

**LISBURN & CASTLEREAGH CITY COUNCIL**

**Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 13 May, 2024 at 10.00 am**

**PRESENT IN CHAMBER:**

Alderman M Gregg (Chair)

Councillor U Mackin (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, S Burns, P Catney, D J Craig, A Martin, G Thompson and N Trimble

**IN ATTENDANCE:**

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

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**

There were no apologies but it was noted that Councillor P Catney would be arriving late to the meeting.

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**

The following declarations of interest were made:

- in respect of planning application LA05/2022/1170/F, Councillor D Bassett stated that this was within his constituency but he had not been contacted about it. The Chair, Alderman M Gregg, thanked Councillor Bassett for his diligence but advised that it was not necessary for Members to declare an interest in applications within their electoral area;
- in respect of planning application LA05/2022/0631/F, Councillor D Bassett stated that he had received a telephone call about it, but had advised the caller that he was a Member of the Planning Committee and was unable to provide any information; and

2. Declarations of Interest (Contd)

- in respect of planning application LA05/2023/1000/F, Councillor S Burns stated that she had received an email but had made no comment or response.

The Chair, Alderman M Gregg, stated that, by virtue of being Members of Council, all Members of the Planning Committee would have an interest in planning application LA05/2024/0098/F. However, the dispensation under paragraph 6.6 of the Code of Conduct applied and Members were permitted to speak and vote on the application.

3. Minutes of Meeting of Planning Committee held on 15 April, 2024

It was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed that the minutes of the meeting of Committee held on 15 April, 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 2 major and 3 local applications on the schedule for consideration at the meeting.

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) LA05/2023/1000/F – Proposed change of use of existing building from call centre (B1) to general industrial (B3) including alterations to building elevations and solar panels on roof at 4 Ballyoran Lane, Dundonald

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

Mr G McGill was registered to speak on behalf of the applicant but had clarified in advance of the meeting that he was there to answer any Members' questions. There were no questions put to Mr McGill.

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

Debate

During debate, the Chair, Alderman M Gregg, welcomed this application which would see a large site being repurposed and providing much-needed employment opportunities for the local area. The addition of solar panelling was also greatly welcomed.

- (i) LA05/2023/1000/F – Proposed change of use of existing building from call centre (B1) to general industrial (B3) including alterations to building elevations and solar panels on roof at 4 Ballyoran Lane, Dundonald (Contd)

Alderman Gregg made a comment on Officers having accepted that this application site fell within employment zoning MCH 06, when this had not been accepted for another recent application.

#### Vote

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

- (ii) LA05/2022/1170/F – Proposed residential development comprising erection of 141 dwellings (comprising 81 detached; 44 semi-detached; 2 bungalows; and 14 apartments) including open space and landscaping, children’s play area, access and all associated site works (amendment to approval LA05/2019/0712/F) on lands north of Ballymaconaghy Road, including nos 14 & 22-24 Ballymaconaghy Road, Belfast

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

The Committee received Mr T Stokes, accompanied by Mr P O’Rourke, to speak in support of the application and a number of Members’ queries were responded to.

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

During discussion, the Head of Planning & Capital Development confirmed that, should the application be granted planning permission, the condition relating to the completion of improvements to the Four Wind Roundabout would be removed as this would be included within the Section 76 Agreement. Members were content with his recommendation.

#### Debate

During debate:

- Alderman O Gawith welcomed this application and stated that it should be used by other developers as a benchmark; and
- the Chair, Alderman M Gregg, concurred with Alderman Gawith. He welcomed the EPC A rating on buildings, the mixed tenure, the 20% affordable housing, the fact that the proposal carried forward renewable energy contributions and the inclusion of EV charging points. Alderman Gregg’s concerns regarding density had been suitably addressed by the Planning Officers. He did still have concerns regarding storm water runoff into the watercourse but this had been accepted by Rivers Agency and he had submitted questions separately to that body. Alderman Gregg stated that he welcomed this application and was in support of the recommendation of Planning Officers to approve.

- (ii) LA05/2022/1170/F – Proposed residential development comprising erection of 141 dwellings (comprising 81 detached; 44 semi-detached; 2 bungalows; and 14 apartments) including open space and landscaping, children’s play area, access and all associated site works (amendment to approval LA05/2019/0712/F) on lands north of Ballymaconaghy Road, including nos 14 & 22-24 Ballymaconaghy Road, Belfast (Contd)

Vote

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

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.00 am).

Resumption of Meeting

The meeting was resumed at 11.07 am.

- (iii) LA05/2024/0098/F – Proposed replacement of changing rooms and minor alterations to existing carpark on a site located to the rear of 8 Lurgan Road and west of 18-27 Broadwater Park, Aghalee

Councillor P Catney arrived to the meeting during consideration of this item of business (12.13 pm).

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

There was no-one registered to speak in respect of this application.

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

During discussion:

- the Director of Regeneration and Growth agreed to provide the Chair, Alderman M Gregg, with the latest reports in respect of active systems in small scale buildings; and
- the Head of Planning & Capital Development agreed to liaise with colleagues in the Parks & Amenities Unit to ascertain why previous planning permission on this site had not been acted upon and advise the Chair, Alderman M Gregg, accordingly.

Debate

There were no comments made at the debate stage.

- (iii) LA05/2024/0098/F – Proposed replacement of changing rooms and minor alterations to existing carpark on a site located to the rear of 8 Lurgan Road and west of 18-27 Broadwater Park, Aghalee (Contd)

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve this application. Not having been present for the full consideration of this item of business, Councillor P Catney did not participate in the vote.

- (iv) LA05/2022/0307/F – Replacement of existing garage with ancillary domestic accommodation at 2 Benson Street, Lisburn

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

The Committee received:

- Dr L Sands, on behalf of many residents, to speak in opposition to the application;
- Mr S Carson, on behalf of Mr P Givan MLA, to speak in opposition to the application; and
- Mr A McCready 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.

Debate

During debate:

- Councillor N Trimble stated that he was in support of the recommendation of the Planning Officer to refuse planning permission, given height differences, proximity to curtilage and scale and massing. He stated that he remained to be convinced that this was purely an ancillary building and it seemed to him that it could be a separate accommodation;
- Councillor D J Craig agreed with Councillor Trimble. He too deemed this to be a separate accommodation rather than an ancillary building and was in support of the recommendation of the Planning Officer to refuse planning permission;
- Alderman O Gawith agreed with comments already made. He referred to policy stating that 'a separate self-contained building within the curtilage of an existing dwelling will not be acceptable unless a separate dwelling would be granted permission in its own right'. In this case, a separate dwelling would not have been granted permission in its own right. Alderman Gawith was in support of the recommendation of the Planning Officer to refuse planning permission; and
- the Chair, Alderman M Gregg, concurred with the comments already made.

- (iv) LA05/2022/0307/F – Replacement of existing garage with ancillary domestic accommodation at 2 Benson Street, Lisburn (Contd)

Vote

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

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (12.26 pm).

Resumption of Meeting

The meeting was resumed at 12.34 pm.

At this point, the Chair, Alderman M Gregg, advised that a late request to address the Committee had been received from Councillor B Higginson. It was acknowledged that the request related to a third party and that no speaking note had been provided in advance of the meeting. In order to afford time to prepare, the Committee adjourned for lunch.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned for lunch at this point (12.34 pm).

Resumption of Meeting

The meeting was resumed at 1.30 pm.

Councillor D J Craig did not return to the meeting following lunch.

- (v) LA05/2022/0631/F – Single storey rear sunroom extension at 26 Brackenhill View, Carryduff

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

The Committee received:

- Mr T Clarke to speak in opposition to the application; and
- Ms KA Watson to speak in support of the application.

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

- (v) LA05/2022/0631/F – Single storey rear sunroom extension at 26 Brackenhill View, Carryduff (Contd)

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

Debate

During debate:

- Councillor P Catney stated that this structure would have been allowed under Permitted Development Regulations, had it remained within the limit of 3 metres. He raised concern that the extension had been built beyond that, at 3.3 metres, and retrospective approval was being sought. However, given that a form of disability had been indicated as a requirement for the extension, he stated that, on this occasion, he was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor N Trimble stated that he was in support of the recommendation of the Planning Officer to approve planning permission. He did not consider that the applicant could reasonably have done anything other than what had happened and it was unfortunate that the extension had been built to beyond what could be allowed under Permitted Development Regulations;
- Alderman J Tinsley stated that, on balance, it would be very unfair to go against the recommendation of the Planning Officer to approve planning permission;
- Alderman O Gawith stated that the Planning Officer's conclusion had been that the requirements of HOU7 were met in full by this application. Having heard both sides of the argument, the nett benefit was such that the was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, referred to comments made that it was unfortunate the extension had been built to beyond the limits of Permitted Development Regulations. He did not agree with that and was of the opinion that applicants and builders should be fully aware of what was allowed under Permitted Development Regulations and what required planning permission. He was also concerned that the extension did have an impact on sunlight on the neighbour's property. However, supplementary guidance did provide a mitigation for allowing this. Alderman Gregg stated that, whilst he was disheartened to see retrospective applications coming before the Committee, he understood the circumstances and hoped the builder concerned would take note that this should not happen in the future. In relation to the cladding on part of the extension being similar to the rendering in colour etc, he did not accept that. Had the extension been 30cm shorter, the gable end could have been rendered and maintained. This was not a neighbour dispute, rather it was a planning issue. On balance, Alderman Gregg stated that he was in support of the recommendation of the Planning Officer to approve retrospective planning permission.

- (iv) LA05/2022/0631/F – Single storey rear sunroom extension at 26 Brackenhill View, Carryduff (Contd)

Vote

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

4.2 Statutory Performance Indicators – March 2024

It was proposed by Councillor U Mackin, seconded by Councillor D Bassett and agreed that information relating to Statutory Performance Indicators for March 2024 be noted, as well as a verbal update provided by the Head of Planning & Capital Development.

At the request of the Chair, Alderman M Gregg, the Head of Planning & Capital Development agreed to provide an update report to the next meeting of the Committee in respect of older applications.

4.3 Appeal Decision – LA05/2021/1364/O

It was proposed by Councillor D Bassett, seconded by Alderman O Gawith and agreed to note the information set out in the report in respect of the decision of the Planning Appeals Commission regarding the above planning application.

4.4 Appeal Decision – EN/LA05/2021/0269/O

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

Councillor D Bassett left the meeting at this point (2.54 pm).

4.5 Pre-Application Notice (PAN) – Proposed residential development of approximately 50 dwellings including open space, landscaping, site access and all other associated works on land at Carnreagh Road, opposite nos. 8 to 14A (evens) Carnreagh Road, to the north of Downshire Primary School and south east of nos. 1 to 3 Kilwarlin Mews and no. 23 Kilwarlin Avenue, Hillsborough

It was proposed by Alderman O Gawith, seconded by Councillor P Catney and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.



- 4.6 Pre-Application Notice (PAN) – Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on land 180 metres east of 10 and 140 metres west of 28 Quarterland Road and 80 metres east of 27 Carnaghliiss Road

Councillor G Thompson left the meeting during consideration of this item of business (3.02 pm).

The Head of Planning & Capital Development took note of concerns raised by Members around situations where more than one PAN existed and that, in those cases, correspondence from all previous PANs should be included for consideration as part of any subsequent PAN.

- 4.6 Pre-Application Notice (PAN) – Site for new cemetery including new main vehicular access and secondary access, parking and associated infrastructure works on land 180 metres east of 10 and 140 metres west of 28 Quarterland Road and 80 metres east of 27 Carnaghliiss Road  
(Contd)

It was proposed by Councillor N Trimble, seconded by Alderman J Tinsley and agreed that the content of the Pre-Application Notice be noted and that it be submitted in accordance with the relevant section of the legislation and related guidance.

- 4.7 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights

It was proposed by Councillor P Catney, seconded by Alderman J Tinsley and agreed to note from the report, information regarding notifications by telecommunication operators to utilise Permitted Development Rights at several locations.

5. Any Other Business

There was no other business.

6. Confidential Business

The Chair, Alderman M Gregg, stated that the meeting would now go 'into committee' in order that confidential business could be considered.

"In Committee"

It was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed to go 'into committee' to consider a confidential item. Those members of the public in attendance left the meeting.

6.1 Update of Court Case

The Committee noted a verbal update by the Head of Planning & Capital Development and the Legal Advisor in relation to a recent court case.

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed to come out of committee and normal business was resumed.

The Chair, Alderman M Gregg, advised that the next meeting of the Committee was scheduled to take place on Monday, 3 June, 2024.

Conclusion of the Meeting

At the conclusion of the meeting, the Chair, Alderman M Gregg, thanked those present for their attendance.

There being no further business, the meeting was terminated at 3.21 pm.

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Chair/Mayor