



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE HELD
IN MOSSLEY MILL ON MONDAY 21 SEPTEMBER 2015 AT 6.30 PM**

- In the Chair** : Councillor R Swann
- Committee Members Present** : Aldermen - F Agnew and J Smyth
Councillors - D Arthurs, T Beatty, H Cushinan, B Duffin, T Hogg and S Ross
- Non-Committee Members Present** : Alderman T Burns
Councillors - N McClelland and V McWilliam
- In Attendance** : Mr G Dunlop - Public Speaker
Ms G Hutchieson - Public Speaker
Ms K Watt - Public Speaker
Mr T Bell - Public Speaker
- Officers Present** : Chief Executive - Mrs J Dixon
Director of Community Planning & Regeneration - Ms M McAlister
Head of Governance - Mrs L Johnston
Principal Planning Officer - Mr B Diamond
Senior Planning Officer - Mrs J McKendry
Senior Enforcement Officer - Ms J Winters
Legal Adviser (A&L Goodbody) - Ms J Corbett
Legal Adviser (A&L Goodbody) - Ms C Fearon
Legal Advisor - Mr Paul Casey
Systems Support Officer - Mr P Allan
Senior Mayor and Member Services Officer - Mrs K Smyth
Member Services Officer - Mrs D Hynes

CHAIRMAN'S REMARKS

The Chairman welcomed everyone to the meeting, reminded all present of the protocol for speaking and timeframes accorded. He welcomed Councillor Arthurs

to his first Planning Committee Meeting and explained that due to medical reasons Councillor Hollis would temporarily be unable to sit on the Planning Committee and as a result the position was currently vacant. In accordance with the Local Government Act the position remained with the TUV and Councillor Arthurs had been nominated and accepted, to take over the position of Councillor Hollis on the Planning Committee.

Councillor Arthurs thanked the Chairman, gave a brief update on Councillor Hollis and confirmed he would also assume the role of Group Leader. The Chairman conveyed best wishes for a speedy recovery to Councillor Hollis and, on behalf of their Political Parties, Councillors Hogg, Duffin, Cushinan and Alderman Agnew also endorsed these views.

1 APOLOGIES

Alderman Campbell and Councillors J Bingham, D Hollis and B Webb.
Mr J Linden, Head of Planning.

2 DECLARATIONS OF INTEREST

Item 3.2 - Aldermen Agnew and Smyth.
Item 3.8 - Councillors Cushinan and Duffin.

PART ONE - PLANNING APPLICATIONS AND RELATED DEVELOPMENT MANAGEMENT AND ENFORCEMENT ISSUES

DECISIONS ON PLANNING APPLICATIONS

ITEM 3.1 - APPLICATION NO: U/2014/0301/O

PROPOSAL: Site for dwelling.

SITE/LOCATION: Land to the rear of 9 Church Avenue Jordanstown
Newtownabbey Co Antrim BT37 0PJ.

APPLICANT: David Hutchison.

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

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

- Mr Graham Dunlop
- Ms Gladys Hutchieson

Proposed by Councillor Cushinan
 Seconded by Councillor Arthurs and

on the proposal being put to the meeting 3 Members voted in favour, 2 against and 4 abstentions, it was agreed

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

ACTION BY: Barry Diamond.

Alderman Burns left the Meeting at this point.

Aldermen Agnew and Smyth withdrew from the Chamber for consideration of the next item having declared an interest.

ITEM 3.2 - APPLICATION NO: LA03/2015/0138/F

PROPOSAL: Extension and alterations to office building, including design changes to the external appearance, amendment to layout of lorry wash, fuel point and parking area and associated site works (amendments to previous approval U/2013/0082/F).

SITE/LOCATION: 9 Hightown Avenue, Mallusk, Newtownabbey.

APPLICANT: John Henderson (Mallusk)Ltd.

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 present to address this item.

Proposed by Councillor Beatty
 Seconded by Councillor Duffin and

on the proposal being put to the meeting 7 Members voted in favour, none against and no abstentions, it was agreed

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

ACTION BY: Barry Diamond.

Aldermen Agnew and Smyth returned to the Meeting.

ITEM 3.3 - APPLICATION NO: LA03/2015/0151/F

PROPOSAL: Alterations and extension to existing dwelling and construction of a new vehicular access, boundary treatments and external landscaping works.

SITE/LOCATION: 4 Lynda Farm, Jordanstown, Newtownabbey.

APPLICANT: Katrina Watt.

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 -

- Ms Katrina Watt

Proposed by Alderman Smyth
Seconded by Councillor Duffin and

on the proposal being put to the meeting 7 Members voted in favour, 1 against and 1 abstention, it was agreed

that planning permission be refused for the following reason:

- 1. The proposal is contrary to Policy EXT1 of the Addendum to Planning Policy Statement 7 in that the development would, if permitted, detract both from the appearance of No 4 Lynda Farm itself and from the appearance and character of the surrounding area.**

ACTION BY: Barry Diamond.

ITEM 3.4 - APPLICATION NO: LA03/2015/0038/F

PROPOSAL: Proposed extension to existing Materials Recovery Facility (MRF) to include new plant and additional European Waste Catalogue (EWC) codes.

SITE/LOCATION: ISL Waste Management, Central Park, Mallusk, Newtownabbey, Co. Antrim, BT36 4FS.

APPLICANT: ISL Waste Management Ltd.

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

There were no public speakers present to address this item.

Proposed by Councillor Beatty
Seconded by Councillor Duffin and

on the proposal being put to the meeting 9 Members voted in favour, none against and no abstentions, it was agreed

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

ACTION BY: Johanne McKendry.

ITEM 3.5 - APPLICATION NO: LA03/2015/0149/O

PROPOSAL: Single dwelling.

SITE/LOCATION: Immediately adjacent and to the north west of 66 Lylehill Road, Templepatrick.

APPLICANT: Margaret Donnelly.

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse planning permission.

There were no public speakers present to address this item.

Proposed by Alderman Agnew
Seconded by Councillor Duffin and

on the proposal being put to the meeting 9 Members voted in favour, none against and no abstentions, it was agreed

that planning permission be refused for the following reasons:

- 1) The proposal is contrary to Policy CTY1 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 Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Lylehill Road.**
- 3) The proposal is contrary to Policy CTY13 of Planning Policy Statement 21,**

Sustainable Development in the Countryside, in that: the proposed building is a prominent feature in the landscape; the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; the proposed building relies primarily on the use of new landscaping for integration; and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

- 4) The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the building would, if permitted, be unduly prominent in the landscape; result in a suburban style build-up of development when viewed with existing and approved buildings; create or add to a ribbon of development; and would therefore result in a detrimental change to further erode the rural character of the countryside.

ACTION BY: Johanne McKendry.

ITEM 3.6 - APPLICATION NO: T/2015/0062/O

PROPOSAL: Dwelling and garage.

SITE/LOCATION: Approx. 40m south east of 41 New Street, Randalstown.

APPLICANT: Mr S McBurney.

Barry Diamond, Principal Planning Officer advised Members that the application had been withdrawn.

NOTED.

ACTION BY: Barry Diamond.

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Beatty
Seconded by Councillor Arthurs that

that the following Committee business be taken In Confidence.

The Chairman advised that audio-recording would cease at this point.

IN-CONFIDENCE

DECISIONS ON ENFORCEMENT CASES

ITEM 3.7 - ENFORCMENT CASE: T/2009/0116/CA

Judith Winters, Senior Enforcement Officer, introduced the Enforcement Report to the Committee and made a recommendation that approval be granted to progress enforcement action.

Proposed by Councillor Beatty
Seconded by Councillor Duffin

on the proposal being put to the meeting 9 Members voted in favour, none against and no abstentions it was agreed

that enforcement action be progressed in this case and the detail of this was delegated to appointed Officers.

ACTION BY: Judith Winters.

Councillors Cushinan and Duffin withdrew from the Chamber for consideration of the next item having declared an interest.

ITEM 3.8 - ENFORCMENT CASE: T/2013/0075/CA

Judith Winters, Senior Enforcement Officer, introduced the Enforcement Report to the Committee and made a recommendation that approval be granted to progress enforcement action.

Proposed by Councillor Arthurs
Seconded by Councillor Hogg and

that enforcement action be progressed, the timeframe accorded to be 6 weeks and not 12 weeks.

on the proposal being put to the meeting 6 Members voted in favour, 1 against and no abstentions it was agreed

that enforcement action be progressed in this case, the detail of this being delegated to appointed Officers, the timeframe accorded to be 6 weeks.

ACTION BY: Judith Winters.

Councillors Cushinan and Duffin returned to the meeting.

IN-CONFIDENCE

OTHER PLANNING MATTERS

ITEM 3.9 APPLICATION T/2014/0297/LDE - LEGAL OPINION ON PAC DECISION

Barry Diamond introduced this report and advised that, based on the legal advice received, it was being recommended that no further action be taken in this case.

Proposed by Councillor Beatty
Seconded by Councillor Hogg and agreed unanimously

that no further action be taken.

ACTION BY: Barry Diamond.

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Duffin
Seconded by Alderman Smyth and agreed

that any remaining Committee business be conducted in Open Session.

OPEN SESSION

Councillors McClelland and McWilliam returned to the meeting.

OTHER PLANNING MATTERS

ITEM 3.10 2015/0021/TPO - SERVICE OF PROVISIONAL TREE PRESERVATION ORDER (TPO) ON LANDS AT 401 SHORE ROAD AND LISMARA COURT, NEWTOWNABBEY

On 28 August 2015, the Planning Section served a provisional Tree Preservation Order (TPO) on the above mentioned lands in accordance with Section 123 of the Planning Act (Northern Ireland) 2011. The TPO was served on the basis that it was expedient in the interests of amenity to preserve the trees on this site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees.

In accordance with the Council's Scheme of Delegation, Officers were reporting the service of this Provisional TPO to the September Planning Committee Meeting.

Members also noted that this is a Provisional TPO which provided a 6 month period to allow Officers to present a full report to the Committee in due course regarding confirmation of a full TPO at the site.

Proposed by Councillor Arthurs
Seconded by Councillor Duffin and agreed unanimously

that the report be noted.

ACTION BY: Judith Winters.

ITEM 3.11 LA03/2015/0014/F PRE-DETERMINATION HEARING FOR MAJOR PLANNING APPLICATION FOR RESIDENTIAL DEVELOPMENT ON LANDS AT BELMONT ROAD, ANTRIM.

LA03/2015/0051/F PRE-DETERMINATION HEARING FOR MAJOR PLANNING APPLICATION FOR A PROPOSED PIG FARM ON LANDS AT REAHILL ROAD, NEWTOWNABBEY

Planning application LA03/2015/0014/F sought full planning permission for the proposed development of 400 residential units along with mixed use facilities on lands at Belmont Road, approx. 20m south of Greenvale Road and Belmont Cemetery, Antrim.

Planning application LA03/2015/0051/F sought full planning permission for the proposed development of a pig farm on lands 166m North West of 10 Reahill Road, Newtownabbey. The application is accompanied by an Environmental Statement.

Members recalled that it was agreed at the June Planning Committee that there should be Pre-Determination Hearings for both the above applications with the date

and detailed arrangements delegated to Officers. It was originally anticipated that these Hearings would take place towards the end of the summer.

Members were now advised that it was unlikely that these Pre-Determination Hearings would take place until towards the end of 2015 or early in 2016. This delay had arisen because of impending changed circumstances associated with both the applications.

In the case of the Belmont Road housing scheme, Officers had requested the submission of an Environmental Statement (ES) to accompany the application, which it was understood would be received in the near future. As such it was considered premature to hold a Pre-Determination Hearing in this case until the ES was submitted and had been reviewed by Officers following readvertisement and reconsultation.

In the case of the proposed pig farm at Reahill Road, the applicant had advised that an amended scheme reducing the scale of the proposal was due to be submitted in the near future. This revised scheme would require readvertisement and reconsultation and once again Officers considered it could be premature to hold a Pre-Determination Hearing in this case until the revised scheme had been consulted upon.

Proposed by Alderman Smyth
Seconded by Councillor Beatty and agreed unanimously

that the report be noted.

ACTION BY: John Linden.

ITEM 3.12 P/PLAN/3 UPDATE ON LEGAL CHALLENGE TO THE BELFAST METROPOLITAN AREA PLAN

In September 2014 the Department of the Environment (DOE) adopted the Belfast Metropolitan Area Plan (BMAP) which was the statutory development plan for the legacy Newtownabbey Council area.

As Members were aware, a legal challenge was subsequently launched by the then Enterprise Minister, Arlene Foster (currently Finance Minister), claiming that the DOE Minister Mark H Durkan had breached the Ministerial Code by proceeding to adopt BMAP without bringing it before the Executive for full approval.

In January 2015 the High Court granted leave to Minister Foster for a judicial review of Minister Durkan's decision to adopt BMAP. The judicial review hearing concluded during the summer and the High Court's decision was now awaited.

At present BMAP remains as the statutorily adopted development plan for the legacy Newtownabbey Council area until such times as the Council adopts and publishes a new local development plan for the Borough. Officers were awaiting the outcome of the judicial review hearing to determine if there would be any implications for the future status of BMAP. The High Court decision when available

would be reported to the Committee along with any recommendations, if necessary, on the way forward.

Proposed by Alderman Smyth
Seconded by Councillor Beatty and agreed unanimously

that the report be noted.

ACTION BY: Sharon Mossman.

ITEM 3.13 P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during August 2015 under delegated powers was circulated for Members attention together with information received this month on planning appeals.

Proposed by Alderman Smyth
Seconded by Councillor Duffin and agreed unanimously

that the report be noted.

ACTION BY: John Linden.

ITEM 3.14 P/PLAN/4 DOE PLANNING POLICY

At the August Planning Committee meeting Members raised concerns about the lack of specific planning policy for solar farms in Northern Ireland by DOE Planning.

Officers consider that it would be useful for the Council to seek a meeting with the DOE Minister, Mark H Durkan in order to allow Members and Officers to raise their concerns about this issue and to seek clarification about how DOE intend to address this matter.

Proposed by Councillor Beatty
Seconded by Councillor Duffin and agreed unanimously

that approval be granted for Officers to write to the DOE Minister seeking a meeting with Committee Members to discuss the planning policy position for solar farms in Northern Ireland.

ACTION BY: John Linden.

ITEM 3.15 P/PLAN/3 NON-MATERIAL AMENDMENT TO A PLANNING APPROVAL

The Planning Act (Northern Ireland) 2011 contains statutory provisions that allow the Council to approve a non-material amendment to an approved development, without requiring the submission of a new planning application.

There was a standard application form available to allow someone to apply to the Council for such a non-material change and the Council had previously agreed that the determination of such applications be delegated to appointed Officers in accordance with the Council's agreed scheme of delegation.

Where a change sought was acceptable as a non-material amendment the Council would issue a decision letter that would specifically describe the change and stamp drawings as approved. The decision letter was not a reissue of the original planning permission, which still stood; rather the two documents should be read together.

The Planning Section had now prepared an Advice Leaflet, a copy of which was circulated, that provided guidance on how Antrim and Newtownabbey Borough Council would deal with applications for non-material amendments. This was intended to assist applicants and their agents, as well as other interested parties, including neighbours, to understand the basis for any decision taken by the Council.

The Planning Section now intended to make the Advice Leaflet available on the Council's website and would also forward copies to its list of planning agents who regularly undertake work in the Borough. In addition the availability of the Advice note would be advertised in the Newtownabbey Times and Antrim Guardian.

Proposed by Councillor Beatty
Seconded by Alderman Smyth and agreed unanimously

that the report be noted.

ACTION BY: John Linden.

PART 2 FORWARD PLANNING MATTERS - LOCAL DEVELOPMENT PLAN, PLANNING POLICY AND CONSERVATION

ITEM 3.16 P/PLAN/2 ANTRIM AND NEWTOWNABBEY LOCAL DEVELOPMENT PLAN 2030 TIMETABLE

The Council is required by the 2011 Planning Act to publish a timetable for the preparation of the new local development plan for the Borough. The timetable prescribed by legislation is required to provide indicative dates for key stages of the development plan process, including the accompanying Sustainability Appraisal, and must be submitted to the Department of the Environment (DOE) for consideration.

The Planning Section has now prepared the Timetable for preparation of the Council's Local Development Plan. This is an important stage of the plan process as it will provide an early indication to Members, the public and key stakeholders of the estimated timescale for delivery of key stages of the Plan. It highlights the important role of Members in the Plan preparation process. In addition it indicates the periods for public consultation required by legislation and takes account of the engagement opportunities set out in the Draft Statement of Community Involvement

which was recently issued for public consultation following Council approval in August.

In addition a number of steps have been built into the Timetable document to bring to Members' attention those issues which may have an impact on the indicative timescale. These will include factors such as availability of the Planning Appeals Commission to hold an Independent Examination of the key Plan documents, availability and input from consultees as well as any requirements arising from consultation with DOE.

Following submission of the indicative Plan Timetable to the DOE by the Council, DOE has the power to agree it or request amendments. If they do not reply to the Council within 4 weeks of the submission of the timetable, then it is deemed to be agreed. Once the Timetable is agreed by DOE the Council is required to monitor it and has the power to review it at any stage.

The Committee will be aware that the Timetable must be formally ratified by the full Council before submission to the DOE for approval. Once agreed by the DOE the Committee will be notified.

Proposed by Councillor Duffin

Seconded by Councillor Cushinan and agreed unanimously

that the Plan Timetable be agreed and submitted to DOE in line with legislative provisions.

ACTION BY: Sharon Mossman.

The Chairman expressed appreciation to all Officers and there being no further Committee business under Part 2 of the agenda the Meeting concluded at 8pm.

MAYOR

