



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE
HELD IN MOSSLEY MILL ON MONDAY 15 MARCH 2021 AT 6.00 PM**

- In the Chair** : Alderman T Campbell
- Committee Members Present** : Aldermen - F Agnew, P Brett and J Smyth
Councillors - J Archibald-Brown, H Cushinan, S Flanagan,
R Lynch, M Magill, R Swann and B Webb
- Non-Committee Members Present** : Councillors - A Bennington, J Gilmour, A McAuley, V McWilliam
and N Ramsay
- Public Speakers**
- | | |
|----------------------|----------------------------------|
| Councillor J Gilmour | In Objection (Item 3.1) |
| Laurence Templeton | In Objection (Item 3.1) |
| Sam McKee | In Support (Agent Item 3.1) |
| John Morris | In Support (Consultant Item 3.1) |
| Chris Cassidy | In Support (Agent Item 3.4) |
- Officers Present** : Deputy Chief Executive - M McAlister
Borough Lawyer & Head of Legal Services – P Casey
Principal Planning Officer – B Diamond
Senior Planning Officer – J Winters
System Support Officer – C Bell
ICT Helpdesk Officer – D Mason
Member Services Officer – S Boyd

CHAIRPERSON'S REMARKS

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

In order to protect public health during the current COVID-19 emergency it was not possible to allow the public or the press to physically attend the Planning Committee meeting. The public and the press can access those parts of the meeting which they are entitled to attend via livestream (a link to which is on the Council website). The meeting minutes and audio recording will be published on the Council's website.

The Chairperson further advised Members that an Addendum report relating to Site Visits and an updated Speakers list had been circulated to Members with hard copies being made available in the Chamber, and, that Item 3.2 had been withdrawn by Officers.

The Borough Lawyer and Head of Legal Services 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.

Following a question from a Member the Principal Planning Officer provided clarity on Planning Protocol which permitted the attendance at site visits by Committee Members, Officers and other Elected Members not on the Planning Committee.

1 APOLOGIES

Councillor R Kinnear
Chief Executive J Dixon
Head of Planning J Linden

2 DECLARATIONS OF INTEREST

None

PART ONE PLANNING APPLICATIONS

Councillor Archibald-Brown joined the meeting during the following item and was therefore unable to vote.

ITEM 3.1 APPLICATION NO: LA03/2020/0349/F

PROPOSAL:	Proposed erection of 5no. detached and 2no. semi-detached dwellings, landscaping, associated site works and access arrangements from Lenamore Drive
SITE/LOCATION:	Lands 30m north and north east of 21 Lenamore Drive, Newtownabbey
APPLICANT:	Viewpoint Developments Ltd

Barry Diamond, Principal Planning Officer, 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 –

Councillor Julie Gilmour	In Objection
Laurence Templeton	In Objection
Sam McKee	In Support (Agent)
John Morris	In Support (Agent)

Proposed by Alderman Campbell
Seconded by Councillor Flanagan that planning permission be refused

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

In favour: Aldermen - Agnew, Brett and Campbell
Councillors - Lynch and Flanagan

Against: Alderman Smyth
Councillors - Cushinan, Magill, Swann and Webb

The Chairperson used his casting vote in favour of the proposal and it was agreed

that planning permission be refused for the following reasons, the precise detail of which being delegated to Officers:

- a) that there would be a detrimental impact on the amenity of the residents due to increased traffic; and**
- b) loss of privacy to neighbouring properties.**

ACTION BY: John Linden, Head of Planning

ITEM 3.2 APPLICATION NO: LA03/2020/0828/F

PROPOSAL:	Erection of 2no detached dwellings (& retention of existing dwelling)
SITE/LOCATION:	34 Glebecoole Park, Newtownabbey, BT36 6HX
APPLICANT:	Stephen Heatley

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

ACTION BY: John Linden, Head of Planning

ITEM 3.3 APPLICATION NO: LA03/2020/0322/F

PROPOSAL:	Proposed erection of 4no dwellings, sunrooms, garages, parking, landscaping and access via shared surface turning head (amendment to previous approval LA03/2018/0987/F) with all other associated site works
SITE/LOCATION:	Lands situated between Fountain Hill and Stiles Way adjacent and south of former Antrim Cineplex, 1 Fountain Hill and immediately north of Crossreagh Drive, Antrim
APPLICANT:	Expedia Capital (Property No 2) 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 to address this item.

Proposed by Alderman Brett
Seconded by Councillor Magill 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 3.4 APPLICATION NO: LA03/2020/0469/F

PROPOSAL: Proposed new dwelling
SITE/LOCATION: 17 metres South of 20 Church Road, Randalstown
APPLICANT: Damian Heffron

Barry Diamond, Principal Planning Officer, introduced the Planning 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 –

Chris Cassidy In Support (Agent)

Proposed by Alderman Campbell

Seconded by Alderman Smyth that planning permission be refused

on the proposal being put to the meeting 6 Members voted in favour, 5 against and 0 abstentions and 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 represents an overdevelopment of the site as: it 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;**
 - (a) have an unacceptable adverse effect on existing properties in terms of overlooking; and**
 - (b) fail to make best use of materials for boundary treatments in relation to the western garden boundary.**

ACTION BY: John Linden, Head of Planning

PART TWO - OTHER PLANNING MATTERS

ITEM 3.5

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during February 2021 under delegated powers together with information relating to planning appeals was circulated for Members information. Members noted that there were no planning appeal decisions for the Borough issued during December 2020 by the Planning Appeals Commission.

Proposed by Alderman Campbell

Seconded by Councillor Flanagan and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.6

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

Prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act are required to give at least 12 weeks' notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during February 2021 the details of which are set out below.

PAN Reference:	LA03/2021/0066/PAN
Proposal:	Demolition of existing house and development of replacement dwelling; demolition and retention of existing outbuildings to create courtyard residential development; conversion of listed building to residential units and development of new dwellings at Islandreagh Mill; development of internal access road and landscaping
Location:	Islandreagh House Estate, 30 Islandreagh Drive, Dunadry
Applicant:	EIBAR Ltd
Date Received:	8 February 2021
12 week expiry:	3 May 2021

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.

As part of its response to Coronavirus, the Department for Infrastructure (DfI) introduced an amendment to subordinate legislation earlier this year to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC). Whilst the initial Departmental Regulations applied for five months, the Infrastructure Minister, Nichola Mallon, announced on 1 October 2020 that the temporary suspension of the PACC requirement was being extended in light of the current uncertainty surrounding current and future incidences and spread of coronavirus.

The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020 temporarily amend the Planning (Development Management) Regulations (Northern Ireland) 2015 and will now apply until 31 March 2021. As with the previous Regulations applicants will still need to comply with other requirements to ensure communities are aware of and can input to major development proposals for their areas. However, this temporary change will allow major planning applications to continue to be submitted during the COVID-19 outbreak.

Guidance issued by the Department indicates that specific detail should be included in the PAN application indicating what consultation methods the prospective applicant is proposing to ensure that the local community is able to access, and comment on, information about a proposed development, despite the absence of a PACC public event.

Following a question from a Member the Principal Planning Officer provided clarity that the buildings on the site were all listed and benefited from that protection. It was not clear whether the equipment benefitted from the listing, however, it did not appear to be the intention of the landowner to remove the equipment.

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

the report be noted.

ACTION BY: Barry Diamond, Principal Planning Officer

ITEM 3.7

P/PLAN/23 REVISED PLANNING SCHEME OF DELEGATION

Members recalled that a number of revisions to the Council's Scheme of Delegation for Planning Matters were agreed at the December 2020 Committee meeting and these were subsequently ratified by full Council.

As required by the Planning (Development Management) Regulations (NI) 2015 the revised scheme was subsequently forwarded to the Department for Infrastructure (DfI) for its approval and this was received on 9 February (copy circulated).

Officers advised that the final version of the revised Scheme of Delegation (copy circulated) was forwarded to DfI as requested and took effect on 1 March 2021. In addition, the revised scheme has now been made available on the Council's website in accordance with legislative requirements.

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

the report be noted.

NO ACTION

ITEM 3.8

P/PLAN/1 – REGIONAL PROPERTY CERTIFICATE FEE

Fermanagh and Omagh District Council co-ordinates and manages the Regional Property Certificate Service (which provides a planning history for the conveyancing of land and property) on behalf of 11 Councils and other statutory partners. This includes collection of fees which are subsequently distributed on a net basis to each Council, based on the number of certificates issued for each respective area, normally on a bi-annual basis.

The last fee change was in July 2019 when VAT was introduced following a HMRC ruling that this represented a chargeable service. It was confirmed at this time that this was not a statutory fee and Councils had the powers to amend at their discretion.

The Regional Property Certificate Service is now proposing that the fee for a Regional Property Certificate is increased from £60 to £70, inclusive of VAT, which is in line with the Local Council Property Certificate fee as this will avoid any confusion amongst the shared customer base. Other aspects of charges, including the charge for other sites and maximum fee, will not be affected.

SOLACE has been consulted and has approved this change and it will also be advised to the Law Society as the representative organisation for solicitors in Northern Ireland with an effective date of 1 April 2021.

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

the report be noted.

NO ACTION

ITEM 3.9

TPO/2021/0002/LA03 - SERVICE OF PROVISIONAL TPO ON LAND AT 2 CRUMLIN ROAD, CRUMLIN

On 5 February 2021 Officers served a Provisional Tree Preservation Order on the above mentioned lands in accordance with Section 123 of the Planning Act (Northern Ireland) 2011. The Order was served on the basis that it was considered expedient in the interests of amenity to preserve the trees on the sites in question and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees, as the trees were at the time of service under immediate threat of removal. In accordance with the Council's Scheme of Delegation, Officers

are reporting the service of the Provisional TPO to the next available Committee Meeting.

Service of a Provisional TPO normally provides a 6 month period for Officers to undertake a more detailed survey of the site in question and identify those trees which would warrant formal protection under a confirmed Tree Preservation Order. However, in this case Members noted that since the service of the Provisional TPO, all the trees along the Crumlin Road had now been removed. Evidence is currently being gathered to ascertain whether this is sufficient to allow a prosecution to be taken for the removal of the trees the subject of the Provisional TPO. This is a matter delegated to Officers.

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

the report be noted.

NO ACTION

Councillor Magill left the Chamber.

ITEM 3.10

TPO/2021/0006/LA03 - SERVICE OF PROVISIONAL TPO ON LAND DIRECTLY SOUTH OF NEILLS COURT, NORTH OF RATHCOOLE DRIVE AND WEST OF SHORE ROAD (SITE OF FORMER NEWTOWNABBEY COMMUNITY HIGH SCHOOL

On 19 February 2021 Officers served a Provisional Tree Preservation Order on the above mentioned lands in accordance with Section 123 of the Planning Act (Northern Ireland) 2011. The Order was served on the basis that it was considered expedient in the interests of amenity to preserve the trees on the sites in question and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees. It was noted that a planning application is anticipated in the near future for the redevelopment of the former Newtownabbey High School site which incorporates this Provisional TPO.

Members noted that this Provisional TPO will provide a 6 month period for Officers to undertake a more detailed survey of the site in question and identify those trees which would warrant formal protection under a confirmed Tree Preservation Order. Prior to any Order being confirmed Officers will present a full report to Committee for consideration. In accordance with the Council's Scheme of Delegation, Officers are reporting the service of the Provisional TPO to the next available Committee Meeting.

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

the report be noted.

NO ACTION

ITEM 3.11

RESERVED MATTERS APPLICATION MADE TO THE DEPARTMENT FOR INFRASTRUCTURE FOR MAJOR RESIDENTIAL DEVELOPMENT IN WEST BALLYCLARE - REFERENCE LA03/2020/0881/RM

The Department for Infrastructure has issued a consultation to the Council under Article 13 of the Planning (General Development Procedure) Order 2015 for the following Reserved Matters application for the development of lands comprising a major urban extension to the west of Ballyclare which includes most of the land required for the northern section of the proposed Ballyclare Relief Road to run from Doagh Road through to Rashee Road.

Application Reference:	LA03/2020/0881/RM
Proposal:	Reserved matters application for major urban extension to include housing, northern section of Ballyclare Relief Road, public open spaces and associated development following outline permission granted under U/2009/0405/O.
Location:	Lands adjacent to the North-West of Ballyclare extending from Rashee Road close to its junction with Corgy Road continuing across to the North of Ross Avenue/Clare Heights and North and West of Ballyclare Rugby Club to the North of Doagh Road.
Applicant:	Ballyclare Developments Ltd

Full details of this 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

This Reserved Matters application is linked to a number of earlier applications that were being processed by the Department for Infrastructure and which have previously come before the Planning Committee regarding the ongoing development of lands to the West of Ballyclare including provision for the Ballyclare Relief Road.

Members are aware a major residential development is currently underway on the area of land between the Templepatrick Road and Doagh Road which includes delivery of the first stage, i.e. the southern section, of the Ballyclare Relief Road. The current application takes in the majority of the lands to the north of the Doagh Road running up to Rashee Road and which requires delivery of the northern section of the Relief Road. The current Reserved Matters application comprises some 703 dwellings and the applicant has indicated that it remains faithful to the broad concept Masterplan provided at the time the original outline permission was granted by DOE Planning in 2011 under reference U/2009/0405/O.

The Council is one of a number of bodies which has been consulted on this application by DfI. Any comments made by the Council will be considered as part

of the processing of the application together with all other consultation replies and other representations received.

When considering the application Officers understand DfI will follow the procedure laid down in Section 26 of the Planning Act 2011. Under this legislative provision, DfI may cause a Public Local Inquiry to be held by the Planning Appeals Commission or a person appointed by the Department. Where a public inquiry is not held, Section 26 sets out that the Department must, before determining the application, serve notice in writing on the applicant and the appropriate Council indicating the decision it proposes to make on the application. Within 28 days of such notice the applicant or Council may request an opportunity of appearing before and being heard by the Planning Appeals Commission or a person appointed by the Department for that purpose. Whichever route is followed the decision of the Department on these applications shall be final.

Whilst the Council is a statutory consultee, there is no obligation on the Council to provide a corporate view on the development. Indeed, Members will recall that in all the previous cases reported to Committee the Council has agreed not to provide a corporate view leaving it open to individual Members or parties to express support for or object to the development if they so wished.

As with the previously considered applications there are a number of options available to the Council in responding to the current consultation by DfI:

1. Provide a corporate view in support of the development.
2. Provide a corporate view opposing the development.
3. Provide no corporate view on the development. In this case individual Members or parties may express support for or object to the development.
4. Linked to any of the above options indicate corporately whether the Council would or would not support the holding of a Local Public Inquiry.

Proposed by Alderman Brett

Seconded by Alderman Smyth and unanimously agreed that

no corporate view on the development be provided and that Members' respond on an individual or party political basis.

NO ACTION

Councillor Magill returned to the Chamber.

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Webb

Seconded by Alderman Brett and unanimously agreed that

the following Committee business be taken In Confidence.

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

PART ONE DECISIONS ON ENFORCEMENT CASES

ITEM 3.12 - IN CONFIDENCE ENFORCEMENT CASE: LA03/2017/0052/CA

Barry Diamond, Principal Planning Officer, 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 Brett

Seconded by Councillor Webb and unanimously agreed

that enforcement action be progressed in this case as outlined in the report through service of an Enforcement Notice and the detail of this be delegated to appointed Officers.

ACTION BY: John Linden, Head of Planning

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Magill

Seconded by Alderman Brett and unanimously 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 for their attendance and the meeting concluded at 7.05 pm.

MAYOR