the road creates an odd character and this would be the reason why the settlement limit had been amended by BMAP
- The quashing of BMAP had created an issue for this application but BMAP remained a material consideration
- Approval for 5 additional dwellings each around 2000 sq. ft. would provide significant boost to the area

There then followed a question and answer session with the Planning Officer.

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 3:2 with 2 abstentions that the recommendation of the Planning Officer to refuse the application would not be upheld.

At the request of Councillor O Gawith, seconded by Councillor B Hanvey, a recorded vote was taken with Members voting as follows:

Voting in Favour of the Recommendation to Refuse Planning Permission
Councillor B Hanvey; Councillor O Gawith

Voting Against the Recommendation to Refuse Planning Permission
Councillor L Poots; Councillor N Trimble; Councillor N Anderson

Abstaining from the Vote
Alderman J Dillon; Councillor J Craig

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 proposed by Councillor N Anderson, seconded by Councillor N Trimble, and agreed by a majority of 3:2 with 2 abstentions that the reasons cited for approval of the application would be:
• BMAP was a material consideration and the application had been submitted before BMAP had been overturned;
• BMAP had included the site in the development limit for the settlement
• PAC had recommended that the site should fall within the development limit for the settlement
• Density for the proposed development was in keeping with other dwellings on the same side of the road
• Development would round off the unfinished cul de sac.

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 Councillor N Trimble, and agreed by a majority of 3:2 with 2 abstentions that the application be approved for the planning reasons agreed and that the drafting of conditions be delegated to the Planning Unit.

(5) LA05/2015/0618/F – Local (Called In) – Demolition of existing bungalow and erection of a pair of semi-detached dwellings with associated parking (amended plans) at 27 Cairnshill Road, Belfast

The Senior Planning Officer (MCO’N) presented this application as outlined within the circulated report proving an update to Member since the last time it was considered.

Councillor U Mackin arrived at 3.42 pm

The Committee received Mr Gerry Tumelty and Mr Bill Taggart who wished to speak in support of the application highlighting the following:

• Drawings have been amended to remove windows that were overlooking other properties
• Bedrooms would be lit by velux windows set into the sloping sides of the roof
• Plans had also been amended to reduce the overall height of the properties by 0.5 metres
• The existing dwelling had outlived its usefulness and to bring it up to modern day standards would require the provision of an upper storey.

There followed a question and answer session with the Planning Officer.

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 1 abstention to refuse the application for the reasons as outlined in the officer’s report.

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 4.06 pm

Resumption of Meeting
The Chairman, Councillor L Poots declared the meeting resumed at 4.31 pm.

(3) LA05/2017/0648/F - Local Application (Mandatory) – Proposed painted bitmac MUGA (multi-use-games-area) bounded by 1.2m re-bounded fence with 4m high ballstop fence with 8m high lighting and pedestrian lighting at Moneyreagh Community Centre, 36a Church Road, Moneyreagh.

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 for the reasons as outlined in the officer’s report.

(4) LA05/2017/0076/O - Local (Exceptions Apply) – Development of houses for private use at 20 Hillsborough Road, Dromara, including gardens to the rear.

The Lead Head of Planning left the meeting at 4.40 pm.

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 for the reasons as outlined in the officer’s report.

The Lead Head of Planning returned to the meeting at 4.47 pm.

(6) LA05/2016/1111/O - Local (Called In) – Bungalow and garage on a site adjacent to 20 Bridge Road, Moira.

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

Members were advised that, due to the change in the date of the Planning Committee meeting, the applicant was not able to be in attendance.

It was proposed by Alderman J Dillon, seconded by Councillor Poots and agreed to defer consideration of the application for one month to allow the applicant the opportunity to attend the meeting.

(8) LA05/2015/0345/F – Local (Called In) – 3 no. new detached dwellings with associated site works and landscaping at 16 Dromore Road, Hillsborough.

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

Having considered the information provided within the report of the Senior Planning Officer, it was proposed by Councillor L Poots, seconded by Councillor J Craig and agreed that a site visit be arranged.
(9) LA05/2016/1178/O – Local (Called In) – New dwelling and garage (amended plans and additional information) on lands 80m SE of 64a Lisnabreeny Road, Belfast.

Members were advised that this application had been removed from the schedule due to the late submission of information.

4.2 Capacity Building Study

The Committee was provided with copy of details of a Capacity Building Study Visit to Roscommon County Council which has been received from NILGA.

It was proposed by Alderman J Dillon, seconded by Councillor N Anderson, and agreed to recommend that the Chairman and Lead Head of Planning, or his nominee, attend the study visit to Roscommon County Council.

Items for Noting

4.3 Department for Infrastructure: Roadway Adoption Certificates.

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

(a) Ballantine Gardens, Hillhall Road, Lisburn
(b) Belsize Meadow, Belsize Crescent and Belsize Road, Lisburn.
(c) Linen Wood, Lisburn.
(d) Kings Oak, Kesh Road, Lisburn.

The above information was noted.

4.4 Conservation Areas – Powers to Vary or Cancel.

The Committee was provided with copy and noted correspondence from the Department for Infrastructure (DfI) regarding powers to vary or cancel Conservation Areas.


The Committee noted publication of The Department for Infrastructure (DfI) NI Planning Statistics 2017/18 for the first quarter.

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 30 September 2017.

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 Councillor J Craig, and agreed that the items in the Confidential Report be considered ‘In Committee’, in the absence of press and public.

The Legal Advisor left the meeting at 5.28 pm.

5.1 Planning Agreement Screening

It was noted that this item was confidential for reason of information which reveals that the Council proposes (a) to give under any statutory provision a notice by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any statutory provision.

Having been provided with copy of the document, it was proposed by Councillor N Trimble, seconded by Councillor O Gawith, and agreed to recommend that Council agree the Planning Agreement Screening document.

5.2 Enforcement Cases with Court Proceedings in November 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 November 2017 it was agreed that the information provided within the Report should be noted. In response to a query by Councillor Hanvey, the Lead Head of Planning clarified the position in respect of one of the enforcement cases.

5.3 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.

Members congratulated the Head of Planning and his team on the very low level of absenteeism within the Unit.

Resumption of Normal Business

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

6. Any Other Business
6.1 **Capacity Building Event**

The Chair stated that, as the Mayor’s schedule was busy over the Christmas season, he would ask the Lead Head of Planning to make arrangements for a capacity building/training workshop event.

There being no further business, the meeting concluded at 5.40 pm.

CHAIRMAN / MAYOR