



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE
HELD IN MOSSLEY MILL ON MONDAY 18 JUNE 2018 AT 6.30 PM**

- In the Chair** : Councillor H Cushinan
- Committee Members Present** : Aldermen – F Agnew, T Campbell, J Smyth and R Swann
Councillors – J Bingham, P Brett, D Hollis, R Lynch, M Magill, S Ross and W Webb
- Non-Committee Members Present** : Councillor L Clarke
- In Attendance** : Mr Trevor Clarke - Public Speaker
Mr Chris Bryson - Public Speaker
- Officers Present** : Director of Community Planning & Regeneration - Ms M McAlister
Head of Planning - Mr J Linden
Principal Planning Officer – Mr B Diamond
Senior Planning Officer – Ms J McKendry
Borough Lawyer - Mr P Casey
ICT Officer – Mr A Cole
Member Services Officer – Mrs D Hynes

PART ONE DECISIONS ON PLANNING APPLICATIONS

CHAIRPERSON'S REMARKS

The Chairperson welcomed everyone to the meeting and reminded all present of the protocol for speaking and timeframes accorded. He also took this opportunity to welcome Councillor Lynch and Councillor Ross to the Planning Committee.

The Borough Lawyer 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

None.

2 DECLARATIONS OF INTEREST

None.

ITEM 3.5 APPLICATION NO: LA03/2017/1062/F

PROPOSAL: Proposed extension to existing supermarket to include additional sales and storage area; 2 No. New Deli Counters, internal layout alterations to office, tills, staff room and toilets. Demolition of existing dwelling and garage (No 488 Antrim Road), removal of existing jet wash bay, new boundary walls, acoustic fencing and associated site works to include additional parking provision and new air/water service bay and new odour abatement system.

SITE/LOCATION: 492 and 488 Antrim Road, Glengormley Newtownabbey

APPLICANT: Maxol Oil Ltd

The Chairperson advised Members that this application had been withdrawn by Officers. Johanne McKendry, Senior Planning Officer advised Members that this application had been withdrawn as there were some anomalies in the Case Officer's Report that required clarification but indicated that this item would return to the Committee in July.

It was noted that Officers should give as early an indication as possible to applicants, agents and objectors, as appropriate, when reports are withdrawn from the Agenda.

ACTION BY: John Linden

ITEM 3.6 APPLICATION NO: LA03/2017/0418/F

PROPOSAL: Proposed demolition of Nos 735-737 Shore Road, Newtownabbey and erection of 2 no. apartment buildings comprising 14 no. apartments, car parking, cycle parking, landscaping and all associated site works

SITE/LOCATION: Nos 735-737 Shore Road, Jordanstown, Newtownabbey

APPLICANT: McMeekin DIY Ltd

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission. She advised Members that the address of a dwelling neighbouring the site to the north was 739a and not 741a as stated in the Case Officer's Report and confirmed that this dwelling had been neighbour notified.

There were no public speakers to address this item.

Proposed by Councillor Brett
Seconded by Councillor Webb and

on the proposal being put to the meeting 11 Members voted in favour, 1 against and 0 abstentions it was agreed as follows:

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

ACTION BY: John Linden

ITEM 3.7 APPLICATION NO: LA03/2017/0681/F

PROPOSAL: Proposed change of use of an existing agricultural shed to commercial storage.

SITE/LOCATION: 10 Eskylane Road, Antrim, BT41 2LL

APPLICANT: Ms Karen Murdock

The Chairperson advised Members that this application had been withdrawn by Officers.

ACTION BY: John Linden

ITEM 3.8 APPLICATION NO: LA03/2018/0344/F

PROPOSAL: Proposed new detached domestic garage and 1.8m high timber fence (retrospective application)

SITE/LOCATION: 1 Toberdowney Valley, Ballynure, BT39 9TS

APPLICANT: Mr & Mrs Robert Beattie

The Chairperson advised Members that an Addendum Report had been prepared and circulated for Members. Barry Diamond, Principal Planning Officer, introduced the Addendum Report to the Committee and made a recommendation to refuse planning permission.

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

- Trevor Clarke, MLA

Proposed by Alderman Campbell
Seconded by Councillor Webb and

on the proposal being put to the meeting 5 Members voted in favour, 4 against and 3 abstentions it was agreed as follows:

that planning permission be refused for the following reason:

- 1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policy EXT 1 of the Addendum to Planning Policy Statement 7– Residential Extensions and Alterations, in that the garage and fencing by reason of their scale, design and siting, if permitted, would not be sympathetic with the existing dwelling on site and would have a dominating effect which is out of keeping with the appearance of the existing property and detrimental to the character and appearance of the surrounding area.**

ACTION BY: John Linden

ITEM 3.9 APPLICATION NO: LA03/2018/0235/F

PROPOSAL: New Dwelling

SITE/LOCATION: Land to the rear of No. 20 Lenamore Avenue,
Newtownabbey, BT37 0PF

APPLICANT: Mr George Branagan

Barry Diamond, Principal Planning Officer, 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 –

- Chris Bryson

Proposed by Councillor Brett
Seconded by Alderman Smyth and unanimously agreed

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

ACTION BY: John Linden

ITEM 3.10 APPLICATION NO: LA03/2018/0207/F

PROPOSAL: Extension to existing domestic shed (Retrospective)

SITE/LOCATION: 88 Green Road, Ballyclare, BT39 9PH

APPLICANT: Mr Stephen Wilson

Barry Diamond, Principal Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse planning permission.

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

- Trevor Clarke, MLA

Proposed by Councillor Webb
Seconded by Councillor Brett and

on the proposal being put to the meeting 11 Members voted in favour, 1 against and 0 abstentions as follows:-

In Favour: Aldermen Agnew, Swann and Smyth
Councillors Brett, Bingham, Cushinan, Hollis, Lynch, Magill, Ross and Webb
Against: Alderman Campbell
Abstention: None

that planning permission be granted subject to relevant standard conditions including a specific condition requiring implementation of the landscaping scheme proposed, the detail of which was delegated to Officers.

The reason for the decision contrary to Officer recommendation was that Members considered the extension to be of an appropriate scale and size at this location and that it would be adequately screened by the planting scheme proposed.

ACTION BY: John Linden

ITEM 3.11 APPLICATION NO: LA03/2018/0080/A

PROPOSAL: Temporary marketing material hoardings for housing development

SITE/LOCATION: Loughshore Manor, Shore Road, Newtownabbey, BT37 9RZ

APPLICANT: Widen Construction

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

ACTION BY: John Linden

ITEM 3.12 APPLICATION NO: LA03/2018/0343/F

PROPOSAL: The extension of the open space area (104sq.m) including additional 1.8 ibex fencing to match existing and a paved area, seating areas, timber pergola, trellis, outside tap, raised planters and planting beds.

SITE/LOCATION: Whiteabbey Community Centre, 55 Glenville Road, Newtownabbey, BT37 0TA

APPLICANT: Antrim and Newtownabbey Borough Council

Barry Diamond, Principal Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

There were no public speakers to address this item.

Proposed by Councillor Hollis

Seconded by Councillor Bingham and unanimously agreed

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

ACTION BY: John Linden

PART TWO OTHER PLANNING MATTERS

ITEM 3.13

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during May 2018 under delegated powers was circulated for Members' attention together with information received this month on planning appeals.

Proposed by Alderman Smyth

Seconded by Councillor Brett and unanimously agreed that

the report be noted.

ACTION BY: John Linden

ITEM 3.14

CONFIRMATION OF LISTING OF 59 LOUGHVIEW ROAD, ALDERGROVE, CRUMLIN

Members recalled the report presented to the March meeting of the Planning Committee seeking Members' views on the proposed listing of 59 Loughview Road, Aldergrove, Crumlin by the Historic Environment Division of the Department for Communities (DfC).

The Council subsequently wrote to the DfC Historic Environment Division indicating its support for the proposed listing.

DfC Historic Environment Division has now confirmed that 59 Loughview Road had been added to the statutory list of buildings of special architectural or historic interest (copy circulated).

Proposed by Alderman Campbell
Seconded by Councillor Brett and unanimously agreed that

the report be noted.

ACTION BY: John Linden

ITEM 3.15

P/FP/LDP/19 - PUBLICATION OF ANNUAL HOUSING MONITOR 2018

In order to inform the Local Development Plan process it is useful to gain an understanding of the amount of housing land supply that remains available within the 30 settlements in the Borough. This work was taken forward by the Planning Section's Forward Planning Team and Members recalled that the Annual Housing Monitor 2017 was published in December 2017.

The Annual Housing Monitor takes account of all sites where the principle of housing has been established. As a result it includes details of the number of dwellings approved on unzoned sites (whether through extant or expired permissions) as well as information on the number of dwellings approved or that could be provided on zoned housing land. Details for the individual sites were set out in a series of maps and associated tables.

Information from Building Control commencements and completions were used to inform the survey and Housing Monitor results.

The results of the 2018 Monitor (copy circulated) indicated that there are 12,340 remaining potential dwelling units and 533 hectares of housing land remaining within the settlements of the Borough. It was intended that the findings of the 2018 survey would now be made available to the public on the Council's website.

Proposed by Alderman Campbell
Seconded by Councillor Brett and unanimously agreed that

the report be noted and that the Annual Housing Monitor 2018 be published on the Council website.

ACTION BY: John Linden

ITEM 3.16

P/FP/LDP/35 - LOCAL DEVELOPMENT PLAN: REGIONAL MINERALS WORKING GROUP

The Department for the Economy (DfE) Minerals and Petroleum Branch and the Geological Survey for Northern Ireland had been liaising with all Council Local Development Plan Teams across Northern Ireland regarding minerals development and plan requirements.

DfE had recently issued a letter to Council Principal Planners with a draft Terms of Reference (copy circulated) regarding the establishment of a Regional Minerals Working Group for Northern Ireland.

The proposed purpose of this Working Group was to examine and establish the supply and demand for aggregates across each Council area and Northern Ireland as a whole. It was hoped that this work would inform the evidence base to support Local Development Plans across Northern Ireland including any cross boundary issues arising related to supply and demand.

Members would however wish to note that some concern had been raised by Council Local Development Plan Teams as highlighted in the attached letter that the out workings of the Regional Minerals Working Group may well be out of kilter with the programmed timeline for the delivery of the Council development plans.

The date of the first Working Group meeting was scheduled for 14 June 2018 and Officers would attend at this stage.

Proposed by Alderman Campbell
Seconded by Councillor Brett and unanimously agreed that

the report be noted.

ACTION BY: John Linden

ITEM 3.17

P/FP/LDP/94 – LOCAL DEVELOPMENT PLAN: COASTAL STAKEHOLDER GROUP

As part of cross boundary working associated with the new Local Development Plan (LDP) process, Mid and East Antrim Borough Council (MEABC) was hosting a coastal stakeholders meeting with key stakeholders to discuss how coastal erosion issues should be addressed in LDPs. A copy of the Council's invitation to stakeholders was circulated for information.

The Strategic Planning Policy Statement (SPPS) states that LDPs should “*identify areas of the coast known to be at risk from coastal flooding, coastal erosion, or land instability where new development should not be permitted.*” As with all other aspects of an LDP, any policies and proposals brought forward must be underpinned by an evidence base that will be sufficiently robust to meet the required tests of ‘soundness’ at Independent Examination of a Development Plan document.

The intention of the meeting was to identify what information was available at present, or likely to be available in the short term, that could potentially be used to inform emerging LDPs concerning policy development on coastal erosion.

Invitees are stakeholders with knowledge of coastal erosion issues and Council Officers responsible for leading on those LDPs, which include sections of coastline within their respective areas. Discussions were proposed regarding the value of establishing a Coastal Working Group, focusing on forthcoming coastal erosion and wider coastal issues.

Officers intend to accept the invitation from MEABC.

Proposed by Alderman Campbell
Seconded by Councillor Brett and unanimously agreed that

the report be noted.

ACTION BY: John Linden

ITEM 3.18

P/FP/LDP/13 – LOCAL DEVELOPMENT PLAN: SUSTAINABILITY APPRAISAL – CORRESPONDENCE FROM DEPARTMENT OF INFRASTRUCTURE

The Council published a Statement of Community Involvement (SCI) in 2016 based upon guidance produced by the Department of Infrastructure.

The SCI contained reference to the project management team for the local development plan being involved in the sustainability appraisal of the plan.

The Department had now written to all Councils (copy circulated) following concerns regarding the extent to which statutory consultation bodies should provide input into the sustainability appraisal. The key issue relates to DAERA which because it has a role in relation to the discharge of its functions as the consultation body for the purposes of the Environmental Assessment of Plans and Programmes Regulations (NI 2004) may be viewed as having a conflict of interest.

DfI is currently considering reviewing its guidance and had recommended that each Council seeks legal advice on the matter.

It was considered that there was no detriment to the Council's Local Development Plan at this time. The Shared Environmental Service (SES), which had been appointed to carry out the necessary assessment, undertook the assessment of Preferred Options Paper with Council officers and nominated party representatives.

The Local Development Plan Team would continue to liaise with SES regarding the assessment of the next stages of the plan and who should be involved.

It was recommended that an information note was produced to accompany the Council's SCI to clarify that at the Preferred Options Paper Stage that the assessment was carried out as stated above. Clarification would also be produced regarding the next stages.

Proposed by Alderman Campbell
Seconded by Councillor Brett and unanimously agreed that

the report be noted.

ACTION BY: John Linden

ITEM 3.19

G-LEG – CONSULTATION ON THE DRAFT LOCAL GOVERNMENT (CONSEQUENTIAL AMENDMENTS) REGULATIONS (NORTHERN IRELAND) 2018

Background

The Department for Communities (the Department) was seeking the views of Councils on the draft Local Government (Consequential Amendments) Regulations (Northern Ireland) 2018 (the draft Regulations).

This report wishes to inform Members of the suggested amendments that the Department intends to make in relation to Pre-Determination Hearings for planning applications. The other matters within the circulated consultation document were brought to the Policy and Governance Committee on 5 June.

The local government reform programme, which took full effect in April 2015, reduced the number of district councils and gave them the power to carry out additional functions. The key pieces of legislation that provided for this reform were:

- the Local Government Act (Northern Ireland) 2014 (the 2014 Act), which provided for the repeal and replacement of significant parts of the Local Government Act (Northern Ireland) 1972 (the 1972 Act) and in so doing placed a range of new requirements upon district councils, particularly in relation to their administrative and governance regimes;
- the Planning Act (Northern Ireland) 2011, which reformed the planning system and gave district councils responsibility for determining most planning applications; and
- the Local Government (Boundaries) Act (Northern Ireland) 2008, which reduced the number of local government districts (and as a consequence the number of councils).

As a result of changes brought into effect by these three Acts, there had been an impact upon some legislation already on the statute book, and a number of minor and consequential anomalies had emerged.

The draft Regulations are a technical piece of legislation and would provide for the amendment of legislation that had been impacted as a consequence of local government reform legislation. A number of minor and consequential anomalies had emerged which require amending.

The Department say that the Local Government (Northern Ireland) 2014 Act included an enabling power to make consequential amendments in connection with its own provisions and those of the other two Acts listed above. The Department proposes to use this power to make Regulations to rectify the minor and consequential anomalies (including the references to former council names and districts) in other legislation. The Department considers the draft Regulations to be technical in nature. In making the draft Regulations the Department does not propose to introduce any new policies or give effect to any policy changes.

Proposed amendment

Decision taken by Councils following a Pre-determination Hearing

Regulation 6 and regulation 7(2) of the draft Regulations are linked. Regulation 6 would provide for amendment of the Planning Act (Northern Ireland) 2011 (the 2011 Planning Act) and regulation 7(2) will amend the 2014 Local Government Act.

The intention of these new Regulations is to correct perceived anomalies in both the Planning and Local Government Acts relating to pre-determination hearings on planning applications.

Section 30 (pre-determination hearings) of the 2011 Planning Act requires the council to carry out a pre-determination hearing for certain planning applications before the application is determined. These primarily relate to applications notified by the Council to the Department for Infrastructure where the Department then declines to use its powers of call in under section 29 of the 2011 Planning Act. Examples of notifiable applications include:

- major development applications that the council is minded to approve, but where a statutory consultee has raised significant concerns; or
- applications for development where the council is the applicant, has a financial interest, or its land is involved and the proposed development would be significantly contrary to the local development plan.

However, at present, if a pre-determination hearing was carried out by the Council, either on a voluntary basis or as a requirement under Section 30 of the Planning Act, then under the Council's Standing Orders the Planning Committee is empowered to make the final decision.

The new Regulations are aimed at ensuring that in future situations where a council holds a pre-determination hearing for a planning application that the final decision on such proposals is taken by the Full Council, rather than the council's Planning Committee.

If the amendments sought by the Department for Communities were introduced, then all councils would be legislatively barred from delegating decision making on those planning applications involving a pre-determination hearing. Rather all such decisions would in future fall to the full Council and the Council's Standing Orders would need to be amended to reflect this change.

The proposed legislative change would also include all cases where the Planning Committee consider a pre-determination hearing would be beneficial to the decision making process, even though not required by law.

Officer Comments

In summary the amendments would mean that any planning application which was the subject of a pre-determination hearing must be determined by the full Council and not the Planning Committee.

Officers were of the opinion that the Planning Committee was best place to determine all planning applications as that is the Committee with the appropriate expertise and experience to deal with such matters.

Proposed by Councillor Webb

Seconded by Councillor Brett and unanimously agreed that

the Council submits the following response to the Department regarding the proposed amendments in relation to Pre-Determination Hearings:

The Council does not agree that any planning application which is the subject of a pre-determination hearing should be determined by the full Council. The Council submits that a council's Planning Committee is the appropriate committee with the expertise and experience to determine all planning applications.

And that Officers incorporate wording that "it would also be impractical for full Council to make such decisions" into the response to the Department.

ACTION BY: Paul Casey, Borough Lawyer

There being no further Committee business under Part 2 of the agenda the Chairperson thanked everyone for their attendance and the meeting concluded at 7.25pm.

MAYOR