

**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 4 April 2016 at 2.08 pm**

**PRESENT:**

Alderman M Henderson MBE (Chairman)

The Right Worshipful the Mayor  
Councillor R T Beckett

Aldermen : D Drysdale, G Rice MBE  
Councillors: A Girvin, U Mackin, L Poots, John Palmer,  
P Catney, M Tolerton

**OTHER**

**MEMBERS:**

Aldermen: T Jeffers  
Councillors : N Anderson, B Mallon, T Morrow

**IN ATTENDANCE:**

Lead Head of Planning & Building Control  
Planning Manager  
Principal Planning Officers (RH and LJ)  
Senior Planning Officers (RT, AS , PS, MCO'N)  
Committee Secretary  
Attendance Clerk

Cleaver Fulton & Rankin  
Kate McCusker (Legal Advisor)

**Commencement of Meeting**

The Chairman, Alderman M Henderson, welcomed everyone to the meeting.

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

1. **Apologies**

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

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.

At this stage the following Declarations of Interest were made:

- Councillor John Palmer stated that whilst he had called in Application LA05/2015/0696/O at 14 Bog Road, he had not formed an opinion on the application.
- Alderman D Drysdale advised that whilst he had attended a meeting in relation to Application Y/2013/0245/F – erection of a single wind turbine he had not formed an opinion on the application.
- The Right Worshipful the Mayor, Councillor R T Beckett stated that as he had not attended the site meeting in respect of application no Y/2015/0079/F – he would leave the meeting during its consideration.

During the course of the meeting the following Declarations of Interest were made:

- Councillor P Catney declared an interest in item 4.2.1 of the Report of the Lead Head of Planning and Building Control re Planning Application – S/2014/0686/F – Request for Corporate View, stating that he had formed an opinion on the matter.
- Councillor U Mackin declared in interest in item 4.2.1 of the Report of the Lead Head of Planning and Building Control re Planning Application – S/2014/0686/F stating that as Chairman of Lisburn City Council Planning Committee he had attended meetings to discuss the application however he had not formed an opinion.
- Councillor L Poots declared an interest in Applications LA05/2015/0696/O and LA05/2015/0298/O as his father was speaking in support of them. However he himself had not yet formed an opinion.

### 3. Minutes

It was proposed by Councillor M Tolerton seconded by Councillor P Catney and agreed that the following Minutes be signed.

- Minutes of Meeting of Planning Committee held on Monday 7 March 2016.

### 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 Housing in Northern Ireland : Meeting Market Demand and Reforming the Social Housing Sector

It was proposed by Alderman D Drysdale, seconded by Alderman G Rice and agreed that the Chairman and Vice-Chairman of the Planning Committee or their nominees, attend the above conference which is due to be held on Wednesday 14 September 2016 in Central Belfast (venue to be confirmed).

It was further agreed that the option to attend this Conference be extended to other Members of the Committee who should advise Member Services should they wish to attend.

#### 4.2 Planning Applications – Corporate View

##### 4.2.1 Planning Application – S/2014/0686/F

Members had been provided with a copy of a letter received from the Department of the Environment, Strategic Planning Division, seeking the Council's view on proposals relating to the above planning application at 130 Saintfield Road, Boardmills, Lisburn BT27 6YW together with a Position Paper regarding the preparation of a corporate response on the matter.

After considering the information provided within the Position Paper it was proposed by Councillor U Mackin, seconded by Alderman G Rice and agreed by a majority of 9:1 with no abstentions that Option 3 should be taken and that the Council should provide no corporate view on the development. In this case individual Members or parties may express support for or object to the development.

##### 4.2.2 Planning Application – S/2011/0659/F

Members were reminded that the above Planning Application had been considered by Council at the October 2015 meeting. Following the Department's consideration of comments received, a copy of a letter from the Strategic Planning Division was received and circulated to Members together with a Notice of Opinion to approve in relation to the above Planning Application in respect of 5 Pond Park Road East, Lisburn, BT12 3RQ.

After considering the correspondence and Notice of Opinion it was by the Right Worshipful the Mayor, Councillor R T Beckett, seconded by Councillor M Tolerton and agreed unanimously that the Council should oppose this application by way of seeking recourse through the Planning Appeals Commission.

#### 4.3 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

##### 4.3.1 Schedule of Applications:

The Chairman reminded Members that they needed to be present for the entire discussion of an item. If absent for any part of the discussion they would render themselves unable to vote on the application.

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) S/2014/0913/F – Major – Demolition of existing buildings, installation and operation of a solar farm and associated infrastructure including pv panels, mounting frames, inverters, transformers, substations, pole mounted CCTV and fence at Former Maghaberry Airfield, Antrim.

The Senior Planning Officer (RT) presented the application as outlined within the circulated Report. There was some discussion around the issue of ownership of the site and the Legal Advisor explained that the application should be considered on its merits with the ownership of the site being a separate matter. She stated that an applicant did not have to own a site to apply for Planning Permission on it however the permission could not be implemented if the developer did not own the land.

The committee received Mr Aidan Collins from Lightsource who was speaking in support of the application highlighting the following:

- His organisation had a proven track record and had developed around 184 solar farms.
- The site under consideration is considered appropriate.
- The airfield site would be maintained and protected and a buffer zone would be incorporated.
- Sheep grazing would be accommodated.
- Species and seed rich areas would be included and would benefit wild life – this would include bird boxes and bat roosting provision.
- Only 2 objections had been received
- The proposal was on land which was not the best agriculturally.

This was followed by a question and answer session.

The Committee, having considered the information provided within the Report and by those attending to make representations, agreed by a majority of 8:2 with no abstentions to approve the application as outlined in Officer's report and subject to the conditions stated.

- (3) Y/2013/0245/F – Local (Called in) – Erection of a single wind turbine generator, 30m to hub and 41.5m to blade tip, meter cabinet and associated infrastructure. Additional Information (Shadow Flicker Assessment) at land 240m to the North West of 29 Lisnabreeny Road Belfast BT6 9SD.

The Senior Planning Officer (AS) presented the application as outlined within the circulated Report and clearer photographs of the site were circulated.

The Committee received Ms Anne Winnington and Mr P Bowles who wished to speak in opposition to the application highlighting the following:

- PPS 18 concerns in respect of noise emphasising that the proposed turbine is not more than 500m from the nearest house as is stipulated in policy.
- The upper sound limit is breached.

- An S2 background noise survey was not carried out.
- Other inaccuracies in the Report were also highlighted i.e. the distance to the nearest residence, and the location of living areas of property.
- Bat surveys had been ineffective.
- Some local residents are elderly and infirm.
- Mrs Winnington's husband suffers from a brain disorder which is affected by noise.
- Family members suffer migranes.
- There has been a lack of consideration given to alternatives.

The Committee received Alderman T Jeffers who wished to speak in opposition to the application highlighting the following:

- The importance of inaccuracies regarding distance within the application.
- He supports renewables however there are already two wind turbines in the immediate area and this one is significant in size.
- He believes the proposal is not suitable for the area and will be a blight on the landscape.
- He urged the Committee to refuse this application.

The Committee received Councillor Nathan Anderson who wished to speak in opposition to the application highlighting the following:

- This was a very significant turbine.
- Original shadow flicker survey was based on a smaller blade so the impact would now be greater.
- There would be a greater visual impact that that indicated in circulated photographs as those in the photographs are much smaller.
- Inaccuracies in separation distance which he considered was not accurately reflected in the report.

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

- PPS18, Policy RE1 puts the emphasis on wider social and economic benefits.
- The Report indicates that all consultations have been completed favourably.
- Objections have been addressed.
- The 500m referred to by the first two speakers relate to a wind farm not a single wind turbine.
- This application will help the government meet its renewable targets and the Council have to contribute to that.

This was followed by a question and answer session involving all speakers.

(The Senior Planning Officer (PS) left the meeting at 3.50 pm returning at 3.52 pm)

The Committee, having considered the information provided within the Report and by those attending to make representations, agreed by a majority of 6:3 with 1 abstention not to approve planning permission as outlined in Officer's report.

The Chairman stated that the Professional Officer's recommendation to approve planning permission had fallen and that a new motion was now under consideration. Section 45 of the 2011 Planning Act states 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 proposed by Alderman D Drysdale, seconded by Councillor U Mackin and agreed by a majority of 6 that the following material considerations be cited as reasons for refusal:

- The potential adverse impact on adjoining property from noise
- Potential loss of privacy or overshadowing of adjoining properties,
- Design issues, including the use of materials, the height, scale
- The cumulative effect of installations already in the area.

It was agreed that the precise wording of the refusal reasons would be delegated to the Head of Planning in accordance with Section 7 of the Local Government (Northern Ireland) Act 2014.

#### Adjournment of Meeting

At this stage in proceedings the Chairman announced that there would be a short comfort break and the meeting adjourned at 3.55 pm

#### Resumption of Meeting

The Chairman declared the meeting resumed at 4.15 pm

(The Right Worshipful the Mayor Councillor R T Beckett and Councillor U Mackin stated that as they had not attended the site meeting held on Monday 21 March 2016 in respect of the following item, they would be unable to consider the application and they therefore left the meeting at 3.55 pm with Councillor Mackin returning after discussion of the application. The Right Worshipful the Mayor, Councillor R T Beckett left the meeting at 3.55 pm and did not return).

- (4) Y2015/0079/F – Local (Called in) – Change of use of part of warehouse to use as a family adventure and indoor trampoline centre (retrospective) at Block 1, Cedarhurst Road, Newtownbreda Factory Estate, Castlereagh.

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

The Committee received Máirtín Ó Muilleoir MLA who wished to speak in opposition to the application highlighting the following:

- Noise and nuisance caused at the location.
- It was clear that this would create a large Adventure Park in a residential area.
- Inconvenience to local residents.
- Serious noise issues.
- He urged Members to accept the recommendation of Officers to refuse the application.

The Committee received Mr P Prenter and the Chairman permitted him to circulate photographic evidence. He wished to speak in opposition to the application highlighting the following:

- The application was in contradiction of planning policy.
- Refusal was in line with previous applications for a leisure facility at the site.
- He feels that such a cavalier attitude to planning applications is not acceptable.
- Residents have been long-suffering.
- Information within applications are inaccurate and misleading – he provided examples.
- The organisation is unable to be accurate about job creation.
- Vehicles are parking 3 metres from the living room of a resident.
- Noise continues all weekend and has had serious implications on the lives of local residents.

The Committee received Mr Cummins and Mr Cowan who wished to speak in support of the application highlighting the following:

- Concerns regarding noise and parking have been addressed by the applicant.
- The proposal does not make for intensified use.
- The applicant has invested greatly in the area and employs over 150 people.
- Investment will have to be re-considered if not approved.
- Car parking arrangements were explained.

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

- Economic benefits to the local community and wider area.
- Use of the third bay is not to increase numbers but to provide a better experience to existing users.
- Agreements were in place with local businesses and these would also be detrimentally affected if permission is not granted.
- NITB has recognised the business as a tourist centre.
- Refusal would undermine the business.
- The business provides an attractive venue for schools and community groups and has been used by the PSNI as a diversionary tool to address anti-social behaviour.

- PSNI have no reports of issues regarding parking or anti-social behaviour at the location.

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

- The issue is about balance and compromise.
- The applicant has addressed the concerns raised re parking and noise.
- Environmental Health and Transport NI have recommended conditions which would also address issues raised.
- One of the main residents is also now content.
- The loss of jobs needed to be considered in the determination.

There was a question and answer session involving all of the speakers.

The Committee, having considered the information provided within the Report, the Addendum Report, and that provided by those attending to make representations, agreed by a majority of 6:2 with no abstentions to refuse the application as outlined in Officer's report.

(Councillor U Mackin re-entered the meeting at 5.50 pm)

- (6) LA05/2015/0298/O – Local (Called in) – Proposed dwelling in a small gap site in a substantially built up frontage on both sides of Bog Road adjacent to 21 Bog Road Maze Lisburn.

The Senior Planning Officer (RT) presented the application as outlined in the circulated report highlighting an inaccuracy within the report as this application was for an infill dwelling rather than a replacement dwelling as stated in the circulated report.

The Committee received Mr Patrick Johnston who spoke in support of the application highlighting the following:

- Local Club provided a focal point.
- The application was outside a farm.
- It is barely visible from the road.
- He provided examples of similar situations at Benson's Road and Upper Ballinderry which were approved.
- The application also warrants approval due to its proximity to Balmoral Park.

There was a question and answer session.

The Committee received Mr Edwin Poots MLA who spoke in support of the application highlighting the following:

- He felt that all planning policies were fulfilled.
- There were 14 dwellings at the location.
- There were 2 businesses in the cluster.



- There was a focal point, a community building – Maze Social Club.
- The site provided suitable enclosure.
- It could be absorbed into the existing cluster.
- It would not adversely affect residential amenity.
- He felt that the Planning Officer had not interpreted the policy accurately.
- He feels this should have been a straightforward approval.

This was followed by a question and answer session.

The Committee, having considered the information provided within the Report and that provided by those attending to make representations, agreed by a majority of 7:2 with no abstentions not to refuse the application as outlined in Officer's report.

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 states 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 proposed by Councillor L Poots, seconded by Councillor P Catney and agreed by a majority of 7:2 with no abstentions that the following material consideration be cited as the reason for approving planning permission:

- The suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality and that it fulfills CTY2A.

It was agreed that the precise wording of the conditions would be delegated to the Head of Planning in accordance with Section 7 of the Local Government (Northern Ireland) Act 2014.

(The Lead Head of Planning and Building Control left the meeting at 6.16 pm and returned at 6.18 pm)

#### Adjournment of Meeting

At this stage in proceedings the Chairman announced that there would be a short break with refreshments being provided in the Members' Room, the meeting adjourned at 6.20 pm.

(Councillors A Girvin and P Catney left the meeting at 6.20 pm and did not return).

#### Resumption of Meeting

The Chairman declared the meeting resumed at 6.48 pm.

(5) LA05/2015/0696/O – Local (Called In) – Replacement of non-residential building with a dwelling at 14 Bog Road Maze, Lisburn.

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

The Committee received Mr A McCready and the Chairman acceded to the request for photographs to be circulated. Mr McCready wished to speak in support of the application highlighting the following:

- This application was to replace a business with a dwelling.
- The current house and business share a drive-way and parking and this application would improve amenity in the area.
- This is a cluster area around a social club with playing fields.
- The cluster is a visible entity.
- The dwelling would not have a negative impact.
- There had been no objections by statutory consultees.
- It met policy requirements.

This was followed by a question and answer session.

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

- He felt that approval of the previous application accepted that this was a cluster as it was at the same location.
- The current building was being replaced with something more modest.
- It would result in the removal of a myriad of signage.
- The business was no longer developing.

This was followed by a question and answer session.

The Committee, having considered the information provided within the report and that provided by those attending to make representations, agreed by a majority of 6:0 with 1 abstention not to refuse planning permission as outlined in Officer's report.

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 states 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 proposed by Councillor L Poots, seconded by Councillor M Tolerton and agreed by a majority of 6:0 with 1 abstention that the following material considerations be cited as the reasons for approving planning permission:

- The suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality and that it fulfills CTY2A.

It was agreed that the precise wording of the condition would be delegated to the Head of Planning in accordance with Section 7 of the Local Government (Northern Ireland) Act 2014.

- (2) LA05/2016/0041/F – Local (Exceptions Apply) – Proposed conversion of garage to living space and also roof space conversion at 15 Mill Hill Lane, Broomhedge, Moira BT67 0HT

The Senior Planning Officer presented the application as outlined within the circulated report.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed unanimously to approve the application as outlined in Officer's report and subject to the conditions stated.

It was proposed by Councillor M Tolerton, seconded by Alderman G Rice and agreed that the following items be noted:

4.3.2 Minister Durkan Invites Fresh Thinking to Guide Reviews of Strategic Planning Policy for Development in the Countryside

Members had been provided with a summary paper detailing the scope and purpose of this Call for Evidence. It was agreed that any comments which Members may wish to make on the summary paper be submitted to the Planning Manager by 29 April 2016 with a view to submitting a response by the closing date of 6 May 2016.

4.3.3 Minister Durkan Invites Views on Permitted Development Rights for Mineral Exploration

Members had been provided with a summary paper detailing the scope and purpose of this Call for Evidence. It was agreed that any comments which Members may wish to make on the summary paper be submitted to the Planning Manager by 6 May 2016 with a view to submitting a response by the closing date of 13 May 2016.

4.3.4 Ecclesiastical Exemption – Public Consultation

Members had been provided with a Consultation Paper from the Department of the Environment outlining policy proposals for the removal of Ecclesiastical Exemption.

It was agreed that any comments which Members may wish to make on the above consultation paper be submitted to the Planning Manager by 16 May 2016 with a view to submitting a response by the closing date of 13 June 2016.

#### 4.3.5 Listing of Buildings of Special Architectural or Historic Interest

Members were provided with a copy of correspondence dated 16 March 2016 from the Department of the Environment providing advanced notice of listing in respect of 136 Windmill Road, Aghnaleck, Hillsborough, Co Down.

It was agreed that any comments which Members may wish to make on the proposed listing should be submitted to the Planning Manager by 15 April 2016 with a view to submitting a response by the closing date of 27 April 2016.

#### 4.3.6 Listing of Buildings of Special Architectural or Historic Interest

Members were provided with a copy of correspondence dated 16 March 2016 providing advanced notice of listing in respect of 21 Lisburn Street, Hillsborough, Co Down.

It was agreed that any comments which Members may wish to make on the proposed listing should be submitted to the Planning Manager by 15 April 2016 with a view to submitting a response by the closing date of 27 April 2016.

#### 4.3.7 Development Management

##### 4.3.7.1 Decisions Issued – March 2016

Members noted that the Decisions Issued Report for March 2016 would be circulated by e-mail week commencing 4 April 2016 with the report being posted to the Planning Portal thereafter.

#### 4.4. Road Widening Scheme B23 Hillhall Road, Lisburn

Members were provided with a copy of a letter received from Transport NI dated 26 February 2016 together with a copy of a Notice of Making of the Vesting Order in relation to the above named scheme, which was published in the Belfast Telegraph, Newsletter, Irish News and Ulster Star during the week ending 6 March 2016.

It was agreed that the Committee note the above information.

#### 4.5 Budget Report – Planning Unit

Members were provided with a copy of the summary Budget Report for the Planning Unit for the year to 31 March 2016 as at 29 February 2016.

It was agreed that the Committee note the above information.

4.6 Rolling Year Absence Figures for the Planning Unit for the period 1 April 2015 to 31 January 2016

Members were provided with a copy of the Absence Report for the Planning Unit for the period 1 April 2015 to 31 January 2016.

5. It was agreed that the Committee note the above information  
Confidential Report from the Lead Head of Planning and Building Control

'In Committee'

It was proposed by Alderman D Drysdale, seconded by Councillor M Tolerton and agreed that the following item be considered 'In Committee' in the absence of press or members of the public for the reasons outlined on the Agenda.

(The Legal Advisor left the meeting at 7.15 pm)

5.1 Enforcement

5.1.1 Enforcement Cases with Court Proceedings in April 2016

Having been provided with information on Enforcement Cases with Court Proceedings in April 2015 it was agreed that the information provided within the Report should be noted.

5.1.2 Staffing Review - Planning Service

The Lead Head of Planning and Building Control advised that a report was being discussed at the forthcoming meeting of the Development Committee regarding proposals for a staffing review of the Planning Service. He explained that the Report was going to the Development Committee due to the fact that the Council's Constitution did not permit staffing matters to be discussed at Planning Committee meetings. He extended an invitation to all interested Members of the Planning Committee to attend the Development Committee meeting.

Resumption of Normal Business

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

(The Legal Advisor returned to the meeting at 7.16 pm)  
(Planning Officers left the meeting at 7.19 pm)

7. Any Other Business

Councillor U Mackin  
Statistics and Review of Protocol and Scheme of Delegation

Councillor Mackin asked how many applications were in the system which were more than 12 months old.

The Principal Planning Officer (RH) responded that there were approximately 150 and that a dedicated team was being brought together to address them.

Councillor Mackin asked when Members could expect a review of the Planning Protocol and Scheme of Delegation?

The Planning Manager responded that this was under consideration and that she hoped to bring a Report to the May meeting. After taking on board comments made it was agreed that this might be best progressed through discussion at a workshop event.

Alderman Drysdale  
Commendation

Alderman Drysdale wished to commend Officers for their hard work and diligence and asked the Planning Manager to pass on his comments.

There being no further business, the meeting concluded at 7.22 pm.

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CHAIRMAN / MAYOR