



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE
HELD IN MOSSLEY MILL ON MONDAY 15 AUGUST 2022 AT 6.00 PM**

- In the Chair** : Alderman F Agnew
- Committee Members Present (In Person)** : Alderman J Smyth
Councillors – J Archibald-Brown, S Flanagan, R Lynch, M Magill and B Webb
- Committee Members Present (Remotely)** : Councillors - A Bennington, H Cushinan, and R Kinnear
- Non-Committee Members Present (Remotely)** : Alderman S Ross
Councillors – R Foster, A McAuley, N Ramsay and L Smyth
- Public Speakers** :
- | | |
|----------------------|-----------------------------------|
| Emma Kelly | In Support (Agent, Item 3.1) |
| Alderman S Ross | In Objection (Item 3.2) |
| Karl Rainey | In Objection (Item 3.2) |
| Stephen Crothers | In Objection (Item 3.2) |
| Tom Stokes | In Support (Agent, Item 3.2) |
| Stephen Horner | In Objection (Item 3.6) |
| Tom Stokes | In Support (Agent, Item 3.6) |
| Councillor L Smyth | In Support (Item 3.8) |
| Councillor A McAuley | In Support (Item 3.8) |
| Jill Jones | In Support (Applicant, Item 3.8) |
| Ivan McClean | In Support (Agent, Item 3.8) |
| Azman Khairuddin | In Support (Agent, Item 3.10) |
| Graham Walker | In Support (Applicant, Item 3.10) |
| Nigel Coffey | In Support (Agent, Item 3.13) |
- Officers Present** : 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 – J McKendry
Senior Planning Officer – A Leathem
Head of Investment and Business Development, Economic Development – M McKenna
System Support Officer – C Bell
ICT Helpdesk Officer – D Mason
Member Services Officer – A Duffy
Member Services Officer – E Skillen

CHAIRPERSON'S REMARKS

The Chairperson welcomed Committee Members to the August 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 Addendum reports relating to Items 3.10, and 3.12, the Site Visit report along with an updated speakers' list had 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 3.9 and 3.11 had been withdrawn by the Agent and Item 3.15 had been withdrawn by Officers.

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

Alderman T Campbell
Councillor R Swann
Chief Executive J Dixon
Deputy Chief Executive of Economic Development & Planning M McAlister

2 DECLARATIONS OF INTEREST

Item 3.5 – Alderman Agnew and Councillor Archibald-Brown
Item 3.6 – Councillors Archibald-Brown and Magill
Item 3.10 - Councillor R Lynch

Councillor Kinnear experienced technical difficulties and was therefore unable to vote on Item 3.1

PART ONE PLANNING APPLICATIONS

ITEM 3.1 APPLICATION NO: LA03/2022/0290/F

PROPOSAL:	Proposed metal beverage can manufacturing facility comprising production space (Class B3 General Industrial); warehousing (Class B4 Storage and Distribution); associated office space (Class B1 Business Unit); and staff welfare accommodation. External sprinkler pump house and associated tank; plant equipment and structures; creation of service yards and loading/unloading areas; HGV parking area and main car park; extension of Global Point Avenue (eastern portion) and creation of new entrances; associated landscaping and all associated site works.
SITE/LOCATION:	Lands at Global Point Business Park 150m NE of RLC Global Point Avenue Newtownabbey
APPLICANT:	Ardagh Metal Packaging

Barry Diamond, Head of Planning Development Management (Interim), 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 Kelly	In Support/Agent
Angela Wiggam	In Support/Agent (for questions)
Kristian Hadfield	In Support/Applicant (for questions)
Jonathan Veal	In Support/Applicant (for questions)
Conor O'Hara	In Support/Consultant (for questions)

Proposed by Councillor Flanagan

Seconded by Councillor Lynch that planning permission be granted.

On the proposal being put to the meeting 8 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

Councillor Magill joined the meeting.

Alderman Smyth and Councillor Magill left the Chamber during the next Item and were therefore unable to vote on Item 3.2.

ITEM 3.2 APPLICATION NO: LA03/2022/0506/F

PROPOSAL: Proposed erection of 1 no. storage and distribution centre and 3no. light industrial units (Removal of conditions 13 & 14 from planning approval LA03/2018/0917/F relating to Heavy Goods Vehicles)

SITE/LOCATION: Lands situated approx. 350m SE of 632 Doagh Road and 150m south of 618 Doagh Road, Newtownabbey

APPLICANT: Kemark No 2 Ltd

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

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

Alderman Stephen Ross	In Objection
Karl Rainey	In Objection
Stephen Crothers	In Objection
Tom Stokes	In Support/Agent
Andrew McKelvey	In Support/Applicant (for questions)

Proposed by Councillor Webb

Seconded by Councillor Flanagan that planning permission be refused.

On the proposal being put to the meeting 5 Members voted in favour, 3 against and 0 abstentions.

In favour: Councillors - Archibald-Brown, Bennington, Cushinan, Flanagan and Webb

Against: Alderman Agnew
Councillors - Kinnear and Lynch

and it was agreed that planning permission be refused for the application, the detail of which being delegated to Officers due to neighbouring residential properties being significantly impacted by noise.

The reason for the decision contrary to Officer recommendation was that Members considered that the proposal would have a significant detrimental impact on neighbouring residents due to noise.

ACTION BY: Sharon Mossman, Deputy Director of Planning

Alderman Smyth and Councillor Magill returned to the Chamber.

ITEM 3.3 APPLICATION NO: LA03/2022/0469/F

PROPOSAL: Proposed change of use from first floor retail space to first floor office/workspace

SITE/LOCATION: 55-59 High Street, Antrim, BT41 4AY

APPLICANT: Antrim and Newtownabbey Borough Council

Alicia Leathem, Senior 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 Flanagan
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

Councillor Flanagan left the Chamber during the next Item and was therefore unable to vote on Item 3.4.

ITEM 3.4 APPLICATION NO: LA03/2022/0561/F

PROPOSAL: Proposed works to the front facade of complex to include replacement cladding, new render base and remodelling of existing door and window openings.

SITE/LOCATION: 1-13 Glenwell Road, Glengormley
Newtownabbey
BT36 7RF

APPLICANT: Antrim and Newtownabbey Borough Council

Alicia Leathem, Senior 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 Lynch
Seconded by Councillor Webb that planning permission be granted.

On the proposal being put to the meeting 9 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

Councillor Flanagan returned to the Chamber.

Having declared an interest in Item 3.5 Alderman Agnew and Councillor Archibald-Brown left the Chamber and Councillor Webb took the Chair.

ITEM 3.5 APPLICATION NO: LA03/2022/0335/O

PROPOSAL: 2 No. dwellings and garages
SITE/LOCATION: No. 122 Hillhead Road, Ballyclare, BT39 9LN
APPLICANT: Henry McWilliam

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

There were no public speakers to address this Item.

Proposed by Councillor Lynch
Seconded by Councillor Flanagan that outline planning permission be granted.

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

that outline 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

Alderman Agnew returned to the Chamber and resumed as Chair.

Having declared and interest in Item 3.6 Councillor Magill left the Chamber.

ITEM 3.6 APPLICATION NO: LA03/2022/0293/F

PROPOSAL: Erection of 7 no. dwellings (Change of house type at plots nos. 6-12 of LA03/2016/0274/F) to include detached garages and sunrooms
SITE/LOCATION: Plots 6-12 of Aiken Square on lands at 57-61 Rashee Road, Ballyclare
APPLICANT: Orrson Homes Limited

Johanne McKendry, Senior 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 –

Stephen Horner	In Objection
Tom Stokes	In Support/Agent
Bryan Orr	In Support/Applicant (for questions)

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

On the proposal being put to the meeting 8 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

Councillor Archibald-Brown and Councillor Magill returned to the Chamber

Councillor Cushinan left the meeting remotely during the next Item and was therefore unable to vote on Item 3.7.

ITEM 3.7 APPLICATION NO: LA03/2022/0331/F

PROPOSAL:	Replacement of 17.5m telecommunications column with a 27.5 column and ancillary development
SITE/LOCATION:	On lands within BT Exchange site, 242 Antrim Road, Belfast, BT36 7QX
APPLICANT:	Cornerstone

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

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

Les Ross	In Support/Agent (for questions)
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Proposed by Councillor Lynch
Seconded by Councillor Magill that planning permission be granted.

On the proposal being put to the meeting 5 Members voted in favour, 3 against and 1 abstention, it was 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

Councillor Cushinan returned to the meeting remotely.

ITEM 3.8 APPLICATION NO: LA03/2022/0303/F

PROPOSAL: Retrospective change of use of outbuilding from residential to bridal business

SITE/LOCATION: 58B Old Ballyrobin Road, Antrim

APPLICANT: Mrs Jill Jones

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

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

Councillor Leah Smyth	In Support
Councillor Andrew McAuley	In Support
Jill Jones	In Support
Ivan McClean	In Support

Proposed by Councillor Archibald-Brown

Seconded by Councillor Flanagan that planning permission be refused.

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

that 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 to the Antrim Area Plan and the Strategic Planning Policy Statement in that the retailing element of the development lies outside the designated Town Centre and any other retailing area within Antrim Town and it has not been demonstrated that a suitable site does not exist within the Town Centre or other retailing centre.**

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.9 APPLICATION NO: LA03/2022/0552/F

PROPOSAL: Proposed 1 1/2 storey dwelling and garage

SITE/LOCATION: Lands approx. 20m SW of 20A Kilmakee Road, Templepatrick
BT39 0EP

APPLICANT: Mr & Mrs McMeekin

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

ACTION BY: Sharon Mossman, Deputy Director of Planning

Having declared an interest in Item 3.10 Councillor Lynch left the Chamber.

ITEM 3.10 APPLICATION NO: LA03/2022/0514/F

PROPOSAL: Two single storey dwellings and associated garages

SITE/LOCATION: Lands to the rear of 3 Bournalon Road, Antrim, BT41 1NZ

APPLICANT: Mr G Walker

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

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

Azman Khairuddin	In Support/Agent
Graham Walker	In Support/Applicant

Proposed by Councillor Webb
Seconded by Councillor Flanagan that planning permission be refused.

On the proposal being put to the meeting 9 Members voted in favour, 0 against and 0 abstention, it was agreed

that planning permission be refused for the following reasons:

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 (PPS 7), Quality Residential Environments, and Policy LC1 of the second Addendum to PPS 7, Safeguarding the Character of Established Residential Areas, in that the proposed development does not respect the surrounding context and would result in a cramped form of development that is not in keeping with the overall character and environmental quality of this established residential area.**
- 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD1 of Planning Policy Statement 7, Quality Residential**

Environments, in that, if approved, the proposal would have an unacceptable adverse effect on existing properties in terms of overlooking and privacy.

- 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and would, if permitted, may cause harm to an interest of acknowledged importance, namely sewage disposal, as it has not been demonstrated there is a satisfactory means of dealing with sewage associated with the development.**

ACTION BY: Sharon Mossman, Deputy Director of Planning

Councillor Lynch returned to the Chamber.

ITEM 3.11 APPLICATION NO: LA03/2022/0222/F

PROPOSAL:	Erection of 2 dwellings, landscaping and all associated site works
SITE/LOCATION:	Lands 129m South of 39 Greenvale Manor Gardens Antrim
APPLICANT:	Antrim Construction Company Ltd

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

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.12 APPLICATION NO: LA03/2022/0438/F

PROPOSAL:	Retrospective Planning Application for Silo conversion into seasonal farm accommodation.
SITE/LOCATION:	40m NW of 88 Gloverstown Road, Randalstown
APPLICANT:	James Alexander

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

There were no public speakers to address this Item.

Proposed by Councillor Webb

Seconded by Councillor Magill that 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 planning permission be refused for the following reasons:

planning terms.

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.14 APPLICATION NO: LA03/2022/0209/LBC

PROPOSAL: Continuous strip of feature lighting right around the building

SITE/LOCATION: Antrim Old Courthouse, Market Square, Antrim

APPLICANT: Antrim and Newtownabbey Borough Council

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant listed building consent.

There were no public speakers to address this Item.

Proposed by Councillor Lynch

Seconded by Councillor Magill that listed building consent be granted.

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

that listed building consent be granted for the application subject to the conditions set out in the Planning Report.

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.15 APPLICATION NO: LA03/2022/0363/LBC

PROPOSAL: Installation of lighting columns

SITE/LOCATION: Randalstown Viaduct, Randalstown

APPLICANT: Antrim and Newtownabbey Borough Council

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

ACTION BY: Sharon Mossman, Deputy Director of Planning

PART TWO OTHER PLANNING MATTERS

ITEM 3.16

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during July 2022 under delegated powers together with information relating to planning appeals was circulated for Members information.

One (1) appeal was upheld during July by the Planning Appeals Commission (PAC) in relation to Lands between 142 & 144 Sevenmile Straight, site for infill dwelling and garage and a copy of this decision was circulated.

Proposed by Councillor Flanagan
Seconded by Councillor Lynch and unanimously agreed

that the report be noted.

NO ACTION

ITEM 3.17

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 were required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This was referred to as a Proposal of Application Notice (PAN). One (1) PAN was registered during July 2022 the details of which are set out below.

PAN Reference:	LA03/2022/0613 /PAN
Proposal:	Proposed new 7no classroom primary school and nursery unit, associated site works, infrastructure and landscaping with access from Hightown Road.
Location:	Lands approx. 245m south of Hightown Road Glengormley.
Applicant:	Gaelscoil & Naiscoil Eanna Hightown Road, Glengormley.
Date Received:	20/07/2022
12 week expiry:	31/08/2022

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 has influenced the proposal submitted.

Proposed by Councillor Flanagan

Seconded by Councillor Lynch and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.18

P/FP/LDP/62 PLANNING AND WATER APPEALS COMMISSION – NEW ONLINE PORTAL

The Planning and Water Appeals Commission (PAC) have launched a new online Portal and case management system which went live on 08 August 2022. This new system provides a more streamlined way to submit planning appeals electronically to the PAC and to track and view planning appeal decisions.

A detailed guide and further information on the services provided by the new portal are available to view on the PAC website (<https://www.pacni.gov.uk/online-services>).

Proposed by Councillor Flanagan
Seconded by Councillor Lynch and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.19

P/PLAN/012/VOL2 PLANNING PORTAL UPDATE

Members will be aware that a new Regional Planning Portal system is being progressed by the Department for Infrastructure for operation by 10 Councils, including Antrim and Newtownabbey Borough Council. The new system will replace the current Northern Ireland Planning Portal (NIPP) and is anticipated to go live in Autumn 2022.

The Department and the Council will be undertaking a communication strategy in relation to the new system. The Council will also bring forward a transition plan for the installation of the new system. There are a number of key stages in the process of transition to a new system and these are summarised below for Members' information: -

1. Public communications are anticipated to commence in August by the Council and Department for Infrastructure.
2. The current NIIPP will close for submission of planning applications in advance of the new Regional Portal being installed. It is anticipated it will remain live thereafter for a limited period.
3. There will be approximately a 3 week lead in period to the installation of the new portal which will include extensive training for all planning staff. The Planning Section will bring forward a number of contingency measures during this period but it is anticipated there may be an impact on business during this time.

As work towards the new Planning Portal is progressing at speed, further updates will issue to Elected Members by email updates and Committee Reports.

Proposed by Councillor Flanagan
Seconded by Councillor Lynch and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.20

P/PLAN/1 ROYAL TOWN PLANNING (RTPi) NI PLANNING CONFERENCE 2022

Members were advised that the annual Royal Town Planning Conference will take place this year on Wednesday 21 September 2022 at the Europa Hotel, Belfast from 9am – 5pm.

Full details can be found on the following link:

<https://www.rtpi.org.uk/events/2022/september/ni-planning-conference-planning-for-climate-outcomes/#Details>

At the heart of planning is supporting the right kind of development in the right places. A central outcome for this is delivering well designed places which are more climate friendly and resilient, and make economic sense for the place too.

The conference provides an opportunity for all those with a role in planning to come together for discussion and debate. Elected Member cost to attend is £60.00 inc VAT, RTPi Member £108.00 inc VAT and Non-Member £138.00 inc VAT.

Proposed by Councillor Webb
Seconded by Councillor Flanagan and unanimously agreed that

Members of the Planning Committee may attend this conference along with the appropriate Officers.

ACTION BY: Member Services/Sharon Mossman, Deputy Director of Planning

ITEM 3.21

P/FP/LDP/19 PUBLICATION OF THE HOUSING MONITOR REPORT 2022

Members will recall that the Annual Housing Monitor for the Borough was undertaken by the Forward Planning Team in order to inform the Local Development Plan process and gain an understanding of the amount of housing land supply that remains available within the 30 settlements of the Borough.

The Monitor takes account of all sites within settlements, 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. Information from Building Control commencements and completions are inputted into the survey and used to inform the results of the Monitor.

The 2022 Monitor, a copy of which was circulated, covers the period 1 April 2021 to 31 March 2022, and indicates that there was remaining potential for some 10,465 dwelling units on 459 hectares of housing land within the settlements of the Borough. Some 620 dwellings were completed during this period, which compares favourably to the 489 units built in the 2020/2021 reporting period, following the disruption due to Covid.

Details for the individual sites are set out in a series of maps and associated tables. It is intended that the findings of the 2022 survey will now be made available to the public on the Council's website.

Proposed by Councillor Lynch

Seconded by Councillor Flanagan and unanimously agreed that

the report be noted and that the Annual Housing Monitor 2022 be published on the Council website.

ACTION BY: Sharon Mossman, Deputy Director of Planning

ITEM 3.22

P/FP/LDP/1 LOCAL DEVELOPMENT PLAN, QUARTERLY UPDATE (Q1) APRIL TO JUNE 2022 & INDEPENDENT EXAMINATION UPDATE

The Council's Local Development Plan (LDP) advises that progress reports would be submitted on a quarterly basis to the Planning Committee. This report covers the first quarter (Q1) of the 2022-2023 business year (April to June 2022).

Local Development Plan Independent Examination

Following a report presented at the July Planning Committee, Members will be aware that the Planning Appeals Commission (PAC) Independent Examination (IE) of the Council's Draft Plan Strategy (DPS) concluded on 29 June 2022. The PAC will now consider its findings and forward a report to the Department for Infrastructure (DfI), regarding the potential adoption of the Council's Draft Plan Strategy. The PAC has advised that it anticipates that its report will be submitted to DfI at the end of January 2023.

During this period, Officers engaged extensively with the appointed Legal Counsel in formulating responses to over 200 questions raised by the PAC Commissioner.

The Forward Planning Team will now commence work on the Local Policies Plan (LPP), which forms the next stage of the Local Development Plan process. Officers will present a work programme to the Committee in due course, setting out the main tasks involved in the process.

Local Development Plan Steering Group

Members will be aware that the Councils' Statement of Community Involvement requires that a Local Development Plan Steering Group meeting be held on a quarterly basis, between nominated Members of the Planning Committee, usually the Chairperson and Vice Chairperson, and Officers. During the Covid period, this meeting was postponed, however as work on the Local Policies Plan will now commence, it is proposed to reconvene the Steering Group.

Officers therefore propose that on a quarterly basis, the Steering Group meets as part of the normal planning briefing, with the Chairperson and Vice Chairperson of the Committee.

Local Development Plan Working Group Updates

(a) Coastal Forum Working Group

The most recent meeting of the Department for Agriculture and Rural Affairs/Department for Infrastructure (DAERA/DfI) Coastal Forum Working Group took place virtually on 29 June 2022. Updates were provided regarding the Coastal Forum Work Programme, as well as various baseline monitoring and information gathering across Northern Ireland. The minutes of the meeting will be presented in due course.

(b) Belfast Metropolitan Area Spatial Working Group

A meeting of the Belfast Metropolitan Area Spatial Working Group (MASWG) took place virtually on 24 May 2022, hosted by Belfast City Council. Updates were received from various Councils and consultees in relation to LDP matters. The group also heard from the Department for Communities Historic Environment Division in relation to best practice methodologies for forthcoming Local Policies Plan work and from Belfast City Council in relation to its receipt of the Independent Examination Report to its Plan Strategy and progress in the development of supplementary planning guidance.

A copy of the agreed minutes for the previous meeting which took place on 9 March 2022 was circulated for information. The next meeting of the Working Group was due to take place on 23 August 2022, and will be hosted by this Council.

Proposed by Councillor Lynch

Seconded by Councillor Flanagan and unanimously agreed that

the report be noted and it is agreed that the Local Development Plan Steering Group meeting be added on a quarterly basis to the Chairperson and Vice Chairperson Planning Briefing.

ACTION BY: Sharon Mossman, Deputy Director of Planning

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Webb

Seconded by Councillor Lynch 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 - OTHER PLANNING MATTERS – IN CONFIDENCE

ITEM 3.23

P/PLAN/1 PLANNING APPEAL DECISION UPDATE – IN CONFIDENCE

The Planning Appeals Commission recently made a decision to allow an appeal for an infill dwelling and garage at lands between 142 and 144 Seven Mile Straight, Muckamore, Antrim (Appeal Ref: 2021/A0094). The appeal while made by an individual Commissioner was reviewed by the PAC collectively and represents a corporate decision of the PAC made by a panel of Commissioners.

On the same day the PAC made a similar decision on an appeal for an infill dwelling in the Newry and Mourne District Council area. The appeal site was located on lands between 81 and 83 Crossgar Road, Killyleagh, (Appeal Ref:2021/A0094). Once again the Commission reached a corporate decision following a review by a panel of Commissioners.

Both appeal cases are broadly similar and the arguments used by the PAC to uphold both decisions are also broadly similar. The appeal case on the Seven Mile Straight, Antrim was located within the rural countryside and was set within a gap site between two dwellings and their associated garages. The appropriate Policy context was Policy CTY8 of PPS21 which Members will be aware allows for the development of up to two dwellings within an otherwise substantial and continuously built up frontage. For the purposes of the policy the definition of a substantial and continuously built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. This was the appropriate policy context and on this matter there was no dispute between the Council, the appellant or the PAC.

PPS 21 was published in June 2010 and therefore has been the core policy document for assessing new residential development in the countryside across Northern Ireland for the past 12 years. It effectively represents settled policy having been the subject of a significant quantum of decisions across the region by local planning authorities and appeals by the PAC. The settled approach to date has been that buildings located to the rear of a dwelling or other building could not be taken as a building with a frontage onto the public road, the logic being that two buildings could not share the same frontage. There has of course been a number of cases where a dwelling or other building has been positioned side by side and while they shared the same curtilage the two buildings were taken to front the public road and therefore could be taken as two buildings fronting the road. The Council has been consistent in its approach to this interpretation of the Policy and the PAC has in most cases adopted a similar approach with decisions taken by the Council being successfully defended on numerous occasions.

In the Seven Mile Straight case, it was accepted by all parties that there were two dwellings both fronting onto the public road, they shared a common frontage with the public road and that the appeal site represented a small gap site capable of accommodating only one dwelling. The matter in dispute was that the Council did not accept that the ancillary garage building to the rear of one of the dwellings

represented a building with a common frontage to the public road. In the appeal decision the PAC accepted that the garage building was; "...a building sited to the rear and off set (sic) to the front building line of the dwelling." In addition, the PAC further recognised that; "Adjoining the front elevation of the dwelling is a wall arch construction which permits vehicular access to the rear part of the site as well as to the detached garage." Despite recognising the position of the garage to the rear of the dwelling, the PAC took the view that the building could be seen as a separate building clearly detached from the adjoining dwelling. Within Policy CTY 8 there is no visual assessment to either the test for ribbon development or the infill test within the Policy. In the appeal case it is disputed by Officers that the building can be seen at all let alone that it can be read as a separate building with a frontage to the road.

The appeal case in the Newry and Mourne District Council case was broadly similar and the PAC took a similar decision to uphold that case. The use of a visual test to assess infill development and the acceptance of ancillary buildings located to the rear of another building is a new interpretation of what was a settled policy decision. The PAC represents an independent appellant body were applicants that have been refused planning permission may appeal that decision to the PAC which has the option of either upholding or dismissing the appeal.

The Council has to be mindful in cases where the PAC takes a view different from the Council. As an appellant body reviewing the decisions on planning applications, the Council must either respect the decision of the PAC or challenge it through a Judicial Review to the High Court. The Council could maintain its current policy position to discount buildings set to the rear of another building from contributing to the built up frontage, however, it is likely that in the vast majority of planning applications for infill dwellings that should the decision be appealed, the PAC is likely to overturn the decision of the Council. It is considered that such a position may not be sustainable and would not represent good decision making for the citizens of the Borough.

It is recommended, based on the recent interpretation of Policy by the PAC, that the Council applies this interpretation of Policy to allow for the inclusion of ancillary buildings set to the rear of another building where they can be viewed from the public road. This position would be applied until such times as the Policy within the Councils Draft Strategy Plan would be adopted and effectively represents the new policy position of the Council on infill applications.

Proposed by Councillor Webb

Seconded by Councillor Archibald-Brown and unanimously agreed that

that the Council write to both the Chief Commissioner of the Planning Appeals Commission (PAC) and the Department of Infrastructure seeking clarification on the interpretation of the recent Policy by the PAC prior to applying the associated Policy

ACTION BY: Sharon Mossman, Deputy Director of Planning

PART ONE - DECISIONS ON ENFORCEMENT MATTERS – IN CONFIDENCE

Councillor Webb left and returned to the Chamber during this Item.

ITEM 3.24 ENFORCEMENT CASE: LA03/2020/0113/CA

Sharon Mossman, Deputy Director of Planning, introduced the Enforcement Report to the Committee and made a recommendation that authority be granted to progress enforcement action, the detail of which is delegated to appointed Officers.

Proposed by Alderman Smyth

Seconded by Councillor Lynch 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 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 Lynch

Seconded by Councillor Archibald-Brown 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 8.48 pm.

MAYOR