

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 4 December, 2023 at 10.03 am

PRESENT IN CHAMBER:

Alderman M Gregg (Chairman)
Councillor U Mackin (Vice-Chairman)
Aldermen O Gawith and J Tinsley
Councillors S Burns, P Catney, D J Craig,
A Martin, G Thompson and N Trimble

PRESENT IN REMOTE LOCATION:

Councillor D Bassett

OTHER MEMBERS:

In Remote Location

The Right Worshipful the Mayor, Councillor A Gowan
Councillor T Mitchell

IN ATTENDANCE:

Director of Regeneration and Growth
Head of Planning & Capital Development
Principal Planning Officers (RH) (LJ)
Senior Planning Officers (RT, MB and PMcF)
Acting Environmental Health Manager (RH)
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 (00:02:13)

There were no Apologies.

It was 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 (00:03:10)

There were no Declarations of Interest.

3. Minutes of Meeting of Planning Committee held on 6 November, 2023 (00:03:38)

It proposed by Alderman J Tinsley, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 6 November, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development (00:03:58)

4.1 Schedule of Applications (00:04:05)

The Chairman, Alderman M Gregg, advised that there were eleven local applications on the schedule for consideration at the meeting. He advised that application LA05/2022/1081/F, had been withdrawn from the schedule and would be presented to Committee at a later date.

4.1.1 Applications to be Determined (00:04:16)

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) LA05/2022/0018/F – Demolition of existing dwelling and construction of residential development comprising 19 dwellings (13 detached and 6 semi-detached), garages, associated access, internal road, parking, landscaping and associated works 126 Hillsborough Road, Lisburn
(00:05:58)

The Vice-Chairman, Councillor Uel Mackin entered the meeting during consideration of this application (10.14 am).

The Right Worshipful the Mayor, Councillor A Gowan, joined the meeting remotely (10.32 am).

Councillor T Mitchell joined the meeting remotely (10.56 am).

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

The Committee received Mr A Larkin accompanied by Mr P Clelland, in order to speak in support of the application. A number of Members' queries were responded to by both Mr A Larkin and Mr P Clelland.

The Committee noted that a member of DfI Roads was in attendance to answer any questions Members may have in respect of access arrangements for the above application.

- (i) LA05/2022/0018/F – Demolition of existing dwelling and construction of residential development comprising 19 dwellings (13 detached and 6 semi-detached), garages, associated access, internal road, parking, landscaping and associated works 126 Hillsborough Road, Lisburn (Cont'd)

A number of Members' queries were responded to by Planning Officers. During the question and answer session, Members noted clarification provided by the Head of Planning and Capital Development, that the objective of policy HOU10 was to achieve mixed and balanced communities, and in this case, Officers accepted that the applicant had demonstrated an exception and that more than the required number of affordable housing units were being delivered at the alternative location at Grand Street, Lisburn.

"In Committee"

It was proposed by Councillor J Craig, seconded by Councillor N Trimble and agreed to go 'into committee' in order that legal advice could be sought on policy HOU10 of the Plan Strategy, and the use of Section 76 agreement to secure the affordable housing requirement in relation to this application. Those members of the public and press in attendance left the meeting (11.00 am).

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

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Councillor J Craig and agreed to come out of committee and normal business was resumed (11.55 am).

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (11.55 am).

Resumption of Meeting

The meeting was resumed at 12.01 am.

The Vice-Chairman Councillor U Mackin left the meeting during consideration of this application (12.02 pm).

Following discussion, Alderman O Gawith proposed that the application be deferred to allow for further information to be provided to Members to determine, in the first instance, whether the requirement for affordable housing could be met at the site, 126 Hillsborough Road.

- (i) LA05/2022/0018/F – Demolition of existing dwelling and construction of residential development comprising 19 dwellings (13 detached and 6 semi-detached), garages, associated access, internal road, parking, landscaping and associated works 126 Hillsborough Road, Lisburn (Cont'd)

In seconding the proposal, Councillor N Trimble requested that Alderman O Gawith amend his proposal to reflect that, should it be established that the requirement for affordable housing could be met at the site, that further negotiation be undertaken with the applicant with a view to redesigning the scheme at Hillsborough Road as a mixed tenure development.

Alderman O Gawith indicated that he was content with the amended proposal.

The amended proposal to defer the application was put to the Committee and was declared carried, with 7 voting in favour and 3 against. Not having been present for this entire item, the Vice-Chairman, Councillor U Mackin did not participate in the vote.

The Right Worshipful the Mayor, Councillor A Gowan left the meeting remotely at the conclusion of this application.

Councillor T Mitchell left the meeting remotely at the conclusion of this application.

- (ii) LA05/2021/0321/F – Retention of outdoor activity area and all associated structures for the purpose of paintballing and change of use of agricultural building for reception, office and storage use associated with the paintballing activity (retrospective) 112 Comber Road, Ballyhomra, Hillsborough (01:12:42)

At this juncture, Alderman O Gawith referred to application LA05/2022/0883/O. He considered that he would benefit from visiting the site as he was not particularly familiar with the location. He proposed that this application be deferred for a site visit to take place. The proposal was seconded by Councillor G Thompson and agreed, on a vote being taken, the voting being 8 in favour and 2 abstentions.

- (ii) LA05/2021/0321/F – Retention of outdoor activity area and all associated structures for the purpose of paintballing and change of use of agricultural building for reception, office and storage use associated with the paintballing activity (retrospective) 112 Comber Road, Ballyhomra, Hillsborough (Cont'd) (01:16:43)

The Vice-Chairman, Councillor U Mackin re-entered the meeting during consideration of this application (12.25 pm).

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

The Committee received:

- Ms M O'Loan and Mrs Skelton to speak in opposition to the application; and
- Mr M Crothers to speak in support of the application.

- (ii) LA05/2021/0321/F – Retention of outdoor activity area and all associated structures for the purpose of paintballing and change of use of agricultural building for reception, office and storage use associated with the paintballing activity (retrospective) 112 Comber Road, Ballyhomra, Hillsborough (Cont'd)

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

The Chairman, Alderman M Gregg advised Members that a representative from Environmental Health (Mr R Henry) was in attendance and was available answer any questions Members may have in respect of the above application. A number Members' queries were responded to by the Environmental Health Officer and Planning Officers.

During the question and answer session, the Chairman, Alderman M Gregg, declared a recess due to technical difficulties (1.15 pm to 1.25 pm).

On resumption of the meeting, Councillor D Bassett (on Zoom) confirmed he had not missed any information during the previous question and answer session and was content to proceed.

Debate

During debate:

- Councillor N Trimble stated that noise had been the main issue discussed in relation to the application, and whilst he was content that policy OS3 was being met as long as mitigations were in place, he noted that a proactive mitigation condition had not being recommended by Planning Officers;
- Alderman J Tinsley stated that, having taken into account the professional advice of the Planning and Environmental Health Officers, he was in support of the recommendation to approve this application; and
- The Chairman, Alderman M Gregg concurred with Councillor N Trimble's view, stating that it would have been his preference to have a proactive condition in place to mitigate the noise. However, he was reasonably content that Officers would carry out ongoing assessment of noise at the site under the current noise abatement notice. He further registered his disappointment on retrospective applications coming before the Planning Committee, as they demonstrated some non-compliance with planning regulations, and this site appeared to have a history of retrospective applications. He requested that Officers monitor the site to ensure that planning conditions and agreed noise levels were adhered to.

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 this entire item, the Vice-Chairman, Councillor U Mackin did not participate in the vote.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch at this point (1.50 pm).

Resumption of Meeting

The meeting was resumed at 2.24 pm. The Chairman, Alderman M Gregg, advised Members of a change to the running order for the remaining applications.

- (iii) LA05/2021/0009/F – Proposed development of 36 dwellings with associated and ancillary site works off Old Kilmore Road, Moira immediately west of residential properties (1,3,5,7,9,11,15,17 and 19) Danesfort and to the immediate north of Fitzwilliam House (02:35:29)

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

The Committee received Ms C Doyle alongside Mr R Bowman 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

There was no debate.

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, subject to the conditions and a Section 76 planning agreement, as set out in the report, to ensure that the developer fulfilled his obligations with regard to the delivery of affordable housing, in accordance with the requirements of policy HOU10 of the Plan Strategy.

- (iv) LA05/2023/0331/O – Proposed Infill Dwelling and Garage approximately 35m east of 9a Tullyrusk Road, Crumlin

and

- (v) LA05/2023/0335/O - Proposed Infill Dwelling and Garage approximately 45m west of 9b Tullyrusk Road, Crumlin (03:21:58)

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

The Committee received Mr J Martin to speak in support of the applications. One Members query was responded to by the speaker.

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

- (iv) LA05/2023/0331/O – Proposed Infill Dwelling and Garage approximately 35m east of 9a Tullyrusk Road, Crumlin (Cont'd)

and

- (v) LA05/2023/0335/O - Proposed Infill Dwelling and Garage approximately 45m west of 9b Tullyrusk Road, Crumlin (Cont'd)

Debate

During Debate:

The Chairman, Alderman M Gregg and Alderman O Gawith sympathised with the applicant due to the timing of the implementation of the new plan; however, considering that the application required to adhere with current policy, they both indicated support for the recommendation of the Planning Officer to refuse this application.

Vote

LA05/2023/0331/O – Proposed Infill Dwelling and Garage approximately 35m east of 9a Tullyrusk Road, Crumlin

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

LA05/2023/0335/O - Proposed Infill Dwelling and Garage approximately 45m west of 9b Tullyrusk Road, Crumlin

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 Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (3.28 pm).

Resumption of Meeting

The meeting was resumed at 3.35 pm.

- (vi) LA05/2022/0106/O - Demolition of all structures on site and erection of 10 detached dwellings and associated site works 17 Glebe Manor, Annahilt (03:40:04)

The Right Worshipful the Mayor, Councillor A Gowan joined the meeting (3.35 pm).

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

The Committee received Mr W Wallace to speak in support of the application. A number of Members' queries were responded to by the speaker.

A number of Members' queries were responded to by Planning Officers. Further to discussion, it was proposed by Councillor A Martin, seconded by Councillor N Trimble and agreed, on a vote being taken, that this application be deferred to allow for a site visit to take place, the voting being 7 in favour, 2 against and 2 abstentions.

The Right Worshipful the Mayor, Councillor A Gowan left the meeting remotely at the conclusion of this application.

- (vii) LA05/2020/0303/F – Demolition of existing dwelling and construction of a pair of semi-detached houses and a row of four terraced houses with associated site works and landscaping, 32 Lurgan Road, Moira and adjacent lands north west at Linen Fields Lurgan Road, Moira (04:13:23)

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

There were no individuals registered to speak in respect of this application.

A number of Members' queries were responded to by Planning Officers. During the question and answer session clarity was provided to Members by the Head of Planning and Capital Development and the Legal Adviser, regarding Policy HOU10, in respect of meeting the minimum 20% requirement of affordable housing.

The Chairman, Alderman M Gregg, declared a recess at this point to enable contact to be made with the applicant, to determine if they would offer one more unit in the terrace of dwellings as an affordable housing unit, to ensure the requirements of policy HOU10 were met (4.28 pm to 4.40 pm).

Councillor D Bassett left the meeting remotely during recess (4.34 pm).

On resumption of the meeting, it was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed unanimously that this application be deferred to allow for further clarification with the developer, in respect of the number of affordable housing units to be provided as part of the application.

- (viii) LA05/2021/0609/O – Two infill dwellings and garages 30m north of 6 Cross Lane, Lisburn (04:34:29)

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

There were no individuals registered to speak in respect of this application. A number of Members' queries were responded to by Planning Officers.

Debate

There was no debate.

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.

- (ix) LA05/2021/1048/O – Site for a dwelling, garage and associated site works 30m west of 7 Derriaghy Road, Lisburn

and

- (x) LA05/2021/1049/O - Site for a dwelling, garage and associated site works 30m east of 5 Derriaghy Road, Lisburn (04:47:55)

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

There were no individuals registered to speak in respect of this application. A number of Members' queries were responded to by Planning Officers.

Debate

During debate Councillor N Trimble spoke in support of the recommendation of the Planning Officer to refuse this application. He also noted that DfI Roads hadn't raised an issue in respect of this application in terms of access to a protected route.

Vote

LA05/2021/1048/O – Site for a dwelling, garage and associated site works 30m west of 7 Derriaghy 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.

LA05/2021/1049/O - Site for a dwelling, garage and associated site works 30m east of 5 Derriaghy 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.

(xi) LA05/2022/0883/O - Proposed replacement dwelling 49c Waterloo Road, Lisburn (01:13:21)

This application was dealt with earlier in the meeting during discussion of application LA05/2021/0321/F. It was deferred for a site visit for the reasons outlined above.

(xii) LA05/2022/1081/F – Proposed infill dwelling and garage between 15 and 15a Crumlin Road, Upper Ballinderry, Lisburn (00:04:05)

As advised earlier in the meeting by the Chairman, Alderman M Gregg, this application had been withdrawn from the meeting schedule.

4.2 Pre-Application Notice: Proposed erection of industrial unit with ancillary office, car parking, landscaping and associated site and access works and solar array on lands located to the east of Lissue Road, south of Ballinderry Road and west of Ferguson Drive, Lisburn (05:04:37)

Alderman J Tinsley left the meeting (5.13 pm).

This item of business was presented by the Head of Planning and Capital Development. Members having been provided with a copy of the above PAN, agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

4.3 Appeal Decision – LA05/2020/0614/O (05:05:20)

This item of business was presented by the Head of Planning and Capital Development. A copy of the Planning Appeals Commissions decision was circulated to Members.

The Committee 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 (05:06:13)

The Head of Planning and Capital Development outlined the background and key issues in relation to the notification received by two operators, Cornerstone and Openreach, on their intention to utilise permitted development rights at ten locations within the Council area to install communications apparatus. A copy of the schedule of works locations was circulated to members.

4.4 Notification by telecommunication operator(s) of intention to utilise permitted development rights (Cont'd)

Further to the Chairman, Alderman M Gregg pointing out that item two on the schedule (Gortgrib Drive) was no longer within the Lisburn and Castlereagh boundary; the Head of Planning and Capital Development agreed to notify Openreach to advise they contact Belfast City Council in relation to installation of communications apparatus at that location.

The Committee agreed to note from the report, information regarding notification by telecommunication operators to utilise Permitted Development Rights at various locations.

4.5 LDP Quarterly Update (05:07:43)

The Principal Planning Officer (LJ) outlined the background and next steps in connection with the quarterly progress update on the Council's Local Development Plan. The Committee agreed that the information set out in the report in respect of the next steps on the preparation of the Local Development Plan be noted.

4.6 Enforcement Quarterly Update (05:09:10)

The Principal Planning Officer (LJ) outlined the background and key issues in connection with the quarterly progress report on formal enforcement cases. A copy of the live Enforcement Caseload by Category was circulated to Members.

The Committee agreed to note information set out in the report in respect of the Planning Enforcement update on its caseload.

The Chairman, Alderman M Gregg notified the Committee that it had been agreed by the Head of Planning and Capital Development, that a workshop be arranged to give all Elected Members an understanding of the work carried out by the Enforcement Unit.

4.7 Northern Ireland Public Services Ombudsman (NIPSO) – Tree Protection: Strengthening Our Roots (05:10:28)

This item of business was presented by the Head of Planning and Capital Development. Copies of the NIPSO correspondence, the overview report and the response to the factual accuracy of the recommendations was circulated to Members.

The Committee agreed that the content and improvement recommendations of the overview report by NIPSO be noted, alongside the related response on the factual accuracy of the recommendations.

4.8 Statutory Performance Indicators – October 2023 (05:11:43)

This report was presented by the Head of Planning and Capital Development. A copy of statutory performance indicators for October 2023 was circulated to Members. The Committee agreed to note information set out in the report in respect of statutory performance indicators for October 2023.

5. Any Other Business (05:15:39)

Councillor P Catney left the meeting (5.23 pm).

5.1 Request for Section 76 Briefing for Members
Alderman O Gawith (05:15:45)

Responding to a request by Alderman O Gawith, the Head of Planning and Capital Development confirmed that the upcoming Enforcement Workshop would also include a briefing for Elected Members on Section 76 Agreements.

5.2 Date of the Next Planning Committee (05:17:20)

The Chairman, Alderman M Gregg advised Members that the next meeting of the Planning Committee was due to take place on Monday 8 January, 2024.

Conclusion of the Meeting

At the conclusion of the meeting, the Chairman, Alderman M Gregg, thanked those present for their attendance and wished everyone a Merry Christmas and a Happy New Year.

There being no further business, the meeting ended at 5.25 pm.

Chairperson/Mayor