



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE  
HELD IN MOSSLEY MILL ON MONDAY 16 MARCH 2020 AT 6.00 PM**

- In the Chair** : Alderman P Brett
- Committee Members Present** : Aldermen - F Agnew and T Campbell  
Councillors – H Cushinan, S Flanagan, R Kinnear, R Lynch, M Magill, S Ross, R Swann and B Webb
- Non-Committee Members Present** : Councillor R Foster
- Public Speakers** : Councillor R Foster In Support (Item 3.6)  
Harry Rolston In Support (Agent Item 3.6)  
Paul Cargill In Support (Applicant Item 3.8)  
Rey Gaston In Support (Consultant Item 3.8)  
Councillor R Foster In Objection (Items 3.9 & 3.10)  
Gerry Tumelty In Support (Agent Items 3.9 & 3.10)  
Chris Cassidy In Support (Agent Item 3.12)
- Officers Present** : Deputy Chief Executive - M McAlister  
Borough Lawyer & Head of Legal Services – P Casey  
Head of Planning – J Linden  
Principal Planning Officer – B Diamond  
Acting Senior Planning Officer – M O'Reilly  
ICT Change Officer – A Cole  
Member Services Officer – S Boyd  
Media and Marketing Officer – J Walmsley  
Environmental Health Manager - Helen Harper

**CHAIRPERSON'S REMARKS**

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

The Chairperson reminded Members that, in line with current operational procedures for the Committee, the meeting would commence at 6.00 pm to consider Part One Agenda Items, any matters which need to be considered in confidence as well as any other pre-notified business arising, and that consideration of Planning Applications would commence at 6.30 pm.

The Head of Legal Services & 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**

Councillor J Archibald  
Chief Executive J Dixon

The Chairperson, in noting the apology on behalf of Councillor Archibald, proposed that a congratulatory letter be sent, on behalf of the Committee, following the recent arrival of Councillor Archibald's baby daughter.

*ACTION BY: Majella McAlister, Director of Economic Development & Planning*

## **2 DECLARATIONS OF INTEREST**

Items 3.9 & 3.10 – Councillors R Foster and B Webb

# **PART ONE GENERAL PLANNING MATTERS**

## **ITEM 3.1**

### **P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS**

A list of planning decisions issued by Officers during February 2020 under delegated powers was circulated for Members attention together with information received this month on planning appeals.

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

**the report be noted.**

*NO ACTION*

## **ITEM 3.2**

### **P/FP/LDP/113, 114 & 115 DAERA/DFI COASTAL FORUM WORKING GROUP**

Members recalled that Agenda Item 3.3 of the February 2020 Planning Committee provided an update on the latest meeting of the DAERA/DfI Coastal Forum Working Group, which took place on 28 January 2020.

Officers indicated that the minutes of this meeting would follow in due course and these were circulated for Members' information.

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

**the report be noted.**

NO ACTION

### ITEM 3.3

#### **P/FP/LDP/111 – LDP DATA SHARING AGREEMENT – DFI RIVERS**

Members were reminded that the Planning Act (NI) 2011 sets out the general requirements for preparing the Council's Local Development Plan. Section 3 of the Act (Survey of District) requires a Council to keep under review the matters which may be expected to affect the development of its district or the planning of that development. Those matters include the principal physical, economic, social and environmental characteristics as well as population, communications, transport and traffic.

Survey information and research is essential to build the evidence base required to inform the plan preparation process. The Planning Section therefore requires spatial data from a variety of external organisations. To gather this information generally requires the completion of a data sharing agreement.

Members previously agreed in January 2017 that authority to sign such agreements be delegated to Officers and that Members subsequently be notified of these.

The Department for Infrastructure (DfI) Rivers recently wrote to the Council to renew their existing Data Sharing Agreement with regards to data on Reservoir Flood Mapping (circulated). This agreement has now been signed by the Council's Head of Planning and returned to DfI.

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

**the report be noted.**

NO ACTION

### ITEM 3.4

#### **SECTION 76 PLANNING AGREEMENT FOR APPLICATION LA03/2019/0615/F – SOCIAL HOUSING SCHEME, NEW MOSSLEY**

A planning application was submitted by Connswater Homes Ltd in July 2019 for a social housing scheme located on part of an area of existing open space within the New Mossley estate the details of which are set out below.

**Application Reference:** LA03/2019/0615/F  
**Proposal:** Construction of 49 dwellings along with associated site works and landscaping.  
**Location:** Lands 50m east of 17 Ballyearl Green and south of Milewater Drive  
**Applicant:** Connswater Homes Ltd.

**Full details of the application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal [www.planningni.gov.uk](http://www.planningni.gov.uk)**

The Planning Section has been processing the planning application and anticipates that it will shortly be in a position to issue a grant of full permission under delegated powers subject to the receipt of a Private Streets Determination from DfI Roads and the completion of a planning agreement to secure the provision of compensatory open space.

The Council is empowered to use a planning agreement under Section 76 of the Planning Act (NI) 2011 to overcome obstacles to the grant of planning permission where these cannot be addressed through the normal use of planning conditions. As indicated in the Strategic Planning Policy Statement, such an Agreement may facilitate or restrict the development or use of land in any specified way and, amongst other matters, may be considered appropriate:

- to enable the development in question to proceed;
- is designed to secure an acceptable balance of uses;
- is otherwise so directly related to the proposed development and to the use of the land after its completion, that the development ought not be permitted without it; or
- is intended to offset the loss of, or impact on, any amenity or resource present on the site prior to development; or

As indicated, the application site in question comprises part of an area of existing open space within the New Mossley estate. Members were made aware that there is normally a presumption against the development of existing open space lands in accordance with Policy OS1 of Planning Policy Statement 8. However, in this specific case, the applicant has been able to demonstrate that there is a need for social housing provision in the area and in addition Policy OS1 makes provision for certain limited exceptions to the general presumption against the loss of open space areas. This includes the potential development of existing open space sites less than 2 hectares in size where alternative and compensatory open space provision is to be made available elsewhere in the local area that will meet the needs of the community.

In this specific case, the application site is less than two hectares and the local community has identified an alternative area of undeveloped land nearby, which is currently under the ownership of NIHE, for the use of walking trails and a wildflower meadow. The area of land in question is currently zoned for housing in the Belfast Metropolitan Area Plan (2014).

The Planning Section accepts that there is a need for further housing provision in the area and that the Plan has allocated land for such a purpose. However, the specific area identified for the provision of housing and the land allocated for open space in the Plan conflicts with the development aspirations of the local community which wishes to see the area developed in an alternate manner. Consequently, while the current development proposal is contrary to the provisions of the current Plan, it would nevertheless meet with the broad objectives of the Plan which seeks to secure additional housing provision and maintain adequate open space provision

within the area. It is considered that the development proposed is in accordance with the aforementioned exception set out in Policy OS1 of PPS8 and furthermore would assist in meeting social housing need. For these reasons the Planning Section is content in principle to approve the current proposal under delegated powers subject to the provision and subsequent retention of the alternative and compensatory open space lands offered by the applicant with the support of the local community.

Following discussion between the Council's Planning Section and Legal Services Section it has been agreed that a Section 76 Planning Agreement is the most appropriate way of securing the alternative open space in this case.

As indicated above, this empowers the Council to enter into a legal agreement within any person with an estate in land, to use that land in a particular way or to carry out specified activities on the land. As a consequence, a legal agreement between NIHE, Connswater Home Ltd and the Council has been drafted (circulated) and attention was specifically drawn to the following provisions which state:

**The NIHE hereby covenants with the Council as follows:**

- (1) That the open space site will not be developed for any purpose other than for a community purpose and will remain an open space irrespective of any previous planning consents or designations in a statutory development plan.
- (2) To give the Council immediate written notice of any change in ownership of any of its interests in the open space site such notice to give details of the transferee's full name and registered office (if a company or usual address if not), together with details of the nature and extent of the interest disposed of.

In conclusion, a Section 76 Planning Agreement is the most appropriate way of securing the use and subsequent retention of an alternative and compensatory amenity open space area on lands currently zoned for housing. Such an Agreement will be legally enforceable against both the current and any future owners of the land and its completion will enable the issuing of a grant of full planning permission by the Planning Section to application LA03/2019/0365 for 49 social housing units on lands at Ballyearl Green and south of Milewater Drive.

Proposed by Councillor Ross

Seconded by Councillor Flanagan and unanimously agreed that

**a Section 76 Planning Agreement be entered into by the Council to secure the provision and subsequent retention of alternative amenity open space land at New Mossley prior to the issuing of full planning permission to application LA03/2019/0615/F.**

*ACTION BY: John Linden, Head of Planning*

## **PROPOSAL TO PROCEED 'IN CONFIDENCE'**

Proposed by Councillor Flanagan  
Seconded by Councillor Magill and agreed that  
**the following Committee business be taken In Confidence.**

**The Chairperson advised that audio recording would now cease.**

### **ITEM 3.5**

#### **P/FP/LDP 79 LOCAL DEVELOPMENT PLAN STEERING GROUP – IN CONFIDENCE**

The most recent meeting of the Council's Local Development Plan Steering Group took place on 31 January 2020. A number of issues were discussed including analysis of representations made to the draft Plan Strategy, preparation of the Soundness Report, Member engagement and the published Timetable. A copy of the minutes was circulated for information.

Proposed by Councillor Lynch  
Seconded by Councillor Webb and agreed that

**the Minutes be approved.**

*ACTION BY: John Linden, Head of Planning*

## **PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'**

Proposed by Alderman Campbell  
Seconded by Councillor Lynch and agreed that

**any remaining Committee business be conducted in Open Session.**

At this point, the Chairperson advised that audio recording would recommence and he would take any other relevant business.

### **ITEM 4.0**

#### **ANY OTHER BUSINESS**

The Chairperson referred Members to a tabled letter received from the Minister for Infrastructure (circulated) which had been presented to the Corporate Leadership Team and Council Group Party Leaders. The letter requested that, as a matter of urgency, Councils should take a positive approach to their engagement with food retailers and distributors, as well as the freight industry, to ensure Planning Controls were not a barrier to food deliveries over the period of disruption caused by Coronavirus.

The Chairperson proposed and it was unanimously agreed that

- 1. that the Planning Section will not seek to initiate enforcement action against any reported breach of planning conditions regarding deliveries to food retail outlets**

**or necessary late working at particular manufacturing enterprises should the need arise for the foreseeable future; and**

- 2. that the Council write to supermarkets to encourage them to adopt a policy of facilitating older residents within the Borough with alternative opening hours.**

*ACTION BY: Majella McAlister, Director of Economic Development & Planning*

There being no other business the Chairperson advised that there would be a short interval, with the remainder of Committee business resuming at 6.30 pm.

*Meeting reconvened at 6.30pm.*

## **CHAIRPERSON'S REMARKS**

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

The Chairperson advised Members that an Addendum report relating to Item 3.8, the Site Visits Report and the final Speakers list had been circulated to Members, with hard copies being made available in the Chamber.

The Head of Legal Services & 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**

Councillor J Archibald  
Chief Executive J Dixon

### **2 DECLARATIONS OF INTEREST**

Items 3.9 & 3.10 – Councillors R Foster and B Webb

## **PART TWO PLANNING APPLICATIONS**

### **ITEM 3.6 APPLICATION NO: LA03/2019/0479/F**

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<b>PROPOSAL:</b>	Social Housing Scheme consisting of 2 no. apartment blocks (2 x 21 units with a mix of general needs and elderly apartments) and 11 no. 2 storey semi-detached houses, 8 no. 2.5 storey semi-detached houses and 2 no. wheelchair bungalows, total 63 units.
<b>SITE/LOCATION:</b>	41 Knockenagh Avenue, Newtownabbey, BT36 6AQ
<b>APPLICANT:</b>	Mainline Contracts Ltd

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Michael O'Reilly, Acting Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

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

Councillor R Foster  
Harry Rolston

In Support  
In Support (Agent) for questions

Proposed by Councillor Webb  
Seconded by Alderman Campbell 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, Head of Planning*

**ITEM 3.7 APPLICATION NO: LA03/2019/0617/F**

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<b>PROPOSAL:</b>	Proposed new store/showroom/assembly building with additional parking/lorry turning facilities and alterations/upgrade to the existing site access
<b>SITE/LOCATION:</b>	Lands to the rear of No. 10 through to 16 Shanes Street, Randalstown, BT41 2AD
<b>APPLICANT:</b>	Butler's Mobile Systems

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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 Alderman Campbell  
Seconded by Alderman Agnew and

on the proposal being put to the meeting 9 Members voted in favour, 0 against and 2 abstentions, and it was agreed

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

*ACTION BY: John Linden, Head of Planning*



### ITEM 3.8 APPLICATION NO: LA03/2018/1097/F

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<b>PROPOSAL:</b>	New 2-storey dwelling attached as an end-terrace property in the same design and style of No. 108
<b>SITE/LOCATION:</b>	Land 10m east of beside No. 108 Glenview Park Whiteabbey Newtownabbey Co. Antrim BT37 0TG
<b>APPLICANT:</b>	Paul Cargill

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Barry Diamond, Principal Planning Officer, introduced the Planning Report and associated Addendum 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 –

Rey Gaston	In Support (Noise Consultant)
Helen Harper	In Objection (for questions)

Proposed by Alderman Brett  
Seconded by Councillor Magill and

on the proposal being put to the meeting 9 Members voted in favour, 0 against and 2 abstentions, it was agreed

**that planning permission be refused for the following reason:**

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy QD 1 of Planning Policy Statement 7, Quality Residential Environments, in that it has not been demonstrated that there will be no unacceptable adverse effects on the proposed property in terms of vibration from trains using the adjacent railway lines**

*ACTION BY: John Linden, Head of Planning*

*Having declared an interest in the next two Items (3.9 & 3.10) Councillor Webb left the Chamber.*

*In exercising public speaking rights Councillor Foster declared an interest in Item 3.9.*

### ITEM 3.9 APPLICATION NO: LA03/2019/0516/F

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<b>PROPOSAL:</b>	Extension to curtilage of dwelling to provide garden
<b>SITE/LOCATION:</b>	67 Whitehouse Park, Whitehouse, Newtownabbey
<b>APPLICANT:</b>	Mr & Mrs Robert McMitchell

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Michael O'Reilly, Acting Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

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

Councillor R Foster  
Gerry Tumelty

In Objection  
In Support (Agent)

Proposed by Alderman Brett  
Seconded by Councillor Flanagan and

on the proposal being put to the meeting 9 Members voted in favour, 0 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: John Linden, Head of Planning*

*Councillor Ross left and returned to the Chamber during Item 3.10 and was therefore unable to vote.*

*In exercising public speaking rights Councillor Foster declared an interest in Item 3.10.*

### **ITEM 3.10 APPLICATION NO: LA03/2019/0649/F**

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<b>PROPOSAL:</b>	Proposed garden decking
<b>SITE/LOCATION:</b>	67 Whitehouse Park, Whitehouse, Newtownabbey
<b>APPLICANT:</b>	Mr & Mrs Robert McMitchell

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Michael O'Reilly, Acting Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse planning permission.

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

Councillor R Foster  
Gerry Tumelty

In Support  
In Support (Agent)

Proposed by Alderman Campbell  
Seconded by Councillor Flanagan and

on the proposal being put to the meeting 8 Members voted in favour, 0 against and 1 abstention, it was agreed

**that planning permission be refused for the following reason:**

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Criterion (a) of Policy EXT1 of the Addendum to Planning Policy Statement 7, Residential Extensions and Alterations, in that, the proposed**

**development, if permitted, would result in a detrimental impact on the appearance and character of the surrounding area.**

*ACTION BY: John Linden, Head of Planning*

*Councillor Webb returned to the Chamber.*

**ITEM 3.11 APPLICATION NO: LA03/2019/1050/F**

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<b>PROPOSAL:</b>	Erection of 3no. dwellings with detached garages and associated landscaping/site works (includes change of house type of 2no. dwellings from that previously approved under application LA03/2019/0629/F)
<b>SITE/LOCATION:</b>	Approximately 13m NE of 164 Ballycorr Road, Ballyclare, BT39 9DF
<b>APPLICANT:</b>	Ms. N. Davidson

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

There were no public speakers to address this item.

Proposed by Councillor Flanagan

Seconded by Alderman Campbell and unanimously 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 and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed development would, if permitted, significantly alter the existing character of the cluster and surrounding area. In addition the proposed development would if permitted adversely impact on the residential amenity of the proposed properties.**
- 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 13 and 14 of Planning Policy Statement 21, in that the proposed development would, if permitted, introduce suburban design elements into this area of the countryside which would impact upon the visual amenity and rural character of the area, significantly altering the existing character of the cluster and surrounding area.**

*ACTION BY: John Linden, Head of Planning*

**ITEM 3.12 APPLICATION NO: LA03/2019/0902/F**

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**PROPOSAL:** Infilling of farm land with inert material (topsoil) for land improvement

**SITE/LOCATION:** Lands 50m north east of No. 8 Station Park, Toomebridge

**APPLICANT:** Mr Eugene McCann

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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 –

Chris Cassidy                      In Support

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

**the application be deferred to allow for further consultation with DfI Rivers in relation to additional information submitted and that delegated authority be granted to Officers to issue either a refusal or approval decision dependant on the consideration of the most recent information provided in relation to flood risk.**

*ACTION BY: John Linden, Head of Planning*

There being no further Committee business the Chairperson thanked everyone for their attendance and the meeting concluded at 7.30 pm.

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**MAYOR**