

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 3 June, 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 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)
Senior Planning Officer (GM)
Member Services Officers (CR and BS)

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 Councillor G Thompson.

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**

There were no declarations of interest made at this point in the meeting.

During the meeting, Councillor D J Craig declared an interest in item 4.5 'Standard Advice from NIFRS for Planning Applications which include Battery Energy Storage Systems (BESS)', given that he was a member of the Board of the Northern Ireland Fire & Rescue Service.

3. Minutes of Meeting of Planning Committee held on 13 May, 2024

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed that the minutes of the meeting of Committee held on 13 May, 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 1 major and 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) LA05/2020/0519/F – Construction of a petrol filling station with associated retail unit, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays, car and HGV parking, access, internal roads, servicing, public road works, general site works, drainage, landscaping on lands at 225 Hillsborough Road, Sprucefield, Hillsborough

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

The Committee received Ms L Shannon, accompanied by Mr D Diamond, 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 D J Craig stated that, having listened to the discussion, he was genuinely concerned about the impact this development could have on traffic at peak hours. Outside of that, he found it incredibly difficult to disagree with the Planning Officer's recommendation, especially given that there was originally a petrol filling station on the opposite side of the road. Councillor Craig was disappointed that there were only plans currently to provide two electric vehicle charging points, but welcomed that there was an opportunity to expand that provision in the future. He stated that he was in support of the recommendation of the Planning Officer to approve planning permission;

- (i) LA05/2020/0519/F – Construction of a petrol filling station with associated retail unit, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays, car and HGV parking, access, internal roads, servicing, public road works, general site works, drainage, landscaping on lands at 225 Hillsborough Road, Sprucefield, Hillsborough (Contd)
- Councillor N Trimble expressed concern regarding access arrangements, given that there was such a short stretch of road between the two roundabouts. He considered there was a possibility for a better access solution, perhaps coming out onto the roundabout itself. He commented that the proposed access only accommodated traffic travelling from the direction of Lisburn. Councillor Trimble acknowledged that a CLUD established the use of a larger application, but felt it was relevant to know the amount of vehicle trips made currently compared to what was proposed. Whilst he was in agreement with every other aspect of the application, he had concerns regarding the access arrangements as they were proposed and was not in support of the recommendation of the Planning Officer to approve planning permission;
 - Alderman O Gawith reiterated that the main concern for Members was traffic. At peak times, getting access into the proposed development may be easy enough, but exiting it may be less so. However, he was less concerned as the distance between the two roundabouts was so short and, although drivers would be trying to accelerate, he assumed there would be a degree of common sense on the part of drivers with a new arrangement in place. Alderman Gawith was disappointed not to have heard more about green measures and futureproofing, but the proposal was a better use of the site than what was there at present. He was in support of the recommendation of the Planning Officer to approve planning permission but hoped that DfI Roads would take on board the concerns raised;
 - Councillor P Catney, in response to comments by Councillor N Trimble, stated that this filling station was for traffic leaving Lisburn; there was already a filling station at Sainsburys for traffic travelling in the opposite direction. Whilst he too had reservations regarding traffic, he stated that he was in support of the recommendation of the Planning Officer to approve planning permission;
 - Councillor U Mackin stated that, by virtue of the CLUD that was in place, he did not have much choice regarding this application, which was disappointing as he had serious reservations about the exiting of traffic on to the A1, but did not feel there was sufficient weight in that argument versus the CLUD. Reluctantly, Councillor Mackin was in support of the recommendation of the Planning Officer to approve planning permission;
 - Councillor A Martin stated that, based on TRA2, he was not in support of the recommendation of the Planning Officer to approve planning permission. He believed that this development would prejudice road safety and significantly inconvenience the flow of traffic in an area which was already very dangerous. Councillor Martin suggested that DfI Roads look at this matter with a view to having traffic exiting onto the roundabout; and
 - the Chair, Alderman M Gregg, stated that he had concerns with deceleration and acceleration into and out of the site and welcomed the filter lane into the site. He had reservations about egress from the site.

- (i) LA05/2020/0519/F – Construction of a petrol filling station with associated retail unit, 1 drive thru coffee pod, 1 drive thru restaurant and 1 drive thru automated car wash along with associated self-service car wash and vacuum bays, car and HGV parking, access, internal roads, servicing, public road works, general site works, drainage, landscaping on lands at 225 Hillsborough Road, Sprucefield, Hillsborough (Contd)

However, he did not see scope for an exit anywhere else on the site because of the bypass lane on the roundabout. This was the only solution he could see for entrance and exit, albeit he had some reservations. Alderman Gregg did not envisage rush hour being a problem as traffic did not flow that freely at that time. DfI Roads had decided that there was safe egress from the site. Mention had been made of TRICS data and, with the extant approval on the site, the Chair did not see how this site was going to have less traffic than if the retail element had been approved. Alderman Gregg stated that that the proposed development was an improvement to what was currently at the site and was in support of the recommendation of the Planning Officer to approve planning permission.

Vote

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Alderman J Tinsley and the Chairman, Alderman M Gregg **(8)**

Against: Councillor A Martin and Councillor N Trimble **(2)**

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (11.20 am).

Resumption of Meeting

The meeting was resumed at 11.27 am.

- (ii) LA05/2021/1007/F – Residential development consisting of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks with associated site work including sewerage treatment plant and 2 new accesses onto Comber Road on land to rear of 7-23 Ferndene Park, Dundonald

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

The Committee received Ms U Somerville, accompanied by Mr R Young, 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.

- (ii) LA05/2021/1007/F – Residential development consisting of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks with associated site work including sewerage treatment plant and 2 new accesses onto Comber Road on land to rear of 7-23 Ferndene Park, Dundonald (Contd)

During discussion, Members were advised by the speakers that negotiations had been ongoing with NI Water and it was understood that confirmation would be forthcoming that an alternative solution was available that would negate the need for an on-site waste water treatment plant. The Head of Planning & Capital Development stated that, should planning permission be granted, a negative condition could be applied requiring that no development be commenced until a suitable engineering solution had been agreed with the Council. Should this not be forthcoming, the fall-back position would be the provision of the waste water treatment plant at the site.

Debate

During debate:

- Alderman O Gawith stated that he had found the site visit for this application particularly useful; it had allayed his concerns and he could see no reason not to proceed. He appreciated there were some concerns regarding sewerage, but it had been mentioned during discussion that there was a viable solution to deal with that. Alderman Gawith was in support of the recommendation of the Planning Officer to approve planning permission;
- Councillor S Burns stated that her main concern was in relation to waste water. If the application was approved she would wish a negative condition to be applied that required no development to commence until this was addressed. This was a piece of land that had never been developed and the Comber Road was an extremely busy road, but the application met with the requirements of DfI Roads;
- Councillor N Trimble expressed concerns in relation to overlooking from apartments 8-11 to the property at 272 Comber Road. The separation distance was shorter than what was detailed as the minimum. He considered it would be hugely impactful onto that property which had a side garden that was its main amenity space. Councillor Trimble considered there would be an impact of overlooking and loss of amenity and was not in support of the recommendation of the Planning Officer to approve planning permission;
- Alderman J Tinsley, having listened to the discussion and, given that there was a solution to the waste water concerns, stated that he was in support of the recommendation of the Planning Officer to approve planning permission; and
- the Chair, Alderman M Gregg, stated that he was concerned that the waste water treatment plant was included in the application, but Environmental Health Officers seemed to be of the opinion that it was connecting to the main sewerage system. A potential solution had yet to be agreed with NI Water. He agreed with Councillor S Burns that, should this application be granted planning permission, a negative condition required to be applied, as

- (ii) LA05/2021/1007/F – Residential development consisting of 3 detached dwellings, 2 semi-detached dwellings and 8 apartments in 2 blocks with associated site work including sewerage treatment plant and 2 new accesses onto Comber Road on land to rear of 7-23 Ferndene Park, Dundonald (Contd)

outlined earlier. Sewerage across Lisburn and Castlereagh was at capacity and Alderman Gregg considered that this application coming forward without an agreement in place with NI Water was perhaps a little premature. He had concerns also regarding the placement of the waste water treatment plant, with the proximity to existing dwellings being 10 metres. He could not recall any previous application whereby waste water treatment works would impact on existing dwellings. Alderman Gregg's main concern was regarding the scale and massing of the apartment blocks and their close proximity to the road. He considered this was not in keeping with the context of the local environment. These were buildings of approximately 23 metres in height which were within 5 metres off the road. If the apartments were of a similar scale but were set back further from the road, he would have no objections in terms of scale and massing. Alderman Gregg did not consider the application met with policy HOU3 and was not in support of the recommendation of the Planning Officer to approve planning permission.

Vote

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor A Martin and Alderman J Tinsley **(6)**

Against: Councillor D J Craig, Councillor U Mackin, Councillor N Trimble and the Chair, Alderman M Gregg **(4)**

It was noted the approval of planning permission was subject to a negative condition being applied requiring that no development be commenced until a suitable engineering solution in respect of waste water treatment had been agreed with the Council.

- (iii) LA05/2022/0612/F – Erection of 26 dwellings (revision to layout and house types previously approved under Y/2009/0303/RM) on lands 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 S McKee 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.

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

During discussion, concerns were raised that conditions applied to previous planning permissions for wider development in the above area had not been adhered to, in that traffic signalisation had not been implemented by a certain stage yet development had continued beyond that threshold. The traffic work had not been carried out as DfI Roads had not issued the necessary licences. It was noted that a contractor was waiting in abeyance to do the works once the licences were granted.

Mention was made of the possibility of applying a negative condition to planning permission, should it be granted for this application, to require that no development be commenced until the traffic signalisation that was required through conditions on previous planning permission for the wider site was carried out. It was agreed to go 'into committee' in order that legal advice could be sought on this matter.

"In Committee"

It was proposed by Councillor U Mackin, seconded by Alderman O Gawith and agreed to go 'into committee' to consider this matter. Those members of the public in attendance left the meeting (12.55 pm).

Legal advice was provided by the Legal Advisor and a number of queries were responded to by Officers.

Resumption of Normal Business

It was proposed by Councillor D Bassett, seconded by Councillor N Trimble and agreed to come out of committee and normal business was resumed (1.30 pm).

Following discussion, it was proposed by the Chair, Alderman M Gregg, and seconded by Councillor D Bassett that this application be deferred to seek further information in respect of (a) linkages between this application and the previous permissions; (b) linkages around the conditions of the previous permissions regarding signalisation; and (c) the impact of this application on previous applications and their delivery. Alderman J Tinsley and Councillor P Catney stated their dissent from this decision.

This proposal was agreed on a vote being taken, the voting being as follows:

In favour: Councillor D Bassett, Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Councillor N Trimble and the Chair, Alderman M Gregg **(8)**

Against: Councillor P Catney and Alderman J Tinsley **(2)**

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned for lunch at this point (1.35 pm).

Resumption of Meeting

The meeting was resumed at 2.06 pm.

Alderman J Tinsley did not return to the meeting at this point.

- (iv) 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 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff

Alderman J Tinsley returned to the meeting during consideration of this item of business (2.36 pm).

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

The Committee received Mr D Broderick, who did not make a formal presentation but responded to a number of Members' queries.

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

During discussion, the Chair, Alderman M Gregg, referred to allowances made for NI Water to discharge sewage into waterways or coastlines without being treated during flooding conditions. To inform the Committee's consideration of future applications, the Head of Planning & Capital Development agreed to write to NI Water to ascertain if the same discharge requirements extended to private waste water treatment works.

Debate

During debate:

- Councillor U Mackin stated that this application was contrary to policy FLD3 due the network capacity issue. Mention had been made about a possible agreement being arrived at, but when the previous application had been approved some 3 years ago, no agreement had been reached. Councillor Mackin had little confidence that this would be arrived at in the coming years and would prefer the application to be deferred until agreement was reached; and
- Councillor D Bassett voiced concern regarding plant machinery using the entrance to the development. He stated the potential that could arise for accidents involving young children and referred to there being a bus stop close to the entrance of the development and a shopping centre opposite. He was not currently in support of the application, but would be if the issues relating to NI Water were addressed and an agreement that there would be a separate site entrance for plant machinery.

- (iv) 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 on lands to the southeast of Meadowvale Road and south of Alveston Drive and Killynure Green, Carryduff (Contd)

It was proposed by Councillor U Mackin and seconded by Councillor D Bassett that this application be deferred (a) to allow for further information to be received in respect of connection to the NI Water sewerage system and water supply; and (b) for further negotiations with the developer to understand whether a separate entrance would be identified for use by plant and machinery for the construction phase of the project.

This proposal was agreed on a vote being taken, the voting being as follows:

In favour: Councillor D Bassett, Councillor S Burns, Councillor D J Craig, Alderman O Gawith, Councillor U Mackin, Councillor A Martin, Councillor N Trimble and the Chair, Alderman M Gregg **(8)**

Abstain: Councillor P Catney **(1)**

Alderman J Tinsley did not participate in the vote as he had not present for the entire consideration of the application.

- (v) LA05/2021/1219/F – Replacement of two terraced dwellings with two duplex apartments and four one-bed apartments in a 1.5 block in the rear gardens of 15-17 Wilson Street, Lisburn

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.

Debate

During debate:

- Councillor D J Craig stated that he deemed this application to be overdevelopment of the site. Compared to the rest of the area, this would be the only development where residents in these properties would have practically no amenity space. Relying on public areas for amenity space was not acceptable. Given that he did not consider this application to be in keeping with the character of the area, Councillor Craig was not in support of the recommendation of the Planning Officer to grant planning permission.

In favour: Councillor D Bassett, Councillor S Burns, Councillor P Catney, Alderman O Gawith, Councillor A Martin, Alderman J Tinsley, Councillor N Trimble and the Chair, Alderman M Gregg **(8)**

Against: Councillor D J Craig and Councillor U Mackin **(2)**

Adjournment of Meeting

The Chair, Alderman M Gregg, declared the meeting adjourned at this point for a comfort break (3.33 pm).

Resumption of Meeting

The meeting was resumed at 3.43 pm.

- (vi) LA05/2023/0174/O – Proposed new dwelling with garage/storage on a farm on lands approximately 255 metres north west of 57 Magheradartin Road and 270 metres east south east of 39 Magheradartin Road

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.

It was proposed by Alderman O Gawith, seconded by Councillor D J Craig and agreed that this application be deferred to allow for a site visit to take place.

- (vii) LA05/2022/0236/O – Proposed demolition of existing derelict dwelling and erection of replacement dwelling with associated works on lands 120 metres south west of 80 Redhill Road, Dromore

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.

There were no questions put to Planning Officers.

Debate

During debate:

- Alderman O Gawith stated that he was in support of the recommendation of the Planning Officer to refuse planning permission; and
- Councillor U Mackin stated that he saw no evidence of there having been any household occupancy in the building and he was in support of 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.

4.2 Statutory Performance Indicators – April 2024

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed that information relating to Statutory Performance Indicators for April 2024 be noted.

4.3 Update Report in relation to Older Applications

It was proposed by Councillor D Bassett, seconded by Alderman O Gawith and agreed that the update report in relation to older applications be noted.

4.4 Pre-Application Notice (PAN) – Amendment to Y/2009/0160/F incorporating a reconfigured layout and housing types, provision of affordable housing, bus gate (providing bus only access to and from Baronscourt Road), public open space and landscaping with vehicular access via Baronscourt Road

It was proposed by Councillor D J Craig, seconded by Councillor D Bassett 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.

4.5 Standard Advice from NIFRS for Planning Applications which include Battery Energy Storage Systems (BESS)

It was proposed by Alderman O Gawith, seconded by Councillor N Trimble and agreed to note the content of advice from the NIFRS and the approach to the consultation on 'Grid-scale' applications.

At the request of Councillor D J Craig, the Head of Planning & Capital Development agreed to right to NIFRS to ascertain if this advice applied to batteries other than the lithium-ion batteries referred to.

At this stage, the Director Regeneration and Growth advised that he had to leave the meeting early and requested that he raise two verbal matters, as follows:

- Given that this was the last meeting of the Planning Committee before the Annual Meeting of Council, the Director thanked the Chair and Committee Members for their support during the year. In response, the Chair, Alderman M Gregg, offered this thanks to Officers, the Vice-Chair and Members for their support during what had been a momentous year, with the adoption of the new Local Development Plan. The Vice-Chair, Councillor U Mackin, also paid tribute to Alderman Gregg for his chairmanship and stated that it had been a pleasure to work with him;
- The Director advised Members that a workshop would take place during June in respect of developing an Improvement Plan.

4.6 Letter to Chief Executive in relation to Increased Planning Fees

It was proposed by Councillor A Martin, seconded by Councillor D Bassett and agreed to note the detail of the planned uplift in planning fees.

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

It was proposed by Councillor D Bassett, seconded by Councillor P Catney and agreed to note from the report, information regarding notification by a telecommunication operator to utilise Permitted Development Rights at a location in the Council area.

Alderman J Tinsley referred to a request made at a previous meeting that a letter be sent to Openreach to request if contact had been made with Dundrod Motorcycle Club to ascertain if the two locations in Dundrod where fixed line broadband apparatus was to be installed were part of the Ulster Grand Prix race circuit. The Head of Planning & Capital Development agreed to provide Alderman Tinsley with an update on this matter.

4.8 Local Development Plan 2032 Revised Timetable

It was proposed by Councillor P Catney, seconded by Alderman O Gawith and agreed to note that, following DfI's agreement, a notice had been placed in the local press advising of the revision to the timetable and that it was available to view, either in person at Lagan Valley Island or on the Council's website.

5. Any Other Business

5.1 Clarification on Timeline for Major Application Associated with LA05/2024/0252/PAN

The Head of Planning & Capital Development advised that a report on the above Pre-Application Notice had been presented to the Planning Committee in May 2024 and the report had stated that the earliest possible date for submission of a planning application was 22 July, 2024. This was an error and the earliest date for submission of a planning application was 16 June, 2024.

5.2 Judicial Proceedings for Planning Application at Magheraconluce Road

Members noted an update from the Legal Advisor in respect of the outcome of judicial proceedings for a planning application at Magheraconluce Road that had recently concluded. He agreed to provide a copy of the judgement to the Head of Planning & Capital Development for circulation to Members of the Committee.

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 4.46 pm.

Chair/Mayor