

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 3 February 2020 at 12.40 pm

PRESENT: Councillor J Craig (Chairman)
Councillor O Gawith (Vice-Chairman)
Aldermen J Dillon MBE JP, D Drysdale, A Grehan
Councillors M Gregg, U Mackin, J McCarthy, C McCready,
John Palmer, A Swan

OTHER MEMBERS: Alderman J Tinsley
Councillor N Trimble

IN ATTENDANCE: Director of Service Transformation
Head of Service – Planning and Capital development
Principal Planning Officer (RH)
Senior Planning Officers (RT, MCO’N and MB)
Committee Secretary
Attendance Clerk
Head of Environmental Health
Environmental Health Officer

Department for Infrastructure (Roads)
Mr B Finlay

Cleaver Fulton & Rankin
Brendan Martyn (Legal Advisor)

Commencement of Meeting

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

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

1. **Apologies**

There were no apologies, it was noted that Alderman J Dillon had advised that he would be late.

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.
(Councillor C McCready arrived at 12.45 pm)

The following Declarations of Interest were made:

- Councillor U Mackin referred to LA05/2018/0307/F and advised that he had called the application in and had met with the applicant and provided advice. He had been unable to attend the site meeting but was familiar with the location and he considered that he had not predetermined the application and would take part in discussions.
- Alderman A Grehan referred to LA05/2019/1161/F and advised that the applicant was a close family friend and that she would therefore withdraw from the meeting during discussions.
- Councillor J McCarthy referred to LA05/2016/0985/F and stated that he had spoken to the applicant but had not formed an opinion on the merits of the application. He also referred to LA05/2016/0307/F advising that he had not attended the site meeting but felt he had enough information to make a decision and would be taking part in the discussion.
- During the course of the meeting the Chairman, Councillor J Craig referred to S/2014/0884/F and stated that he had been supportive of this in the past and would be withdrawing from the meeting during its discussion.

3. Minutes

It was proposed by Councillor A Swan seconded by Councillor J Palmer and agreed that the following Minutes be confirmed and signed.

- Minutes of the Meeting of Planning Committee held on 6 January 2020.

At this stage the Chairman, Councillor J Craig advised that Application LA05/2019/0595 had been withdrawn in its entirety by the Agent.

4. Report from the Head of Planning and Capital Development

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.

Having declared an interest in the next application, the Chairman, Councillor J Craig left the meeting at 13.01pm and the position of Chairman was taken by the Vice-Chairman of the Committee, Councillor O Gawith.

- (a) S/2014/0884/F – Proposed new rail halt and park and ride facility (incorporating track realignment, platforms, footbridge, ticket office, staff facility on footbridge, 350 standard car parking spaces, 22 disabled parking spaces, 2 electric car charging points and bus turning area) including associated ancillary works (Amended Scheme) (Additional noise assessment) on land east of Knockmore Road, South of 68 – 80 Addison Park and 8-10 Knockmore Road and North of Flush Park Lisburn.

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

The Committee received Mr Matthew Crothers, Mr Simon Heatherington, Ms Louise Steritt and Mr Gary Cooley who wished to speak in support of the application and whose comments included the following:

- The benefits of the proposal were highlighted such as the easing of traffic congestion, reduction of carbon footprint, provision of disabled access and a reduction in journey times
- The proposal will encourage motorists to use public transport
- The proposal was consistent with Regional Development Strategy
- The importance of the proposed development was highlighted
- He advised that amendments to the scheme had been incorporated in response to comments from objectors including fencing to reduce noise
- This meets a sustainable transport need
- The proposal was compliant with relevant planning policy

This was followed by a question and answer session during which members of the committee asked a series of questions on the proposal.

Councillor U Mackin sought clarification on right turning provision at the junction and from the Moira Road and was advised that a right turning lane had been incorporated and that the Department for Infrastructure (Roads) were content with the proposals.

Councillor A Swan sought confirmation of the number of e-car charging points and was advised that there were three but that these could be added to in future if necessary.

(Alderman J Dillon arrived at 1.15 pm)

Councillor U Mackin then referred again to traffic on the Moira Road asking what provision was in place there and was advised that the traffic assessment had considered that the right hand turning lane would be sufficient.

Councillor C McCready asked if there was provision to future-proof parking at the station and was advised that 350 spaces were proposed at this stage and that

this was considered to be sufficient. Other sites could be identified for future expansion at a later stage if required.

Councillor J Palmer outlined his concerns that the parking provision could be used for large events. He was advised that in such situations a management plan would have been put in place.

The Committee was then invited to ask questions of the Planning Officer.

Alderman A Grehan referred to the fact that the traffic assessment had been done in 2016 and that since then there had been major development in the area including housing and a Home Bargains store. Concern was expressed that the information within the traffic assessment may be outdated given the changes which had taken place at the location in the interim. Concern was also expressed that two lanes of traffic would have to be crossed.

The Head of Planning and Capital Development advised that, whilst there was a Dfl (Roads) representative at the meeting, the representative was in attendance to respond to queries regarding another application and was not familiar with this case. Clarification was provided in relation to the layout of the entrance and exit to the proposed station and that the statutory consultee was content with proposals. The content of the most recent Dfl (Roads) response was read out in full.

Alderman A Grehan suggested that the determination of the application be deferred pending further information specifically on traffic management.

Councillor M Gregg agreed with the above in light of the fact that the last response from Dfl (Roads) had been provided in 2016. Planning Officers did advise that Dfl (Roads) had been asked to provide comment on the site layout given the passage of time and they had confirmed verbally that they remained content with the proposal.

Councillor U Mackin stated that whilst he was supportive of the overall scheme, he shared Alderman Grehan's concerns. He asked what consideration had been given to exiting the site across the Knockmore Road. He was advised by the Head of Planning and Capital Development that planners took advice from statutory consultees who were content, however he acknowledged the traffic issues in the immediate area of the site including the signalisation of the Knockmore Road and Ballinderry Road junction stating that Committee Members may wish to debate the deferral proposed by members.

Councillor J Palmer suggested that a left in/left out scenario would be beneficial and was advised that this was not outlined in the proposal.

Alderman D Drysdale felt it would be useful to have road user statistical information and the Head of Planning and Capital Development stated that a traffic impact assessment had been submitted.

The Chairman, Councillor O Gawith, then asked the Committee to revisit the suggestion to defer the determination of this application pending further traffic information being received.

Alderman A Grehan said she was disappointed that there was no one at the meeting from Dfl (Roads) with knowledge of the site who was in a position to answer her queries, she outlined the complexities of traffic at the location including a number of fatalities and stated that she had major concerns that commuters would have to cross two lines of traffic to enter/exit the station and she would prefer to put a condition on the approval that traffic signals be put in place.

The Head of Planning and Capital Development outlined that it was important to remember that this was formerly a training centre and that existing entrances were in situ. With respect to conditions suggested he stated there was no evidence in the transport assessment to support such a condition as Dfl (Roads) had not indicated that signals were necessary. He stated that the matter would have to be referred back to Dfl (Roads) in the first instance to obtain an opinion.

Councillor U Mackin advised that he was in two minds in respect of this application, he welcomed the scheme but was concerned at traffic issues and the historic nature of the traffic assessment, he felt that he would support a deferral for a time bound period pending an up to date traffic assessment.

Councillor M Gregg stated that given where we were with this application he supported a deferral pending an up to date traffic assessment given that the information used was 5 years old.

Alderman D Drysdale said he would be very uncomfortable allowing this to proceed when the up to date information was unknown.

The Head of Planning and Capital Development reminded members of the reasons cited within the Protocol which could be used to defer a determination of a planning application to the next meeting of the Committee. These, he advised, were for further information, for further negotiation or for a site meeting and he also advised that Dfl (Roads) had indicated that it could take at least five months to provide up to date information.

Councillor A Swan said that he had some sympathy for the idea of a deferral but he did feel that the scheme was environmentally friendly and we should be encouraging it, he felt that the Committee could well be back at the same stage in future with the same response.

Councillor M Gregg said that five months was not a long time if it saves lives and that the interim period would also provide some time to negotiate with the applicant regarding the signalisation of the junction.

The Head of Planning and Capital Development advised that the onus would be on the applicant to provide the information. If the application was to be deferred the two issues could be dealt with and reported back to the Committee – those issues being whether further information could be submitted by the applicant or whether the junction needed to be signalised.

Alderman D Drysdale asked when work would start on the project and was advised by the Head of Planning and Capital Development that it would form part

of a programme of works which were not in front of the Council. If planning permission were granted the applicant would have up to five years to commence the development.

Councillor J Palmer asked if the Committee could ask for the application to be withdrawn and was advised that it could not. He then stated that he would like to see development planned for the other side of the road being taken into account.

Alderman A Grehan felt it would be worth waiting for five months to get it right. She felt it was a great proposal but it needed to be completely right. She proposed deferring the determination of the application for a period of one month pending more information from DfI (Roads).

The proposal was seconded by Councillor U Mackin and agreed by a majority of 8:1 with 0 abstentions and therefore carried.

Alderman J Dillon was unable to vote as he had not been present for the entire discussion.

The Head of Environmental Health and the Environmental Health Officer left the meeting at 1.50 pm.

Councillor J Craig returned to the meeting at 1.50 pm and resumed the position of Chairman.

(b) LA05/2016/0985/F – Erection of 7 detached dwellings with car-parking, landscaping, associated site works and access arrangements from Millmount Road, Dundonald (Amended plans, supplementary statement and proposal description) on lands approximately 75m south-east of 1 Millmount Chase, Dundonald.

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

There were no speakers making representations in respect of the application.

Councillor M Gregg sought clarification on a number of measurements on the drawings which were clarified by Mr B Finlay from the Department for Infrastructure (Roads).

During the ensuing debate Councillor M Gregg stated that the change of opinion by DfI (Roads) in respect of this application highlights the need for consultation responses to be queried by the Committee when warranted.

At the conclusion of the debate the decision was put to a vote and the Committee, having considered the information provided within the Report of the Senior Planning Officer agreed by a majority of 11:0 with 0 abstentions to refuse the application for the reasons outlined in the Officer's report.

(Mr B Finlay, Department for Infrastructure, left the meeting at 2.10 pm).

- (c) LA05/2018/1221/RM – Residential development of 74 houses with associated open space and road access junction on lands between 20 and 26 Comber Road, Carryduff.

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

(Councillor J Palmer left the meeting at 2.15 pm)

The Committee were advised that Mr Ryan McBirney was available at the meeting should there be any questions or clarification required.

There were no questions for him however the Committee posed some questions to the Planning Officer.

Councillor O Gawith sought clarification on the requirement for play provision and was advised by the Head of Planning and Capital Development that the threshold for the inclusion of play provision was 100 units, however open space was provided in the scheme.

(Councillor J Palmer returned at 2.25 pm)

Councillor C McCready referred to development on a large site beside this one and sought clarification on whether or not it included play provision which could be availed of, he was advised by the Head of Planning and Capital Development that while there was ongoing development at Baronscourt the Committee had to deal with each case on its own merits. He advised that while at if alternative play provision was included in the Baronscourt site it was unlikely to be within 400 metres as the policy indicated.

Councillor M Gregg referred to an access shown on the drawing and sought clarification on it, he was advised by the Head of Planning and Capital Development that it was not part of the application site but part of a wider concept submitted at the outline stage to inform how all the land could be developed comprehensively.

At the conclusion of the discussion the decision was put to a vote and the Committee, having considered the information provided within the Report of the Principal Planning Officer, agreed by a majority of 10:0 with 0 abstentions to approve the application for the reasons outlined in the Officer's report and subject to the conditions outlined therein.

Councillor J Palmer was unable to vote as he had not been present for the entire discussion.

The Chairman declared the application approved but acknowledged the issues of development in Carryduff and the lack of play provision.

Councillor M Gregg outlined an inaccuracy in the Report in respect of the earlier application at Millmount Chase which the Head of Planning and Capital Development took on board and said he would look into.

(d) 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 47 Ballymullan road, Lisburn.

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

The Committee received Mr Tom Wilson who wished to speak in support of the application and whose comments included the following:

- He stated that members had an opportunity to view the site
- The issue was whether or not there was a building to meet policy requirements
- He stated that members will have been able to see that there were four external walls and one internal wall at the site
- Works carried out to the dwelling were carried out some 10 years ago, 8 years prior to the application being submitted
- An application had been made to convert to stables but was withdrawn, the repair work had been carried out to assist with this application
- He provided examples of similar applications which had been supported on appeal
- He stated that the term 'essential characteristics of a dwelling' were unclear, in this case all four walls were complete and door and window apertures were visible.

This was followed by a question and answer session during which Alderman J Dillon referred to information circulated to members by e-mail which he stated did not bear any resemblance to this application.

Mr Wilson said that in the example circulated the building had a roof on it, the walls had been rebuilt and the roof propped up however the existence of the four walls had been the determining factor in the appeal and that scenario, he felt, was the case with his application.

Alderman J Dillon then sought clarification on renovations made in 2012 and was advised that Mr Wilson had not been involved at that stage but an application had been made and subsequently withdrawn.

Alderman J Dillon then sought clarification on the proposed conversion to stables and Mr Wilson confirmed that the intention was to secure the house and prevent it falling down. The intention was to put a roof on it and use it as stables however on being advised by planners that it was unlikely to be approved, the application had been withdrawn.

The Committee received Alderman J Tinsley who wished to speak in support of the application and whose comments included the following:

- The previous speaker had been clear and has outlined that there was clear evidence of the essential characteristics of a house
- He outlined examples of appeal decisions which would support approval

- He stated that the site was set back from the road and that he believed it met all of the policy requirements.

There were no questions for Alderman Tinsley.

The Committee received Councillor N Trimble who wished to speak in support of the application and whose comments included the following:

- He outlined examples of appeal decisions which would support this application.
- He stated that the over-riding policy was CTY 3 of PPS 21 and that in his opinion this application was policy compliant
- There was a wealth of information available to back up the fact that this had been a dwelling
- The state of the walls was the issue and in his opinion they were substantially intact and this gives the Committee reason to over-turn the recommendation of the planning unit
- This is a vernacular dwelling and it will settle well into the surrounding area and there will be no visual impact as it could only be seen from the Hillhall Road or from the M1 which were over a mile away

There were no questions for Councillor Trimble.

The Committee was then invited to ask questions of the Planning Officers.

Alderman J Dillon asked for clarification on what exhibited the characteristics of a dwelling.

The Head of Planning and Capital Development read out paragraph 1 of CTY3 stating that the Committee was being asked to weigh this up against what was in situ at the site. He outlined that when the remedial work became apparent the applicant had been written to and advised that enforcement action would not be taken.

The Head of Planning and Capital Development went on to refer to the examples provided by Mr Wilson to illustrate similar instances which had been approved on appeal. He read out paragraphs from the appeal documentation which stated that there was a roof, that all external walls were intact, there was a ceiling plus internal walls and doors. He went on to read out a paragraph which highlighted the original features remaining which included door and window openings and wood panelling on a ceiling which evidenced that the building exhibited the essential characteristics of a dwelling.

He stated that it was his opinion that this example did not sit on all fours with the application before the Committee.

Alderman J Dillon thanked the Head of Planning and Capital Development for a very full answer.

Councillor A Swan referred to the remedial work asking whether the rebuilt walls counted as much as the original ones. The Head of Planning and Capital Development read the policy wording again.

Councillor M Gregg asked for clarification on the fact that, should the Committee accept that the walls were intact, does the application meet other policy requirements.

The Head of Planning and Capital Development advised that, if the Committee were minded to accept that the structure did exhibit the essential characteristics of a dwelling, it was likely that the second part of the policy in so far as it required all external walls to be substantially intact could be met.

Alderman D Drysdale referred to the refusal reason given that 'the site lacked natural boundaries' and sought clarification on this.

The Head of Planning and Capital Development advised that this was an old building and that site curtilages were kept small in the past however, he felt that this policy requirement could be achieved.

Councillor J McCarthy said that it was not disputed that there was a dwelling and sought clarification as to what the structure was now.

The Head of Planning and Capital Development responded that there was no dispute that there was a history of a dwelling but the issue was the disrepair and whether or not it continued to exhibit the essential characteristics referred to in the policy.

Councillor J Craig asked what the evidence was that this structure had fundamentally changed from its original state. He was advised by the Head of Planning and Capital Development that photographs taken and observations made as part of the earlier enforcement investigations allowed officers to conclude that the current structure was not typical of the original structure but that it was not clear from the photographs how much of the original structure was intact before the works had been carried out.

During the ensuing debate Councillor U Mackin stated that this was a dwelling and there were characteristics of that. He stated that CTY3 was critical to this and for him there was a balance to be found. He felt there was evidence of it being a dwelling, he did not think it likely that the stones had been put there to create a building. In his opinion, there were clear doorways and window openings and he recalls seeing someone come out of it in the past.

Regarding visual integration and lack of boundaries, he felt that there are boundaries of trees and hedges on the site and that the building would not be visible from the road, it could only been seen from the Hillhall Road or the M1.

He did not feel that the ancillary works would be harmful to the landscape and he quoted precedent at Mill Road and Ballylesson Road where laneways had been relocated.

Regarding NH6 of PPS 2 he felt that this application would improve heritage as it would transform a dilapidated building and he would therefore be voting against the recommendation.

Councillor M Gregg felt this determination hinged on CTY3 and how intact you consider the walls to be. In his opinion the photographs showed that the four walls were substantially intact. Regarding CTY14 he felt requirements would be met. He stated that he struggled with CTY13 as there were, in his opinion, no natural boundaries, and for this reason, he stated that he would be supporting the recommendation.

Councillor A Swan stated that a lot of work had been done to the building and he had reservations that this was not on the same footprint as the original. He said that he would be more sympathetic if the proposed dwelling was being built in the same vernacular style and on the same footprint as the original, he did not feel it would integrate well and stated that he would be supporting the recommendation.

Councillor J Palmer stated that he had visited the site and considered that it resembled a construction, he felt that the stables should be retained.

The Head of Planning and Capital Development confirmed that it was stated in the proposal documentation that the stable would be retained. Councillor O Gawith said that this was a finely balanced application however he felt that the weight of the recommendation just about convinced him.

Councillor J Craig stated that he was unsure if the repairs have changed the structure in any way however he felt that the requirements of CTY3 were just about met and he did not feel there would be any adverse impact created and that he therefore would be voting against the recommendation.

At the conclusion of the debate the decision was put to a vote and the Committee, having considered the information provided within the Report of the Senior Planning Officer, and by those making representations, agreed by a majority of 7:4 with 0 abstentions to refuse the application for the reasons outlined in the Officer's report.

Adjournment of Meeting

The Chairman, Councillor J Craig declared the meeting adjourned at 3.35 pm

Resumption of Meeting

The Chairman, Councillor J Craig declared the meeting resumed at 4.06 pm

(e) LA05/2019/0595/O – Proposed infill dwelling and garage on lands 75m south of 157 Old Ballynahinch Road, Lisburn

The Committee was advised that the above application had been withdrawn in its entirety by the Agent.

- (f) LA05/2019/0831/O – Proposed site for 2 infill dwellings and garages on lands between no 68 and 76 Drumbo Road, Lisburn.

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

The Committee received Mr Ryan McBirney and Mr Joseph Shearer who wished to speak in support of the application and whose comments included the following:

- The infill policy was highly subjective and must be considered on its merits
- The principle of development on the site was long established, the issue is whether two dwellings can be accommodated on the site
- He described the surrounding development and bookends to the site
- He stated that there were approvals yet to be developed along the road
- He said that plots along the road all have frontage to the road and are quite close together with generous space to the rear
- This was a narrow frontage widening towards the rear and he outlined how it was considered that 2 houses would fit
- He did not feel the Planning Unit have given due consideration to the established plot grain in the area
- He sought approval

This was followed by a question and answer session during which Councillor A Swan asked whether it would be true to say that there were larger sites at the location towards the other end of the road. He stated that one house would be in keeping with that.

Mr McBirney stated that photographs had been submitted to illustrate larger sites with close gables. Sites 76 and 78 Drumbo Road were significant properties but were close together and it was felt that this means the proposal was in keeping.

Councillor U Mackin sought clarification on the boundary edge to edge distance and was advised that there would be around 81 metres between the gable of nos 68 and 76.

The Committee received Alderman James Tinsley who wished to speak in support of the application and whose comments included the following:

- Planning permission had been granted for one dwelling, the question was whether or not the site could accommodate two, in his opinion it could
- Housing along the length of the road was set back where this site was wider
- Planning Officers have not given adequate consideration to the plot grain
- He gave examples of similar approvals in the area
- The proposal will integrate well into the surrounding area
- He urged approval

There were no questions for Alderman Tinsley.

The Committee was then provided with an opportunity to ask questions of the Planning Officers.

Councillor O Gawith asked what significance was given to plot sizes on the other side of the road. He was advised by the Head of Planning and Capital Development that the policy referred to 'frontage' so this would distinguish it from the other side of the road.

Councillor U Mackin said that there was not really anything wrong with what was being applied for and he asked how the Planning Unit had arrived at its decision.

The Head of Planning and Capital Development stated that it was accepted that there was a gap, the decision, however, comes down to the debate on whether the proposal respects the existing pattern of development in size, scale and plot size. The plots may be wide at the rear but the policy refers specifically to frontage.

Councillor M Gregg asked if the method of measuring distances between plots was well established and was advised by the Head of Planning and Capital Development that this was a matter of custom and practice and based on judgement and experience.

Councillor J McCarthy asked whether the average plot size was significantly affected by one particularly large site and it was confirmed by the Head of Planning and Capital Development that this was the case.

During the ensuing debate Councillor A Swan said that he felt that, to keep plot sizes consistent at this location, it would be necessary to limit the dwellings to 1.

Councillor U Mackin said that after taking all measurements on board he felt that the site, at the frontage, could only accommodate one dwelling.

Councillor M Gregg concurred with the previous speakers and stated that the sites further down the road had wider frontages.

Alderman D Drysdale said that he felt that 2 dwellings on the site would be out of character.

At the conclusion of the debate the decision was put to a vote and the Committee, having considered the information provided within the Report of the Planning Officer, and by those making representations, agreed by a majority of 11:0 with 0 abstentions to refuse the application for the reasons outlined in the Officer's report.

(g) LA05/2018/1161/F – Erection of 2 agricultural buildings for storage of farm machinery/equipment and housing of cattle/livestock and storage of farm feeds in association with existing established and active farm business 40 metres south of 15 Demiville Avenue, Lisburn BT27 5RE.

Members were advised and noted that the above application had been withdrawn in its entirety by the Agent.

(Alderman D Drysdale left the meeting at 4.43pm returning at 4.45pm).

- (h) LA05/2019/0340/F – proposed infill dwelling to be erected in a gap along a substantially built up frontage between existing dwelling and outbuilding on land adjacent to 14b Halfpenny Gate Road Moira.

The Senior Planning Officer (MCO'N) presented this application as outlined within the circulated report and the Chairman, Councillor J Craig alerted members to the fact that documents in respect of the application had been left on their desks for information at the request of the agent.

The Committee received Mr P Johnston and Mr M Beattie who wished to speak in support of the application and whose comments included the following:

- Mr Beattie outlined the circumstances which led him to build the garage on site and which led him to believe this would make the application policy compliant
- He outlined instances where gap sites in side gardens had been approved
- He outlined examples of PAC decisions which had overturned refusals of side garden gap sites
- He outlined the site measurements of surrounding plots which he felt indicated that his site did respect the pattern of development.
- He stated that the proposal would integrate and would not create a ribbon of development
- There were no objections from neighbours or statutory consultees

This was followed by a question and answer session during which Alderman J Dillon said that he resented the introduction of late information in respect of a planning application. He asked Mr Johnston to outline the various buildings on site which Mr Johnston proceeded to do. He stated that it was considered that the construction of the garage fell under permitted development however the Planning Unit consider that it has extended the curtilage.

Alderman J Dillon asked when the garage had been constructed and was advised that this was in March 2019.

Councillor U Mackin sought clarification on the two appeals referred to which had overturned decisions refusing side gardens as infill opportunities and clarification was provided by Mr Johnston.

Alderman D Drysdale referred to a policy requirement which stated that there needed to be over-riding reasons for development and he asked what these were in this case.

Mr Johnston clarified that the committee member was referring to an exemption which could be used in cases which were not policy compliant, however, it was his opinion that this application was policy compliant and therefore the exemption was not required.

Councillor A Swan asked what the purpose of the garage was and was advised that, as a lawful development, it was built to get the best from the site.

Alderman A Grehan clarified what the applicant had been told by planners and asked why the garage had been built, the applicant responded that he had constructed the garage to create a gap site.

The applicant advised that the decision to build the garage was based on the advice he received. Mr Johnston then explained the concept of lawful development rights and advised that the garage had been built to meet a policy requirement and that it would form the storage garage for the new house.

Councillor C McCready asked whether advice was not forthcoming from the builder at the time and was advised that it was considered that planning permission was not required.

Councillor A Swan asked for information on the size of the garage and was advised that it was 9m x 6m.

Councillor M Gregg stated that the documentation circulated to the Committee by the agent did not reflect what was currently listed on the NI Planning Portal.

Councillor McCarthy referred to the lack of frontage and sought examples of similar instances which had been approved. Mr Johnston provided some examples which he said indicated that this was a gap site.

Councillor O Gawith thought that if this was a lawful curtilage the garage would still not have frontage onto the road and therefore there is no infill site.

The Committee received Alderman J Tinsley who wished to speak in support of the application and whose comments included the following:

- There are three or more buildings
- Paragraph 38 in the report acknowledges the gap
- He outlined a similar situation which was overturned at appeal
- He believes this is policy compliant with CTY8 of PPS 21

This was followed by a question and answer session during which the Chairman, Councillor J Craig referred to the lack of frontage for the new sites and Alderman J Tinsley once again highlighted a similar situation which had been overturned on appeal.

Councillor O Gawith sought clarification on the position of the garage and was advised by Alderman J Tinsley that the front of the garage sat on the front of the road.

The Committee was then invited to ask questions of the Planning Officers.

Councillor A Swan sought clarification on planning policy pertaining to garages and this was provided by the Head of Planning and Capital Development who also went on to outline the difference between this application and the examples referred to by those making representations.

Councillor M Gregg referred to the red line on the application map which he said did go to the road, he asked if that should be a consideration.

The Head of Planning and Capital Development stated that in order for this to be assessed, the owner of no 14b would have needed to have made an application for a new access onto the road. The site has no frontage irrespective of the red line coming to the road.

Councillor J Palmer sought clarification on the successful appeal example referred to by those making representations and the Senior Planning Officer (RT) advised that in the example referred to the applicant had obtained a Certificate of Lawfulness. The context of the appeal example was different.

The Head of Planning and Capital Development stated that in the case of the application before the Committee, the applicant was asked to qualify the position but no evidence had been forthcoming.

In response to a question from Councillor U Mackin, the Head of Planning and Capital Development outlined the process for obtaining a Certificate of Lawful Development and clarified the requirements of CTY8.

During the ensuing debate Alderman D Drysdale said that this application was very subjective but he felt he would be supportive of the recommendation.

Councillors A Swan and J Dillon concurred with Councillor Swan stating that he considered it odd that someone would build a garage solely to create a gap site.

Councillor U Mackin said he had initially been persuaded by the red line on the application map but on considering the width of the frontage he had been swayed towards supporting a refusal.

The Chairman, Councillor J Craig felt there was an issue regarding lawful development which he was uncomfortable with. He was also uncomfortable with the status of the garage and considered that the size of the frontage led him to support the recommendation.

Councillor J Palmer outlined an example of a similar application which led him to the decision to vote against the recommendation.

At the conclusion of the debate the decision was put to a vote and the Committee, having considered the information provided within the Report of the Planning Officer, and by those making representations, agreed by a majority of 10:1 with 0 abstentions to refuse the application for the reasons outlined in the Officer's report.

(Alderman D Drysdale and Alderman A Grehan left the meeting at 5.42 pm).

4.2. Consideration of Planning (Notification of Applications) Direction 2017 in respect of LA05/2017/1156/F.

Members were provided with information on the circumstances in which a Council is required to notify the Department in respect of a planning decision which were:

- (a) A major development application which would significantly prejudice the implementation of the local development plans objectives and policies;
- (b) A major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013; or
- (c) A government department or statutory consultee had raised a significant objection to a major development application.

The Head of Planning and Capital Development provided clarification on a typing error and advised members that the item was presented for decision and that the report had outlined for their consideration how the threshold associated with each of the criteria had not been met.

Councillor M Gregg referred to the above application which had been approved the previous month. He asked whether it was now too late to add on an additional condition if the decision has not yet been issued.

The Head of Planning and Capital Development responded that the formulating of conditions had been delegated to the Planning Unit, the issue for consideration at today's meeting was in the context of what was before the Committee at the moment. However he stated that the Member could outline his thoughts to the Director after the meeting.

In Committee

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

Legal Advice was received and noted.

Resumption of Normal Business

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

(Alderman J Dillon left the meeting at 5.10 pm).

It was proposed by Councillor M Gregg seconded by Councillor O Gawith and put to a vote that application LA05/2017/1156/F should be referred to the Department in an effort to err on the side of caution as the change of use was considered to be a departure from the plan.

The Chairman, Councillor J Craig requested a recorded vote and voting was as follows:

In favour of the proposal – Councillor O Gawith, Councillor M Gregg, Councillor J Palmer

Against the proposal – Councillor J Craig, Councillor J McCarthy, Councillor U Mackin, Councillor C McCready, Councillor A Swan

Abstention - None

Therefore by a majority of 5:3 the proposal to refer the application to DfI fell.

It was then proposed by Councillor A Swan, seconded by Councillor J McCarthy and put to a vote that application LA05/2017/1156/F should not be referred to the Department as it was considered that it did not meet any of the required criteria. A typographical error in the Report Recommendation was noted by Councillor O Gawith and it was further clarified that the recommendation should have included the word 'not'.

The Chairman, Councillor J Craig requested a recorded vote and voting was as follows:

In favour of the proposal – Councillor J Craig, Councillor J McCarthy, Councillor U Mackin, Councillor C McCreedy, Councillor A Swan

Against the proposal – Councillor O Gawith, Councillor M Gregg, Councillor J Palmer

Abstention – None

The second proposal was carried and it was therefore declared by the Chairman that, as outlined in the report recommendation, and subject to the correction of a typographical error therein, it was considered by the Committee that the application did not meet any of the required criteria and that there was no need for it to be notified to the Department for Infrastructure in accordance with the Direction.

4.3 Statutory Performance Indicators – December 2019

It was proposed by Councillor A Swan seconded by Councillor J McCarthy and agreed by the Committee that the information provided to the Council by the Department for Infrastructure in respect of the month of December 2019 be noted.

4.4 Appeal Decisions in respect of planning applications LA05/2016/1140/F, LA05/2017/1189/F and LA05/2018/1017/F

Members were advised of the decisions taken in the above three Planning Appeals in that:

- In respect of LA05/2016/1140/F, while the appeal was upheld, it was confirmed that this was subject to a planning agreement between the Council and Appellant that planning permission S/2014/0458/O and the reserved matters application LA05/2019/0166/RM were not implemented. All costs for the legal agreement are to be borne by the appellant
- In respect of LA05/2017/1189/F, the appeal was upheld and planning permission has been granted retrospectively. A condition attached requires the building to be used only for the purpose of agriculture
- In respect of LA05/2018/1017/F, the appeal was dismissed.

It was proposed by Councillor M Gregg, seconded by Councillor O Gawith and agreed that the above information be noted.

(Councillor U Mackin left the meeting at 6.05 pm)

- 4.5 Submission of Pre-application Notice (PAN) – Construction of a petrol filling station with associated retail units and car wash with associated parking, access internal roads, servicing, public road works, general site works, drainage and landscaping.

Members were provided with information including a PAN Form and Site Location Plan in respect of the above and it was proposed by Councillor C McCready, seconded by Councillor J Palmer and agreed that the information be noted.

- 4.6 Notification of the intention to install electronic communications apparatus at (i) 158 Ballynahinch Road, Lisburn and (ii) 170m NW of 32 Carrowreagh Road, Dundonald.

Members had been provided with information from EE and Hutchinson 3G UK Limited of their intention to install telecommunications apparatus on land at 158 Ballynahinch Road, Lisburn and land 170m NW of 32 Carrowreagh Road, Dundonald.

It was proposed by Councillor O Gawith, seconded by Councillor C McCready and agreed that the information be noted.

5. Any Other Business

1. Information within Reports Head of Planning and Capital Development

The Head of Planning and Capital Development referred to an error highlighted in the Reports earlier in the meeting by Councillor M Gregg and stated that this had been looked at by Planning Officers and that the link had taken them to the correct document and that there was no error in the report. He undertook to look at this with Councillor Gregg after the meeting.

Regarding the other typographical error highlighted in the later report, the Head of Planning and Capital Development advised that the unit would continue to endeavour to make improvements.

2. 'In Committee'

It was proposed by Councillor J McCarthy, seconded by Councillor C McCready, and agreed to go into committee for the following two items of other business.

1. Castlereagh East Steering Group Director of Service Transformation

The Director of Service Transformation updated on a forthcoming Public Meeting of the Castlereagh East Steering Group.

The information provided above was noted by the Committee.

2. Legal Matters
Director of Service Transformation

The Director of Service Transformation and the Legal Advisor updated on a number of legal matters one of which will be considered by the Development Committee at its March 2019 meeting.

The information provided above was noted by the Committee.

Resumption of Normal Business

It was proposed by Councillor C McCreedy, seconded by Councillor C McCarthy and agreed to come out of Committee and normal business was resumed.

There being no further business, the meeting concluded at 6.25 pm.

CHAIRMAN / MAYOR