

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 7 August, 2023 at 10.11 am

PRESENT IN CHAMBER:

Alderman M Gregg (Chairman)

Aldermen O Gawith and J Tinsley

Councillors D Bassett, S Burns, P Catney, D J Craig, U Mackin, 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 (RT)
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** (00:02:14)

There were no apologies.

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** (00:03:18)

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
- Councillor S Burns in respect of item 4.3 “Submission of Pre-Application Notice (PAN) for a proposed change of house type for circa 88 dwellings previously granted planning permission under LA05/2017/1153/F and ancillary works including car parking, detached garages, landscaping, access arrangements and associated site works”, given that she had been contacted by the agent, although she had given neither comment nor opinion.

2. Declarations of Interest (Contd)

Councillor D J Craig stated that he had been advised that an individual registered to speak on a number of applications at today's meeting worked on behalf of the Alliance Party in respect of elections and the bill for his work was paid by Party Members. He asked if this was an issue that Alliance Party Members who sat on the Planning Committee should declare an interest in.

The Chairman, Alderman M Gregg, stated that this was not something he was aware of. Other Members concurred.

"In Committee"

It was proposed by Councillor D J Craig, seconded by Councillor D Bassett and agreed to go "into committee" in order that legal advice could be sought on this matter. Those members of the press and public in attendance left the meeting (10.17 am).

Advice was provided by the Legal Advisor on this matter. Advice in relation to interests and planning can be found at Part 9 of the NI Local Government Code of Conduct for Councillors.

Resumption of Normal Business

It was proposed by Councillor D J Craig, seconded by Councillor D Bassett and agreed to come out of committee and normal business was resumed (10.26 am).

The Chairman, Alderman M Gregg, advised that the applications in question were scheduled for consideration after lunch. This would afford Members time to consider information that had been brought to light and declarations of interest could be made at that time, if necessary.

3. Minutes of Meeting of Planning Committee held on 17 July, 2023 (00:06:38)

It proposed by Councillor D J Craig, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 17 July, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development (00:06:59)

4.1 Schedule of Applications (00:07:07)

The Chairman, Alderman M Gregg, advised that there was one major application and five local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined (00:07:55)

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) LA05/2022/0830/F – Demolition of existing buildings/structures and erection of mixed use development comprising mixed tenure residential development comprised of 36 dwelling houses, 55 apartments and 2 maisonettes; 6 Class B industrial/employment units (total 1,098 sq. metres) with service yard; 3 flexible work spaces/WiFi hubs (total 300 sq. metres); 2 take away coffee pod units; private, communal and public space, landscaping, cycle and car parking, associated site works and infrastructure and access arrangements from Moira Road at lands at 160 Moira Road, Lisburn (00:09:01)

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

The Committee received Mrs S Murphy, together with Messrs H McConnell, M McGuinness and A Best, in order to speak in support of the application. A number of Members' queries were addressed.

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

Debate

During debate, whilst Members were largely supportive of the application, a number expressed concerns in relation to car parking provision and the management of car parking, especially given the potential for railway users taking up residential spaces and park illegally on the roadside.

The Head of Planning & Capital Development stated that measures could be put in place to allow some control to be exercised over parking in the future in order to prevent a situation that would give rise to conflict between residents and other users. He further stated that the Department for Infrastructure (DfI) would only adopt those parts of the road which were public and could control and manage parking on those areas being adopted through the Private Streets Order. The balance of the parking will be managed by the developer via a management company.

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 the application, the voting being 8 in favour and 3 against.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (12.02 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (12.14 pm).

- (ii) 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 (01:40:36)

Having declared an interest in this application, Alderman O Gawith did not return to the meeting at this point.

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

The Committee received Mr S Wilson in order to speak in support of the application. A number of Members' queries were addressed.

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

Debate

During debate, Councillor N Trimble stated that he was not in agreement with the recommendation of the Planning Officer to refuse this application and cited a number of reasons for this.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed, on a vote being taken, to not adopt the recommendation to refuse the application, the voting being 4 in favour and 6 against.

Given that the Officer recommendation to refuse planning permission had fallen, it was proposed by Councillor N Trimble and seconded by Councillor U Mackin that the application be approved with the following reasons being offered:

- the distinction between urban and rural had already been marred at this location and this provided an opportunity to approve under CTY8 and COU8 as the gap did constitute an infill. Although it was implied, policy did not explicitly state that buildings had to be in the rural context and, in this case, the context had already been blurred and that would permit development at the site;
- the application complied with COU15 as the proposed buildings did not constitute a prominent feature on the landscape having regard to the nature and scale of the adjacent Gospel Hall;

- (ii) 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)
- reference was made to a paragraph within a statement by Mr Justice Scoffield in respect of an ongoing Judicial Review was that “Where there is a small gap site, the authority should nonetheless consider whether, by permitting that site to be infilled, it is acting in accordance with, or contrary to, the purpose of the exception within the policy (which is to permit development where little or nothing is lost in terms of rural character because of the existing substantial and continuously built up frontage)”. Within this context, it was considered that, nothing would be lost in terms of open countryside or rural character.

The Head of Planning & Capital Development stated that the reasons cited were not sufficient in that all of the parts of the policy were not engaged by Councillor Trimble and that all the reasons for refusal must be considered if Members were to pursue an overturn. He pointed out that the Protocol for Operation of the Planning Committee stated that “Deferral of a decision to a later Committee meeting can however also be used to allow time for reflection, where the Committee is minded to pursue an opinion contrary to the Officer recommendation. This can allow time to reconsider, manage the risk associated with the action, seek legal advice and ensure that Planning Officers can provide additional reports and draft reasons for refusal”.

Councillor P Catney proposed that the application be deferred in line with the Protocol for the Operation of the Planning Committee, as outlined above. The Chairman, Alderman M Gregg, suggested that, at this stage, it may be prudent to go “into committee” in order to seek legal advice.

“In Committee”

It was proposed by Councillor U Mackin, seconded by Councillor P Catney and agreed to go “into committee” in order that legal advice could be sought on this matter. Those members of the press and public in attendance left the meeting (1.31 pm).

Advice was provided by the Legal Advisor on this matter as well as the Director of Regeneration and Growth and the Head of Planning & Capital Development.

Resumption of Normal Business

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and agreed to come out of committee and normal business was resumed (2.00 pm).

It was proposed by Councillor N Trimble, seconded by Councillor P Catney and unanimously agreed that the application be deferred in line with the paragraph 62 of the Protocol for the Operation of the Planning Committee to allow time to reflect and take advice if required.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for lunch (2.05 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (2.36 pm).

Alderman O Gawith returned to the meeting at this point.

At this stage, the Chairman, Alderman M Gregg, referred to concerns raised earlier in the meeting regarding an individual registered to speak on a number of applications at today's meeting working on behalf of the Alliance Party in respect of elections. He confirmed that the individual in question was a contractor who erected posters for multiple political parties. The posters were party slogan posters and not related to individual candidates. He was not a member of the Alliance Party and had no formal relationship with the Party or its political representatives. As a contractor, Councillors had no relationship with the person in question. Alliance Party Members who sat on the Planning Committee consistently made planning decisions based on planning policy, not on Alliance Party policy, and Alderman Gregg therefore did not consider a need to declare an interest where applications arose concerning the individual referred to. Alderman O Gawith and Councillor G Thompson concurred with the comments made by the Chairman.

- (iii) LA05/2017/0633/O – Proposed two infill dwellings and garages adjacent to 11 Magheraconluce Lane (02:59:31)

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

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

There were no questions to Planning Officers.

Vote

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

- (iv) LA05/2022/1023/O – Site for one detached dwelling with associated site works at lands 20 metres south east of 50 Back Road, Drumbo, Lisburn (03:09:50)

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

- (iv) LA05/2022/1023/O – Site for one detached dwelling with associated site works at lands 20 metres south east of 50 Back Road, Drumbo, Lisburn (Contd)

The Committee received Mr J Forker in order to speak in support of the application. A number of Members' queries were addressed.

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

Vote

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

- (v) LA05/2020/0421/O – Site for a dwelling, garage and associated site works 65 metres due north of 68 Gregorlough Road, Dromore

and

- (vi) LA05/2020/0420/O – Site for a dwelling, garage and associated site works 35 metres due north of 68 Gregorlough Road, Dromore (03:37:10)

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

The Committee received the following:

- 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.

In light of comments made in relation to vegetation and visual linkage at the proposed location, it was proposed by Alderman O Gawith, seconded by Councillor U Mackin and, on a vote being taken, agreed that these applications be deferred for a site visit, the voting being 9 in favour and 2 against.

- 4.2 Submission of Pre-Application Notice (PAN) for Proposed Cemetery and Ancillary Works including Landscaping, Internal Access Roads and Railway Underpass. Principal Site Access from Established Access Point on Lisburn Road, Emergency-Only Access onto Lisnabilla Road (04:32:32)

Members having been provided with a copy of the above PAN, it was proposed by Councillor P Catney, seconded by Councillor N Trimble and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.3 Submission of Pre-Application Notice (PAN) for a Proposed Change of House Type for Circa 88 Dwellings Previously Granted Planning Permission under Application LA05/2017/1153/F and Ancillary Works Including Car Parking, Detached Garages, Landscaping, Access Arrangements and Associated Site Works (04:34:45)

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

- 4.4 Submission of Pre-Application Notice (PAN) for Application Under Section 55 of the Planning Act 2011 for Retrospective Planning Permission for the Retention of an Earthen Screening Bund and Associated Woodland Planting Located along the Western Extents of Temple Quarry, Ballycarnannon Road, Lisburn (04:37:18)

Members having been provided with a copy of the above PAN, it was proposed by Councillor D J Craig, seconded by Councillor P Catney and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.5 Submission of Pre-Application Notice (PAN) for Proposed Change of Use of Existing Building from Call Centre (B1) to General Industrial (B3) Including Alterations to Building Elevations at Ballyoran Lane, Dundonald (04:38:22)

Members having been provided with a copy of the above PAN, it was proposed by Councillor D Bassett, seconded by Councillor G Thompson and agreed it be noted and submitted in accordance with the relevant section of the legislation and related guidance.

- 4.6 Appeal Decision – LA05/2020/0862/O (04:41:49)

It was proposed by Councillor N Trimble, seconded by Alderman O Gawith 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.

- 4.7 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (04:41:49)

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

5. Any Other Business (04:43:49)

There was no other business.

Adjournment of Meeting

The Chairman, Alderman M Gregg, declared the meeting adjourned for a comfort break at this point (4.22 pm).

Resumption of Meeting

The Chairman, Alderman M Gregg, declared the meeting resumed (4.30 pm).

6. Confidential Business (04:43:56)

“In Committee”

It was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed that the following matter be considered “in committee”. Those members of the press and public in attendance left the meeting (4.30 pm).

- 6.1 Legal Advice in Respect of a Decision of the Planning Appeals Commission to Approve Planning Permission for Housing at Wallace High School (Appeal Ref: 2021/A0230)
(Report will not be made available)

Members having been provided with a copy of legal advice regarding the above matter, it was proposed by Alderman O Gawith, seconded by Councillor D Bassett and agreed that it be noted and that no further action be taken.

In response to comments made regarding Dfl policies, the Director of Regeneration and Growth agreed to raise this matter at his next meeting with the Eastern Division Roads Manager.

Resumption of Normal Business

It was proposed by Councillor P Catney, seconded by Councillor N Trimble and agreed to come out of committee and normal business was resumed (4.53 pm).

Conclusion of the Meeting

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

There being no further business, the meeting was terminated at 4.53 pm.

Chairman/Mayor