

**LISBURN & CASTLEREAGH CITY COUNCIL**

**Minutes of Re-Scheduled Meeting of the Planning Committee held remotely and in the Council Chamber, Island Civic Centre, The Island, Lisburn on Monday 8<sup>th</sup> August 2022 at 10.00 am.**

**PRESENT:**

Present in Chamber

Alderman J Tinsley (Chairman)

Councillor John Palmer (Vice-Chairman)

Aldermen W J Dillon MBE, O Gawith and A Grehan

Councillors J Craig and U Mackin

Present on a Remote Basis

Councillor M Gregg

**IN ATTENDANCE:**

Present in Chamber

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

Mr B Martyn (Cleaver Fulton Rankin) - Legal Adviser

**Commencement of Meeting**

The meeting had been rescheduled from the 1<sup>st</sup> August 2022 to the 8<sup>th</sup> August 2022 for the purpose of maintaining a quorum. A number of Members were unavailable either due to leave commitments or confirming their attendance at the funeral of Lord Trimble which was on the same day as the scheduled date.

The Chairman, Alderman J Tinsley, welcomed everyone to the meeting which was being live streamed to enable members of the public to hear and see the proceedings.

The Chairman stated that Planning Officers were present in the Chamber and that those persons speaking for or against the applications had the option of attending in person or on a remote basis.

The Member Services Officer then read out the names of the Elected Members and Officers in attendance at the meeting.

The Head of Planning & Capital Development advised on housekeeping and evacuation procedures.

1. Apologies

Apologies for non-attendance at the meeting were accepted and recorded on behalf of Alderman D Drysdale and Councillor A Swan.

2. Declarations of Interest

The Chairman sought Declarations of Interest from Members and reminded them to complete the supporting forms which had been left at each desk. He indicated that a form would also be available for remote attendance. No declarations of Interest were made.

In relation to LA05/2022/0065/F and LA05/2022/0091/F (planning applications associated with Hillsborough Forest Park), the Chairman advised that – by virtue of being Members of the Council - Members of the Planning Committee had an interest in these planning applications.

The Chairman stated that the dispensation under Paragraph 6.6 of the Code of Conduct applied and therefore Members might speak and vote on these applications. The Chairman further advised that, as all Members had the same interest in these cases, it was not considered necessary for each Member to individually declare their interest.

3. Minutes of Meeting of the Planning Committee held on 4<sup>th</sup> July 2022

It was agreed that the minutes of the Meeting of Committee held on the 4<sup>th</sup> July 2022 as circulated be signed.

4. Report from the Head of Planning & Capital Development4.1 Schedule of Applications4.1.1 Applications to be Determined

The Legal Adviser (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) LA05/2021/0288/F – Proposed “Dutch style barn” hayshed on site 88m east of No. 75 Grove Road, Dromore

The Principal Planning Officer (RH) presented this application as outlined within the circulated report and drew attention to the following:-

- A site meeting for the application had taken place on the 21<sup>st</sup> July 2022. The issue of site levels had been discussed and the detail associated with these levels would be considered in the presentation.

- (i) LA05/2021/0288/F – Proposed “Dutch style barn” hayshed on site 88m east of No. 75 Grove Road, Dromore (Contd)

Mr Jonathan Todd, Ballymullan Architect Ltd

The Committee received Mr Jonathan Todd from Ballymullan Architect Ltd who wished to speak in support of the application and who had provided the Committee with a written submission in advance of the meeting. In addition to his written submission, Mr Todd outlined as follows:-

- There are no farm buildings on the 27 acre site to enable a farming enterprise to develop and the farm cannot be developed without the provision of an agricultural building;
- Applicant lives eight miles from the site of application;
- The issue of unregistered land can only be regulated once the current conacre arrangements with a family member conclude;
- The site is within the folio of the applicant;
- A site in the ownership of the applicant at the adjacent crossroads has planning permission for a dwelling but has insufficient land remaining for the erection of an agricultural building. The applicant has no further lands at that location;
- There is a charge on some of the applicant’s lands by a family member;
- The integration of an agricultural building would be best on the site applied for.

Questions to Mr Todd

Mr Todd responded to Members’ questions as follows:-

- Alderman J Tinsley sought clarification on the amount of infill required at the site. Mr Todd advised that there was a large ditch and a substantial amount would be required to fill it.
- Alderman W J Dillon sought clarification on the fact that the site was not in the farmholding but that DAERA had indicated that it could be at a later stage. Mr Todd advised that this could not be addressed until the current conacre arrangement concluded. DAERA had indicated that – at that stage – they would be willing to consider the transfer of the land to the applicant.
- Alderman O Gawith asked if a farm building could not be located on the applicant’s site at the adjacent crossroads. Mr Todd advised that the residual land was 0.5 acres and could not accommodate an agricultural building.
- Alderman O Gawith enquired as to size of the site, the subject of the current application. Mr Todd confirmed this to be three acres but that it could not be considered by DAERA for transfer to the applicant until the conacre arrangements concluded.

- (i) LA05/2021/0288/F – Proposed “Dutch style barn” hayshed on site 88m east of No. 75 Grove Road, Dromore (Contd)

The Chairman thanked Mr Todd for his contribution.

### Questions to Planners

A question and answer session with the Planning Officers proceeded. The following issue arose:-

- Alderman W J Dillon asked if the planners did accept the principle of an agricultural building but that the main issue in question was its location.
- The Head of Planning & Capital Development stated that an active and established farm business had to be demonstrated to satisfy the policy test. Whilst there was evidence of a farm business ID, the level of activity over the required period was not sufficient to meet the policy test. No farm accounts had been provided. Members were also reminded that the issue to consider was not just one of location and that the policy required building to be sited beside existing buildings on the farm unless an exception could be demonstrated.
- Furthermore, the provision of an agricultural building on an alternative site away from existing farm buildings had not been properly discounted by the applicant.

### Debate

During debate, the following comments were made:-

Alderman W J Dillon stated that the applicant cannot develop his farming operation until he has a building in place and Alderman Dillon was of the opinion that the siting of the proposed agricultural building is the key factor in this application. Alderman Dillon enquired about an opportunity for the applicant and planners to enter into negotiations and proposed that the application be deferred to allow this to take place.

The Head of Planning & Capital Development confirmed that further negotiations could only be based on the size of the building or further information based on the site location that is proposed. An alternative site could not be brought into discussion as that would constitute a different planning application.

In seconding the proposal made by Alderman Dillon for the application to be deferred, Councillor U Mackin concurred that there was a need for an agricultural building to develop the farming operation. The land available at the approved site, ie 0.5 acres, could not be deemed suitable or sufficient to develop a farming operation.

- (i) LA05/2021/0288/F – Proposed “Dutch style barn” hayshed on site 88m east of No. 75 Grove Road, Dromore (Contd)

Alderman O Gawith concurred with the proposal to defer the application as information regarding a family member’s interest in the land had been alluded to by the agent and this required clarification.

The Chairman stressed that no decision had been taken at the site visit in regard to the application. Whilst Members may have had their opinions about the application, no decision was taken. That is not the purpose of any site visit.

The Chairman stated that a clear indication as to why the application was being deferred was required, ie was it to gain further information in relation to the proposed site or the identification of an alternative site which would become the subject of another planning application.

The Head of Planning & Capital Development outlined the history to the approved application for a farm dwelling (on lands adjacent to the crossroads) by the applicant in 2019. The Head of Service also stated that the onus was on the applicant to demonstrate agricultural activity associated with the business. The Committee was also reminded that they needed to have reasons to support a further deferral.

It was considered necessary to obtain legal advice.

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed to go “into committee”. The persons seated in the public gallery left the meeting at this point and the live stream was paused (10.55 am).

Mr B Martyn provided legal advice on this matter, and responded to Members’ questions.

It was proposed by Councillor J Craig, seconded by Councillor U Mackin and agreed to come “out of committee”. Normal business and the live-stream were resumed. (11.12 am)

The members of the public returned to the meeting and sat in the public gallery. (11.13 am).

### Vote

On the resumption of normal business, it was proposed by Alderman W J Dillon and seconded by Councillor U Mackin that the above application stand deferred for one month to allow the applicant to provide clarification/relevant information to further support the application.

The proposal was put to the meeting and unanimously carried.

The persons seated in the public gallery left the meeting. (11.15 am)

- (ii) LA05/2021/1151/F – Removal of Condition 2 (agricultural occupancy condition) from previous grant of planning permission S/2005/0619/F on land 180m south east of 127 Saintfield Road, Lisburn

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

Mr Andy Stephens, Matrix Planning Consultancy

The Committee received Mr Andy Stephens from Matrix Planning Consultancy (via Zoom) who was in support of the application and who had provided the Committee with a written submission in advance of the meeting. Mr Stephens stated that unless any questions were posed to him, he had nothing further to add to his written submission.

Questions to Mr Stephens

None. The Chairman thanked Mr Stephens for his attendance.

Questions to Planners

None.

Debate

During debate, the following comments were made:-

- Councillor M Gregg asked that if the same planning application were to be considered under the current planning policies, would planning permission be granted.
- The Head of Planning & Capital Development explained that planning policies were now different from the time the original application was determined. He advised that a CLUD was submitted and approved and this confirmed the development was commenced. The current application is considered on the basis of the available evidence and current practice and whether it would be granted planning permission is not a factor to be taken into account in determining the current application before the Committee.

Vote

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a majority vote (one vote against) to approve the application as outlined in the report.

Adjournment of Meeting

The Chairman declared the meeting adjourned at 11.24 am.

Resumption of Business

The Chairman declared the meeting resumed at 11.31 am.

- (iii) LA05/2022/0065/F – Relocation of Hope and Aspiration Beacon of Light sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F) at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

AND

- (iv) LA05/2022/0091/F – Proposed relocation of existing Harry Ferguson sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

The Chairman advised that - given that the above applications were linked, they would be presented together by way of a single presentation. However two decisions would be required and there would be two separate votes/decisions.

The Principal Planning Officer (RH) presented the applications as outlined within the circulated reports and drew Members' attention to the following:-

- In regard to LA05/2022/0065 (Relocation of Beacon of Light), this was a retrospective application.
- In regard to LA05/2022/0065 (Relocation of Beacon of Light), the proposed relocation is 3.3 metres away from its original position and not 33 metres as incorrectly recorded in the Planning Officer's report at paragraph 63.
- In regard to LA05/2022/0091 (Relocation of Harry Ferguson sculpture), its relocation would bring community benefit to the area and would enhance the sculpture trail in the Forest Park.

#### Speakers

No requests received.

#### Questions to Planners

- Councillor U Mackin sought information on the appearance of the Beacon of Light. The Principal Planning Officer explained the aesthetics of the beacon, confirming again that it was 3.3 metres from its original location and not 33 metres.
- The Head of Planning & Capital Development advised that the foundations of the beacon would have impacted on the root structure of the trees. That was why the location had changed. He further clarified that the structure was not in place at the time the application was submitted but the works had been carried out some time after so the proposal was now retrospective.
- Councillor M Gregg sought information as to the relocation of the Harry Ferguson sculpture.

- (iii) LA05/2022/0065/F – Relocation of Hope and Aspiration Beacon of Light sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F) at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

AND

- (iv) LA05/2022/0091/F – Proposed relocation of existing Harry Ferguson sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

- The Director of Service Transformation advised that the original location of the A1/Pantridge Link had been a decision of the Development Committee. However it was now accepted that that location afforded no opportunity for persons wishing to view or visit the sculpture. For this reason and also in an historical context, Hillsborough Forest was considered appropriate as it had been the landing place of a Harry Ferguson flight.

#### Debate

During debate, the following comments were made:-

- Alderman W J Dillon stated that he had been opposed to the location of the Harry Ferguson sculpture as determined by the Development Committee.
- Councillor J Palmer welcomed the relocation of the Harry Ferguson sculpture to Hillsborough Forest as he had always considered Hillsborough Forest to be a more appropriate location.

#### Vote

- (iii) LA05/2022/0065/F – Relocation of Hope and Aspiration Beacon of Light sculpture within previously approved sculpture trail (planning reference LA05/2019/1127/F) at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote (no abstentions) to approve – on a retrospective basis - the application as outlined in the report.

#### Vote

- (iv) LA05/2022/0091/F – Proposed relocation of existing Harry Ferguson sculpture from its current location at the flyover of the Pantridge Link onto the A1 to lands adjacent to the slip at Hillsborough Forest Lake at Hillsborough Forest Park, Park Street, Hillsborough, BT26 6AL

Having considered the information provided within the report of the Planning Officer, the Committee agreed by a unanimous vote (one abstention) to approve the application as outlined in the report.

#### 4.2 Statutory Performance Indicators – June 2022

It was agreed that the Statutory Performance Indicators for June 2022, together with the explanatory narrative in this regard, be noted.

The Head of Planning & Capital Development stated the processing of legacy applications had had an adverse impact on the processing of new applications.

#### 4.3 Appeal Decision in respect of Planning Application LA05/2019/1292/O) Dwelling, garage and associated site works on lands 60m south west of and adjacent to 240 Moira Road, Lisburn

It was agreed that the decision of the Planning Appeals Decision in respect of the Planning Appeal for the above planning application be noted.

#### 4.4 Submission of Pre-Application Notice (PAN) for amendments to the car parking and landscaping layout to be provided as part of the approved Dundonald International Ice Bowl (DIIB) redevelopment

It was agreed that the Pre-Application Notice in relation to the above application, together with the attendant Site Location plan, be noted.

#### 4.5 Notification by telecommunication operator(s) of intention to utilise Permitted Development Rights

Members had been provided with information in regard to notification by three telecommunications operators to utilise Permitted Development Rights at the following locations:-

- Installation of a new cabinet at Ballynahinch Road, Anahit (Fibrus);
- Replacement of 3 no. antenna and installation of 1 no. GPS Node and 3 no. Remote Radio Units at Carnkilly Hill Glenavy (EE Limited);
- Proposed upgrade works at existing communications installation at Carryduff Shopping Centre, Church Road, Belfast (O2).

Hard copies of the schemes were available to view at the Council Offices, Lagan Valley Island.

It was agreed that the notifications referred to above be noted.

#### 4.6 Greengraves Road, Dundonald Proposed abandonment of a public right-of-way

Members had been provided with copy of a letter dated the 22<sup>nd</sup> June 2022 from the Department for Infrastructure in relation to the proposed abandonment of a public right-of way at Greengraves Road, Dundonald. The letter had been accompanied by the following items of correspondence which were provided to the Committee for information only:-

4.6 Greengraves Road, Dundonald  
Proposed abandonment of a public right-of-way (Contd)

- Draft Order
- Location Map
- Statutory Notice of Intention.

It was agreed that the information referred to above be noted.

4.7 Informal consultation on Guidance for Councils in respect of serving Building Preservation Notices

Further to meetings of the Development Committee and the Planning Committee on the 1<sup>st</sup> and 13<sup>th</sup> June 2022 respectively, Members noted the response to the above which had been submitted to the Department for Communities in line with the authority delegated by the Development Committee on the 1<sup>st</sup> June 2022.

The Head of Planning & Capital Development advised that very few buildings would fall within the category of having a Building Preservation Notice served on them. Rather it would be more usual for a request to be received from a member of the general public asking to have a Building Preservation Notice placed on a building.

4.8 Replacement of the Northern Ireland Planning Portal

The Head of Planning & Capital Development reported on the current position in regard to the development and configuration of a new IT system for delivering the planning function.

It was agreed that the conclusion of the development phase of the IT project be noted and that the proposed actions in relation to testing and training before the system is rolled out in October 2022 be also noted.

The Head of Planning & Capital Development explained that it is anticipated that new applications would be made electronically from October 2022. New applications received in hard copy after 30 September 2022 would be keyed onto the new system. No further action will be taken against these applications as a period of down time is required to allow for data to be migrated to the new system before the anticipated Go Live date.

The Head of Service advised that there could also be an opportunity to establish a link between the Planning Appeals Commission and the Council in terms of planning documentation.

A copy of the first issue of the Planning Portal Newsletter published by the Department for Infrastructure was provided with the Head of Service's report. It is also available at the following link:-

<https://www.infrastructure-ni.gov.uk/publications/planning-portal-newsletter>

5. Any Other Business

There was no other business of a non-confidential nature.

6. Any Other Business – Confidential

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed that the meeting go “into committee”. The live-stream was paused at this point. (12.08 pm)

6.1 Update on Judicial Reviews

Alderman O Gawith sought an update on the ongoing judicial reviews. This was provided by Mr B Martyn, the Council’s legal advisor, and the Head of Planning & Capital Development.

An update on the number of PPS21 applications in the system was also provided by the Principal Planning Officer.

It was proposed by Alderman O Gawith, seconded by Councillor J Craig and agreed to come “out of committee”. Normal business and the live stream were resumed. (12.20 pm)

There being no further business, the meeting concluded at 12.21 pm.

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CHAIRMAN / MAYOR