



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE
HELD IN MOSSLEY MILL ON MONDAY 12 DECEMBER 2022 AT 6.00 PM**

In the Chair : Councillor J Archibald-Brown

Committee Members Present (In Person) : Alderman - J Smyth
Councillors – H Cushinan, R Lynch, M Magill and B Webb

Committee Members Present (Remotely) : Aldermen – F Agnew and T Campbell
Councillors - A Bennington, S Flanagan and R Swann

Public Speakers : Emma Aldridge In Support (Agent, item 3.1)
Barry Baxter In Support (Consultant, item 3.1) Adrian
Patterson In Support (Agent, item 3.6)
Chris Cassidy In Support (Agent, item 3.7)
Mrs Hagan In Support (Applicant's representative, item
3.8)
Mrs Jackson In Support (Applicant, item 3.9)

Officers Present : Director of Economic Development and Planning - M McAlister
Deputy Director of Planning – S Mossman
Borough Lawyer & Head of Legal Services – P Casey
Head of Planning Development Management (Interim)
– B Diamond
Senior Planning Officer – A Leathem
Systems Support Officer – C Bell
ICT Helpdesk Officer – J Wilson
Member Services Officer – L Irwin

CHAIRPERSON'S REMARKS

The Chairperson welcomed Committee Members to the December Planning Committee Meeting. The Chairperson reminded all present of the protocol for speaking, timeframes accorded and of the audio recording procedures.

Although COVID restrictions had been relaxed, to manage numbers and minimise risk, members of the public and press could continue to access those parts of the Council meetings which they are entitled to attend through the livestream on the Council's website.

The Chairperson advised Members that additional information relating to Items 3.5, 3.8 & 3.9 had been uploaded to the Planning Portal in advance of the meeting, that Addendum reports relating to Items 3.5, 3.8 & 3.9, the Site Visit report along with an updated speakers' list and additional enforcement item (3.17) had also been circulated to Members in advance of the meeting, with hard copies being made available in the Chamber.

The Chairperson further advised Members that items 3.2 and 3.4 had been withdrawn by the applicants.

The Borough Lawyer and Head of Legal Services, Paul Casey, reminded Members about a number of issues in relation to their role as Members of the Planning Committee and their obligations under the Code of Conduct.

1 APOLOGIES

Chief Executive J Dixon

2 DECLARATIONS OF INTEREST

None

Alderman Agnew left the meeting during this item.

PART ONE PLANNING APPLICATIONS

ITEM 3.1 APPLICATION NO: LA03/2021/1133/F

PROPOSAL:	Development of vehicle test centre, including test centre, single direction perimeter site road, lay-by parking, holding bay parking, HGV pre-test lay-up, exit forecourt area, motorcycle off road driving test track, staff parking facilities and landscaping.
SITE/LOCATION:	Lands approx. 100m to South-West of 650 Antrim Road
APPLICANT:	Driver & Vehicle Agency NI

Barry Diamond, Head of Planning Development Management introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

The undernoted public speakers addressed the Committee and responded to enquiries from Members as requested –

Emma Aldridge	In Support/ Agent
Barry Baxter	In Support/ Consultant (for questions)
Paul Barry	In Support (for questions)

Proposed by Councillor Webb
Seconded by Councillor Lynch that planning permission be granted.

on the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that planning permission be granted for the application subject to the conditions set out in the Planning Report.

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.2 APPLICATION NO: LA03/2022/0750/O

PROPOSAL: Site for Housing Development and associated works

SITE/LOCATION: Lands at 85 – 93 Belfast Road, Ballyclare

APPLICANT: Ms R Lindsay

The Chairperson advised that this application had been withdrawn by the applicant.

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.3 APPLICATION NO: LA03/2022/0675/O

PROPOSAL: Proposed dwelling on a farm

SITE/LOCATION: 20m North West of No. 157 Ballymena Road, Doagh, BT39 0TN

APPLICANT: Stephen Bryson

Alicia Leathem, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse outline planning permission.

There were no public speakers to address this item.

Proposed by Councillor Flanagan

Seconded by Councillor Lynch that outline planning permission be refused.

On the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that outline planning permission be refused for the following reasons:

- 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**

- 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the farm business has not been active for at least 6 years.**

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.4 APPLICATION NO: LA03/2022/0951/O

PROPOSAL: Dwelling and Garage (within an infill site)
SITE/LOCATION: Lands 25m North East of 5e Ballyquillan Road, Aldergrove, Crumlin, BT29 4DD
APPLICANT: Mr Patrick McNamee

The Chairperson advised that this application had been withdrawn by the applicant.

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.5 APPLICATION NO: LA03/2022/0734/F

PROPOSAL: Proposed dwelling
SITE/LOCATION: Approx. 40m SW of 43 Clady Road, Dunadry
APPLICANT: Leonard Wilson

Alicia Leathem, Senior Planning Officer, introduced the Planning Report and associated Addendum Report to the Committee and made a recommendation to grant planning permission subject to a positive consultation response.

There were no public speakers to address this item.

Proposed by Alderman Smyth
Seconded by Councillor Magill that planning permission be granted.

On the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that planning permission be granted for the application subject to positive consultation response.

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.6 APPLICATION NO: LA03/2022/0689/O

PROPOSAL:	Replacement dwelling & new detached garage
SITE/LOCATION:	Approx. 80m NE of 24 Moneyrod Road, Randalstown, Co. Antrim
APPLICANT:	Ian Murray & Kerri Morrow

Alicia Leathem, Senior Planning Officer introduced the Planning Report to the Committee and made a recommendation to refuse outline planning permission.

The undernoted public speaker addressed the Committee and responded to enquiries from Members as requested –

Adrian Patterson In Support/ Agent

Proposed by Councillor Webb
Seconded by Alderman Campbell that outline planning permission be refused.

On the proposal being put to the meeting 7 Members voted in favour, 3 against and 0 abstentions, it was agreed

that outline planning permission be refused for the following reason:

- 1. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH 2 and NH 5 of Planning Policy Statement 2 – Natural Heritage in that insufficient information has been provided in order to ensure that the proposal will not cause harm to any protected species or result in an unacceptable adverse impact on, or damage to, habitats, species or features.**

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.7 APPLICATION NO: LA03/2021/0872/O

PROPOSAL:	Site for infill dwelling and domestic garage (CTY 8)
SITE/LOCATION:	20m East of 49 Loughview Road, Ballyginniff, Crumlin, BT29 4RF
APPLICANT:	James & Maritta McLornan

Alicia Leathem, Senior Planning Officer introduced the Planning Report to the Committee and made a recommendation to refuse outline planning permission.

The undernoted public speaker addressed the Committee and responded to enquiries from Members as requested –

Chris Cassidy In Support/ Agent

Proposed by Alderman Campbell
Seconded by Councillor Magill that outline planning permission be refused.

On the proposal being put to the meeting 8 Members voted in favour, 1 against and 1 abstention, it was agreed

that outline planning permission be refused for the following reasons:

- 1. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies NH 2 and NH 5 of Planning Policy Statement 2 – Natural Heritage in that insufficient information has been provided to confirm that the proposal will not cause significant harm to any protected species or result in a significant impact on, or damage to, habitats, species or features.**

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.8 APPLICATION NO: LA03/2022/0418/O

PROPOSAL:	Site for detached farm dwelling and garage with associated site works
SITE/LOCATION:	Lands approx. 50m South East of 15 Crosshill Road, Crumlin, BT29 4BQ
APPLICANT:	Mr McKavanagh

Barry Diamond, Head of Planning Development Management introduced the Planning Report and associated Addendum Report to the Committee and made a recommendation to refuse outline planning permission.

The undernoted public speaker addressed the Committee and responded to enquiries from Members as requested –

Mrs Hagan In Support/ Applicant representative

Proposed by Alderman Campbell

Seconded by Councillor Webb that outline planning permission be refused.

On the proposal being put to the meeting 8 Members voted in favour, 0 against and 2 abstentions, it was agreed

that outline planning permission be refused for the following reasons:

- 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.**
- 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not been demonstrated that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.**

One (1) appeal was dismissed during November by the Planning Appeals Commission (PAC) in relation to LA03/2021/0088/F (A2021/A0104) 62 Ferrard Meadow, Antrim for an additional timber boarded fence to the existing boundary wall (retrospective) and a copy of this decision was circulated.

Proposed by Alderman Smyth
Seconded by Councillor Archibald-Brown and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.11

P/PLAN/1 PROPOSAL OF APPLICATION NOTICES FOR MAJOR DEVELOPMENT

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One (1) PAN was registered during November 2022 the details of which are set out below.

PAN Reference:	LA03/2022/1005/PAN
Proposal:	Storage and distribution depot with ancillary office accommodation, access and parking provision and all other associated site works
Location:	Lands at Plasketts Close, Fergusons Way, Kilbegs Industrial Estate, Antrim
Applicant:	Tyre Call Limited, 12 Kilbegs Road, Antrim, BT41 4NN
Date Received:	16 November 2022
12 week expiry:	8 February 2023

Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12-week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining the consultation that has been undertaken regarding the application and detailing how this influenced the proposal submitted.

Proposed by Alderman Smyth
Seconded by Councillor Archibald-Brown and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.12

P/FP/LDP/19 NORTHERN IRELAND HOUSING COUNCIL CORRESPONDENCE

The Northern Ireland Housing Council had recently written to Councils in Northern Ireland (circulated) advocating the inclusion of Lifetime Homes standards within the provisions of new Local Development Plans.

The Northern Ireland Housing Council is an advisory and consultative body which considers matters affecting housing referred to it by the Department for Communities (DfC) or the Northern Ireland Housing Executive (NIHE), with its membership made up of one representative from each of the 11 Councils in Northern Ireland.

The organisation had written to the Council promoting the benefits which Lifetime Homes standards bring and requests that they be applied to all new housing schemes. These are a nationally recognised set of criteria to make new dwellings adaptable to meet a households changing needs.

Members were made aware that the Council's draft Plan Strategy does include a policy in relation to Lifetime Homes (DM 17.1d) and encourages a balanced approach, whereby schemes of 20 units or more, a minimum of 20% are subject to this approach.

Proposed by Alderman Smyth

Seconded by Councillor Archibald-Brown and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.13

P/PLAN/1 DEPARTMENT FOR INFRASTRUCTURE CORRESPONDENCE – AVIAN INFLUENZA PERMITTED DEVELOPMENT RIGHTS

Correspondence (circulated) had been received from the Department for Infrastructure advising Council that, following the Departments of Agriculture, Environment and Rural Affairs declaration of an Avian Influenza Prevention Zone for all poultry and captive birds across the whole of Northern Ireland, there are permitted development rights to permit the erection of buildings necessary for the purposes of housing poultry and other captive birds to protect them from avian influenza.

A link is attached to the relevant Order:

<https://www.legislation.gov.uk/nisr/2015/175/made>

Proposed by Alderman Smyth

Seconded by Councillor Archibald-Brown and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.14

P/PLAN/1 REVIEW OF THE OPERATION OF THE PLANNING COMMITTEE

Members previously agreed to hold a number of workshops in relation to the Local Development Plan, the Planning Portal, Operation of the Planning Committee, and planning agent training.

The review of the Operation of the Planning Committee will now be arranged for January 2023 and will include a review of implemented planning decisions and a sample of decisions delegated to Officers under Paragraph 34 of the Protocol for the Operation of the Antrim and Newtownabbey Planning Committee. Refresher training will also be given by Mr Paul Casey BL on the Councils Planning Protocol.

In addition, as agreed, a workshop will be held for planning agents on a range of matters including the new Portal, the Local Development Plan and Development Management requirements.

Proposed by Alderman Smyth

Seconded by Councillor Archibald-Brown and unanimously agreed that

the report be noted.

NO ACTION

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Lynch

Seconded by Councillor Cushinan and agreed that

the following Committee business be taken In Confidence.

The Chairperson advised that the livestream and audio recording would now cease.

PART TWO GENERAL PLANNING MATTERS IN CONFIDENCE

ITEM 3.15

P/PLAN/1 ANTRIM AND NEWTOWNABBEY BOROUGH COUNCIL, UPDATED ENFORCEMENT STRATEGY PUBLICATION – IN CONFIDENCE

Members were reminded that under the provisions of the Planning Act (Northern Ireland) 2011 the Council had discretionary powers to take enforcement action when it considers it expedient to do so, having regard to the provisions of the Local Development Plan and any other material considerations.

Under the Council's Policy Framework, the Planning Enforcement Section had reviewed, and where appropriate updated and revised, the Council's Enforcement Strategy (August 2019) to reflect the current approach to planning enforcement. Members were reminded the purpose of the strategy was to: (1) explain the Council's key objectives for the enforcement of planning control, (2) explain how

breaches of planning control will be investigated, and (3) set out the Council's priorities for investigating breaches of planning control.

A summary of the updates includes:

Page no.	Para no.	Update
6	Para. 4.1	Breach of Planning Control also includes failure to comply with any condition or limitation of planning approval granted (addition to text)
6 /10	4.3 & 7.4	'Council' changed to 'Council's Planning Section'
6	5.1	Addition of 'online'
7	6.2	The Council's Planning Enforcement Team may monitor a site that has no current breach but has the likelihood to breach (addition to text);
8	7.3	'Many years' changed to 'in excess of 5 years' (Amendment to text); The Council will seek evidence to prove immunity and on occasions may seek Certificate of Lawfulness (Amendment to text);
9/10	7.7	Addition of Breach of Condition details (Addition to text); 'Within 28 days' changed to 'before the Enforcement Notice takes effect (minimum 28 days following receipt of Notice)' (Amendment to text)
10	8.1	A Stop Notice can only be served in addition or following the issue of an Enforcement Notice (Addition to text)
11/14	9.2 & Service Standard 6 & Para. 12.1(6)	Priority 1 commencement of building operations without permission 'that have a significant impact on the environment' (Addition to text)
11/13	9.1 & 12.1.4	'Council' changed to 'Council's Planning Enforcement Team'
12	10.1	Submission Notice (Addition to text)
12	10.2	Removal of paragraph
13	11.3	Reference to advertisements and deemed consent (Addition to text)
14	13.1	Release of case details and impact on working case (Addition to text)

A copy of the updated Enforcement Strategy with new/amended text (highlighted in red) is circulated for Members' consideration. Subject to approval, it is proposed that the updated strategy be published in the New Year.

Proposed by Councillor Magill

Seconded by Councillor Webb and unanimously agreed that

the updated Planning Enforcement Strategy be approved.

ACTION BY: Sharon Mossman, Deputy Director of Planning

PART ONE DECISIONS ON ENFORCEMENT CASES – IN CONFIDENCE

ITEM 3.16 ENFORCEMENT CASE: LA03/2022/0122/CA

Sharon Mossman, Deputy Director of Planning, introduced the Enforcement Report to the Committee and made a recommendation that that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.

Proposed by Councillor Webb

Seconded by Councillor Bennington that authority be granted to progress enforcement action, the detail of which is delegated to appointed Officers.

On the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.17 ENFORCEMENT CASE: LA03/2021/0276/CA

Sharon Mossman, Deputy Director of Planning, introduced the additional Enforcement Report tabled at the meeting and made a recommendation that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.

Proposed by Councillor Lynch

Seconded by Councillor Webb that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.

On the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was unanimously agreed

that enforcement action be progressed in this case as outlined in the report with the detail of this delegated to appointed Officers.

ACTION BY: Sharon Mossman, Deputy Director of Planning

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Magill

Seconded by Alderman Smyth and agreed

that any remaining Committee business be conducted in Open Session.

The Chairperson advised that audio recording would recommence.

There being no further Committee business the Chairperson thanked Members, Officers and IT staff for their attendance and the meeting concluded at 7.30pm.

MAYOR