

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 September 2017 at 2.00 pm

PRESENT:

Councillor L Poots (Chairman)

Councillor N Trimble (Vice-Chairman)

Aldermen J Dillon MBE JP, D Drysdale
J Craig, O Gawith, A Girvin, B Hanvey, U Mackin,
M Tolerton

OTHER MEMBERS:

The Right Worshipful the Mayor,
Councillor T Morrow
Aldermen AG Ewart, J Tinsley
Councillors S Carson, A Redpath

IN ATTENDANCE:

Lead Head of Planning
Principal Planning Officer (RH)
Senior Planning Officers (MCO'N and
AS)
Committee Secretary
Attendance Clerk

Cleaver Fulton & Rankin
Kate McCusker (Legal Adviser)

Commencement of Meeting

The Chairman, Councillor L Poots, welcomed everyone to the meeting/

Introductions were made by the Chairman and some housekeeping and evacuation announcements were made by the Lead Head of Planning

1. **Apologies**

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

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 Declaration of Interest was made:

- The Chairman, Councillor L Poots, stated that, whilst his father would be attending to make representation on an application on the Schedule, he did not consider this constituted a conflict of interest as he himself had not pre-determined the application.

3. Minutes

3.1 Minutes of Meeting of Planning Committee Held on 7 August 2017

It was proposed by Councillor J Craig, seconded by Alderman D Drysdale and agreed that the minutes of the Planning Committee meeting held on 7 August be signed.

3.2 Minutes of Special Meeting of Planning Committee Held on 21 August 2017

It was proposed by Councillor O Gawith, seconded by Councillor N Trimble and agreed that the minutes of the special Planning Committee meeting held on 21 August 2017 be signed.

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.

(The Lead Head of Planning left the meeting at 2.08 pm)

- (5) LA05/2017/0500/O – Local Application (Mandatory) – 1 No. dwelling and double garage for private use at approx. 40m South West of 50 Ballycrune Road, Hillsborough.

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

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

- The applicant had had a previous planning application that, due to incompetence on the part of a former DoE Planning Officer who had subsequently been dismissed, had failed to proceed resulting in substantial financial loss and hardship to the applicant and his business.
- Approval of the application would result in provision of jobs and services and would allow the applicant to retain his business.
- Approval would support regeneration of the local area.
- Approval would support job creation and investment in the applicant's business
- A precedent exists in that there was a previous planning approval for development on the site issued in 1984.
- The extent to which the proposal is necessary and desirable
- Need to keep a rural business up and running and keep people in employment

There then followed a question and answer session.

At the culmination of further debate, the decision was put to a vote and by a majority of 7:3 with 0 abstention, it was agreed that the recommendation of the Planning Officer to refuse the application would not be upheld.

The Chairman stated that the Professional Officer's recommendation to refuse planning permission had fallen and that a new motion was now under consideration. Section 45 of the 2011 Planning Act stated that, in dealing with planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

It was then proposed by Councillor L Poots, seconded by Alderman D Drysdale and agreed that the reasons cited for the approval of the application would be:

- Personal and domestic circumstances – Policy CTY6
- Support for rural regeneration
- Supporting the provision of jobs and services
- Promoting economic recovery and balanced growth
- Precedent due to previous planning approval on the site

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

The Chairman then highlighted that, because the application had been recommended for refusal, no conditions had been drafted. Conditions would now need to be discussed and the Committee agreed that the precise wording of conditions be delegated to the Planning Unit.

(The Lead Head of Planning returned to the meeting at 2.38 pm; The Senior Planning Officer (AS) left the meeting at 2.38 pm)

- (1) LA05/2017/0349/F – Local Application (Called in) – Proposed change of use from restaurant to amusement/gaming arcade at 25 Antrim Street, Lisburn.

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

(The Senior Planning Officer (AS) returned to the meeting at 2.43 pm)

The Committee received Ms Diana Thompson and Mr Derek White who wished to speak in opposition to the application highlighting the following:

- Precedent and prejudicial to the local development framework for Lisburn
- Amusement arcades do not fall within a specific planning uses class – considered to be leisure and entertainment
- SPPS refers to appropriate scale as a key planning consideration and Lisburn City Centre already has 3 existing arcades
- 1 more amusement arcade will not enhance the city centre
- The building had been previously used as a restaurant so non-retail use had already been established and the key test would be the appropriate scale of gaming centres for Lisburn City Centre
- Approval could be a harmful precedent for the city centre
- In a response to POP submitted in June 2017, the objectors had requested a bespoke amusement arcade policy.
- No need or capacity exercise had been undertaken
- Proposal represents a loss of ground floor retail space in the city centre
- A map was circulated at the meeting indicating the availability of gaming machines in Lisburn City Centre
- 313 machines available to the public in Lisburn City Centre, 42 of which are located in public houses and betting shops.

There then followed a question and answer session.

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

- The issue was considered on planning grounds and not on moral grounds
- This development, being in a chain of developments, has an impact on the retail character of the city centre
- The development has frontage on an arterial route in the city
- The development would represent slippage from the primary retail use in the area

- The character of the Antrim Street area is primarily retail and the application represents a departure from that
- One business on its own may be acceptable but a number will have a cumulative impact that should be taken into account
- A more appropriate location for a business of this type would be within an entertainment hub
- The demand for this type of business is a niche market and would represent little benefit to the vitality of the city centre
- The number of other premises in the city catering for this demand means that there is over-saturation

There then followed a question and answer session.

The Committee received Mr Andrew Robinson and Mr Richard Collins who wished to speak in support of the application highlighting the following:

- Applicant purchased the property 9 months ago
- Applicant owns and operates business in Portadown including amusement arcades and nightclubs
- The proposal involves the rejuvenation of the building and creation of employment
- The fact that the premises is located on a main street and is very overt will minimise risks of anti-social behaviour
- A strict over-21 policy will operate in respect of customers
- The development will be a professional and well-run business
- The applicant is a reputable business man

There then followed a question and answer session.

At the culmination of further debate, the decision was put to a vote and by a majority of 8:2 with 0 abstention, it was agreed that the recommendation of the Planning Officer to approve the application would not be upheld.

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 stated that, in dealing with planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

It was then proposed by Councillor U Mackin, seconded by Alderman D Drysdale and agreed that the reasons cited for refusal of the application would be:

- The extent to which the development is necessary or desirable has not been adequately demonstrated
- The proposal would have an adverse impact on the retail character of the area

The proposal was put to a vote and, by a majority of 8:2 with 0 abstentions, the Chairman declared the application refused for the reasons stated above.

Adjournment of Meeting

The Chairman, Councillor L Poots declared the meeting adjourned at 3.39 pm

Resumption of meeting

The Chairman, Councillor L Poots declared the meeting resumed at 3.50 pm.

(2) LA05/2016/1111/O – Local (Called in) – Site to be used for a bungalow and garage at site adjacent to 20 Bridge Road, Moira

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

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

- Applicant outlined a series of health issues over a period of time that had forced him to retire and had given rise to the need for alternative accommodation
- With regard to a previous application for the site that had been turned down, he had indicated at that time that other options such as a ground floor extension could be taken into consideration. He stated however that his continuing ill health meant that he could not look after or maintain the larger dwelling and now needed alternative and more suitable accommodation
- He did not consider that the proposed development would be unduly prominent and detailed existing hedging to the north and west sides of the plot, tall conifers to the south side and proposed hedging to the east.
- He stated that the only views of the proposed bungalow would be from the motorway and from the fly-over bridge
- With regard to ribbon development, he pointed out that the proposal was on a private lane and not on a main road.

A question and answer session followed, after which it was proposed by the Chairman, Councillor L Poots, seconded by Alderman WJ Dillon, and agreed that this application be deferred for a period of two months to allow the submission of additional medical evidence to the Planning Office.

(3) LA05/2016/0724/O – Local Application (Called in) – Infill site for 2 no. detached dwellings, associated garages and landscaping at lands between no. 5 Royal Oaks and no. 52 Kesh Road, Maze, Lisburn

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

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

- All consultations were returned with no issues of concern arising

- The dwellings would be designed sensitively to integrate into the surroundings
- There were no objections from neighbours
- Policy CTY8 states that infill can be allowed in a gap within a substantial and continuously built-up frontage; in this case there are 38 separate dwellings before the site and 9 buildings after the site
- Boundaries include mature hedgerows and trees to the north and south and the applicant will be installing additional hedging and fencing
- Kesh Road is a built up area. With 38 properties before the site and 9 after and then the dual carriageway, there is no area of countryside between the settlement limits of Long Kesh and Kesh Bridge.
- The front of each of the two sites will be 30m which is similar to the frontage of some of the sites on the Long Kesh Road
- There is a need for new family housing in this area given the proximity of local schools

There then followed a question and answer session.

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those making representation, agreed by a majority of 5:4 with 1 abstention to refuse the application for the reasons outlined in Officer's report.

- 7) LA05/2017/0186/F – Local (Called in) – Retention of dog boarding and day care facility – change of use of part of existing dwelling (retrospective), to accommodate same and proposed upgrading of existing vehicular access (revised scheme) at 116 Halftown Road, Maze, Lisburn.

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

The Committee received Mr John Griffiths who wish to speak in opposition to the application highlighting the following:

- Mr Griffiths indicated he was speaking on behalf of the other residents including Mr Reid who accompanied him to the meeting
- The facility has been operating without planning permission from 2014 and a very similar application to this one had been refused in November 2016
- Outside runs and exercise areas are located 25-70m away from neighbouring dwellings
- There is no place in a residential area for a dog boarding and day care facility
- This is a worthwhile business if located in an appropriate setting.

There then followed a question and answer session.

The Committee received Councillor Scott Carson who wished to speak in opposition to the application highlighting the following:

- Councillor Carson has met with residents on a number of occasions regarding this matter
- The application presented today is very similar to the application that was refused in November 2016.
- The applicant has not demonstrated that there are overriding reasons why this is an essential business in a rural area as required by the planning policy
- The application has a negative impact on neighbouring properties
- The location of the business means that customers have to drive past the other residents' properties to access the site
- There are traffic congestion issues particularly on the lane way
- Environmental Health have concerns regarding the noise and the disposal of sewerage from the site and these have still not been satisfactorily addressed
- Dogs have been removed from the runs but, while this may reduce the noise, it means the dogs are then confined to the house
- The application is still significantly outside the requirements of planning policy.

There then followed a question and answer session.

The Committee received Mr Nigel Coffey and Mr Rey Gaston who wished to speak in support of the application highlighting the following:

- These premises are not comparable to dog kennels; in this case dogs are cared for in the family home
- There has been conflicting advice from NIEA and Industrial Consents regarding the use of permeable or impermeable surfaces. Permeable surfaces such as gravel would be self-draining and self-cleaning.
- It was planned to carry out further tests to investigate ground drainage conditions
- The current application included a change of access for customers
- The character of the area was not exclusively residential as it included the motorway and the nursery.
- Mr Gaston advised that he was a noise and acoustic consultant and had produced a noise impact assessment of the site, copies of which he made available at the meeting
- Mr Gaston had visited the site on 3 occasions
- He had recorded high noise levels from the nearby motorway but had not recorded high levels of noise from dog barking
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There then followed a question and answer session.

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

- Alderman Ewart stated that he was Chair of the Council's Development Committee and a member of Lisburn Rural Partnership and part of that remit was to encourage businesses to locate in rural areas.

- The issue of waste and sewerage disposal could be dealt with by inclusion of a condition to a planning approval
- The dog care centre had been approved in 2014 and the Council officers had visited the site and supported the business
- The access road into the site is to be changed and the car park located to the side of the house and this will reduce noise and congestion issues.

There then followed a question and answer session.

The Committee, having considered the information provided within the Report of the Senior Planning Officer and by those making representation, agreed by a majority of 9:1 with 0 abstentions to refuse the application for the reasons outlined in Officer's report.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 6.05 pm advising that refreshments were available in the Members' Suite.

Resumption of Meeting

The Chairman declared the meeting resumed at 6.35 pm

(Following the resumption of the meeting, Alderman WJ Dillon, Councillor A Girvin, Councillor U Mackin and Councillor M Tolerton did not return to the meeting.)

- (4) LA05/2017/0268/F – Local Application (Exceptions apply) – Dwelling and detached garage, in substitution for dwelling approved under S/2010/0955/O and S/2014/0170/RM at 80m SE of 30 Quarterland Road, Dundrod, Crumlin.

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

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed on a vote 6:0 to approve the application as outlined in Officer's report and subject to the conditions stated therein.

- (6) LA05/2017/0392/LBC – Local Application (Mandatory) – Renovation of fountain base at feature fountain, Castle Gardens, Castle Street, Lisburn

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

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed on a vote 6:0 to approve the application as outlined in Officer's report and subject to the conditions stated therein.

4.2 Planning Conference: Planning a Sustainable Northern Ireland

The Committee was provided with copy of details of the above conference which was

taking place on 6 September 2017 in the Europa Hotel, Belfast.

It was proposed by Councillor J Craig, seconded by Councillor O Gawith, and agreed that the Chairman and Vice-Chairman of the Planning Committee, or their nominees, attend the above conference.

4.3 Planning Conference: Shaping Planning, People and Place

The Committee was provided with copy of details of the above conference which was taking place on 16 November 2017 at the Baby Grand, Belfast.

It was agreed not to nominate Members to attend this conference.

Items for Noting

4.4 Development Management – Appeals Decisions as of 22 August 2017

The Committee noted information circulated in respect of Planning Appeal Decisions: LA05/2015/0122/F, LA05/2016/0056/O, LA05/2016/0058/O and S/2010/0967/F which advised regarding the dismissal of the appeals and the non-granting of costs against the Council.

4.5 Planning Statistics

The Committee was provided with and noted copy report providing detailed statistical analysis for Lisburn and Castlereagh City Council regarding the year end planning statistics published by the Department for Infrastructure for 2016/17. The Committee also noted the position outlined in respect of the Pre-Transfer Legacy Applications.

The Chairman and Members thanked all of the officers of the planning team for their hard work in relation to the legacy applications and the significant reduction in numbers.

4.6 Proposed Training Programme for Planning Committee Members – Autumn 2017

The Committee was provided with and noted copy of a proposed training programme for Planning Committee Members scheduled to commence in Autumn 2017. Members noted that the first module would be held on 9 October 2017 and not 5 October as detailed in the schedule.

4.7 Budget Report – Planning Unit

The Committee was provided with and noted copy of the summary Budget Report for the Planning Unit for the year to 31 March 2018 as at 31 July 2017.

5. Confidential Report from the Lead Head of Planning

It was agreed that the reports and recommendations of the Confidential Report

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 Trimble, 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.

Items for Noting

5.1. Enforcement Cases with Court Proceedings for September 2017.

It was noted that this item was confidential for reason of information relating to any individual; information which was likely to reveal the identity of an individual; and information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

The Committee was provided with and noted information on enforcement cases with court proceedings in September 2017.

5.2 Rolling Year Absence Figures for the Planning Unit

It was noted that this item was confidential for reason of information relating to any individual.

Having been provided with information on rolling year absence figures for the Planning Unit for the period 1 April 2016 to 31 July 2017, it was agreed that the information be noted.

(The Legal Adviser returned to the meeting at 7.16 pm for consideration of the next item of business. The Principal Planning Officer, the Committee Secretary and the Attendance Clerk left the meeting at 7.16 pm)

5.3 Policy for the Use of Electronic Devices in the Public Gallery

It was agreed that the Committee request that a Council policy for electronic device use in the public gallery come forward as a matter of urgency and that Member Services seek clarity from a Local Government Act perspective to ensure that it was legally sound.

Resumption of Normal Business

It was proposed by Alderman D Drysdale, seconded by Councillor B Hanvey, and agreed to come out of committee and normal business was resumed.

6. Any Other Business

There were no items of any other business.

There being no further business, the meeting concluded at 7.30 pm.

CHAIRMAN / MAYOR