

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 4 September, 2023 at 10.11 am

PRESENT IN CHAMBER:

Alderman M Gregg (Chairman)

Councillor U Mackin (Vice-Chairman)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, S Burns, P Catney, A Martin and N Trimble

IN ATTENDANCE:

Director of Regeneration and Growth
Head of Planning & Capital Development
Principal Planning Officer (RH)
Senior Planning Officers (RT, MCO'N and MB)
Member Services Officers

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor

Commencement of Meeting

At the commencement of the meeting, the Chairman, 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** (00:02:20)

It was agreed to accept apologies for non-attendance at the meeting on behalf of Councillors D J Craig and G Thompson. It was also noted that the Vice-Chairman, Councillor U Mackin, would be arriving late.

At this point, the Member Services Officer read out the names of the Elected Members and Officers in attendance at the meeting.

2. **Declarations of Interest** (00:03:33)

The following declarations of interest were made:

- Alderman O Gawith in respect of planning application LA05/2022/0272/O, given that he had discussed some details of the application with the applicant and his agent and, therefore, could be viewed as having already formed an opinion and would not be participating in this item;
- Councillor P Catney in respect of planning application LA05/2022/0033/F, given that he had been contacted by the residents and, although he had spoken with them, he had never given an opinion on the application; and

2. Declarations of Interest (Contd)

- The Chairman, Alderman M Gregg, in respect of planning application LA05/2018/0862/F, given that he had previously called this application in and could, therefore, be considered to have pre-determined an opinion. He stated that, as he would be leaving the meeting during consideration of this item of business, and in the absence of the Vice-Chairman, in line with Standing Orders the Nominating Officer of the Alliance Party had advised that Alderman O Gawith would take the chair at this time.

At the end of the meeting, Alderman J Tinsley submitted declaration of interest forms in respect of planning applications LA05/2022/0613/F, LA05/2020/0420/O and LA05/2020/0421/O, given that he had been contacted by both those in support of and those opposed to the applications. He advised that he had made no comment and remained neutral.

3. Minutes of Meeting of Planning Committee held on 7 August, 2023 (00:06:43)

It proposed by Alderman J Tinsley, seconded by Councillor D Bassett and agreed that the minutes of the meeting of Committee held on 7 August, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development (00:07:02)

4.1 Schedule of Applications (00:07:05)

The Chairman, Alderman M Gregg, advised that there were two major applications and six local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined (00:07:57)

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.

The Chairman, Alderman M Gregg, advised of a slight change to the running order, in that the second application on the schedule would be considered first.

At this juncture, Alderman J Tinsley referred to application LA05/2022/0033/F. He stated that, in light of the number of issues raised by objectors and the complexities of some of these issues, and not being particularly familiar with the location, he considered that he would benefit from visiting the site. He proposed that this application be deferred for a site visit to take place. This proposal was seconded by Alderman O Gawith and agreed, on a vote being taken – the voting being 6 in favour and 2 against.

- (i) LA05/2023/0252/F – Proposed industrial unit, associated storage yard, landscaping and ancillary site works at lands approximately 130 metres northeast of 20 Glenavy Road, Moira (00:11:31)

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

There were no individuals registered to speak in respect of this application, although the agent was available to answer Members’ questions. There were no questions put to the agent.

A number of Members’ queries were responded to by Planning Officers. The Senior Planning Officer, supported by the Head of Planning & Capital Development, confirmed that, whilst not listed within the conditions section in the report, DfI Rivers had recommended that any decision issued include a condition that, prior to the construction of the drainage network, a final drainage assessment, compliant with FLD3, be submitted to demonstrate the safe management of any out of sewer flooding emanating from the surface water drainage network. It was also clarified that the access arrangements for the site were in place from an earlier application process. This was taken into account in the transport assessment form and traffic impact assessment was not required.

Debate

There were no comments made at this point.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve the application, subject to inclusion of the above condition.

- (ii) LA05/2023/0161/F – Nine industrial units (Class B1b, B1c, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works and lands at Comber Road, Dundonald (north of Comber Road and south of the Comber Greenway) (00:42:20)

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

The Committee received Mr N Salt, who was accompanied by Mr S McKee, in order to speak in support of the application. There were no Members’ questions.

There were no Members’ questions put to Planning Officers.

Debate

During debate, both Alderman O Gawith and the Chairman, Alderman M Gregg, stated that they welcomed this application, which responded to the demonstrated market need in the area.

- (ii) LA05/2023/0161/F – Nine industrial units (Class B1b, B1c, B3 and B4 employment uses) with associated access improvements, car and cycle parking, landscaping and ancillary site works and lands at Comber Road, Dundonald (north of Comber Road and south of the Comber Greenway)
(Contd)

Vote

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

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (11.11 am).

Resumption of Meeting

The meeting was resumed at 11.25 am.

- (iii) LA05/2018/0862/F – Proposed infill site for two dwellings with detached garages between 26 and 30 Magheraconluce Road, Hillsborough
(01:00:18)

The Chairman, Alderman M Gregg, having declared an interest in this item of business, left the meeting during its consideration and the meeting was chaired by Alderman O Gawith.

The Vice-Chairman, Councillor U Mackin, arrived to the meeting during consideration of this item of business (11.47 am).

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

The Committee received:

- Mr G Duff to speak in opposition to the application; and
- Mr L Ross to speak in support of the application.

A number of Members' queries were responded to by the speakers.

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

At this stage, Councillor N Trimble stated that he would benefit from receiving some legal advice in respect of this application.

- (iii) LA05/2018/0862/F – Proposed infill site for two dwellings with detached garages between 26 and 30 Magheraconluce Road, Hillsborough (Contd)

“In Committee”

It was proposed by Councillor N Trimble, seconded by Alderman J Tinsley and agreed to go ‘into committee’ in order that legal advice could be sought on this application. Those members of the public in attendance left the meeting (12.12 pm).

Advice was provided by the Legal Advisor in respect of this application.

Resumption of Normal Business

It was proposed by Councillor N Trimble, seconded by Councillor D Bassett and agreed to come out of committee and normal business was resumed (12.45 pm).

Debate

During debate:

- Councillor N Trimble expressed sympathy with the applicant’s position; however, given the facts presented, he did not consider the application to be compliant with planning policy COU8 and was in support of the Planning Officer’s recommendation in respect of this application; and,
- Alderman J Tinsley sympathised with the applicant’s position and, given the planning history, stated that he would abstain from any vote.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to refuse the application, the voting being 6 in favour and 1 abstention. Not having been present for the entire item, Councillor U Mackin did not participate in the vote.

Alderman O Gawith vacated the chair and the Chairman, Alderman M Gregg, returned to the meeting.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch (12.49 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (1.23 pm).

- (iv) LA05/2022/0613/F – Proposed change of house type for application LA05/2017/0814/F – dwelling and detached garage to include stables and garden store 40 metres southeast of 3 Aghalee Road, Lower Ballinderry, Lisburn (01:52:57)

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

The Committee received Mrs L Green in order to speak in opposition to the application. A number of Members' queries were addressed, during which it was noted that Mrs Green did not object to the granting of planning permission for the building, but opposed the raising of ground levels against the wooden fence and trees at her property and had concerns about the potential for flooding.

A number of Members' queries were responded to by Planning Officers, during which time the Head of Planning & Capital Development confirmed that, if Members were minded to support the recommendation of the Planning Officer, a condition could be applied to planning permission to prevent any development taking place within the working strip in order to ensure no impact on the ability of the drainage system within the site to function properly.

Debate

During debate:

- Alderman J Tinsley stated that he would be content to support the Planning Officer's recommendation, subject to the inclusion of the above condition, assuming that also meant no planting would take place;
- Councillor A Martin stated that he considered planting would be beneficial;
- Councillor U Mackin stated that inclusion of the above condition was important to prevent any future development on the working strip; and
- Councillor N Trimble suggested that the condition applied to planning permission also stipulate that ground level should not be raised above what had been indicated on the original drawings.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve the application, subject to the inclusion of a condition, as outlined above.

- (v) LA05/2022/0033/F – Erection of 17 dwellings with associated parking, landscaping, open space, site works and access arrangements from Quarterlands Road (amended proposal) at 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 (00:09:20)

This application had been dealt with at the start of the meeting.

- (vi) LA05/2020/0420/O and LA05/2020/0421/O – Site for dwellings, garages and associated site works due north of 68 Gregorlough Road, Dromore (02:41:37)

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

The Committee received:

- Mr G Duff and Mr M Turner to speak in opposition to the applications; and
- Mr N Coffey to speak in support of the applications.

A number of Members' queries were addressed by the speakers.

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

Debate

During debate:

- Alderman O Gawith stated that, having attended the site visit and his questions having been adequately addressed, he was in support of the Planning Officer's recommendation;
- Alderman J Tinsley stated that he had found the site visit beneficial. Whilst he had some sympathy for the applicant, he considered that the Planning Officer had correctly applied the planning policies and was in support of the recommendation; and
- Councillor N Trimble stated that he had found the site visit beneficial. He had concerns in respect of the matter of visual linkage and was not in support of the Planning Officer's recommendation.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to approve application LA05/2020/0420/O, the voting being 8 in favour and 1 against.

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to adopt the recommendation to approve application LA05/2020/0421/O, the voting being 8 in favour and 1 against.

- (vii) LA05/2022/0272/F – Proposed two detached dwellings with provision for future garages at gap between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira (03:24:30)

Having declared an interest in this application, Alderman O Gawith left the meeting (2.56 pm).

- (vii) LA05/2022/0272/F – Proposed two detached dwellings with provision for future garages at gap between 42 Halfpenny Gate Road, Moira and Broomhedge Gospel Hall, 40a Halfpenny Gate Road, Moira (Contd)

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

The Committee received Mr S Wilson to speak in support of the application. There were no Members' questions for Mr Wilson.

There were no queries for Planning Officers. However, the Head of Planning & Capital Development, at the discretion of the Chairman, responded to comments made by Mr Wilson and confirmed that the Protocol for the Operation of the Planning Committee had been properly engaged with and followed in deferring the application to allow for reflection and that it was right to hear the matter in full again.

Debate

During debate:

- Councillor N Trimble referred to reasons he had provided at the previous meeting for not being in agreement with the Planning Officer's recommendation to refuse this application. He confirmed that he remained of this view, in that there was no longer a distinction between the two settlement areas given the presence of the gospel hall, and therefore considered the application to meet with COU8. He also considered that the application met with COU15 and 16 in that the proposed dwellings would not be a prominent feature on the landscape;
- Alderman J Tinsley and Councillors A Martin and U Mackin concurred with the comments made by Councillor Trimble;
- Councillor S Burns stated that she considered the site to be too small to accommodate two buildings, although she agreed in part that the distinction at the site was now marred;
- the Chairman, Alderman M Gregg, stated that there was a distinction between rural and urban context. The exception of the siting of the gospel hall should not make the field beside it an exception also. Alderman Gregg was in support of the Planning Officer's recommendation on this application.

Vote

At the request of Councillor P Catney, a recorded vote was carried out. The voting in respect of the Planning Officer's recommendation to refuse this application was as follows:

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney and the Chairman, Alderman M Gregg **(4)**

Against: Councillor U Mackin, Councillor A Martin, Alderman J Tinsley and Councillor N Trimble **(4)**

The Chairman, Alderman M Gregg, having then used his casting vote, declared that the Planning Officer's recommendation to refuse the application was 'carried'.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (3.41 pm).

Resumption of Meeting

The meeting was resumed at 3.46 pm.

Alderman O Gawith returned to the meeting at this point.

- 4.2 Submission of Pre-Application Notice (PAN) for Proposed extension to Sprucefield Park comprising new retail warehouse units, a hotel, restaurant and café/restaurant pod, car parking, site accesses, landscaping and all associated site works (04:10:04)

Councillors N Trimble and D Bassett returned to the meeting at 3.48 pm.

Members having been provided with a copy of the above PAN, it was proposed by Alderman O Gawith, seconded by Alderman J Tinsley and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.3 Appeal Decision – LA05/2020/0722/O (04:12:00)

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and agreed to note the information set out the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

- 4.4 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (04:15:20)

It was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed to note from the report, information regarding notification by a telecommunication operator to utilise Permitted Development Rights at a location.

5. Any Other Business (04:16:52)

There was no other business.

Conclusion of the Meeting

At the conclusion of the meeting, the Chairman, Alderman M Gregg, thanked those present for their attendance and reminded Members that the next meeting of the Committee was scheduled to take place on 2 October. The Director of Regeneration and Growth also referred to a special meeting of the Regeneration and Growth Committee, due to take place on 18 September. This special meeting had been convened to consider (a) the Direction issued by the Department for Infrastructure in respect of the Draft Plan Strategy; and (b) options around the Department's intention to refuse outline planning permission for the road at West Lisburn.

There being no further business, the meeting was terminated at 3.54 pm.

Chairman/Mayor