

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 1 July, 2024 at 10.00 am

PRESENT IN CHAMBER:

Alderman M Gregg (Chair)

Councillor S Burns (Vice-Chair)

Aldermen O Gawith and J Tinsley

Councillors P Catney, U Mackin and G Thompson

IN ATTENDANCE:

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

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 Councillors D Bassett, D J Craig and A Martin.

2. **Declarations of Interest**

Councillor U Mackin declared an interest in planning application LA05/2024/0263/F, given that a family member was involved by way of objection. Councillor Mackin had not been involved in any way but stated that he would leave the meeting, in the interests of transparency.

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 LA05/2022/0625/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 3 June, 2024

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed that the minutes of the meeting of Committee held on 3 June, 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 6 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) LA05/2022/0612/F – Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) landscaping and all other associated site works at lands approximately 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald

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

The Committee received Mr G Dodds 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.

Debate

During debate:

- Councillor S Burns welcomed the update in relation to the forthcoming commencement of works at the Millmount Road/Comber Road junction and hoped that the work at the Old Mill Road/Upper Newtownards Road junction would follow shortly; and
- the Chair, Alderman M Gregg, raised concerns in respect of a number of thresholds and conditions applied to previous planning permissions for wider development in the area not having been met, such as (a) 60 houses to be built before the link road was opened, but that had been missed with the link road only having opened in December 2022; (b) provision of a play park when 60 houses had been built, but that still had not been delivered; (c) signalisation at the Millmount Road/Comber Road junction when 168 houses had been built, but those works had not yet taken place; and (d) signalisation of Old Mill Road/Upper Newtownards Road when 218 houses had been built.

- (i) LA05/2022/0612/F – Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) landscaping and all other associated site works at lands approximately 129 metres north of 32 Millmount Village Crescent and approximately 146 metres NNW of 9 Millmount Village Drive, Dundonald (Contd)

Alderman Gregg stated that there were 400 houses now built and occupied. He welcomed the fact that a number of accesses had been opened up into the main development to ease traffic flow. He also welcomed the fact that agreement had been reached with DfI Roads to provide the traffic lights at Millmount Road/Comber Road junction, which was long overdue. The fallback position had been mentioned at last month's Planning Committee meeting which was the overall permission which also had a threshold for 400 houses for agreement of the traffic lights. Even with the fallback position, Alderman Gregg considered that the Committee could have imposed a condition on the developer to force the provision of the lights. He believes that without the open enforcement action from the Council to put pressure on the developer, the lights would not be provided. Alderman Gregg stated that he welcomed the affordable housing element of the application. He was content to support the recommendation of the Planning Officer to approve planning permission but stated that he wished developers would be more proactive in meeting conditions and that enforcement was more active in holding developers to account to meet conditions.

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) LA05/2023/0598/F – Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F) at plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff

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 Chair, Alderman M Gregg, stated that the report referred to an informative being added to the application highlighting the use of the construction access in the related planning permission for temporary access. He asked if his could be applied as a condition. The Head of Planning & Capital Development advised that this matter should be addressed by inclusion in the Section 76 Agreement Rather than by planning condition.

Debate

During debate:

- Councillor U Mackin stated that the water treatment plant was a huge issue. He referred to the Head of Planning & Capital Development having stated that, had the original application for 110 dwellings been before the Committee now, the recommendation may have been different. Councillor Mackin expressed concern in relation to private package treatment plants and referred to difficulties in the past with a number of those within the Council area where ultimate liability had fallen with the occupiers of the dwellings. The Council had been able to work up a scheme to enable residents to get the funds together to do what was required and in another case, the matter was dealt with through a bond that the developer placed with NI Water. Councillor Mackin referred to conditions 12 and 13 relating to the commencement of development and occupation of the development. On the basis of failure to provide adequate water treatment management, he was not in support of the recommendation of the Planning Officer to approve planning permission as he believed it was contrary to FLD3;
- the Chair, Alderman M Gregg, stated that it was a little heartening, but a little late, for NI Water and others to be catching up with concerns that Members of the Committee had raised a number of years ago. He recalled when this application had come before the Committee in the last Council term. There had been much discussion about the waste water treatment works and the fact that NI Water had accepted that as a solution but residents would have to pay for maintenance of that through a management company. Should waste water treatment works be a solution for a number of applications going forward, Alderman Gregg stated that consideration should be given to their location. They should perhaps be located at the interconnection point in the NI Water sewerage system so that if adoption of a connection became possible, it would be so much easier for NI Water to bring that connection in to upgraded works. He referred to the Head of Planning & Capital Development having stated that, had the original application for 110 dwellings been before the Committee now, the recommendation may have been different. As it was now, there was the fallback position of the current application that there was permission to build, albeit with a negative condition to provide the houses but not occupy any until the waste water treatment works were provided. Alderman Gregg would reluctantly support the recommendation of the Planning Officer to approve planning permission but would like Officers to learn from this and have discussions with NI Water. He would like NI Water to come to a future meeting of the Committee to outline their thoughts and how they wish to deal with such matters in the future; and
- Alderman O Gawith stated that he was heartened a little by the application of a negative condition. He did not believe any permission should be issued without sewerage arrangements firmly in place. By ensuring condition 13 was in place, should mean that there would not be a situation whereby additional houses were built and occupied that did not have a proper sewerage connection. Provided the negative condition was firmly in place, Alderman Gawith stated that he had no reason not to support the recommendation of the Planning Officer to approve planning permission.

- (ii) LA05/2023/0598/F – Proposed erection of 14 dwellings, landscaping and access works (change of house type to plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 of planning reference LA05/2019/0705/F) at plots 56, 57, 62, 63, 70-73, 78, 79, 102, 103, 106 and 107 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff (Contd)

Vote

In favour: Councillor S Burns, Councillor P Catney, Alderman O Gawith, Alderman J Tinsley, Councillor G Thompson and the Chair, Alderman M Gregg **(6)**

Against: Councillor U Mackin **(1)**

It was agreed that the granting of planning approval would be subject to the Section 76 Agreement including an additional requirement for access to be taken through a temporary access for the duration of the construction phase of the proposed and would be provided before any construction work commenced on this development.

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.36 am).

Resumption of Meeting

The meeting was resumed at 11.46 am.

- (iii) LA05/2023/0053/F – Retention of carport and raised decking at 8 Robbs Road, Dundonald

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

The Committee received Ms C Millar to speak in support of the application. There were no Members' queries put to Ms Millar.

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

Debate

During debate:

- Alderman O Gawith stated that the changes that had been proposed, such as black painting and using screened glass, were welcome; however, even with the shortening of the raised glass taking it much higher up, it struck him that the improvements being made did not render this more acceptable on planning grounds.

(iii) LA05/2023/0053/F – Retention of carport and raised decking at 8 Robbs Road, Dundonald (Contd)

- He referred to the refusal reason given by the Planning Officer relating to policy HOU 7 and that the wider impact this proposal has on the character of the area were not addressed by the changes and stated that was in support of the recommendation to refuse planning permission.

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.

(iv) LA05/2024/0263/F – Single storey rear extension at 57 Old Ballynahinch Road, Lisburn

Having declared an interest in this item of business, Councillor U Mackin left the meeting (12.07 pm).

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

The Committee received Mr B Maguire 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.

Debate

During debate:

- Alderman O Gawith stated that objectors and applicants deserved to have their views heard. He did not consider the reason cited for call in carried much weight. Alderman Gawith was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, stated that the use of dark cladding was not inappropriate and he was content to support the recommendation of the Planning Officer to approve planning permission.

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 for lunch at this point (12.31 pm).

Resumption of Meeting

The meeting was resumed at 1.11 pm.

Councillor U Mackin returned to the meeting after lunch break.

- (v) LA05/2023/0174/O – Proposed new dwelling with garage/storage on a farm on land approximately 255 metres northwest of 57 Magheradartin Road and 270 metres east-south-east of 39 Magheradartin Road, Hillsborough

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

The Committee received Mr I Armstrong 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.

Debate

During debate:

- Alderman O Gawith stated that attending a site visit for this application had been useful. Having viewed the site and having heard that exceptions did not apply, he stated that he had no hesitation in supporting the recommendation of the Planning Officer to refuse planning permission.

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.

- (vi) LA05/2022/0625/F – Planning application for the change of use of a loading bay to a new parklet adjacent to Café Nosh, Belfast (retrospective) at Café Nosh, 64 Comber Road, Belfast

The Senior Planning Officer (PMcF) 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.

- (vi) LA05/2022/0625/F – Planning application for the change of use of a loading bay to a new parklet adjacent to Café Nosh, Belfast (retrospective) at Café Nosh, 64 Comber Road, Belfast (Contd)

Debate

During debate:

- the Chair, Alderman M Gregg, asked that consideration be given to the content of the nearby billboard, given that a dog fouling advertisement was displayed on the photograph provided in the presentation; and
- Councillor P Catney welcomed the provision of this parklet. He stated that it was a novel way to enhance those businesses in the area that were trying to increase footfall.

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.

4.2 Statutory Performance Indicators – May 2024

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed that information relating to Statutory Performance Indicators for May 2024 be noted.

Members also noted a verbal update from the Head of Planning & Capital Development in relation to issues associated with the processing of Section 76 Agreements for both major and local applications where social housing was a requirement. A protocol for dealing with the drafting of Section 76 Agreements was currently being developed, in consultation with the Legal Advisor, and this would be reported to the Planning Committee when finalised.

4.3 Appeal Decision – LA05/2021/0894/O

It was proposed by Alderman O Gawith, seconded by Councillor S Burns and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal and the learning arising from this appeal process.

4.4 Appeal Decision – LA05/2021/1358/O

It was proposed by Councillor G Thompson, seconded by Councillor P Catney and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

4.5 Appeal Decision – LA05/2022/0195/F

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

4.6 Appeal Decision – LA05/2021/0387/F

It was proposed by Councillor G Thompson, seconded by Alderman O Gawith and agreed to note the decision of the Planning Appeals Commission in respect of the above appeal.

4.7 Application Under Section 54 of The Planning Act (Northern Ireland) 2011 to Vary Condition 12 Relating to the Phasing of the Approved Scheme LA05/2022/0830/F

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

4.8 Holding Direction from Department in Relation to the Proposed Park and Ride Facility at Moira Train Station (LA05/2021/1245/F)

It was proposed by Councillor P Catney, seconded by Councillor G Thompson and agreed to note the content of correspondence from the Department for Infrastructure Strategic Planning Group and that Officers would now proceed to finalise and issue the decision.

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

It was proposed by Alderman J Tinsley, seconded by Alderman O Gawith and agreed to note from the report, information regarding notifications by a telecommunication operator to utilise Permitted Development Rights at locations in the Council area.

5. Any Other Business

5.1 Attendance of NI Water Representatives at September Meeting

It was agreed that representatives of NI Water be invited to attend the September meeting of the Planning Committee in order to update Members on current constraints, as well as its policy regarding the discharge of sewage in exceptional cases.

5.2 Refresher Training for Members

It was agreed that refresher training would be provided for Members in relation to the Protocol for the Operation of the Planning Committee.

5.3 Date of Next Meeting

The Chair, Alderman M Gregg, advised that the next meeting of the Planning Committee would be held on Monday, 5 August.

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 2.19 pm.

Chair/Mayor