

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 September 2019 at 10.00 a.m.

PRESENT:

Councillor JD Craig (Chairman)

Councillor O Gawith (Vice-Chairman)

Aldermen D Drysdale, A Grehan and W.J. Dillon

Councillors M Gregg, U Mackin, J McCarthy, C McCready and John Palmer and A Swan

OTHER MEMBERS:

IN ATTENDANCE:

Director of Service Transformation
Head of Planning and Capital Development
Principal Planning Officer (RH)
Principal Planning Officer (LJ)
Senior Planning Officers (MB)
Member Services Officer
Attendance Clerk

Legal Advisor:

B Martyn - Cleaver Fulton & Rankin

Department for Infrastructure Roads
Mr B Finlay
Mr S Cash

Commencement of Meeting

The Chairman, Councillor JD Craig, welcomed everyone to the meeting. In particular he welcomed Alderman WJ Dillon who was returning to the Committee following a spell of illness.

Introductions were made by the Chairman and some housekeeping and evacuation announcements were made by the Director of Service Transformation who also highlighted to those in the public gallery that information on the procedures of the Committee was available at the rear of the Council Chamber.

1. **Apologies**

There were no apologies.

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.

During the course of the meeting, the following Declarations of Interest were received:

- The Chairman, Councillor J Craig, declared an interest in Item 5.1(1), LAO/2018/1094/F, on the basis that he had spoken to the applicant during the site meeting
- The Vice-Chairman, Councillor O Gawith declared an interest in Item 5.1(6), LAO5/2017/1125/F, on the basis that he had called the item in
- The Vice-Chairman, Councillor O Gawith, declared an interest in Item 5.1(2), LAO5/2018/0932/0, on the basis that the applicant was a long-standing friend
- Councillor U Mackin declared an interest in Item 5.1(4) on the basis that he had previously attended a meeting at which an earlier application on this site was discussed
- Alderman A Grehan declared an interest in Item 5.1(2), LAO5/2018/0932/O, on the basis that she worked for the applicant
- Alderman D Drysdale declared an interest in Item 5.1(1), LAO5/2018/1094/F, on the basis that he had been unable to attend the site meeting and did not feel that he was prepared to vote on the application
- Councillor U Mackin referred to Item 5.1(1), LAO5/2018/1094/F, and indicated that he had been unable to attend the site meeting but considered that he had enough information to enable him to take part in the discussion and vote
- The Deputy Mayor, Councillor J McCarthy, referred to Item 5.1(1), LAO5/2018/1094/F, and indicated that he had been unable to attend the site meeting but considered that he had enough information to enable him to take part in the discussion and vote
- The Deputy Mayor, Councillor J McCarthy, declared an interest in Item 5.1(5), LAO5/2018/1015/F, on the basis that he was employed by one of the speakers
- The Deputy Mayor, Councillor J McCarthy, referred to Item 5.1(6), LAO5/2017/1125/F, and stated that he lived close to the proposed site but had not met the residents and had not taken a view on the proposal.

3. Minutes of the meeting of the Committee held on Monday 5 August 2019 and minutes of the reconvened meeting held on Monday 12 August 2019.

It was proposed by Alderman D Drysdale, seconded by Councillor A Swan, and agreed that the Minutes of the Committee Meeting held on Monday 5 August 2019 and the reconvened Committee Meeting held on Monday 12 August 2019 as circulated be confirmed and signed.

4. Report of the Director of Service Transformation

4.1 Special Meeting re Local Development Plan – Preparation, Publication and Consultation Arrangements

The Committee was provided with an update on the completion of the Lisburn and Castlereagh Local Development Plan and the timetable for ratification by Council followed by publication and the consultation process.

In response to a query by Councillor U Mackin, regarding the dates for the informal consultation period, the Director of Service Transformation undertook to provide clarification on this. Councillor M Gregg expressed the view that it would be preferable to amend the consultation deadline so that it did not occur between Christmas and the New Year.

Members were advised that the Principal Planning Officer (LJ) would be available later in the meeting to provide further details on the Local Development Plan.

It was proposed by Councillor U Mackin, seconded by the Deputy Mayor, Councillor J McCarthy, and agreed to note that copies of the Strategy documents would be available to all Members on Sharepoint for consideration and comment from 4 September 2019 prior to a Special Development Committee meeting being held on 9 September 2019 to consider the detail of the Strategy Plan and to which all Council Members were invited to attend.

5. Report of the Head of Planning and Capital Development

5.1 Schedule of Applications:

The Chairman reminded Members that they needed to be present for the entire determination of an application. 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, he 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 also advised that representatives of the Department for Infrastructure, Roads Service, were present at the meeting to assist with consideration of applications that had road safety or traffic management issues.

(The Vice-Chairman, Councillor O Gawith, left the meeting at 10.19 am)

- (6) LA05/2017/1125/F – 32 two storey dwellings comprising 12 semi-detached and 20 detached on lands adjacent to 42 & 44 Earlsfort, Moira and 45 Lurgan Road, Moira

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

The Committee received Mr Martin Gault who wished to speak in opposition to the application, highlighting the following:

- There were 206 objections lodged by local residents ranging from teenagers to people in their 80s.
- The current cul-de-sac comprised 11 houses and the defining characteristic was its tranquillity.
- You can hear birdsong; there were children and parent play ball games outside in the evenings and you can see bats flying over the gardens.
- People purchased houses in this location because of its tranquillity
- 32 houses being built in the field at the end of the cul-de-sac will shatter that tranquillity
- PPS7 calls for planners to safeguard the character of established residential areas
- Planners stated that the development would not impact on traffic progression but many of the householders in the cul-de-sac have 2 to 3 cars and park on the street
- Access to the development will inconvenience traffic flow
- Moira is notorious for traffic problems and he could not see how 32 new houses with vehicles would be acceptable
- Edwin Poots MLA, the former Minister for the Environment, had expressed concern about the significant expansion plans for Moira village and considered that any further development should only be allowed if a by-pass was built
- The upsurge in traffic and removal of the cul-de-sac would mean that children would not be able to play safely outside
- He queried why the application did not meet the threshold for an environmental impact assessment as there was native hedging and evidence of a bat colony.
- Planners stated that there was no overlooking or loss of light but this was incorrect as back bedrooms in the new development would look over gardens and sunrooms of houses in the cul-de-sac
- Residents had arranged for air quality in Moira to be tested by Friends of the Earth who found it to be 32% above the annual mean legal limit and on a par with air quality in inner London
- Planning strategy statement said that good planning should improve the health and well-being of local communities; it should protect the natural environment and should promote development which removed the need for private motorised transport; the objectors considered the proposal would do the opposite.
- The objectors' concerns included traffic levels in the village; the tranquil character of the cul-de-sac; children's safety due to increased traffic; and air quality.

This was followed by a question and answer session which focussed on the following issues:

- Alderman J Dillon pointed out that the Local Area Plan of 2001, which identified residential zoning and capacity, meant the Council had little wriggle room in this regard. Mr Gault commented that that plan was 18 years old and

the new area plan could not come soon enough as objectors were trying to save their cul-de-sac and to ensure the safety of children in the community

- In response to a query by Alderman D Drysdale regarding sound planning reasons for refusing the application, Mr Gault referred to the 2015 Strategic Planning Statement and PPS7 QD1 and stated that the cul-de-sac was a quiet residential development that would be affected in every respect by this proposal.

The Committee received Sir Jeffrey Donaldson MP who wished to speak in opposition to the application highlighting the following:

- As the local MP he had a keen interest in planning issues and, while not a serial objector, he was concerned about the impact of further development on the traffic issues within Moira village
- He accepted that, as Alderman Dillon had indicated, the Council must consider any application within the overall planning context but the local area plan was 18 years old and a lot had changed in that time and there had been a substantial increase in traffic congestion
- Previously the traffic problem was mainly the back up of traffic from Lisburn to Moira but there was now a major problem in the morning with traffic flow in the other direction
- Planners had stated that the proposal would not impact adversely on the area but the piecemeal approach was part of the problem and it was necessary to look at the bigger picture
- Putting in 32 new houses might not seem in itself to be a major problem but, calculating 2 vehicles per household, that was in excess of 60 vehicles being added to the problem
- Planners said the additional traffic would go through the Earlsfort development but that traffic would have to join the major traffic routes and would add to the congestion
- He did not believe that enough work and research had been carried out by DfI Roads to recommend approval for the development
- There were issues regarding the density of the development and its character
- There was an issue regarding road safety, this was a cul-de-sac and people had bought their homes within what had been a cul-de-sac but would now become a through road and an access road.
- There were a lot of young children living there
- Traffic parked on either side of the road narrowed the width of the carriage way and contributed to road safety issues.

There then followed a question and answer session during which the following issues arose:

- In response to a query by the Chairman, Councillor J Craig, regarding a possible by-pass for Moira, Sir Jeffrey stated that, while over the years there had been discussions, public meetings and representations to the Department on this issue, there were no current plans for a by-pass. The Council was now the statutory planning authority for the area and should consider any steps it could take in advance of an area plan being approved to limit further development in Moira. He stated that he got more complaints about traffic issues in Moira than in all other areas combined.

- Alderman D Drysdale referred to conditions requested by DfI Roads and included by planners relating to access arrangements and road safety and enquired what planning reasons were available to the Council to overturn the planning recommendation. Sir Jeffrey stated that the planners had concluded that there was no immediate impact on traffic congestion but had failed to take into account that additional traffic generated by the development would join traffic through the village and impacted upon the quality of life not only of residents in Earlsfort but also of residents in Moira. He referred to PPS7 as a relevant planning policy and stated that the quality of life of residents in Earlsfort had been compromised as what was a cul-de-sac has been changed into a through road and an area of open space at the end of the cul-de-sac has been removed to facilitate access.
- In response to a query by Alderman WJ Dillon as to how the Council could place pressure on DfI Roads with regard to providing a by-pass, Sir Jeffrey stated that a Moira by-pass was not a priority for the Department but that a combined effort from the MP, MLAs and the Council should continue in order to push this forward.
- In response to a query by Councillor John Palmer regarding developments outside the Council area in Waringstown, Dollingstown and Donaghcloney contributing to traffic issues in Moira, Sir Jeffrey acknowledged that the support of neighbouring Councils was required to tackle the traffic issues in Moira.
- In response to a query by the Deputy Mayor, Councillor J McCarthy, regarding the quality of housing design and density, Sir Jeffrey clarified that his issues were with the density and layout of the development and the decision to locate open space to the rear of the development and further away from Earlsfort.

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

- He heard the concerns of the objectors
- Planning legislation required the Council to formulate policy for the orderly development of land; development must be in accordance with the area plan.
- This development was within the settlement of Moira on land zoned for residential development in the draft BMAP and there had been no objections at the time to that zoning.
- With regard to traffic concerns, Earlsfort had been designed to take up to 200 houses and the total in place following this development would not be much more than half of this.
- He referred to a planning appeal for an application in Hillsborough where the PAC had given weight to the area plan requirements and stated that the principle of development could not be reopened. PAC had considered that the answer to traffic issues lay in a shift to public transport rather than creation of new roads.
- To refuse this application you needed to identify environmental or other risks that outweighed the statutory planning provisions.
- Privacy and overlooking issues within the development were in line with Creating Place guidelines.
- The development was consistent with the statutory planning strategy and there were no justifiable reasons to reject the application.

There then followed a question and answer session in which the following issues were raised:

- In response to queries by Councillor Mackin, Mr Donaldson stated that the applicant had not been asked to carry out a transport assessment as this was not required for a development of less than 50 units. He stated that, when zoning land for residential use, the area plan would consider the wider impact of such zoning. While there may be a number of separate developments of under 50 units, this should not be considered a piecemeal approach as they were all within land zoned for housing in the area plan.

There then followed a question and answer session with the Planning Officers when the following issues arose:

- The Head of Planning and Capital Development advised that the open space within the new development had been relocated in order to achieve a better quality of open space provision
- DfI Roads representative confirmed that officers had been out on site and had taken road measurements and carried out other tests. They advised that they did not have information to hand regarding traffic volumes within Moira village. They stated that the traffic assessment had been limited to Earlsfort and had not included the wider village area
- The Head of Planning and Capital Development advised that the Council was not aware that DfI Roads had carried out any studies on the cumulative impact of traffic going through Moira village.
- The Head of Planning and Capital Development confirmed most of the area zoned for housing under BMAP had now been developed. He outlined the context in which the planning system operated and referred to the issue of comprehensiveness whereby the cumulative impact of separate housing developments could be reviewed when it occurred with an area of more than 50 hectares and comprising up to 300 units. He confirmed that this did not arise in this case in Moira and the proposal did not fall individually or cumulatively within the category.
- The Principal Planning Officer confirmed that the Council's Environment Health officers undertook regular monitoring of air quality in Moira and advised that results were compliant with air quality mean standards
- The Head of Planning and Capital Development and the Legal Adviser responded to Members' queries on the practicality of the Council requesting that either the developer or DfI Roads carry out a wider transport survey to take account of traffic issues in Moira including traffic coming from outside the Council area and the fact that the train station was at full parking capacity. It was noted that there was no requirement for either party to carry out a more extensive survey for a development of less than 50 units.

In Committee

At this stage it was proposed by Councillor M Gregg, seconded by the Deputy Mayor, Councillor J McCarthy, and agreed to go into committee to receive legal advice in the absence of the press and the public.

Legal advice was received.

Resumption of Normal Business

It was proposed by Councillor A Swan, seconded by Alderman WJ Dillon and agreed to come out of Committee and normal business was resumed.

Adjournment of Meeting

The Chairman, Councillor JD Craig, declared the meeting adjourned at 12.06 pm

Resumption of Meeting

The Chairman, Councillor JD Craig, declared the meeting resumed at 12.17 pm

In the debate which followed, Members commented as follows:

- Alderman D Drysdale stated that, while the traffic impact on Moira was tremendous and there was more housing development to come, the Council had no flexibility to overturn the planning recommendation since the land had been zoned for housing within the area plan.
- Councillor M Gregg stated that unfortunately in this instance he did not see how the Council could overturn the recommendation because it had to adhere to the 2001 area plan. He would like to seek a traffic assessment for the wider Moira area but given that there was no legal requirement for the developer to provide this, such a request would send the Committee round in circles and serve little purpose. He did not see how the Committee could go against the planning recommendation
- The Deputy Mayor, Councillor J McCarthy agreed with the two previous speakers and stated that it was unfortunate that, when planning powers came to Councils, it was to allow local knowledge to be brought to bear but that, within the planning context and in this instance, it was not possible to go against the planners' recommendation
- Alderman WJ Dillon agreed with previous comments but stated that he know so many residents in the Earlsfort development and did not feel that he could vote on the application and he would therefore abstain.
- Councillor A Swan agreed with previous comments and indicated that he would vote in favour of the recommendation
- Councillor U Mackin stated that he could not disagree with the previous comments. However he referred to the piecemeal development in the general area, the cumulative impact on traffic levels. He stated that the zoning decisions taken 18 years ago assumed that there would be adequate road infrastructure to accommodate the development and this had not proved to be the case. He referred to PPS7 and in particular safeguarding the residential amenity. He believed that the proposal to change the cul-de-sac with an access road would create a risk to residents and he indicated that he would be taking a precautionary approach and would be voting against the planning recommendation.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a

majority of 5:2 with 3 abstentions to approve the application as outlined in the Officer's report and subject to the conditions stated therein

(Alderman A Grehan and the representatives of DfI Roads left the meeting at 12.26 pm)

(2) LA05/2018/0932/O – Dwelling and garage to rear of 12a Whinney Hill, Lisburn

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

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

- Mr Lunn clarified that he was not here as an MLA but was in fact the applicant
- He indicated that he had expected objectors to be present and had been prepared to respond to any objections
- In the absence of any objections, he had no further comments to make

In response to a query by the Deputy Mayor, Councillor J McCarthy, Mr Lunn clarified the position of his property and of neighbouring properties.

There then followed questions to the Planning Officer. In response to a query by Councillor M Gregg, the Senior Planning Officer advised that precedents established by PAC indicated that buildings forming a continuous and built up frontage must be permanent buildings and could include ancillary buildings such as garages or stables.

In the discussion which followed, Alderman David Drysdale and Councillor A Swan expressed disappointment that, after having the application called in, no objectors had attended to speak on the issue. The Chairman, Councillor JD Craig, stated that there was no doubt in his mind that this was a gap site but queried why another application in the area had not been considered to be a gap site. The Senior Planning Officer provided information in respect of that application.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a majority of 8:1 with 0 abstentions to approve the application as outlined in the Officer's report and subject to the conditions stated therein

(The Chairman, Councillor JD Craig, and Alderman D Drysdale left the meeting and Alderman A Grehan and Councillor O Gawith returned to the meeting at 12.41 pm)

In the absence of the Chairman, the Vice-Chairman, Councillor O Gawith, was in the Chair.

(1) LA05/2018/1094/F – Erection of two-storey dwelling with attached double garage on a farm at lands 100 metres east of 88 Steps Road, Donaghcloney

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

The Committee received Mr Paul McAlister who wished to speak in support of the application highlighting the following

- The applicant was a farmer's son and would inherit the farm which was a progressive farm that had expanded over the years.
- Under planning policy, the applicant was entitled to a dwelling on the farm and it was the location of that dwelling which was the issue
- The farm was located at a crossroads.
- He outlined various building sites around the farm but indicated that there was an issue with flooding at one location and it was considered appropriate to leave space for future farm expansion.
- He accepted that the gap between the farm and the dwelling created issues regarding the creation of a possible infill site and visual linkage.
- He indicated that the applicant would have no wish to place another dwelling in the gap.
- He stated that the gap measured a distance of 45 metres which was close to the farm but removed the dwelling from farm smells.
- The applicant has submitted a preliminary sketch for a shed that would be needed for storage of meal and hay. Once that building was completed, the gap between the dwelling and the farm cluster would be narrowed.
- With regard to ribbon development, the site was on the side of the road along with one other farm.
- With regard to natural boundaries, he stated that the site had a natural boundary to one side and a hedge on another side.

There then followed a question and answer session. In response to a query by Alderman WJ Dillon, Mr McAlister stated that the applicant had not carried out any preliminary discussions with the planners.

The Committee received Alderman James Tinsley who wished to speak in support of the application highlighting the following:

- Alderman Tinsley had visited the site recently driving in and around the farm
- This was one of the biggest farms in the area with 300 milking cows, 350 young stock as well as poultry.
- The applicant had expanded the farm in the past; the farm sat on the crossroads and he had looked at the best possible site for the dwelling. Rising land to the back of the farm meant it was not appropriate for a dwelling and space was being left for farm expansion.
- The applicant was someone who was trying to build and develop his business
- The site selected might not be the perfect site for a dwelling but as was the best site available.

There were no questions for Alderman Tinsley.

There then followed a question and answer session for the planning officers. In response to Members' questions, the Head of Planning and Capital Development provided clarification on the following issues:

- There was no planning challenge to the principle of development; the issue was solely around the siting of the dwelling
- No alternative site had been proposed by the applicant and the Planning Officers could only assess the application submitted and could not assess the suitability of alternative sites.
- There was already one dwelling on the farm and, under the planning legislation, the applicant had an entitlement to the second dwelling.

During the discussion which followed, Members commented as follows:

- Alderman WJ Dillon stated that it was unfortunate that the applicant had not carried out preliminary discussions with the planners regarding the suitability of the site.
- In response to a query as to whether the application could be deferred to allow other sites to be considered, the Head of Planning and Capital Development advised that any further negotiations would have to be in the context of the application as submitted.
- Councillor U Mackin stated that there was an entitlement for a dwelling and was advised that, if the application was refused, there was nothing to stop the applicant submitting another planning application for an alternative site.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a majority of 8:1 with 0 abstentions to refuse the application as outlined in the Officer's report.

Adjournment of Meeting

The Vice-Chairman, Councillor O Gawith, declared the meeting adjourned at 1.11 pm

(The Chairman, Councillor JD Craig, returned to the meeting at 1.45 pm; Alderman D Drysdale did not return to the meeting at 1.45 pm)

Resumption of Meeting

The Chairman, Councillor JD Craig, declared the meeting resumed at 1.45 pm

- (3) LA05/2018/1133/F - Application under Section 54 of the Planning Act (Northern Ireland) 2011 to remove Condition 3 attached to Appeal 2015/A0175 (S/2015/0073) requiring the dwelling to be sited within the area hatched black on approved map on lands adjacent to 28 Lany Road, Lisburn

The Committee was advised that this item had been removed from the Planning Application Schedule to allow further information to be submitted.

(Councillor U Mackin left the meeting at 1.46 pm)

(4) LA05/2019/0083/O - Proposed infill dwelling and garage on lands adjacent to 31a Drennan Road, Boardmills, Lisburn

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

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

- The reasons for refusal fell within CTY8 and the planners considered that the applicant did not have a bookend to the development
- This site fulfilled the requirements of a gap site that would accommodate 2 dwellings
- The planners had classified the garden to the front of 31a Drennan Road as being in agricultural use
- 31a was set back from the road and the garden went down to the road
- There has been no DEFRA claims for Basic Payment Scheme in respect of the front garden which would indicate it was not being use for agricultural purposes
- Due to the ill health of the property owners, the garden at the front of 31a was now put to lawn
- Any ribboning effect was mitigated by the cluster of farm buildings which was a prominent feature along the road with the proposed dwelling being well integrated
- The applicant was involved in potato growing; the farm business had been registered since 2016
- The application was one where there was a genuine need to live at the location because of farming activity
- It was important for the future of the farm that the applicant had a dwelling on the holding

There then followed a question and answer session during which Mr Kirkpatrick clarified the following issues:

- The distance from one boundary to the other was approximately 75 metres
- The size of the farm holding was 21 acres
- The land holdings of the applicant and his brother were clarified
- The reason for fencing off a portion of the garden at 31a Drennan Road was to define the area they wanted to maintain; the path around the garden has been retained and there had been no DEFRA payments claimed or received
- As well as the proposed dwelling, there was an agricultural building on the applicant's site

There then followed a question and answer session during which the Head of Planning and Capital Development clarified the following issues:

- The separation distance of 75 metres between 30 and 31a Drennan Road was not considered to be a relevant planning issue as it was held that 31a did not form part of the frontage

- The fence on the land to the front of 31a could be seen in a Google image from 2008 and planners considered that the area had never formed part of the garden
- Reference was made to a PAC decision in relation to a planning application in Sycamore Road Dundrod which held that fencing had created a paddock which was not part of a garden.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a majority of 9:0 with 0 abstentions to refuse the application as outlined in the Officer's report.

(Alderman D Drysdale and Councillor U Mackin returned to the meeting and the Deputy Mayor, Councillor J McCarthy, left at 2.08 pm)

- (5) LA05/2018/1015/F – New build two-storey domestic dwelling and separate garage with accommodation over on a paddock site 50m northwest of 20 Leckey Road, Upper Ballinderry, Lisburn

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

The Committee received Mr Colin McAuley who wished to speak in opposition to the application highlighting the following:

- Residents living in property adjoining the site endorsed the planning recommendation to refuse the application
- The site did not constitute a suitable infill site and did not lie within an existing cluster
- CTY8 stated that a gap site must be within a substantial and built up frontage of 3 or more buildings; 2 dwellings shared a frontage to the lane way; the third dwelling did not share a frontage to the lane
- The lane terminated at No 20 Leckey Road
- The proposal would have an adverse impact on the rural character
- The proposal was not a suitable site for development within an existing cluster as the cluster had to be associated with a focal point; it was not located at a crossroads and there were no social or community buildings

There were no questions for Mr McAuley.

The Committee received Mr Pat McCatney MLA who wished to speak in opposition to the application highlighting the following:

- Mr McCatney said he was familiar with the area; there was a house to the right hand side, then a paddock and then another house at 20 Leckey Road and 22a did not form part of that frontage
- The application did not comply with CTY8
- The application would create ribbon development and would create suburban build up.
- He believed that the planners had made the correct decision and it was a clear cut decision in many ways

There were no questions for Mr Catney.

The Committee received Mr Eddie Kerr who wished to speak in support of the application. In response to a query by Councillor M Gregg regarding a display board presented by Mr Kerr, the Head of Planning and Capital Development advised this information was submitted by the applicant in advance the meeting in accordance with protocol for the operation of the Planning Committee. This had been circulated to the members. Mr Kerr then highlighted the following issues:

- The application was for a single dwelling on an infill site located on a private lane
- There was a clear gap in existing developments along the private lane
- In terms of scale and mass, the proposed house was the same size as existing properties and the frontage was also similar
- There was a very strong visual linkage with the houses off the lane
- The private lane had a road frontage and 3 dwellings had a frontage onto it.
- CTY21 did not require all buildings to front onto the road; in the countryside it was accepted that dwellings could be orientated at different angles.
- He referred to a previous and similar application on a private lane that had received approval and created a precedent

There then followed a question and answer session during which Mr Kerr advised as follows:

- In response to a query by Alderman D Drysdale, Mr Kerr stated that the curve of the road made it less obvious that there was frontage to the lane. The proposal was in keeping with the character of the area and sat in behind No 6 Leckey Road.
- The Chairman, Councillor JD Craig, stated that, rather than 3 properties being adjacent to the land, one of these properties led up to the lane rather than being adjacent to it; Mr Kerr responded that the site was filling in a space and was not adding to ribbon development; It was also screened from the road by mature planting.

The Committee received Alderman James Tinsley who wished to speak in support of the application highlighting the following

- There were 3 substantial dwellings off the Leckey Road.
- When you looked at the built-up frontage, you had a dwelling to the front and another two up the lane; not all dwellings had to face the road
- If the road was levelled out you would see the gap site; the curve made it less visible
- The proposed dwelling was in keeping with the size of other properties and with the character of the area.
- A precedent had been set when a similar application a few miles away had received approval.

There were no questions for Alderman Tinsley.

The Planning Officers then responded to Members' questions clarifying the following issues:

- Councillor U Mackin referred to a PAC decision 3 years ago that had held that orientation of a building was not critical when considering the formation of a built up frontage. The Senior Planning Officer confirmed that staggered buildings could still be considered so long as they had a long frontage.
- In response to a query by the Chairman, Councillor JD Craig, the Head of Planning and Capital development clarified that the difference between this and a previous application and the main issue is to interpret where the lane ends and the driveway starts and whether the property has a frontage to the road. In this case the dwelling at 22 Leckey Road had access to the lane but did not have frontage on it and No 6 Leckey Road had a hedge defining its boundary and there was then a green verge between the boundary and the lane.

During the debate which ensued, Members commented as follows:

- Councillor M Gregg stated that he had thought at first that the site was a gap site but, after considering previous PAC decisions, he had to accept that the site was not compliant
- The Chairman stated that there was an infill site on the basis that there were 3 dwellings with frontage onto the lane
- Councillor A Swan stated that he also lived on a lane with a farm at the end. He did not consider that No 6 Leckey Road was part of the lane.

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 7:2 with 1 abstention to refuse the application as outlined in the Officer's report.

Adjournment of meeting

The Chairman, Councillor JD Craig, declared the meeting adjourned at 2.54 pm

Resumption of meeting

The Chairman, Councillor JD Craig, declared the meeting resumed at 3.19 pm

(The Deputy Mayor, Councillor J McCarthy returned to the meeting at 3.19 pm)

- (7) LA05/2017/1271/F – Change of use of existing vernacular barn to dwelling plus an extension at Crawfordstown Farm, Knockcairn Road, Dundrod and approx. 279 metres northwest of 72 Knockcairn Road, Dundrod

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

The Committee received Mrs R Leader and Mr S Carson who wished to speak in support of the application highlighting the following:

- Mr Carson referred to the historic, community and architectural features of the building which made it a locally important building
- The application related to a building that was to be made fit for purpose.
- The building was about 400 years old and probably built on the foundations of a much earlier dwelling
- It was located in the Crawfordstown area on land that had been allocated to the Crawford family and had been built with stone and clay
- He outlined the clachan settlement system.
- There was evidence of the barn being an early plantation house with gable chimney, smooth cobbled floor. It was one of two dwellings fronting a street and its use as a barn came at a later stage.

There then followed a question and answer session in which Mr Carson responded to Members' queries as follows:

- The building was exceptional in that most of these types of buildings had been knocked down
- The approximate size of the building was 17ft by 25ft
- With regard to restoration of the barn's features, Mr Carson indicated that he felt that the cobble stones should be lifted and restored
- He clarified that the adjoining building was a house that had received planning approval for a replacement dwelling and that there had been no requirement to demolish it.

There then followed questions to the planners. In response to a query by Councillor U Mackin as to what consideration had been given to the historic nature of the building, the Head of Planning and Capital Development clarified that 50% of the building had been a dwelling house that had been replaced. As a result it would not be eligible for conversion back into residential use. He also stated that if the building's features were so exceptional then it would be a listed building..

During the discussions that followed, the following comments were made:

- Councillor U Mackin stated that the application was for a building that did not entirely include the replacement dwelling and there was an opportunity to conserve and restore the building. The Head of Planning and Capital Development stated that planning policy did not allow for the retention and restoration of a building that had been replaced and there would have to be a different application seeking approval for restoration of the barn area only.
- Councillor A Swan stated that he did not see how features such as the cobbles could be incorporated into a restored dwelling
- Alderman D Drysdale stated that, while he appreciated the history of the whole building, not enough information had been provided to enable the Committee to overturn the recommendation on planning grounds.

Councillor John Palmer then proposed and it was seconded by Councillor U Mackin that the application be deferred for a site meeting. On a vote being taken, 2:8 with 1 abstention, the proposal was declared not carried.

The Committee, having considered the information provided within the Report of the Principal Planning Officer and by those making representations, agreed by a

majority of 9:2 with 0 abstention to refuse the application as outlined in the Officer's report.

(Alderman WJ Dillon left the meeting at 3.52 pm)

(8) LA05/2017/0571/F – Dwelling for non- agricultural business under Policy CTY7 in the garden of 111 Moneyreagh Road, Moneyreagh, Newtownards

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

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

- The applicant's father had opened the business in 1995 at the rear of his dwelling and was involved in supplying cars and vans, spares and parts.
- All of the business was located at 111 Moneyreagh Road and the business operated from 6.30am to 11.00 pm and had contracts with 20 companies for the supply of vehicles, spares and parts.
- The business manager had to be on hand to receive deliveries, verify orders and ensure the smooth operation of the business
- Due to the failing health of his father, the applicant has had to take over as the company's Operational Director
- The company had expanded from a trading area of 491 to 1195 sq. metres and the workforce had increased by 6 people.
- The applicant lived 6 miles away from the business
- The proposed dwelling would enable the applicant to replicate his father's business system whereby clients were assured that the Operational Director was ever present to deal with their needs.
- In addition it would enable the applicant to be available to support his father with his daily health needs
- The dwelling would be well integrated into the site as Moneyreagh Road was screened by tall evergreen trees and access to the dwelling would be via the existing business access.

There then followed a question and answer session during which Mr Davis responded as follows:

- It would not be possible to redirect deliveries to the applicant's current home as he lived on a housing estate
- Mr Davis showed the Committee photographic evidence of planting along Moneyreagh Road that would provide screening for the new dwelling

There then followed questions to the planning officers and the Senior Planning Officer confirmed that the proposed dwelling would be a second fronting onto the road and would contribute to ribbon development.

During the discussions that followed Members made the following comments

- Councillor Swan commented that this proposal was very similar to one that had recently been before the Committee. He considered that the scheduling

of deliveries could be arranged during the business's normal opening hours and he indicated that he would be supporting the recommendation to refuse.

- Councillor M Gregg stated that, while he empathised with the applicant's situation, he did not see how planning policy would allow the Committee to overturn the recommendation.

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 9:1 with 0 abstentions to refuse the application as outlined in the Officer's report.

5.2 Submission of Pre-Application Notices (PAN)

- 5.2.1 LA05/2019/0799/PAN - Junction improvement works associated with implementation of planning permission for Mealough Road housing zoning (total 350 dwellings) relating to planning permissions Y/2008/0224/F (117 dwellings), Y/2009/0114/F (126 dwellings) and Y/2007/0455/F (107 dwellings) at Lands at junction of Knockbracken Road, Brackenwood Drive, Saintfield Road and Old Saintfield Road, Carryduff

The Committee was provided with copy of the report, proposal form and site location plan and it was proposed by the Deputy Mayor, Councillor J McCarthy, seconded by Councillor M Gregg, and agreed to note the information provided in relation to the above Pre-Application Notice.

- 5.2.2 LA05/2019/0803/PAN - Proposed construction of new 3G pitch, spectator stand, carpark modifications, floodlighting, fencing, paths, children's playground & all other associated works at Hydebank Playing Fields, 191 Newtownbreda Road, Belfast

The Committee was provided with copy of the report, proposal form and site location plan and it was proposed by Alderman D Drysdale, seconded by Councillor M Gregg, and agreed to note the information provided in relation to the above Pre-Application Notice.

5.3 Appeal Decision in respect of Planning Application LA05/2017/1277/F

It was proposed by Councillor A Swan, seconded by the Deputy Mayor, Councillor J McCarthy and agreed that the Committee note the information provided in respect of the above Appeal Decision.

5.4 Statutory Performance Indicators August 2019

The Committee was provided with copy and it was proposed by Alderman A Grehan, seconded by Councillor M Gregg, and agreed to note a draft monthly performance indicator from the Department of Infrastructure.

6 Deferred Briefing - Special Meeting re Local Development Plan – Preparation, Publication and Consultation Arrangements

The Committee noted that consideration of a briefing by the Principal Planning Officer (LJ) on the Local Development Plan had been deferred at Item 4.1 above and could be considered at this stage in the meeting.

The Principal Development Officer (LJ) advised that a visual presentation on the Local Development Plan would be provided at the Special Meeting of the Development Committee on 9 September 2019.

She indicated that there would be two parts to the Plan: Planning Strategy and Operational Policies. She outlined the key aspects of both sections with strategic objectives to achieve sustainable economic growth, protect and enhance the historic and natural environment and to support investment in the infrastructure. She advised that there had been an intensive process to review planning statements and, while there had been amendments, Members would still be familiar with planning policies.

The Principal Planning Officer (LJ) outlined the time table for the Plan. Following ratification by the Council on 24 September 2019, the Plan would be launched on 11 October 2019. There would be a 12 week consultation period which included a 4 week informal consultation period from 18 October to 8 November 2019 followed by an 8 week statutory consultation period from 8 November 2019 to 3 January 2020. She indicated that, unlike some other Councils, the Council would accept representations throughout the 12 week consultation period rather than just during the statutory consultation stage.

The Director of Service Transformation advised that the Council should have regard to neighbouring Councils' Development Plans, one of which would be considered at the forthcoming Development Committee meeting on 4 September 2019. He suggested that Members might wish to attend that meeting.

(The Principal Planning Officer (LJ) left the meeting at 4.34 pm)

7. Confidential Report of the Director of Service Transformation

The Chairman advised that the next item would be discussed 'in Committee' for the following reason:

It related to information which was likely to reveal the identity of an individual and relates to information in relation to which a claim to legal professional privilege could be maintained in legal proceedings

'In Committee'

It was proposed by Councillor M Gregg, seconded by Councillor John Palmer, and agreed that the items in the Confidential Report be considered 'In Committee', in the absence of press and public being present.

7.1 Planning Enforcement – Cases with Court Proceedings – September 2019

Having been provided with information on Enforcement Cases with Court Proceedings in September 2019 it was proposed by Alderman D Drysdale, seconded by Councillor M Gregg, and agreed that the information provided within the Report should be noted.

7.2 Legal Advice

At the request of Alderman D Drysdale, the Legal Advisor provided a verbal update on a number of legal matters..

Resumption of Normal Business

It was proposed by A Grehan, seconded by Councillor A Swan, and agreed to come out of committee and normal business was resumed.

8. Any Other Business

8.1 Forthcoming RTPI Conferences – Head of Planning and Capital Development

The Head of Planning and Capital Development updated the Committee on the following forthcoming RTPI conferences: Delivering Living Places, Europa Hotel, 17 September 2019; and Young Planners' Conference, the Mac, 2 October 2019. The Director of Services Transformation advised that a report on these conferences was being taken to the Development Committee meeting on 4 September 2019.

8.2 Appeal re Lady Wallace Drive Application – The Chairman, Councillor JD Craig

The Chairman, Councillor JD Craig, advised Members that the decision by the previous Planning Committee to overturn a planning recommendation relating to a development at Lady Wallace Drive had been upheld at appeal.

8.3 Called In Applications – Alderman D Drysdale and Alderman A Grehan

Alderman D Drysdale referred to instances where objectors to an application failed to attend Committee meetings and speak on the issue despite having sought a call in. He felt that this could be considered as an attempt to obstruct the planning process.

The Director of Service Transformation indicated that this issue could be considered as part of a review of the planning protocol. He advised that the development of the e-portal would facilitate a review and he suggested that a working group of the current Chairman and Vice-Chairman with the previous year's Chairman could be set up to commence this work and to consider appropriate amendments to the protocol.

In response to a query by Alderman A Grehan, the Chairman, Councillor J Craig, explained the process for the call in procedure and indicated that Members could be notified of the reason for the call in in advance of the meeting.

8.4 Comparative Statistics for PAC Cases – Councillor John Palmer

In response to a query by Councillor John Palmer, the Head of Planning and Capital Development advised that comparative figures for cases forwarded to PAC by all Councils were not currently available.

8.5 Use of Ipads for Viewing Planning Applications – Councillor M Gregg

In response to a query by Councillor M Gregg, the Head of Planning and Capital Development advised that this issue had been raised with the Council's IT section but as yet no response had been received. He indicated that he would expedite the matter and bring a report to the next Committee meeting.

There being no further business, the meeting concluded at 5.01 pm.

CHAIRMAN / MAYOR