

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 6th January at 10.30 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, John Palmer and A Swan

OTHER MEMBERS:

Alderman J Tinsley

Councillors S Carson, J Laverty, Jenny Palmer, S Skillen and N Trimble

IN ATTENDANCE:

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

Legal Advisor:

B Martyn - Cleaver Fulton & Rankin

Department for Infrastructure, Roads Service

Mr C Dickson

Mr S Cash

Mr B Finlay

Mr A Kyle

Commencement of Meeting

The Chairman, Councillor JD Craig, welcomed everyone to the meeting.

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.

(Councillor A Swan arrived at 10.40 am)

1. Apologies

It was agreed that apologies be recorded on behalf of Councillor C McCreedy.

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 U Mackin referred to application LA05/2018/0307/F and advised that he had called the application in and had spoken with the applicant to advise on the planning process. He also advised that he lived half a mile from the site. He stated however that he had not expressed or formed an opinion on the application
- The Deputy Mayor, Councillor J McCarthy, referred to applications LA05/2016/0985/F, LA05/2017/1153/F, LA05/2018/0512/F and LA05/2018/1265/F and stated that he had spoken to applicants and objectors on these applications advising on the planning process but had not formed or expressed an opinion.
- Alderman A Grehan referred to applications LA05/2016/0985/F, LA05/2018/0512/F and LA05/2017/1153/F and indicated that she was a member of the NIHE Board and would be withdrawing from the meeting during consideration of these applications.
- Alderman D Drysdale referred to application LA05/2017/1153/F and advised that he was chairman of Inspire Business Park and would be withdrawing from the meeting during consideration of this application
- Councillor A Swan referred to applications LA05/2016/0985/F, LA05/2018/0512/F, LA05/2018/0307/F and LA05/2019/0674/F and advised that he had been approached regarding these applications but had not expressed or formed an opinion.
- The Chairman, Councillor J Craig, referred to application LA05/2018/1265/F and advised that he had given advice regarding the planning process but had not expressed or formed an opinion.

During the course of the meeting the following expression of interest was made:

- Alderman D Drysdale referred to application LA05/2018/0512/F and advised that he had previously spoken in support of an aspect of the application and would be withdrawing from the meeting during consideration of the application.

3. Minutes of the meeting of the Committee held on Monday 2 December 2019

It was proposed by Alderman WJ Dillon, seconded by Councillor A Swan, and agreed that the Minutes of the Committee Meeting held on Monday 2 December 2019 as circulated be confirmed and signed.

4. Report from the Director of Service Transformation

4.1 Chief Planners Update (No 4)

The Committee was provided with copy and it was proposed by Councillor U Mackin, seconded by Alderman D Drysdale, and agreed to note correspondence dated 25 November 2019 from the Department for Infrastructure (DfI) Chief Planner providing an update on key planning issues.

5. Report from 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 Chairman advised that there were a number of speakers in attendance making representation on some of the applications and therefore the Schedule of Applications would be taken out of order to enable these applications to be taken first.

- (1) LA05/2016/0985/F – Erection of 7 no detached dwellings, with car-parking, landscaping, associated site works and access arrangements from Millmount Road, Dundonald on lands approximately 75m south-east of 1 Millmount Chase, Dundonald

The Head of Planning and Capital Development advised that additional information had been received from the DfI Roads that required further assessment and it was unanimously agreed that the application be withdrawn from the schedule to allow further consultation with DfI Roads.

- (4) LA05/2018/1265/F – Residential development of 79 units comprising 42 apartments, 3 detached and 34 semi-detached dwellings including parking, landscaping, public open space and associated site works by amendment of planning permission S/2008/0192/F (proposed development of 371 dwellings comprising of detached, semi-detached, town houses, apartments and duplex's) on lands north and west of 19 and 23 Brokerstown Road, Lisburn.

The Chairman, Councillor J Craig, advised that 185 objections to the application had been recently received and he suggested that the application be deferred to allow the planning unit time to properly assess these objections and bring forward an updated report.

It was proposed by Alderman A Grehan, seconded by Councillor M Gregg, and agreed by a majority of 10:0 with no abstentions to defer this application for one month.

Some discussion took place as to whether Alderman A Grehan had an interest to declare in this application on the basis that NIHE had been a consultee in the planning process. It was agreed that the requirement to make declarations could be discussed at a later stage in the meeting.

(Alderman D Drysdale and Alderman A Grehan left the meeting at 10.59 am)

(2) LA05/2017/1153/F - Proposed mixed use development comprising housing (119 units) and 18 no industrial units (class B1b/B1c and B2 employment uses) with associated public open space, related access improvements, parking and ancillary site works on lands at Comber Road, Dundonald (north of Comber Road, east of Millmount Road and south of the Comber Greenway).

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

The Committee received Mr Peter Carr who wished to speak in opposition to the application highlighting the following:

- Mr Carr stated that the statements outlined in Paragraphs 3-7 of the Planning Officer's report were not supported with credible evidence
- He stated that SPPS and PPS4 had been set aside and the decision to allow housing on land zoned for economic development was unsound and judicial reviewable
- Decisions regarding rezoning should be done under the Local Development Plan process
- InvestNI stated that the land should be retained as employment land
- Planning should be orderly and consistent and land zoned for employment by BMAP and the local area plan should not be changed by one planning application
- The proposal would result in an unacceptable reduction of employment land in the council area
- Retaining only a quarter of the site for employment units was not a proportionate shift from the original zoning
- The contention that the proposal was sustainable because residents would be working in the industrial unit has not been thought through as one third of the houses would be built before the units were completed
- The planners stated that there was no evidence that the land would have been used for employment but Inspire, a local business park, had indicated that they were ready to expand and this evidence was not included in the report. Inspire had 90 units and currently employed 350 people
- Lisney who advised planners on the issue reported that the site had failed to sell previously but it had been marketed during a period of recession
- The planning stated that the proposal would create 39-68 jobs but, as development of the site for employment purposes could create circa 700 jobs, this was not a gain but a loss
- He stated that the way to support economic regeneration in Dundonald was to support the local plan and reject this application

Mr Carr responded to Members' questions as follows:

- The number of 700 jobs was a conservative estimate and based on information obtained from Inspire Business Park who believed that they could make the site work. The site must be protected for that belief to be realised
- He considered the information provided by Lisney to be suspect; they had attempted to sell the site during a period when demand was low and evidence provided by Turley showed that there had been no extension of development lands throughout Castlereagh or East Belfast during that period.
- The site was on a trunk road and was part of the development network
- A key issue was that the site should be developed in line with its intended purpose
- The land was originally zoned under BMAP with the aim of providing Dundonald with range and capacity of development land; planning policy was that it was important to provide more than a sufficiency of land in order to ensure that there was acceptable range and capacity
- All of the other development land was located at a specific location at the top of the Newtownards Road
- One of the problems with the site was its ownership as it was owned by house builders who would continue to seek to build residential units on the land and were not interested in developing it for its intended purpose
- He confirmed that Inspire Business Park had withdrawn from discussions regarding the management of the business units and there was no management scheme in place for these units.

The Committee received Mr Chris Lyttle MLA who wished to speak in opposition to the proposal highlighting the following:

- Mr Lyttle indicated that he had been asked by a number of constituents to speak on their behalf in opposition to the application
- A fundamental concern was that it was contrary to the local area plan; the Council must carefully consider its responsibility for its area plan which produced a balanced model for Council areas. There was increasing concern that such balanced development was not being achieved in Dundonald.
- The change of use of this land could set a significant precedent
- The fact that the land had not been taken up for employment in the past did not mean that it could not be used for this purpose in the future
- This was one of the few employment sites in Dundonald
- Decisions regarding land use and zoning should be made in the local development process rather than in the planning committee process

Mr Lyttle then responded to Members' questions as follows:

- The reason for the lack of uptake of the land in the past was due to difficult economic conditions over a number of years
- It had taken a concerted effort by Inspire to encourage this type of development and people in Dundonald were very much up for contributing to this task

- The balance of development in Dundonald was of concern to the local people and the loss of land zoned for economic use was a matter of serious concern

The Committee received Councillor Sharon Skillen who wished to speak in opposition to the application highlighting the following:

- Councillor Skillen indicated that she was speaking on behalf of herself and her colleague, Councillor John Laverty
- Castlereagh East Councillors had set up a working group with the planning team to address concerns regarding the over development of Dundonald village and traffic on the roads
- Paragraph 50 of our planning policy stated that planning should not go against the local development plan
- In a presentation to Council, NI Water had indicated that Dundonald was a red zoned area due to pressure on the sewerage infrastructure
- 265 people had objected to the application and should be listened to
- The proposed realignment on the Comber Road might ease traffic flow but there were concerns that it would give rise to increased speeding
- 119 new homes on the site could result in excess of 200 cars on the roads.

In response to a query by the Chairman, Councillor Skillen stated that she hoped that the site could be used for industrial development in the future.

In response to a question from Councillor M Gregg requesting Alderman D Drysdale to return to the meeting to answer questions in respect of Inspire Business Park the Chairman, Councillor J Craig, advised that Alderman D Drysdale had requested speaking rights to speak in opposition to the application but had then decided that he would not address the Committee on the basis that he had declared an interest in the application.

The Committee receive Mr Clyde Shanks and Mr Matthew Ridout who wished to speak in support of the application highlighting the following:

- Following a thorough assessment of the application, the planning officers had produced a comprehensive report recommending approval
- The planning officers must have regard to the local development plan and the zoning of the site. They found the principle of development of the site to be acceptable in that it was mixed used development
- The land had been zoned for development in 2004 but there had been a lack of any market interest in the site and nothing had been achieved in the interim period
- It was not a question of setting aside SPPS and PPS4; the policy issues had been assessed by the planning officers
- The planning officers had confirmed that greater material weight should be afforded to the fact that over 16 years there has been no economic development taking place on the site
- Evidence was clear that, without the subsidising element of residential development, there would be no economic development on the site.
- He outlined the benefits of the proposal including giving people the opportunity to live in close proximity to the workplace; 68 full-time jobs within

the units as well as construction jobs; road improvements to enhance safety and visibility; reduction of 3 accesses onto a protected route to 1; walking and cycling routes linking with Comber Greenway; and provision of children's play areas.

- The planning officers had weighed all the material planning considerations and had recommended to approve the proposal as the right way to proceed.

Mr Shanks and Mr Ridout responded to Members' questions as follows:

- They outlined significant changes in circumstances that had occurred since the original zoning of the site including relocation of the park and ride, the shelving of the proposed e-way project and the introduction of the Glider route along the Newtownards Road
- They stated that it was Lisney's view that employment would not come forward at all without inclusion of the residential factor
- Planners had weighed up the benefits of this proposal and it was an opportunity to deliver something rather than nothing
- With regard to withdrawal of Inspire, they advised that the developer was a commercial developer and they would build and manage the units by way of management agreements with future tenants
- They clarified the design arrangements that would rationalise access arrangements onto the Comber Road

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

- In response to a query by the Vice-Chairman, Councillor O Gawith, the Principal Planning Officer clarified that the refusal of a previous application for the site had been deemed a refusal arising from a failure to provide environmental information requested within a specified timeline
- In response to queries by Councillor J Palmer, The Head of Planning and Capital Development stated that planners had written to the NI Transport Holding Company in respect of this application but that they were not a statutory consultee and had chosen not to respond.
- It was confirmed by the Head of Planning and Capital Development that Invest NI had objected to the proposal; they were responsible for inward investment in Northern Ireland and would have a general approach to object to similar mixed use proposals.
- In response to queries by Councillor M Gregg, Mr Charles Dickson, DfI Roads, advised that the original traffic survey underpinning the assessment and carried out in 2015 was considered to remain valid as there had been little change in traffic volume on the main corridors into Belfast.
- He stated that a request for a further traffic assessment would not be required in the absence of good and compelling reasons to do so.
- He acknowledged problems with traffic flows within Dundonald village.
- He advised that, in time, the Millmount site would have a bus service that would link up with BRT and it was considered that the development was acceptable as it would be part of a sustainable transport plan
- In 2015 Roads Service had recommended Millmount Road access to the site but Mr Dickson stated that this had not proved possible due to difficulty with

access across third party land. DfI Roads had accepted that the main access to the site would be from the Comber Road and an extensive design process had been agreed to include the realignment of the road. DfI Roads considered the proposal for Comber Road access to be acceptable in that it was safe and appropriate

- While there remained some concern that the road realignment would lead to increased speed along the road, DfI Roads considered that improved visibility would ameliorate that issue
- In response to a further query by Councillor M Gregg, the Head of Planning and Capital Development outlined considerations that were taken into account in reaching the planning recommendation to accept mixed development. He referred to the fact that the BRT system had originally been intended to use the Comber Greenway rather than the Newtownards Road; the relocation of the park and ride facility; and the site did not have ease of access to the strategic road network. These factors meant that the Comber Road was now seen as a more peripheral location
- The type of employment development in the Castlereagh area was SMEs and this proposal would provide opportunity for that type of development
- In response to queries by Councillor Gawith, the Head of Planning and Capital Development advised that the proportion of the site used for employment units had been increased from the original proposal submitted and this was based on evidence from Lisney that this would be an appropriate balance
- Lisney worked on behalf of the developer but were professional chartered surveyors
- In response to a query by the Deputy Mayor, Councillor J McCarthy, regarding PPS4, the Head of Planning and Capital Development stated that PPS4 was published in 2010 and there had been further guidance issued by the Department in relation to the application of policy PED 7. He made reference to Paragraphs 74-114 of the planning report which outlined the policy considerations, taking account of advice received from the Economic Development Unit of the Council and Lisney and the weighting of available options
- With regard to queries by Councillor U Mackin and the Chairman, Councillor J Craig, The Head of Service advised members in relation to NI Water's response to the application. He then read out the response received from NI Water
- In response to a query by the Chairman, Councillor J Craig, Mr C Dickson, DfI Roads, clarified that an amendment to the transport assessment in 2018 was to do with changes in numbers of new houses being constructed rather than with traffic issues
- In response to a further query by Councillor J Palmer regarding the Millmount Road access, Mr Dickson outlined the reasons already indicated for the change of access.

In the debate which followed, Members commented as follows:

- Alderman WJ Dillon stated that he had listened carefully to all the submissions and felt that the mixed use development was the best option for the site and that it was better than have it lying unused over many years. He

considered that the Planning Officers were very concise in their responses and he would agree with their recommendation

- Councillor M Gregg considered that this land was zoned for employment and should remain zoned for employment. Zoning should not be overturned by an individual planning application. He stated that the Employment Land Review had indicated a shortage of 44 hectares of employment land in the Council area and this development would increase that shortage. He also referred to the importance of having pockets of employment land across an area rather than concentrated in one place. He stated that the use of this site for residential purposes was a loss of 650 potential jobs for the Dundonald area. He stated that traffic from the site would go onto the Comber Road where there was already traffic problems. He concluded by saying that it was important for the Committee to go against the planning office recommendation and that any decision on land zoning should be taken at a strategic level
- Councillor A Swan indicated that he was minded to agree with the planning officer recommendation on the basis that the land had not been used for economic development over many years. He stated that traffic issues would be the same whether the land was used for residential or industrial purposes
- Councillor John Palmer stated that he would oppose the recommendation. He stated that the land was zoned for employment purposes and he could see no reason why it could not still be zoned for employment
- Councilor U Mackin stated that he had a lot of sympathy with the views expressed by Councillor M Gregg. While he was reluctant to give up land zoned for employment, the changes in circumstances in the Comber Road including the revised BRT scheme meant that he would be supporting the planning recommendation
- The Vice-Chairman, Councillor O Gawith, indicated that he would be opposing the planning recommendation. He advised that he did not believe any community and environment benefits outweighed the benefits of retaining the land for employment use. He was concerned at the level of weight given by the comments from Lisney as the marketing of the land had taken place during a period of recession
- The Deputy Mayor, Councillor J McCarthy, considered that this was very finely balanced but agreed with the view expressed by Councillor Mackin. He felt that the change to the BRT system created exceptional circumstances and he would support the planning recommendation
- Councillor M Gregg responded to comments by Members saying that PPS4 was the overarching policy restricting the rezoning of employment land. He stated that if you removed pockets of employment land, you were sending those employment opportunities elsewhere. Replacing employment land with housing meant more people were encouraged to use cars and to travel to work in other areas. He stated that this decision would set a precedent
- In response to a query by Councillor A Swan, the Head of Planning and Capital Development stated that the planning recommendation did not entail rezoning of the land - as this was a planning application where the Council are asked whether the land could be developed for mixed use development as an exception to prevailing planning policy. He clarified that the employment land review indicated a need for 44 hectares of land looking forward but that there was significantly more land zoned for employment within the council area than was considered necessary to meet this need

- The Chairman, Councillor J Craig, stated that the decision to move from full to partial industrialisation of the site was a finely balanced one. He noted that both NI Water and DfI Roads were statutory consultees and found the proposal acceptable. He concluded by saying that he would be supporting the planning recommendation and did not believe that this recommendation was setting a precedent.

Alderman WJ Dillon requested a recorded vote on this application.

Voting was as follows:

In favour of the recommendation to approve: The Chairman, Councillor J Craig, the Deputy Mayor, Councillor J McCarthy, Alderman WJ Dillon, Councillor U Mackin, Councillor A Swan

Against the recommendation to approve: Vice-Chairman, Councillor O Gawith, Councillor M Gregg and Councillor John Palmer

Abstentions: None

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 5:3 with 0 abstention to approve the application as outlined in the Officer's report and subject to the conditions stated therein.

Adjournment of Meeting

The Chairman, Councillor JD Craig, declared the meeting adjourned at 1.15 pm

Resumption of Meeting

The Chairman, Councillor JD Craig, declared the meeting resumed at 2.02 pm

(Alderman A Grehan did not return to the meeting at 2.02 pm; Alderman D Drysdale returned to the meeting but left at 2.03 pm after having declared in interest in the application)

- (3) LA05/2018/0512/F – Erection of 49 apartments and 244 dwellings, realignment of Spine Road granted approval under Y/2009/0303/RM, access arrangements, signalisation of Newtownards Road / Old Mill Meadows and Comber Road / Millmount Road junctions car parking, landscaping and associated site works (293 residential units in total) on lands surrounding 9 Millmount Road, comprising lands northeast of Comber Greenway east of Millmount Road and 150 metres west and southwest of 60 Greengraves Road Dundonald.

The Senior Planning Officer (MB) presented this application as outlined in the circulated report,

The Committee received Mr Jonathan Bradshaw who wished to speak in opposition to the application highlighting the following:

- The planning recommendation was flawed and the only recommendation for this application should be refusal
- The article 40 agreement was not in accordance with the concept master plan and the spine road within the site did not follow the original alignment
- The planning officers contended that the development was broadly in compliance with the master plan but broadly was not acceptable and the master plan should be adhered to
- A revised master plan was required
- The planning report did not mention the buffer zones; a 10 metre buffer zone was required and had not been provided
- Failure to provide adequate buffer zones would impact upon the character of the area
- The spine road could not be changed without a new master plan
- The spine road was now going to be used as the through road. The main through route was originally to have been the protected road. DfI Roads and planners need to justify how the impact on residents had been assessed.
- The application would have an adverse effect on an established residential area
- The proposal was contrary to PPS7 QD1
- NI Water had asked for a pre-development assessment which was not provided
- Schools in the area were already over-subscribed and the impact on them had not been assessed
- Outline planning permission granted in 1996 limited number of dwellings to 1,080; the number of dwelling currently provided was 1,300
- The original limit for dwellings in Millmount was 510 and there were currently 664
- The uplift in housing numbers had not been assessed by the Traffic Impact Assessment and the methodology of that assessment was flawed.

Mr Bradshaw responded to Members' questions as follows:

- Mr Bradshaw stated that the concept master plan allowed for a 10 metre buffer zone along the edge of the site; the current proposal was a lot less than originally planned and included a cycle path; he stated that the buffer zone should be 10 metres plus the cycle path
- The current road also protruded into the buffer zone
- In the current Millmount development the buffer zones were less than shown on the plans
- There was a previous approval for a spinal road which followed the line of the concept master plan. The revised road did not follow that line and it would lead through Bill Neill Playing Field and Jubilee Gardens
- Allowing the road in its current position would cut through the cycle track
- A revised master plan was required to ensure all issues including impact on the environment were fully considered
- The spine road was originally meant to be the link between the Millmount and Coopers Mill developments. Without that link the main spine road would become the through road.

- The introduction of the Glider service would bring in more traffic and traffic speeds had not been considered.

The committee received Mr Chris Lyttle who wished to speak in opposition to the application highlighting the following:

- Mr Lyttle indicated that he was speaking on behalf of constituents and noted that 205 letters of objection had been received in respect of the application
- The land has been zoned for housing but there was concern regarding the imbalance of development
- There were concerns regarding the density of housing which had been increased from 4 to 8 dwellings per acre
- There were also concerns about the fact that the mixed use village centre proposed for the Coopers Mill development had still not been provided
- While the signalisation of the Newtownards and Combers Roads was to be improved, there were concerns about the realignment of the Comber Road between Coopers Mill and this development
- There were concerns about the impact on open space at Billy Neill Playing Fields

There were no questions from the Committee for Mr Lyttle.

The Committee received Councillor Sharon Skillen who wished to speak in opposition to the application highlighting the following:

- Councillor Skillen indicated she was speaking on her own behalf and on behalf of her colleague, Councillor J Laverty
- The infrastructure in the area could not cope with additional houses; the sewerage system was under severe pressure and NI Water had indicated that Dundonald area had been red zoned.
- The proposal has changed from 100 5-bedroom houses to 293
- This uplift would lead to 600 extra cars on the road and Dundonald village was already a car park at peak travel times
- Local schools in the area were already at capacity
- The spine road was originally intended to be for internal movement; if it became a through road, there was concern that it would become a rat run through the development causing serious traffic issues
- She also suggested that the Committee consider having a site meeting in order to assess the issues raised by the objectors
- She queried why NI Water considered the application acceptable when they had indicated previously the pressures on the infrastructure in Dundonald.

In response to a query by the Chairman Councillor J Craig regarding any potential impact on Billy Neill Playing Fields, Councillor Skillen stated that the change in the concept master plan had led to concerns about a possible adverse impact on the Council facility.

The Committee received Mr Conor Mulligan, Mr Conor O'Hara, Mr Michael Gordon and Mr Sam McKee who wished to speak in support of the application highlighting the following:

- It was pointed out that the planning recommendation was for approval, there had been no objections from statutory consultees and the land was zoned for housing
- The application design fell broadly within the provisions of the concept master plan
- In the northern zone house density had been increased from 4 to 8 dwellings per acre which was similar to density within the Coopers Mill development
- Mixed types of accommodation were provided including 3/4 bedroom dwellings and a small number of apartments
- There would be a bus service through the development
- Design layout was produced in consultation with the planning team
- 2 of 4 open spaces were designed to function as children's play areas
- Article 40 agreement delivered the spine road which already had approval
- Dwellings in approved developments up to this proposal had all been sold
- The proposal would create 100 construction jobs over the next 5 years

The applicant's representatives responded to Members queries as follows:

- The Chairman Councillor J Craig enquired whether the spine road had been changed and if so whether it would impact on the Billy Neill Playing Fields. He was advised that Dfl Roads had requested some amendments to the spine road to facilitate buses. Space has been provided for possible expansion in the future but that depended on what would happen with the area plan.
- Councillor Mackin queried the background to the increase from 1080 to 1300 houses in the overall development. He was advised that other developments had increased numbers substantially, for example Coopers Mill had doubled its numbers. However it was pointed out that the original approvals dated back to 1995 and the concepts of high and low density had changed since then. It was considered that 5 dwellings per acre was not sustainable in terms of use of land and resources and a level of 8 dwellings per acre was now considered to be an acceptable density.
- In response to further queries, Councillor Mackin was advised that the spine road and the buffer zones had been approved under reserved matters. He also advised that amendments to the original concept master plan were required due to the topography of the site.

Councillor M Gregg raised a query for the Planning Officers regarding the Article 40 agreement. The Chair ruled that this would require the Committee to go into committee. He suggested that a site meeting would be useful to investigate issues such as a possible extension to the spine road and changes to buffer zones.

It was proposed by the Chairman, Councillor J Craig, seconded by Councillor M Gregg and, on a vote of 6:1 with 1 abstention, it was agreed to defer the application for a site meeting. Councillor M Gregg asked that the site meeting group visit both sides of the link road. He also asked that the meeting be held quickly with as many members as possible attending.

(Representatives of Dfl Roads left the meeting at 2.56 pm)

Adjournment of Meeting

The Chairman, Councillor JD Craig, declared the meeting adjourned at 2.56 pm

Resumption of Meeting

The Chairman, Councillor JD Craig, declared the meeting resumed at 3.11 pm

(Alderman A Grehan returned to the meeting at 3.11 pm)

- (4) LA05/2018/0307/F – Replacement dwelling with retention and conversion of existing stone built, vernacular building (former dwelling) to stables/outbuildings on lands 130m north of 4 Ballymullan Road, Lisburn.

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

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

- The application has been made to replace an existing house on the farm belonging to the applicant's family
- The house was originally owned and lived in by the applicant's great grandparents
- The last person to live in the house was Mr Drummond who lived there until the 1970s
- There is not any doubt that there has been some work undertaken to repair the structure of the old dwelling; the window heads had collapsed and those have been replaced and the gable wall was rebuilt. That was the extent of the work
- The stonework showed the extent of the original stonework and the more modern repairs
- The repairs were carried out with the knowledge of the planning office and no enforcement action was taken
- He referred to a PAC case similar to this but relating to a development where extensive building work had been carried out; the Commission based their decision on the structure that was in front of them at the appeal.
- The building has been in the family's ownership for about 200 years and maintenance and repair has been carried out over the years
- The intention was to replace the old house with a new dwelling and retain the old building as a stable
- Looking out from the site you could see the M1 motorway and the Applegreen filling station
- With regard to visual integration and visual impact, any public view point of the proposed dwelling would be from a considerable distance away on the Hillhall Road.

Mr Wilson responded to Members questions as follows:

- In response to a queries by Councillor U Mackin, Mr Wilson advised that access was largely along the original lane onto Ballymullan Road with the only change being at the bottom of the lane where the original access point had been subsumed by the applicant's mother's home and the change there would be directly adjacent to that dwelling
- With regard to visual integration, the new house would be beside the old house and would benefit from the mature planting around it. The new dwelling would not be visible from Ballymullan Road because of the topography of the site. It would be visible from the Hillhall Road but the distance from that road and the rising ground behind would mean that it would appear less prominent in the landscape
- The roof of the old house had been removed for use elsewhere on the farm and weather conditions had led to a deterioration of the stonework. When you looked at the building you could see what was original and what was more recent
- In response to a query by the Chairman, Councillor J Craig, Mr Wilson clarified the history of the house's occupancy

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

- The application fell within a grey area. It was compliant with planning policy PPS21, CTY3
- The key issue was that the building exhibited the essential characteristics of a dwelling and that all external walls were substantially intact
- The planning office accepted that it was a former dwelling; the point of contention was the external structural walls being intact
- Planning policy indicated that vernacular refurbishment of non-listed buildings was encouraged in preference to replacement
- In this case the existing structure would be retained as a stable and a new structure added on
- The proposal would have visual integration and there would be no detrimental impact on the rural character
- The dwelling would be a storey and a half and built in a rural design. There would be no view of the site from the Ballymullan Roa.
- The statutory consultees had not offered any objection to the proposal

In response to a query by Alderman WJ Dillon, Councillor Trimble referred to aerial photographs of the site taken at different times. He contended that, when the earlier photograph was taken, the building was not visible due to mature vegetation screening it.

It was proposed by Alderman WJ Dillon, seconded by Councillor A Swan and, on a vote being taken 8:1 with 0 abstention, it was agreed to defer the application for a site meeting.

(5) LA05/2019/0674/F – Proposed infill dwelling and garage on lands 40m SE of 93 Fort Road, Ballylesson, Belfast.

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

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

- Mr Scully indicated that he was representing the applicant
- He referred to PPS21 CTY8 and stated that the main issue was that, at the frontage to the road, approval had been given for a replacement dwelling which had not yet been completed
- The planning history was an important material consideration and he pointed out that planning approval had been given to this site in the same circumstances as currently applied
- It was important for the planning system to be consistent and fair
- Following recent approval for a change of house type, the building at the frontage would be complete within 6 months
- The applicant's existing residence was in a poor state of repair and she was anxious to proceed with the proposal as soon as possible
- The proposal could not be considered to create urban sprawl
- Given that the replacement dwelling at the frontage would be completed before the applicant's property was constructed, the application would be compliant with PPS21 CTY8.

In response to Members' queries, Mr Scully confirmed that the previous application, approved by a Minister, had been subsequently overturned. He stated that the application was being brought for approval due to the fact that it was becoming a matter of urgency for the applicant because of her current living conditions.

The Head of Planning and Capital Development responded to a query by Alderman Grehan and advised that it was not possible to approve the application with a condition that building could not commence until the dwelling at the frontage had been completed due to the fact that the application at it currently stood was not compliant with the requirements of Policy CTY8 of PPS21.

The policy indicates that you can only assess a site where the buildings exist and that the advice of the then Minister for the Environment was found not to carry weight as the policy was not followed.

During the debate that followed, Members commented as follows:

- Councillor Swan indicated that he could not see how the application could be approved in the absence of the building to one side of the frontage
- Alderman A Grehan stated that it was not an infill opportunity at this stage
- The Vice-Chairman, Councillor O Gawith, stated that the application was premature and was not currently an infill site
- The Chairman, Councillor J Craig, referred to the overturning of the previous application and stated that there had been no change in circumstances and there currently was no gap

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

(7) LA05/2019/0198/O – Proposed dwelling and garage on lands immediately NW of 126 Ballinderry Road, Ballinderry Upper, Lisburn

The Committee noted that this application had been withdrawn by the agent from the schedule.

5.2 Statutory Performance Indicators – November 2019

The Committee had been provided with information on Statutory Performance Indicators for November 2019 and it was proposed by Councillor A Swan, seconded by Alderman A Grehan, and agreed that this information be noted.

5.3 Planning Statistics for Quarter 2 (July – September 2019)

It was proposed by the Deputy Mayor, Councillor J McCarthy, seconded by Alderman WJ Dillon, and agreed to note the issue by the Department for Infrastructure of Planning Statistics for Quarter 2 (July – September 2019).

5.4 Appeal Decision in respect of planning application LA05/2017/1297/O

It was proposed by Councillor M Gregg, seconded by Alderman A Grehan, and agreed to note the above appeal decision which had been dismissed.

5.5 Submission of Pre-application Notices (PAN) in respect of LA05/2019/1203/PAN – Full planning application for the redevelopment of Millennium Integrated Primary School with a new primary school and nursery unit with hard and soft play areas, landscaping car parking amended access arrangements off the Belfast Road and associated site works at Millennium Integrated Primary School, 139 Belfast Road, Saintfield.

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

5.6 Notification of the intention to install electronic communications apparatus on land at Sprucefield 02 site, Lagan Valley Hospital, Hillsborough Road, Lisburn.

The Committee had been provided with information from Telefonica UK Limited in respect of the intention to install electronic communications apparatus on land at Sprucefield 02 site, Lagan Valley Hospital, Hillsborough Road, Lisburn, and it was proposed by Councillor M Gregg, seconded by the Deputy Mayor, Councillor J McCarthy, and agreed that the information be noted.

6. Any Other Business

In Committee

At this stage it was proposed by Councillor A Gregg, seconded by Alderman WJ Dillon, and agreed to go into committee in order to receive legal advice.

6.1 Declarations of Interest – Councillor J Craig and Alderman A Grehan

Members sought and received legal advice from the Legal Advisor.

6.2 Junctions at Brokerstown Road – Alderman A Grehan

(The Legal Adviser left the meeting at 4.32 pm)

In response to a query by Alderman A Grehan, the Head of Planning and Capital Development provided an update on progress in improvements to 3 road junctions at Brokerstown Road and Glenavy Road.

(The Legal Adviser returned to the meeting at 4.40 pm)

Resumption of Normal Business

It was proposed by Councillor A Swan, seconded by the Deputy Mayor, Councillor J McCarthy, and agreed to come out of Committee and normal business was resumed.

6.3 Accuracy of Reports – Councillor M Gregg

Councillor M Gregg referred to some typographical errors in some of the reports. The Chairman, Councillor J Craig, asked Members to note however that staff were preparing the papers very late into the evenings in the run up to Christmas and this may in part explain why some inaccuracies had occurred this month.

There being no further business, the meeting concluded at 4.45 pm.

CHAIRMAN / MAYOR