

LISBURN & CASTLEREAGH CITY COUNCIL

Minutes of Planning Committee Meeting held in the Council Chamber and in Remote Locations on Monday, 6 March, 2023 at 10.00 am

PRESENT IN CHAMBER:

Councillor John Palmer (Acting Chairman)

Aldermen W J Dillon MBE and O Gawith

Councillors D J Craig, M Gregg, U Mackin and A Swan

PRESENT REMOTELY:

Alderman A Grehan

IN ATTENDANCE:

Director of Service Transformation
Head of Planning & Capital Development
Principal Planning Officer (RH)
Senior Planning Officer (MB)
Member Services Officers

Mr B Martyn (Cleaver Fulton Rankin) – Legal Advisor
(Attending Remotely)

Commencement of Meeting

In the absence of the Chairman, Alderman J Tinsley, the Vice-Chairman, Councillor John Palmer, took the chair and conducted the business on the agenda.

At the commencement of the meeting, the Acting Chairman, Councillor John Palmer, 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. The Head of Planning & Capital Development outlined the evacuation procedures in the case of an emergency.

1. **Apologies** (00:03:01)

It was agreed to accept apologies for non-attendance at the meeting on behalf of the Chairman, Alderman J Tinsley, and Alderman D Drysdale. It was noted that, due to another engagement, Councillor U Mackin 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** (00:04:36)

There were no declarations of interest.

3. Minutes of Meeting of Planning Committee held on 6 February, 2023 (00:05:00)

It proposed by Alderman O Gawith, seconded by Councillor M Gregg and agreed that the minutes of the meeting of Committee held on 6 February, 2023 be confirmed and signed.

4. Report from the Head of Planning & Capital Development (00:05:39)

4.1 Schedule of Applications (00:05:50)

The Acting Chairman, Councillor John Palmer, advised that there was one major application and 5 local applications on the schedule for consideration at the meeting.

4.1.1 Applications to be Determined (00:06:56)

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) LA05/2022/0432/F – Part retrospective application at Let’s Go Hydro Resort comprising change of use of land to provide ancillary extension of existing and approved recreational water park facility, glamping accommodation, staff accommodation, car parking, reconfiguration and extension of clubhouse restaurant building, reception building, members club building with café (cable hub), house boats, sand sports arena, camping and caravan hook-up areas, paths, solar panels, change of use of existing river house and river cottage buildings to ancillary self-catering holiday accommodation, storage and other ancillary buildings/structures, landscaping and all associated works at land at Mealough Road and at 1 Mealough Road, Carryduff (Let’s Go Hydro)
- &
- (ii) LA05/2021/1352/F – Provision of new site access including right hand turn lane and all other associated work at land at Mealough Road and at 1 Mealough Road, Carryduff (Let’s Go Hydro) (00:08:17)

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

It was noted that Councillor N Anderson was registered to speak in support of these applications. However, he was unable to be in attendance but asked that his written submission be taken into consideration.

The Committee received Mr B Starkey (accompanied in the Council Chamber by Mr P Elliott and Mr R Agus; Mr R Sheehy was also available via zoom) in order to speak in support of the applications. A number of Members’ queries were addressed.

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

- (i) LA05/2022/0432/F – Part retrospective application at Let’s Go Hydro Resort comprising change of use of land to provide ancillary extension of existing and approved recreational water park facility, glamping accommodation, staff accommodation, car parking, reconfiguration and extension of clubhouse restaurant building, reception building, members club building with café (cable hub), house boats, sand sports arena, camping and caravan hook-up areas, paths, solar panels, change of use of existing river house and river cottage buildings to ancillary self-catering holiday accommodation, storage and other ancillary buildings/structures, landscaping and all associated works at land at Mealough Road and at 1 Mealough Road, Carryduff (Let’s Go Hydro)
- &
- (ii) LA05/2021/1352/F – Provision of new site access including right hand turn lane and all other associated work at land at Mealough Road and at 1 Mealough Road, Carryduff (Let’s Go Hydro) (Contd)

Vote

Whilst the applications were dealt with in a single presentation, two separate votes were required.

In respect of application (i), having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve planning application LA05/2022/0432/F, subject to the inclusion of a suitably-worded planning condition to deal with the concerns of NI Water.

In respect of application (ii), having considered the information provided within the report of the Planning Officer, the Committee agreed unanimously to adopt the recommendation to approve planning application LA05/2021/1352/F.

Whilst in support of the above applications being approved, Members pointed out that the Planning Committee did not condone development being carried out without the necessary permission being in place first. That said, clarification was provided that they had, in making their decision, taken account of the explanations provided that the development would be of economic benefit to the Lisburn & Castlereagh City Council area, bringing employment and enjoyment to its residents and further afield.

The Head of Planning & Capital Development took note of comments regarding numbering errors within the list of conditions and agreed that these would be rectified before the decision was issued.

Adjournment of Meeting

The Acting Chairman, Councillor John Palmer, declared the meeting adjourned for a comfort break at this point (10.51 am).

Resumption of Meeting

The Acting Chairman, Councillor John Palmer, declared the meeting resumed (10.58 am).

- (iii) LA05/2021/1364/O – Dwelling and garage 150m due west of 38 Backnamullagh Road, Dromore (00:50:08)

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

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

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.

- (iv) LA05/2022/0704/F – Temporary Permission for mobile home to facilitate farming operations approx. 37m southwest of 245 Moira Road, Lisburn (01:03:50)

The Director of Service Transformation left the meeting during consideration of this item of business (11.54 am).

Councillor U Mackin arrived to the meeting during consideration of this item of business (11.59 am).

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

The Committee received Mr D McMeekin (via zoom), accompanied by Mr M Foote (in the Council Chamber), in order to speak in support of the application and they addressed a number of Members' queries.

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

A technical issue arose during questions to Planning Officers and the audio recording failed (01:47:43). In light of this, the minutes from this point will be a detailed record of proceedings.

- Councillor D J Craig stated that there appeared to be an issue in that some of the information provided today was different to what had been provided to Planning Officers. He asked if it was in order to defer the application for one month so further information could be provided around the specific needs for the temporary dwelling and the intention to building a permanent dwelling.
- The Head of Planning & Capital Development stated that the applicant and his agent explained that hardship would be caused and this was new information to be taken account of in their consideration of the special domestic circumstances. Whilst those had to be considered, it was his

- (iv) LA05/2022/0704/F – Temporary Permission for mobile home to facilitate farming operations approx. 37m southwest of 245 Moira Road, Lisburn (Contd)

opinion that there was limited information before the Committee and he further explained that the Members had the right to defer an application for one month if it was deemed that new or additional information may be required to assist in the decision-making process.

- In response to a query by Alderman O Gawith in relation to who had completed the documentation made in support of the application, the Head of Planning and Capital Development explained that a supporting statement had been submitted with the application. He read from the document, the reasons why the agent considered the proposal to be in accordance with the policy. He made specific reference to the words ‘inconvenient’ and ‘occasional’, being included as part of the justification and that this did not suggest hardship would be caused if planning permission was not granted.
- In response to a query by Councillor M Gregg, the Acting Chairman, Councillor John Palmer, allowed the applicant to confirm that he had a mortgage on the dwelling he currently resided in.
- Councillor A Swan asked if in a month’s time an application was presented for a permanent building on the same site, would that affect the validity of the application for a temporary building. He stated that any decision should be based on planning principles rather than emotion.
- The Head of Planning & Capital Development stated that he had provided the Committee with the policy context within which a decision should be made, as well as the process for deferring an application, and had also highlighted the length of time it may take for an application for a permanent building to be progressed, which was in excess of one month.

It was proposed by Alderman W J Dillon that this application be deferred for one month to allow additional information to be submitted in respect of the points put forward regarding hardship. This proposal was seconded by Councillor D J Craig. He stated that he had heard information today regarding economic hardship around the submission of a full planning application at this point in time. There was a need for additional information to be supplied as that would have significant bearing on the decision-making process.

Councillor M Gregg asked that a vote on the above proposal not take place until after debate. The Acting Chairman, Councillor John Palmer, agreed to Councillor Gregg’s request.

Debate

During debate, the following comments were made:

(iv) LA05/2022/0704/F – Temporary Permission for mobile home to facilitate farming operations approx. 37m southwest of 245 Moira Road, Lisburn (Contd)

- Councillor M Gregg stated his opinion that there had been sufficient evidence provided at today's meeting in respect of hardship and the fact that living beside the business would reduce traffic flow, to allow the Committee to approve the application at this point. Councillor A Swan concurred with Councillor Gregg.
- Alderman O Gawith thanked the applicant for having expanded on his circumstances for the Committee and for Officers. He stated that he would have no argument against deferring the application for one month if that provided an opportunity for Officers to review additional information in the form they needed. If that was not the case, he considered the application could be approved today on the basis of information provided.

Following debate, Alderman Dillon withdrew his proposal.

Vote

Having considered the information provided within the report of the Planning Officer, together with the information provided by the applicant and agent at the meeting, the Committee agreed to not adopt the recommendation to refuse the application, the voting being none in favour, 6 against and 1 abstention.

Given that the Officer recommendation to refuse planning permission had fallen, it was proposed by Councillor M Gregg, seconded by Councillor D J Craig and agreed that, in approving the planning application, the following reasons be offered:

- The evidence provided at the meeting today had engaged policies CTY6 and CTY9. There were compelling site specific reasons for the application to be approved at this location.
- Hardship had been demonstrated with the applicant having advised of the effort needed to maintain the site and the animals in his care. He was the sole employee and had to attend out of hours and at short notice to alarms. There was also personal hardship with regard to him having to address child care needs, school runs and travelling back and forward from his home to his business.
- Approving the application for a temporary dwelling would afford the applicant the short-term solution that was required under CTY9.
- It was a suitable site and location and was clustered with other buildings on the farm, therefore meeting all other policy tests.

(iv) LA05/2022/0704/F – Temporary Permission for mobile home to facilitate farming operations approx. 37m southwest of 245 Moira Road, Lisburn (Contd)

- One of the reasons given for refusal was that planning permission would 'result in the intensification of use of an existing access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety'. As this was an exception to policy for the reasons outlined before, then the policy requirement for access on to the protected route also was dealt with. By approving the application, and thereby meaning the applicant living beside his business, this would result in less vehicular movement at the junction with the public road.

On a vote being taken, it was agreed to approve the granting of planning permission to this application, the voting being none in favour, 6 against and 1 abstention.

Adjournment of Meeting

The Acting Chairman, Councillor John Palmer, declared the meeting adjourned for lunch (12.36 pm).

Resumption of Meeting

The Acting Chairman, Councillor John Palmer, declared the meeting resumed (1.22 pm).

Alderman A Grehan and Councillor M Gregg did not return to the meeting after lunch.

(v) LA05/2022/0707/F – Proposed two bedroom detached bungalow adjacent and south of 30 Rossdale Heights, Ballymaconaghy, Belfast

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

The Committee received Mr D Kearney (via zoom), accompanied by Mr E Higgins (in the Council Chamber), in order to speak in support of the application. There were no questions raised by Members at this point.

Questions to Planners

- Councillor D J Craig stated that, from the outline site plan, the site did appear to be extremely tight. It had been indicated in the report that the proposed development was not in keeping with general development in the area and he asked that Officers elaborate on how far from the norm in the area this application was.
- The Head of Planning & Capital Development stated that the proposed site was a space between two buildings. In terms of layout of the area, it was mainly comprised of semi-detached bungalows which were within a large

- (v) LA05/2022/0707/F – Proposed two bedroom detached bungalow adjacent and south of 30 Rossdale Heights, Ballymaconaghy, Belfast (Contd)

curtilage and which had their principal frontage to the road. He also referred to the fact that the dimensions of the proposed dwelling did not meet the space standards outlined in Annex A of Policy LC1 (c) of PPS 7. The Principal Planning Officer drew attention to parking being a consideration in relation to character with advice provided that, throughout the development, parking was typically at the side of dwellings. The parking associated with the proposed dwelling was to the front of the site.

- In response to a query about comparisons with photographs provided by Mr Kearney as part of his submission, the Head of Planning & Capital Development stated that most were of extensions to buildings within the curtilage of the dwelling.
- Councillor D J Craig sought details of the space standards alluded to earlier. He referred to a dwelling in Kensington Park, Lisburn, which was very similar to this application. The Head of Planning & Capital Development advised that the dimensions of the proposed dwelling were 51m²; however, within policy, the minimum space standard for a 3 person, 2 bedroom bungalow was 60/65m². He was aware of the property in Kensington Park, which had been refused planning permission by the Planning Committee, but this had been overturned on appeal.
- Alderman O Gawith referred to a difference in measurements given by the Planning Officer and those provided by Mr Kearney in respect of private amenity space. The Head of Planning & Capital Development stated that the Planning Officer would have measured the area when preparing the report. The more significant point was the question of character. The Creating Places document set out what should be achieved in suburban areas. He quoted from the document “.... back garden provision should therefore be calculated as an average space for the development as a whole and should be around 70m² per house or greater. Garden sizes larger than the average will generally suit dwellings designed for use by families....” The Head of Planning & Capital Development accepted that there was a thin wedge of landscape right opposite the dwelling but this was of no great value and did not justify a reduced standard or private amenity. It should be 40-70m². To achieve parking, would require the building to be located further back on the site and this would compromise on amenity space at the back of the building.
- In response to a query by the Acting Chairman, Councillor John Palmer, in relation to whether a previous application on the same site had the same footprint, the Head of Planning & Capital Development confirmed that the previous application was for the same site and same location, but had been considered within a different policy context. Planning permission had been granted for the previous application in 2008; development had not been commenced and permission had since lapsed in 2013. In August 2010, an addendum to PPS7 (Policy LC1) had been published that had introduced

- (v) LA05/2022/0707/F – Proposed two bedroom detached bungalow adjacent and south of 30 Rossdale Heights, Ballymaconaghy, Belfast (Contd)

minimum space standards. Previous planning history had little weight in assessing this current application given that new planning policy now had to be taken account of.

- Councillor U Mackin referred again to the similar property at Kensington Park and asked if the decision of the Planning Appeals Commission in that case had any bearing on this application.
- The Head of Planning & Capital Development stated it was a different site and a different context. The Kensington Park property was on a corner site, was more open and the building was more consistent with the size of other buildings around it.
- The Acting Chairman, Councillor John Palmer, having referred to the objection to the application by DfI Road Service, the Head of Planning & Capital Development stated that this had been addressed in the Planning Officer's report. The advice of Planning Officers had not changed in relation to that despite additional information contained within the supporting statement of Mr Kearney.

Debate

During debate, the following comments were made:

- Alderman W J Dillon stated that, having listened to the Planning Officer's presentation, he was fully in support of the recommendation to refuse planning permission. The application did not comply with planning policy.
- Councillor A Swan stated he would be supporting the recommendation to refuse planning permission. This did not appear to be a viable site and was not in keeping with the surrounding area.
- Councillor D J Craig stated that he would be supporting the recommendation to refuse planning permission. The previous planning history on the site indicated to him that, if the proposed dwelling had been reduced to an appropriate size, a different conclusion may have been arrived at. However, the Planning Committee had to make a decision on the application with which it had been presented and it did not meet the minimum size standards.
- The Acting Chairman, Councillor John Palmer, stated that he would be supporting the recommendation to refuse planning permission. The proposed dwelling was too large a building for the site and amenity space would be greatly restricted.

- (v) LA05/2022/0707/F – Proposed two bedroom detached bungalow adjacent and south of 30 Rossdale Heights, Ballymaconaghy, Belfast (Contd)

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.

- (vi) LA05/2022/0482/RM – Proposed dwelling with detached garage at site SW of No.7 Pot Hill Road, Lisburn

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

The Committee received Councillor N Trimble in order to speak in opposition to the application.

The audio recording of the meeting resumed at this point. (01:47:50)

Councillor N Trimble addressed a number of Members' queries.

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 approve the application.

- 4.2 Appeal Decision in respect of Planning Applications LA05/2018/0302/F, LA05/2018/0303/F and LA05/2018/0304/F (02:11:17)

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

- 4.3 Appeal Decision in respect of Planning Applications LA05/2021/0071/O and LA05/2021/0072/O (02:23:55)

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

4.4 CPRE (Somerset) R (On the Application Of) v South Somerset District Council 2022 EWHC 2817 (Admin) (08 November 2022) (02:25:34)

It was proposed by Councillor D J Craig seconded by Alderman O Gawith and agreed to note information set out in the report in respect of the above case law which dealt with conflicts of interest in the decision-making process for planning applications.

4.5 Statutory Consultation Quarterly Performance Report – Quarter 2 for 2022/23 (02:32:43)

It was proposed by Councillor D J Craig seconded by Alderman O Gawith and agreed to note information set out in the report in respect of the Statutory Consultation Quarterly Performance Report for Quarter 2 of 2022/23.

4.6 Notification by Telecommunication Operator(s) of Intention to Utilise Permitted Development Rights (02:35:18)

It was proposed by Councillor D J Craig 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.

4.7 Statutory Performance Indicators – January 2023 (02:35:44)

It was proposed by Councillor D J Craig seconded by Alderman O Gawith and agreed to note information set out in the report in respect of statutory performance indicators for January 2023.

5. Any Other Business

5.1 Update on Planning Portal (02:37:44)
Acting Chairman, Councillor John Palmer

At the request of the Acting Chairman, Councillor John Palmer, the Head of Planning & Capital Development provided an update in respect of the new planning portal. He advised that a meeting of the Planning Portal Governance Board had taken place last week to discuss issues in relation to those parts of the Planning Portal that were still presenting issues. He understood issues relating to problems experienced by customers in accessing information were to have been rectified on Friday but he did not yet have a report on that matter. In respect of issues being encountered by Planning Authorities, a series of fixes were programmed to take place over the next few months.

As discussed at the last meeting, the Head of Planning & Capital Development confirmed that (a) laptops would be provided for Members of the Planning Committee to assist in accessing information on the new Planning Portal; and (b) arrangements were currently being progressed to provide training for Members in this regard.

5.2 Neighbour Notification (02:41:25)
Councillor D J Craig

Councillor D J Craig raised concerns in regard to apparent inconsistencies around the undertaking of neighbour notification by Planning Officers. The Head of Planning & Capital Development stated that neighbour notification was a statutory obligation and he outlined the process that all Officers followed in meeting this requirement. He further advised that this task had previously been an administrative function, but the introduction of the new Planning Portal had changed the procedure. He agreed to (a) discuss with Councillor Craig, following the meeting, the particular case he had referred to; and (b) ensure that all Officers were reminded of their statutory responsibility requirements for neighbour notification and ensure that this was being applied in a consistent manner.

5.3 Quality of Hard Copy Maps (02:54:50)
Councillor A Swan

The Head of Planning & Capital Development noted comments by Councillor A Swan regarding the poor quality of maps contained within Members' hard copy papers. He stated that this matter would be overcome when Planning Committee Members were provided with laptops and would no longer require hard copies.

5.4 Update on Blaris Development/Knockmore Link Road (02:55:29)
Councillor A Swan

Councillor A Swan sought an update on the Blaris Development/Knockmore Link Road. The Head of Planning & Capital Development advised that a report on this matter would be brought to the next meeting of the Committee.

5.5 Saintfield Road Development (03:00:51)
Councillor U Mackin

Councillor U Mackin referred to a development at Saintfield Road which the Council had refused planning permission for, but which had subsequently been approved by the Planning Appeals Commission. A condition attached to the permission was that no works should commence on site until associated roadworks had been completed. Roadworks had completed last night; however, it had been confirmed by Road Service today that road markings had been put in the wrong place. Councillor Mackin enquired how the condition on the planning application could be enforced. He also referred to the fact that there had been a revised application submitted to change the class of housing from that which had been approved.

The Head of Planning & Capital Development confirmed that Enforcement Officers within the Planning Unit would investigate the condition regarding roadworks not having been met and whether any other development had yet been commenced. He also confirmed that an application for Non-Material Change (NMC) had been received in relation to a change of house type. A further report on these matters would be brought to the Committee in due course.

5.6 May Committee Meeting (03:07:52)

It was noted that, due to a number of Bank Holidays in May, the date of the meeting that month would require to be changed; a suitable date would be agreed in due course.

There being no further business, the meeting was terminated at 3.40 pm.

Chairman/Mayor