

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 14 October, 2024 at 10.26 am

PRESENT IN CHAMBER:

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, P Catney, U Mackin, A Martin and N Trimble

PRESENT IN REMOTE LOCATION:

Councillor D J Craig

IN ATTENDANCE:

Director of Regeneration and Growth
Head of Planning & Capital Development
Principal Planning Officer (RH)
Senior Planning Officers (MB, PMcF and GM)
Member Services Officers (CR and CH)

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chair, Alderman M Gregg, welcomed those present to the Planning Committee. He pointed out that, unless the item on the agenda was considered under confidential business, this meeting would be audio recorded. He went on to outline the evacuation procedures in the case of an emergency.

1. **Apologies**

It was agreed to accept an apology for non-attendance at the meeting on behalf of Councillor G Thompson and it was noted that Councillor P Catney would be arriving late to the meeting.

2. **Declarations of Interest**

The following declarations of interest were made:

- Alderman J Tinsley declared an interest in respect of planning application LA05/2022/0033/F as he had been contacted by one of the objectors (not recently); he had indicated that he was on the Planning Committee and, apart from general conversation, Alderman Tinsley remained undecided;
- Councillor U Mackin declared an interest in respect of planning application LA05/2022/0033/F given that he would be speaking on behalf of residents;

2. Declarations of Interest (Contd)

- Councillor U Mackin declared an interest in respect of planning applications LA05/2023/0470/F and LA05/2021/1150/F given that he had hosted a meeting between Officers and residents near the site; however, he had not engaged in any discussion around planning issues at that time or since;
- Councillor U Mackin declared an interest in respect of planning application LA05/2021/0106/O as he had received a letter from the agent; he had acknowledged it but had not engaged in conversation about the application.

At this point, the Chair, Alderman M Gregg, stated that, at the last meeting when planning application LA05/2022/0033/F had been considered, the applicant's KC had been afforded the opportunity to raise a point of order in relation to a concern on a procedural matter. It had been stated that Alderman Gregg had not maintained impartiality and was in breach of a number of elements of the Code of Conduct for Councillors as he had retweeted a post by Kate Nicholl MLA regarding a petition to protect the biodiversity of the Quarterlands site. This had caught Alderman Gregg by surprise as it would be completely out-of-character for him to interact with anything pertinent to a live application as he would not want his professionalism, integrity or impartiality called into question, or to compromise the integrity of the Planning Committee. In order not to hold up proceedings, Alderman Gregg acted in good faith and stepped back from the decision-making process for this application. However, the accusation had since perplexed him as he could not recall any such retweet. Alderman Gregg had done some research and found out that a person named Martin Gregg had retweeted the post by Kate Nicholl and that tweet had since been deleted, but this had been a different Martin Gregg, not the Chair. Alderman Gregg stated "A simple look at the profile of that user would have shown that". Alderman Gregg stated that he would have expected the KC to be presenting facts to the Committee and be more over the detail than was evidenced in this accusation. Therefore, Alderman Gregg would be seeking his own legal advice on this matter and would not be declaring an interest, pecuniary or non-pecuniary, in this application. Alderman Gregg stated that, having clarified the position, he would continue to chair the Committee meeting, including the consideration of this application.

3. Minutes of Meeting of Planning Committee held on 2 September, 2024 and Special Meeting of Planning Committee held 18 September, 2024

It was proposed by Alderman O Gawith, seconded by Councillor S Burns and agreed that the minutes of the meeting of Committee held on 2 September, 2024 and special meeting of Committee held on 18 September, 2024 be confirmed and signed.

4. Report from the Head of Planning & Capital Development

4.1 Schedule of Applications

The Chair, Alderman M Gregg, advised that there were 1 major and 7 local applications on the schedule for consideration at the meeting. In the event that all applications were not heard today, speakers had been advised to be on standby for the applications to be heard at a reconvened meeting on Thursday, 17 October.

4.1.1 Applications to be Determined

The Legal Advisor, Mr B Martyn, highlighted paragraphs 43-46 of the Protocol for the Operation of the Lisburn & Castlereagh City Council Planning Committee which, he advised, needed to be borne in mind when determinations were being made.

- (i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg

Councillor U Mackin left the meeting and was only present in the Council Chamber when addressing the Committee.

The Principal Planning Officer (RH) presented the above application as outlined within the circulated report. During the presentation of this application, Councillor D J Craig's zoom connection was lost and, in order to allow his continued participation in its consideration, the Principal Planning Officer repeated the presentation from an agreed point where Councillor Craig highlighted the connection was lost.

The Committee received the following to speak in opposition to the application and a number of Members' queries were addressed:

- Dr J Adgey, accompanied by Ms R McDade;
- Alderman J Baird; and
- Councillor U Mackin.

Councillor Mackin apologised on behalf of Mr E Poots MLA who was unable to be present at the meeting today, but had advised that the views he had expressed at the previous meeting had not changed. At this stage, the Chair, Alderman M Gregg, stated that he had not been in the Council Chamber when this application had been considered at the last meeting; however, he had received, and read, Mr Poots' written submission.

Written submissions had also been received from Mrs K Nicholl MLA and Alderman A McIntyre. They were unable to be present at the meeting, but their submissions had been provided to, and taken account of by, Members.

- (i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.13 pm).

Resumption of Meeting

The meeting was resumed at 12.22 pm.

The Committee received the following to speak in support of the application:

- Mr Wm Orbinson KC, accompanied by Mr G Dodds, Mrs A Wiggam, Mr D Thompson, Mr P Lynas, Mr R Barclay, Ms A Reynolds and Ms H Alexander.

Mr Wm Orbinson KC began by referring to comments he had made at the previous meeting in respect of procedural matters and the statement made earlier in this meeting by the Chair in this regard. He stated that his submission has been based on instruction. It was not his job to root around on the internet to look for comments made by Members. His submission had been made in good faith and had been an entirely professional thing to do. Mr Orbinson further stated that he had sought instruction on comments made earlier this morning by the Chair and confirmed the comments made were correct. A mistake had been made by a member of his team and for this Mr Orbinson apologised to Alderman Gregg and to the Council for the disruption caused at the last meeting. The issue should not have been raised, but had been raised in good faith for the integrity of the Council.

A number of Members' queries were addressed by Mr Orbinson and his colleagues following his verbal submission in respect of this planning application. During discussion, reference was made by Alderman O Gawith to the requirement that no more than 12 of the dwellings were to be occupied until the 4 affordable dwellings were constructed and available for occupation. He asked if the developer would be willing to provide the 4 affordable dwellings at an earlier stage than 12 dwellings being occupied and Mr Orbinson, after taking instruction from the planning applicant, confirmed that the developer would be content with this.

Representatives from NI Water (Mr R Mooney and Mr A Moore), Rivers Agency (Mr S Lancashire, Mr E Daly and Ms K Dawson), National Environment Division (Mr K Hunter), DfI Roads (Mr Wm Cardwell and Mr B Finlay) and Mid and East Antrim Borough Council (Mr M Kearney) were in attendance to address Members' queries. A number of Members' queries were responded to by these representatives, as well as Planning Officers.

- (i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

Further to comments by Mr R Mooney in relation to the pre-development enquiry application to NI Water, Councillor D J Craig proposed that the meeting go 'into committee' in order that legal advice be sought. There was no seconder for this proposal.

Debate

During debate:

- Alderman O Gawith stated that, given the number of times this application had been considered at Committee meetings and the fact that a site visit had been held, there had been a great deal of opportunity for Members to ask questions and read submissions. This was commendable as it was important that everyone had an opportunity to have their views heard. Alderman Gawith had been reassured at today's meeting in respect of concerns he had had regarding water capacity and the removal of the hedge. Whilst it was a shame that, should the development proceed, the hedge would require to be removed, at least it was to be replanted not just to the standard required, but undergrowth was being put in as well. He was also pleased that, should the development proceed, it would meet policy HOU10 and he was reassured further that the developer would be willing to provide the 4 affordable dwellings at an earlier stage than 12 dwellings being occupied. Alderman Gawith would be content for this to happen upon the occupation of 10 dwellings. Alderman Gawith believed Members had addressed the objectors' problems in a wide variety of questions from the Committee on several aspects of planning policy. He stated that he was in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman J Tinsley referred to this application having been one of the most scrutinised in his 25 years on Council, rightly so given the number of objections. It was important to do it justice both for the public and the applicant. Alderman Tinsley was satisfied that his concerns around zoning of the land, traffic issues, water capacity and native species had been addressed. On balance, Alderman Tinsley stated that he would be disingenuous to go against the recommendation of the Planning Officer to approve planning permission, although he had every sympathy with objectors;
- Councillor S Burns stated that her concerns had been addressed in respect of traffic, water capacity, zoning of land, Lagan Valley Regional Park and the developer's intention to improve the biodiversity on the land threefold. She was in support of the recommendation of the Planning Officer to approve planning permission;

- (i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)
- Councillor N Trimble referred to the amount of scrutiny there had been and representations made in respect of this application. He believed that the Planning Committee existed to deal with such cases that were finely balanced. He gave credit to all those who had made representations, the quality of which had been tremendous. Councillor Trimble stated that there had been sufficient verifiable evidence made in counterpoint to the objections raised. There was clearly a wealth of sentiment of local residents who did not support this application; however, in planning terms, Councillor Trimble had no option other than to support the recommendation of the Planning Officer to approve planning permission;
 - Councillor D Bassett echoed the sentiments of previous speakers. He felt for objectors; however, his concerns had been addressed, especially regarding water capacity, and he was in support of the recommendation of the Planning Officer to approve planning permission; and
 - the Chair, Alderman M Gregg, referred to the amount of scrutiny this application had received. There had been a lot of questions around the capacity of the waste water treatment works, as well the road network, and those had been satisfied. Whilst Alderman Gregg was disappointed at the removal of the hedge, he welcomed the fact that it would be replaced threefold. He welcomed clarification around zoning of this land for housing. However, there were a couple of polices that Alderman Gregg considered this application failed to meet – HOU5 and NH6. A number of questions had been asked around the size and style of housing and Alderman Gregg felt this application reflected a style of housing that was very much the exception in Drumbeg and the character of this settlement land. He did not consider that the exception should become rule, which he believed would be the case if this application was approved. He went on to say that HOU5 required the provision of public open space and there were exceptions to that. The towpath was the example of why the public open space, not just within each dwelling, was not met. Alderman Gregg did not accept that a towpath a mile away was an exception to the applicant having to provide public open space. If this was a different application in a different form, with housing that mirrored the local settlement, he could be of a different mind if it met the siting and scale. Alderman Gregg was not in support of the recommendation of the Planning Officer to approve planning permission.

Vote

On a vote being taken, it was agreed to adopt the recommendation of the Planning Officer to approve planning permission, subject to the provision of 4 affordable dwellings upon occupation of 10 dwellings rather than 12, the voting being:

- (i) LA05/2022/0033/F – Erection of 17 dwellings in a mix of 15 detached and 2 semi-detached dwellings with associated parking, landscaping, site works and access arrangements from Quarterlands Road on lands between 58 and 66 Quarterlands Road, northeast of 54b-c & 56 Quarterlands Road north of 7-12 Rural Cottages and southeast of 4-7 Zenda Park, Drumbeg (Contd)

In favour: Councillor D Bassett, Councillor S Burns, Alderman O Gawith, Alderman J Tinsley and Councillor N Trimble **(5)**

Against: Councillor D J Craig and Chair, Alderman M Gregg **(2)**

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for lunch (1.56 pm).

Resumption of Meeting

The meeting was resumed at 2.35 pm.

Councillor D J Craig did not return to the meeting after lunch. Councillors P Catney and A Martin arrived to the meeting after lunch.

- (ii) LA05/2023/0022/F – Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to the site boundary 135m north of 14b Feumore Road, Lisburn

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

The Committee received Mr D Rooney, accompanied by Mr R Armstrong, to speak in support of the application and a number of Members' queries were addressed.

A number of Members' queries were responded to Planning Officers.

Debate

During debate:

- Councillor N Trimble stated that he had tremendous sympathy with the applicant. The Council, whilst being a planning authority, needed to be cognisant of a local resident who had a business plan to enhance the area he lived in. That ought to be one of the considerations in the back of Members' minds. Councillor Trimble was of the opinion that the Planning Officer had been harsh in respect of this application. He referred to the section of TOU3 relating to 'Tourist Attraction on the Periphery of a Settlement' and was of the view that this application met all three criteria.

- (ii) LA05/2023/0022/F – Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to the site boundary 135m north of 14b Feumore Road, Lisburn
(Contd)

He stated that, glamping pods by virtue of what they were, were not suitable within the settlement limits. In respect of TOU4, Councillor Trimble felt that criteria (b) of TOU4 was open to interpretation. Lough Neagh was described by Planning Officers as a leisure facility; however, Councillor Trimble could envisage people going here just to be glamping on the banks of Lough Neagh. He considered that Officers had not given a lot of credit to the neighbouring facilities such as the equestrian centre and Sandy Bay/Rams Island. He further pointed out that one of the services available on Rams Island was glamping and yet there was no larger tourist facility there such as jet skiing or archery; glamping by itself was a tourist attraction. Councillor Trimble stated that the Council should be encouraging its residents who had the wherewithal and the aspiration to start up a business;

- Councillor P Catney stated that, in his opinion, the Planning Officer's recommendation on this application was correct. He did have sympathy with the applicant; should the house on the site, which was currently rented out, be developed as a tourist attraction, opportunities may open up at a later date for glamping pods. He referred to a number of other businesses in close proximity to this site and the need to not create unfair competition. When looking at all the policies, as debated, Councillor Catney was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman J Tinsley stated that this application was in the balance. Without doubt, the young applicant was very enthusiastic. Reflecting on some of the points made at today's meeting, there may be opportunities in the future. He could see reasons why people would go to this site, but the Committee had to consider policies. At a stretch, he could understand the views expressed by Councillor Trimble; however, Alderman Tinsley was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that the applicant was full of enthusiasm and he hoped he stayed that way and would come back at a later date with a proposal that met with policies. He agreed with Councillor Trimble's view that Planning Officers had been harsh, particularly around TOU3; however, he considered the overall decision was correct and, reluctantly, was in support of the recommendation of the Planning Officer to refuse planning permission; and
- the Chair, Alderman M Gregg, agreed that Officers had been harsh in respect of TOU3 and TOU4. The very nature and attraction of glamping pods was their isolation and that in itself should allow them to be an exception to some of the rules that required them to be sited with an established group of buildings and that ruled out COU15 and 16. Alderman Gregg considered that TOU3 and TOU4 policies were met for similar reasoning. He felt that the other tourist amenities in the vicinity very much complemented the glamping pods. He felt this proposal was a fledgling tourist opportunity in the countryside that could complement this area. With TOU3, TOU4, COU15 and COU16 being met, COU1 would fall away. Alderman Gregg was not in support of the recommendation of the Planning Officer to refuse planning permission.

- (ii) LA05/2023/0022/F – Proposed 4 glamping pods including associated communal/recreation area, parking, access paths with new ranch type fencing to the site boundary 135m north of 14b Feumore Road, Lisburn
(Contd)

Vote

On a vote being taken, it was agreed to adopt the recommendation of the Planning Officer to refuse planning permission:

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor Martin and Alderman J Tinsley **(6)**

Against: Councillor U Mackin, Councillor N Trimble and Chair, Alderman M Gregg **(3)**

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.47 pm).

Resumption of Meeting

The meeting was resumed at 4.02 pm.

- (iii) LA05/2023/0470/F – Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

and

- (iv) LA05/2021/1150/F – Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

Councillor U Mackin left the meeting (4.02 pm).

The Senior Planning Officer (MB) presented the above applications as outlined within the circulated report.

The Committee received Mr E Loughrey, accompanied by Mr B McKay, Mr K McElroy and Mr M Bailie, to speak in support of the applications and a number of Members' queries were addressed.

A number of Members' queries were responded to by Planning Officers.

(iii) LA05/2023/0470/F – Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

and

(iv) LA05/2021/1150/F – Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn (Contd)

Debate

During debate:

- Councillor N Trimble stated that it was difficult when looking at the modern satellite photograph to envisage this site as a green field site, when in planning terms it really was. If these were not retrospective applications and the applicant was asking to develop the two fields behind the business, very good arguments would have to be made around planning policy. The fact that these were retrospective applications and that the site was being used would cause difficulty for the applicant if approval was not granted. In planning terms the development had taken place without planning permission. Planning rules and regulations existed for a reason and to do otherwise would be giving advantage to someone playing outside of the rules. It would be unfair to grant retrospective planning permission just by virtue of the development being there. Councillor Trimble was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman J Tinsley understood why business owners expanded their businesses; however, the Planning Committee existed for a reason. There had been encroachment into the countryside in this case and that still had not stopped. Alderman Tinsley considered that the Planning Committee had a responsibility. Currently, with the evidence provided, he was in support of the recommendation of the Planning Officer to refuse planning permission;
- Councillor A Martin concurred with comments made by Councillor Trimble and Alderman Tinsley. The satellite view showed how far the development had encroached into the countryside;
- Councillor S Burns stated that the fact development had already taken place could not be ignored. This may have improved the existing business, but the Planning Committee had to follow the rules. Councillor Burns was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith stated that retrospective applications always made him wonder if they were deliberate, an oversight, due to poor advice or lack of knowledge. Whatever the reason, they were not as good as applications done in the proper order of things and they did bring suspicion. Alderman Gawith could see no valid reason for approving these applications and was in support of the recommendation of the Planning Officer to refuse planning permission;

(iii) LA05/2023/0470/F – Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

and

(iv) LA05/2021/1150/F – Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn (Contd)

- Councillor P Catney agreed with comments by other Members. This was a live business and the Committee did not want to hurt the business; however, it had to be fair and he was in support of the recommendation of the Planning Officer to refuse planning permission. Councillor Catney asked about the possibility of steps being taken to assist the business; however, the Chair, Alderman M Gregg, advised that the time for questions had passed and that Councillor Catney's query related to enforcement, which was beyond the remit of the Planning Committee; and
- the Chair, Alderman M Gregg, stated that the Planning Committee never liked to receive retrospective applications. The reasons they came to Committee, either for approval or refusal, had to be rooted in policy. He was in support of the recommendation of the Planning Officer to refuse planning permission. Planning creep and site creep into the countryside could be seen in this case and that was the reason policies were in place in order to curb this and to give a level playing field to all those business that came with applications that did comply.

Vote

LA05/2023/0470/F – Proposed new car valeting canopy and store (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse this application.

LA05/2021/1150/F – Erection of car valet unit, new diesel pump, new hard standing turning and parking area and 2 new drive thru car washes and 1 self service car washing bay (retrospective) at Temple Filling Station, 82 Carryduff Road, Lisburn

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to refuse this application.

Conclusion of the Meeting

At the conclusion of the meeting, the Chair, Alderman M Gregg, thanked those present for their attendance. Given that the business on the agenda had not been concluded at this meeting, he advised that a continuation meeting would be held on Thursday, 17 October at 2.00 pm.

There being no further business, the meeting was terminated at 5.20 pm.

Chair/Mayor