

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 5 June 2017 at 2.00 pm

PRESENT: Councillor A Redpath (Chairman)
Councillor N Anderson (Vice-Chairman)
Aldermen J Dillon MBE JP, D Drysdale, G Rice MBE
Councillors T Beckett, A Girvin, B Hanvey, U Mackin,
L Poots

OTHER MEMBERS: The Right Worshipful the Mayor Councillor R B Bloomfield

IN ATTENDANCE: Lead Head of Planning & Building Control
Principal Planning Officer (RH)
Senior Planning Officers (RT and MCO'N)
Committee Secretary
Attendance Clerk

Cleaver Fulton & Rankin
Kate McCusker (Legal Advisor)

Commencement of Meeting

The Chairman, Councillor A Redpath, welcomed everyone to the meeting.

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

1. **Apologies**

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

2. **Declarations of Interest**

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk.

The following Declarations of Interest were made:

- Councillor B Hanvey declared an interest in application Number LA05/2015/0568/F a relative was an employee in the Council's Planning Unit and was the Case Officer in this application. He stated that he would be withdrawing from the meeting during the discussion of this particular item.

3. Minutes

It was proposed by Alderman J Dillon seconded by Alderman G Rice and agreed that the following Minutes be signed.

- Minutes of Meeting of Planning Committee held on Monday 8 May 2017.

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:-

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 Chairman advised that the following two applications had been withdrawn from the Schedule – LA05/2016/0928/O and LA05/2016/0726/O.

(Alderman Drysdale entered the meeting at 2.05 pm).

- (1) LA05/2016/1239/F – Major Application – A proposed Business Park development comprising 20 no. industrial units, access, parking, fencing, earth bund, landscaping and ancillary site works on lands north east of 20 Glenavy Road Moira.

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

The Committee received Mr Thomas Bell who wished to speak in support of the application he advised the he had no comments to make but invited questions from the Committee.

There were a number of questions which focused on existing approvals, fencing, planning history, the target tenants and issues of dust associated with the 2011 approval.

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

(Councillor B Hanvey left the meeting at 2.29 pm having declared an interest in the next application).

(7) LA05/2015/0568/F – Local Application (Called in) – A biomass boiler and hopper adjacent to the LPG tank and oil tank at 9-11 Lurgan Road, Aghalee.

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

The Committee received Councillor John Palmer who wished to speak on behalf of objecting residents highlighting the following:

- The boiler was creating pollution, flammable embers, noise, smoke and there were health and safety issues.
- Flammable embers had fallen into the gardens of local residents.
- Research undertaken online would question the fact that the chimney was at the correct height as it was only around 2m high.
- Planting may become a fire hazard.
- He would have expected comments from the Health and Safety Executive to have been included with the application.
- He sought a deferral subject to clarification of the above comments.
- He drew attention to significant noise issues when pellets were being delivered.
- He considered that a site visit might be of benefit to Committee Members.

This was followed by a question and answer session.

The Committee received Mr Thomas Bell and Mr James Wilson who wished to speak in support of the application highlighting the following:

- The original planning application followed a comprehensive consultation process with Environmental Health which culminated in approval being granted.
- This application seeks permission for a modest re-siting to address a few minor issues.
- The proposal presented has addressed these issues and the noise file opened by the Council's Environmental Health Unit has now been closed.
- The Renewable Heat Incentive issue is not a planning one.
- There was a fault with one of the parts which has been replaced.

- Planting and insulation have been carried out both of which will be of benefit.
- There are wider environmental benefits to be derived from the use of such a boiler.
- There has been no evidence provided of either smoke or flammable embers.
- When inspections were carried out, consultants could find no evidence of either.
- Deliveries of wood pellets take place every 6/8 weeks and therefore associated noise should not be an issue.
- The stack height is actually 4m and not 2m as stated by objectors.

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:

- This care home had been on site for a number of decades providing a superb facility.
- The owners have always demonstrated a high duty of care and would not do anything to put their own residents at risk.
- They would not install a boiler which would discharge embers or smoke into the environment.
- All evidence supports the application and there is no evidence to support a refusal.

This was followed by a question and answer session.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 6:1 with 2 abstention to approve the application as outlined in Officer's report and subject to the conditions stated therein.

(Councillor Hanvey was unable to vote having declared a conflict of interest. He then returned to the meeting at 3.34 pm).

(The Lead Head of Planning and Building Control left the meeting at 3.34 pm returning at 3.36 pm)

- (2) LA05/2016/0928/O – Local Application (Previously deferred) – A single dwelling as part of an existing development cluster at 31 Fort Road, Glenavy, Crumlin.

It was noted that this application had been deferred for one month at the request of the Agent.

(3) LA05/2016/0758/O – Local Application (Called in) – Site for a dwelling on land adjacent and east of 21 Waterloo Road, Lisburn.

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

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

- He wanted to confirm/clarify what the two buildings at the location were and stated that they were two large reservoirs at c.15,000 sq ft each and asked whether these structures would be constituted as buildings because, if they do, then the infill criteria might well be met.

This was followed by some discussion on other options available to the applicant in terms of obtaining planning permission on this site.

The Committee, having considered the information provided within the Report of the Senior Planning Officer, agreed by a majority of 10:0 with 0 abstentions to refuse the application for the reasons outlined in the Officer's report.

(4) LA05/2016/0726/O – Local Application (Called in) – A retirement farm dwelling on lands 100m south east of 17 Ballymote Road, Glenavy, Crumlin.

It was noted that the above application had been withdrawn completely from the planning application process by the applicant/agent.

(5) LA05/2016/0513/F – Local Application (Called in) – A dwelling and garage on lands adjacent to and north of 48 Ravarnet Road, Lisburn.

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

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

- This was a farm business active for over 6 years.
- In his opinion it does cluster and integrate.
- He outlined the existing building explaining that the large building had been constructed over 20 years ago under Permitted Development and as such did not require planning permission.
- He stated that the dwelling fronted Ravarnet Road however some of the buildings were set back and therefore did not constitute ribbon development.
- Regarding the issues raised in the Report in connection with design and integration, he highlighted that the new dwelling would be around 2.4

metres below road level and this low setting together with planting would ensure that it would integrate.

- The farm was established and this application should be approved.

This was followed by a question and answer session.

Adjournment of Meeting

At this stage the Chairman, Councillor A Redpath advised that there would be a short comfort break and declared the meeting adjourned at 4.09 pm

Resumption of Meeting

The Chairman declared the meeting resumed at 4.24 pm.

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

- There was a farm here and the original bungalow was the farm dwelling, there were farm buildings in place and therefore a cluster.
- Permitted Development by nature is 'permitted' and approval is not required.
- The residents are entitled to a site and there is no other option as to where they would locate it.
- The comments re the creation of ribbon development are tenuous but even if it were the case, this approval could still be granted due to the fact that there is no alternative available.
- For all of the above reasons this approval should be granted.

This was followed by a question and answer session

At the culmination of further discussion and ensuing debate, the decision was put to a vote and by a majority of 10:0 with 0 abstentions, it was agreed that the recommendation of the Planning Officer would not be upheld.

The Chairman stated that the Professional Officer's recommendation to refuse planning permission had fallen and that a new motion was now under consideration.

It was then proposed by Councillor L Poots, seconded by Alderman J Dillon and by a majority of 10:0 with 0 abstentions it was agreed that the reasons cited for the approval of the application were:

- The suitability of the type of development proposed in terms of compatibility with neighbouring property and the locality;
- That the Committee considers that the proposal complies with the farm dwelling policy in terms of building and cluster;
- That the Committee considers that the proposal does not constitute ribbon development.

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

The Chairman then highlighted that because the application had been recommended for refusal, no conditions had been drafted. It was agreed by the Committee that the drafting of Conditions be delegated to the Planning Unit.

The Lead Head of Planning and Building Control left the meeting at 4.49 pm and returned at 4.52 pm.

(6) LA05/2016/1120/O – Local Application (Called in) A dwelling on land beside and east of 1 Ballymullan Road, Lisburn.

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

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

- This was outline permission.
- There is no doubt that there is frontage.
- There is a space for one dwelling.
- He outlined an Ordinance Survey map showing a small dwelling on the site.
- There is no requirement for the site to be free of buildings.
- The garage currently on the site could be removed.

This was followed by a question and answer session at the culmination of which it was proposed by The Chairman, Councillor A Redpath, seconded by Councillor L Poots and agreed that this application be deferred for a period of one month to enable the site to be re-assessed.

Items for Noting

4.2 Budget Report – Planning Unit

Members noted the information provided on the Budget Report for the Planning Unit for the year to 31 March 2018 as at 30 April 2017.

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

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

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

'In Committee'

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

5.1 Enforcement Cases with Court Proceedings in June 2017

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

Members noted information provided on Enforcement Cases with Court Proceedings in June 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 30 April 2017 it was agreed that the information be noted.

Councillor N Anderson commended the Planning Unit and the Director's Office on the fact that there had been no absences during the period in question.

5.3 Verbal Item – Section 76 Agreements

The Lead Head of Planning and Building Control and the Legal Advisor provided some information and advice on the best way for the Committee to deal with Section 76 Agreements.

The information was noted and it was agreed that the Lead Head of Planning and building Control circulate the Council's Policy on Section 76 Agreements to all Members of Council for their information.

Resumption of Normal Business

It was proposed by Councillor B Hanvey seconded by Councillor N Anderson and agreed to come out of committee and normal business was resumed.

6. Any Other Business

6.1 Roads Issues

Alderman G Rice

Alderman G Rice concurred with comments made regarding roads issues with smaller developments, which did not require community consultation, which highlighted the importance of ensuring that developers were held to their Concept Plan. She also referred to ongoing issues with information provided by Transport NI and felt it would be beneficial if the Council had its own Traffic Consultant.

6.2 Final Meeting under Chairmanship of Councillor A Redpath

Alderman J Dillon

Alderman J Dillon highlighted that this would be the final meeting at which the Chairman, Councillor A Redpath would be a member of the Planning Committee and he complimented Councillor Redpath on his effective Chairmanship and wished him well for the future stating that his expertise would be missed.

Councillors T Beckett, U Mackin, L Poots, N Anderson and A Girvin concurred as did Aldermen G Rice and D Drysdale.

Councillor N Anderson went on to thank Alderman G Rice for her input as this would also be her final meeting as a member of the Committee.

The Lead Head of Planning and Building Control wished to express his thanks to the Chairman, Vice-Chairman and Members of the Planning Committee for their leadership and guidance and to the Planning team and the Members Service Unit for their input.

The Chairman, Councillor A Redpath stated that he very much appreciated all of the comments made. He thanked the Lead Head of Planning and Building Control for his contribution and skills, the Planning team for their knowledge and professionalism, the Vice-Chairman and Legal Advisor for their support and Members of the Committee for their input during this very busy year.

Councillor B Hanvey left the meeting at 5.30 pm.

6.3 Anonymous Correspondence Circulated to Planning Committee Members

Alderman D Drysdale

Alderman Drysdale referred to anonymous correspondence dated 31 May 2017 which had been circulated to all Members of the Planning Committee voicing opposition to a forthcoming Planning Application.

He stated that whilst he did not have time for anonymous letters and normally ignored them, he referred to the fact that this sender had stated that they were an employee of the Housing Executive and requested that the NI Housing Executive be contacted to see if they agree with the comments made and to find out their view on such correspondence being sent.

6.4 NILGA Planning Workshop
Alderman D Drysdale

Alderman D Drysdale provided some feedback on the above event which he had attended stating that he had been disappointed at both content and speakers.

Alderman J Dillon stated that he could not disagree more with the comments made by Alderman Drysdale as he had attended the event and had been very impressed with the content.

Alderman Drysdale responded that other attendees at the conference had been in agreement with his opinion of the event.

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

CHAIRMAN / MAYOR