

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 Wednesday 28 June 2017 at 2.00 pm

PRESENT: Councillor L Poots (Chairman)
Councillor N Trimble (ViceChairman)
Aldermen J Dillon MBE JP, D Drysdale
Councillors N Anderson, J Craig, O Gawith, B
Hanvey, U Mackin,

OTHER MEMBERS: The Right Worshipful the Mayor,
Councillor T Morrow

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

Cleaver Fulton & Rankin
Kate McCusker (Legal Adviser)

A&L Goodbody
Orla O'Hare (Legal Adviser)

Commencement of Meeting

The Chairman, Councillor L Poots, welcomed everyone to the meeting and, in particular, he welcomed Councillor J Craig, Councillor O Gawith and the Vice-Chairman Councillor N Trimble who were attending their first Planning Committee meeting.

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

1. Apologies

Apologies for non-attendance at the Meeting were accepted and recorded on behalf of Councillor A Girvin and 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 Declaration of Interest was made:

- Councillor U Mackin declared an interest in Item 4.1 (6) LAO5/2016/1133F Local Application (Called In) – Proposed 2 storey side extension with new dormer windows to front and rear (amended proposal) at 11 Landor Park, Lisburn, on the basis that there was family member involvement.

3. Minutes

It was proposed by Alderman WJ Dillon, seconded by Councillor U Mackin, and agreed that the following Minutes be signed.

- Minutes of Meeting of Planning Committee held on Monday 5 June 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.

- (1) Y/2009/0303/RM – Major Application – Approval of Reserved Matters for a residential development of 483 dwellings comprising detached and semi-detached, townhouses and apartments including distributor road,

cycle/footpaths, access, landscaping and associated site works (reduction in residential unit numbers) on lands surrounding 9 Millmount Road, Dundonald, comprising lands NE of Millar's Forge & Comber Greenway, east of Millmount Road, including Greengraves Road (access from Comber Road).

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

The Committee received Mr Sam McKee and Mr Alan Patterson who wished to speak in support of the application highlighting the following:

- Construction was in accordance with the outline planning permission
- The development represented an investment of £70m and the creation of 90 jobs in the construction industry
- The development included infrastructure improvements including Millmount roundabout
- There was a mix of housing types including 3 and 4 bedroom 2 storey semi-detaching and detached housing
- Landscaping works would enhance the overall quality of the environment
- 18% of the development would be for the provision of public amenity space which would include 3 children's play areas
- Footpaths throughout the development to provide walking and cycling routes
- A 10m buffer strip along the river bank to protect wildlife
- A 10m wide corridor along the boundary to mark the distinction between the development and the countryside
- A public information event had been held and feedback from that had been positive
- There were no objections from statutory consultees

There then followed a question and answer session.

The Committee having considered the information in the Planning Officer's report, agreed by a majority of 8:0 with 0 abstention that the recommendation of the Planning Officer to approve the application would be upheld subject to the conditions stated.

The Chairman advised that, due to a conflict of interest, the Council's Legal Adviser, Ms Kate McCusker, would be replaced for consideration of the next item. Ms McCusker left the meeting at 2.30 pm and Ms Orla O'Hare took her place.

- (2) LA05/2015/0845/RM – Local Application – A mixed use development comprising 49 apartments, 4 retail units and 3 offices with access arrangements and associated car parking and landscaping (Additional information) at Jordan's Mill Car Park, 24 Antrim Street, Lisburn.

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

The Committee received Mr Brian O’Kane who supported the application but with reservations and highlighted the following:

- Mr O’Kane owned property bounding the site on 3 sites
- Mixed use development was the best use of the site
- The development would bring to an end the use of the site as a car park which had been operating over the past 16-17 years, at times without planning permission
- Council had taken enforcement action against the applicant in relation to the operation of a car park
- Mr O’Kane requested that planning conditions be amended to ensure that the hard surface areas within the site could not be used as a commercial car park at any time

There then followed a question and answer session.

The Committee received Mr Conor Hughes who wished to speak in support of the application, highlighting the following:

- Endorsed the Planning Officer’s report
- The construction value of the project was more than £8m
- It was a mixed use development including retail and office and residential space
- Development would contribute to the regeneration of the city centre
- Councils now recognised the benefits of people living within city centres
- The applicant was committed to progressing the development brief
- Amendments had been made to the plans to take account of some of the issues raised by Mr O’Kane
- The conditions attaching to the planning approval were adequate
- There was no intention on the applicant’s part to use any part of the site as a commercial car park

There then followed a question and answer session.

The Committee having considered the information in the Planning Officer’s report, agreed by a majority of 8:0 with 0 abstention that the recommendation of the Planning Officer to approve the application would be upheld subject to the conditions stated.

It was further agreed that officers investigate and seek legal advice regarding a S76 agreement that might allay concerns regarding the use of the car park for commercial purposes.

(The Council’s Legal Adviser, Ms Orla O’Hare, left the meeting at 3.41 pm and was replaced by Ms Kate McCusker.)

- (3) S/2013/0387/O – Local Application (Called in) – A proposed infill dwelling and garage (amended site layout) on lands 100m north of no. 17 Burnpipe Lane, Ballynahinch.

(Councillor N Anderson arrived at 4.03 pm during discussion of this application.)

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

The Committee received Mr Paul McNamara who wished to speak in opposition to the application highlighting the following:

- Mr McNamara's residence was directly across the laneway from the proposed development and on a lower level site
- Planning policy stated that, for a site to qualify as infill in a gap, it must be in a line with existing buildings; this site was 50m out of line
- Identical or similar applications had been refused
- The proposed site was entirely different from other sites on the lane; other sites had buildings set well back on the site; this site had the proposed building fronting the lane
- The proposal impacted upon the rural character of the area and a previous application for this site had been turned down for this reason
- The Planning Officer had indicated that the decision was finely balanced but had not taken into account the evidence submitted by Mr McNamara

There then followed a question and answer session.

The Committee having considered the information in the Planning Officer's report, agreed by a majority of 8:0 with 1 abstention that the recommendation of the Planning Officer to approve the application would be upheld subject to the conditions stated. Councillor Anderson abstained from voting as he had not been present for the entirety of the discussions.

It was proposed by Councillor O Gawith, seconded by Councillor J Craig and agreed that additional conditions be included in the approval to the effect that the proposed development must be located to the rear of the site and that mature vegetation at the lane frontage should be retained.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 4.15 pm

Resumption of Meeting

The Chairman declared the meeting resumed at 4.35 pm

The Chairman drew Members' attention to a paper that had been distributed at the meeting providing general advice on considerations that were relevant or material in planning decision making.

- (4) LA05/2017/0015/F – Local Application (Called in) – Site for a dwelling, proposed rounding off of existing cluster – PPS21, CTY2A on lands 35m southeast of 108 Pond park Road, Lisburn.

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

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

- The site was not located within the countryside
- It had been part of a dairy business owned by the Drayne family and was currently the site of a courier business
- There was a large workshop located on the site and the proposal was to provide a dwelling on the footprint of the workshop
- A reason for refusal was that the proposal marred the distinction between urban area and countryside but the site was part of the curtilage of an existing business with a built up frontage to the road and did not appear as part of the countryside
- Appeal cases referred to by the planners were not similar to this application
- TransportNI had objected to the application on the grounds that it involved an additional access onto a protected route; however the proposal was for relocation of an existing access rather than provision of a new one.

There then followed a question and answer session.

The Committee having considered the information in the Planning Officer's report, agreed by a majority of 9:0 with 0 abstention 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 N Anderson, seconded by Councillor U Mackin, and, on a vote being taken 9:0 with 0 abstentions, it was agreed that the reasons cited for the approval of the application would be:

- The application would not create a new vehicular access
- The Committee did not believe that the application marred the distinction between the countryside and Lisburn settlement.

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 and conditions would now need to be discussed. It was proposed by Councillor U Mackin, seconded by Councillor N Anderson and agreed that the precise wording of conditions be delegated to the Planning Unit but that these should include the condition that the existing vehicular access should be closed before the creation of a replacement access.

(5) LA05/2016/0224/O – Local Application (Called in) – Proposed 1 no. infill

dwelling (amended plans received) on lands adjacent to 28A Lough Road, Ballinderry Upper, Lisburn.

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

There then followed a question and answer session.

The Committee having considered the information in the Planning Officer's report, agreed by a majority of 9:0 with 0 abstention that the recommendation of the Planning Officer to refuse the application would be upheld.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 5.35 pm advising that refreshments were available in the Members' Suite.

Resumption of Meeting

The Chairman declared the meeting resumed at 6.06 pm

(Alderman WJ Dillon and Councillor U Mackin did not return to the meeting following the adjournment.)

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

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

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

- Approval was sought under Planning Policy CTY6 Personal and Domestic Circumstances as the applicant was suffering from a lifelong and deteriorating condition that would include increasing mobility issues
- Applicant wished to live independently as she intended to marry and have a family but her condition meant that she would continue to require family support
- Refusal would mean that the applicant would have to purchase a house that would not meet her needs and would require extensive works and involve additional financial burden
- Adaptation of the existing family home or the creation of an annex would create upheaval and might still not meet all of the applicant's needs
- The proposal was part of a cluster as there were 4 or more buildings adjoining the site and there were focal points nearby including a junction and a fort.

There then followed a question and answer session.

The Committee having considered the information in the Planning Officer's report, agreed by a majority of 7:0 with 0 abstention that the recommendation of the Planning Officer to refuse the application would be upheld.

- (9) LA05/2016/1258/O – Local Application (Called In) – A proposed replacement dwelling (amended address) on land 20m east of 252 Hillhall Road, Lisburn.

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

There then followed a question and answer session.

The Committee having considered the information in the Planning Officer's report, agreed by a majority of 7:0 with 0 abstention that the recommendation of the Planning Officer to refuse the application would be upheld.

- (6) LA05/2016/1133/F – Local Application (Called in) – Proposed 2 storey side extension with new dormer windows to front and rear (amended proposal) at 11 Landor Park, Lisburn.

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

The Committee received Mr Andrew McCreedy who wished to speak in opposition to the application highlighting the following:

- The objection to the application was based on the size, scale and impact and the inappropriate design of the extension
- The application failed to satisfy planning criteria in that it was not in keeping with the character of the surrounding area and impacted on the privacy of neighbouring residents.
- The proposal was located in a cul-de-sac comprising 12 semi-detached dwellings all of similar appearance; the proposal would alter the character and appearance of the street
- Significant level differences between the applicant's site and the nearby properties increased the visual impact of the development
- No screening planting along the boundary
- Extensions should not be so large or prominent that they dominated the existing property; the proposed extension was 75% of the size of the existing property
- Extensions should not be overdevelopment of the site which would lead to a terracing effect in visual terms
- Adequate space should be retained alongside the boundary of the property; this extension went right up to the boundary
- Plans appeared to should encroachment on boundaries of neighbouring properties

There then followed a question and answer session.

The Committee having considered the information in the Planning Officer's report,

agreed by a majority of 7:0 with 0 abstention that the recommendation of the Planning Officer to approve the application would be upheld subject to the conditions stated.

It was proposed by Councillor N Anderson, seconded by Councillor J Craig, and agreed that a further condition be included regarding the provision of adequate screening between the applicant's property and that of the objector.

- (7) LA05/2016/1120/O – Local Application (Previously Deferred) – A dwelling on lands beside and east of 1 Ballymullan Road, Lisburn.

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

The Committee having considered the information in the Planning Officer's report, agreed by a majority of 7:0 with 0 abstention that the recommendation of the Planning Officer to approve the application would be upheld subject to the conditions stated.

- (10) LA05/2017/0092/F – Local Application (Mandatory) – The proposed removal of the existing boundary fence and erection of a new boundary fence at the Lisburn & Castlereagh City Council household recycling centre, 8 Comber Road, Carryduff

The Senior Planning Officer (AS) presented this application as outlined within the circulated report. It was highlighted that this application had come before the Committee due to the Council being the applicant.

The Committee having considered the information in the Planning Officer's report, agreed by a majority of 7:0 with 0 abstention that the recommendation of the Planning Officer to approve the application would be upheld subject to the conditions stated.

Items for Noting

4.2 Department of Infrastructure – Roadway Adoption Certificate

The Committee was provided with and noted copies of Roadway Adoption Certificates with regard to the following areas:

- Causeway End Meadows, Lisburn
- Dorrington Lane, Saintfield Road, Castlereagh
- Elmvale, Hammond Road, Maghaberry

4.3 Engagement with Historic Environment Division

The Committee was provided with copy and noted correspondence from the Department for Communities regarding engagement with Historic Environment Division (HED), along with data on heritage sites within the Council area. The Committee also noted links to guidance documents on the following areas to be dealt with by Councils:

- Urgent Works Notices
- Preservation Notices
- Historic Buildings of Local Importance (Local Listings)
- Future Places: Using Heritage to Build Resilient Communities

4.4 Budget Report – Planning Unit

The Committee noted information provided in the Budget Report for the Planning Unit for the year to 31 March 2018 as at 31 May 2017.

(The Legal Adviser, Ms Kate McCusker, left the meeting at 7.27 pm)

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

It was agreed that the reports and recommendations of the Confidential Report 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 Alderman D Drysdale, seconded by Councillor N Anderson, 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 June/July 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 June/July 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 2015 to 31 May 2017, it was agreed that the information be noted.

Additional Verbal Reports

5.3 Scheduling of August Meeting

It was noted that this item was confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information).

The Committee was advised that, for operational reasons, it was necessary to change the usual arrangements for the Committee's meeting in August.

It was proposed by Councillor N Anderson, seconded by Alderman D Drysdale, and agreed that Members be given the options of changing either the starting time of the meeting or the venue.

5.4 Training Programme for Committee Members

It was noted that this item was confidential for reason of information relating to the financial or business affairs of any particular person (including the Council holding that information),

The Committee welcomed information regarding an extensive training programme being organized for Members and agreed that any study visits should be scheduled early in the programme.

5.5 Members' Allowances

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

(Alderman WJ Dillon and Councillor U Mackin returned to the meeting at 7.55 pm)

It was agreed that the Chair and Vice-Chair would contact the Chief Executive to discuss the issue of allowances for those who were Members of the Planning Committee.

Resumption of Normal Business

It was proposed by Alderman D Drysdale, seconded by Councillor N Anderson 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 8.06pm.

CHAIRMAN / MAYOR