



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE HELD
IN MOSSLEY MILL ON MONDAY 18 MAY 2015 AT 6.30 PM**

- In the Chair** : Councillor R Swann
- Committee Members Present** : Aldermen - F Agnew, T Campbell and J Smyth
Councillors - T Beatty, J Bingham, H Cushinan, B Duffin, T Hogg, D Hollis, S Ross and B Webb
- Non-Committee Members Present** : Aldermen - T Burns, A Cochrane-Watson and M Cosgrove
Councillors - N Kells, N McClelland, V McWilliam, P Michael and M Rea
- In Attendance** : Mr T Clarke, MLA - Public Speaker
Ms S McAuley, Director of Regional Services NIHE - Public Speaker
Mr R Clarke - Public Speaker
Ms M McKinstry - Public Speaker
Mr S McKee - Public Speaker
Mr G Irvine - Public Speaker
Mr C Bryson - Public Speaker
- Officers Present** : Chief Executive - Mrs J Dixon
Director of Community Planning & Regeneration – Ms M McAlister
Head of Governance - Mrs L Johnston
Head of Planning - Mr J Linden
Principal Planning Officer - Mr B Diamond
Head of Communications - Mrs T White
Legal Advisor- Mr Paul Casey
Legal Adviser (A&L Goodbody) - Ms D St John
Senior Planning Officer - Mrs J McKendry
Senior Enforcement Officer - Ms J Winters
Systems Support Officer - Mr A Cole
Senior Administrative Officer - Mrs S McAree
Senior Mayor and Member Services Officer - Mrs K Smyth

1 APOLOGIES

None.

2 DECLARATIONS OF INTEREST

Item 3.1 - Alderman Smyth and Councillors Cushinan, Duffin, Swann
Item 3.2 - Aldermen Agnew and Campbell and Councillors Hogg and Webb
Item 3.3 - Councillor Swann
Item 3.5 - Councillor Duffin
Item 3.8 - Councillor Swann
Item 3.10 - Chief Executive
Item 3.12 - Councillor Cushinan
Item 3.13 - Councillor Cushinan
Item 3.14 - Councillor Swann

CHAIRMAN'S REMARKS

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

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

DECISIONS ON PLANNING APPLICATIONS

Alderman Smyth and Councillors Cushinan, Duffin and Swann left the Chamber for consideration of the undernoted item having declared an interest.

ITEM 3.1 - APPLICATION NO: T/2014/0223/F

PROPOSAL: Temporary siting of facility for Irish Travellers

SITE/LOCATION: Land at junction of Ballgore Road and Sussex Square,
Rathenraw, Antrim

APPLICANT: Northern Ireland Housing Executive

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

Additional information furnished by the applicant was tabled.

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

- Alderman Cochrane-Watson
- Alderman Burns
- Councillor Rea
- Mr Trevor Clarke MLA
- Ms Siobhan McAuley (Director of Regional Services, NIHE)

Proposed by Councillor Hogg
Seconded by Councillor Beatty that

Planning permission be refused.

On the proposal being put to the meeting 8 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 BH1 of Planning Policy Statement 6 in that the development would, if permitted, adversely affect the setting of a regionally important monument, namely the Rathenraw Fort, an Anglo-Norman motte and bailey earthwork fortification.**
- 2. The proposal is contrary to Policy HS3 of Planning Policy Statement 12 in that the development is inappropriately sited to ensure compatibility with the existing dwellings and environs.**

ACTION BY: John Linden.

Alderman Smyth and Councillors Cushinan, Duffin and Swann returned to the Chamber.

Aldermen Agnew and Campbell and Councillors Hogg and Webb left the Chamber for consideration of the undernoted item having declared an interest.

ITEM 3.2 - APPLICATION NO: U/2013/0347/F

PROPOSAL: New housing development for 4 No. detached dwellings

SITE/LOCATION: 16 Old Manse Road Newtownabbey BT37 0RU

APPLICANT: AHC Developments

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

An additional letter of support and additional information furnished by the applicant was tabled.

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

- Mr Reginald Clarke
- Ms Mildred McKinstry

Proposed by Councillor Hollis
Seconded by Councillor Beatty that

Planning permission be granted.

On the proposal being put to the meeting 7 Members voted in favour, 1 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: John Linden.

Aldermen Agnew and Campbell and Councillors Hogg and Webb returned to the Chamber.

Councillor Swann left the Chamber for consideration of the undernoted item having declared an interest.

ITEM 3.3 - APPLICATION NO: T/2013/0233/F

PROPOSAL: Proposed residential development of 6 dwellings comprising of 2no semi-detached & 4no. townhouses, with car parking, landscaping and all other associated site works

SITE/LOCATION: Proposed residential development of 6 dwellings comprising of 2no semi-detached & 4no. townhouses, with car parking, landscaping and all other associated site works

APPLICANT: Lagan Homes Ltd

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

The undernoted public speakers addressed Committee and responded to enquiries

from Members as requested -

- Alderman Cochrane-Watson
- Mr Sam McKee

Councillor Duffin left the Meeting during discussion of this item.

Proposed by Councillor Webb

Seconded by Councillor Hollis that

Planning permission be granted with an additional condition being applied to ensure protection of trees both during and after the development (the precise wording of the condition being delegated to Officers).

Alderman Agnew returned to the Meeting during the discussion and was therefore unable to vote.

On the proposal being put to the meeting 7 Members voted in favour, 1 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 and the additional condition as stated above.

ACTION BY: John Linden.

Councillors Duffin and Swann returned to the Chamber.

ITEM 3.4 - APPLICATION NO: T/2014/0538/F

PROPOSAL: Erection of dwelling and associated site works

SITE/LOCATION: Site adjacent to No.7 Innishmoyne Green, Antirm

APPLICANT: Danbury Associates Ltd

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

John Linden, Head of Planning, reported some additional information from the objector which was also tabled.

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

- Mr Graeme Irvine.

Proposed by Councillor Webb

Seconded by Councillor Hollis that

The application be deferred for 4 weeks and brought back to the next Committee Meeting to allow Officers to further discuss the detailed siting and design of the proposed dwelling with the applicant/agent and further consider the impact on the open space area.

On the proposal being put to the meeting 12 Members voted in favour, none against and no abstentions.

It was agreed that the application be deferred and brought back to the next Committee Meeting.

ACTION BY: John Linden.

Councillor Duffin left the Chamber for consideration of the next item having declared an interest.

ITEM 3.5 - APPLICATION NO: T/2014/0364/O

PROPOSAL: Proposed erection of detached dwelling and garage in accordance with planning Policy CTY6 of PPS21.

SITE/LOCATION: Lands approx. 30m north of 57 Craigstown Road, Randalstown

APPLICANT: Mrs Maureen Griffin

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

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Hollis
Seconded by Councillor Beatty

that the Meeting move to In-Confidence to consider sensitivities associated with the application.

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

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Hollis
Seconded by Councillor Bingham

that the Meeting return to Open Session.

The Chairman advised that audio-recording would resume.

Proposed by Alderman Campbell
Seconded by Councillor Webb that

Outline planning permission be refused.

On the proposal being put to the meeting 10 Members voted in favour, 1 against and no abstentions.

It was agreed that outline planning permission be refused for the following reasons:

- 1. The proposal is contrary to Policies CTY 1 and CTY 6 of Planning Policy Statement 21 “Sustainable Development in the Countryside” in that it has not been demonstrated that a dwelling is a necessary response to the personal circumstances of the case and that a genuine hardship would be caused if permission was refused and the alternative forms of development to meet personal circumstances have not been fully explored and dismissed.**
- 2. The proposal is contrary to Policy CTY 8 & CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted 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 this rural area.**
- 3. The proposal is contrary to Planning Policy Statement 3 Access, Movement and Parking, Policy AMP 2, and Development Control Advice Note 15; in that the proposed means of access is of insufficient standard and would, if permitted, prejudice the safety and convenience of road users.**

ACTION BY: John Linden.

Councillor Duffin returned to the Chamber.

ITEM 3.6 - APPLICATION NO: U/2015/0041/F

PROPOSAL: Pre-fabricated office building (revision of previous approval U/2014/0105/F)

SITE/LOCATION: Land adjacent to Valley Park, between Tobar Glen and the south western boundary of Carnmoney Cemetery, O'Neill Road, Newtownabbey

APPLICANT: Antrim and Newtownabbey District Council

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

Proposed by Councillor Webb
Seconded by Councillor Bingham that

Planning permission be granted.

On the proposal being put to the meeting all 12 Committee Members voted in favour.

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.

NON-DETERMINATION APPEALS

ITEM 3.7 - APPLICATION NO: T/2014/0437/F (NON-DETERMINATION APPEAL)

**PROPOSED SINGLE WIND TURBINE (40M HUB HEIGHT AND BLADE TIP HEIGHT OF 67M)
APPROX 395M EAST OF 12 LAUREL LANE, BALLYUTOAG**

Johanne McKendry, Senior Planning Officer, introduced the Planning Report on this non-determination appeal to the Committee and made a recommendation that the Committee approve the submission of draft reasons of refusal to the Planning Appeals Commission.

Proposed by Councillor Duffin
Seconded by Alderman Campbell that

The recommendation be approved.

On the proposal being put to the meeting all 12 Committee Members voted in favour.

It was agreed that the following draft reasons of refusal be submitted to the Planning Appeals Commission -

- 1. The proposal is contrary to: Planning Policy Statement 1 'General Principles'; and Policy RE 1 'Renewable Energy Development' of Planning Policy Statement 18 'Renewable Energy' in that it has not been demonstrated that the proposed**

turbine will not give rise to unacceptable noise and harm the amenity of nearby noise sensitive receptors.

2. The proposal is contrary to: Planning Policy Statement 1 'General Principles'; Policy CTY 1 'Development in the Countryside' of Planning Policy Statement 21 'Sustainable Development in the Countryside; part (c) of Policy RE 1 'Renewable Energy Development' of Planning Policy Statement 18 'Renewable Energy'; Policy HN2 of Planning Policy Statement 2 'Natural Heritage; and The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 as insufficient information has been submitted to demonstrate that a turbine on this site would not impact upon bats.
3. The proposal is contrary to RE1 'Renewable Energy Development' of Planning Policy Statement 18 'Renewable Energy' in that the proposal is likely to have an unacceptable adverse impact upon the visual amenity and character of the area due to the cumulative visual impact of the proposal and other existing and proposed wind turbine development in the vicinity.

ACTION BY: John Linden.

Councillor Swann left the Chamber for consideration of the next item having declared an interest.

ITEM 3.8 - APPLICATION NO: T/2013/0231/F (NON-DETERMINATION APPEAL)

PROPOSED RESIDENTIAL DEVELOPMENT AT VICARAGE GARDENS/STATION ROAD, ANTRIM

Barry Diamond, Principal Planning Officer, introduced the Planning Report on this non-determination appeal to the Committee and made a recommendation that the Committee approve the submission of a Statement of Case to the Planning Appeals Commission in support of draft conditions previously forwarded by DOE Planning.

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

- Alderman Cochrane-Watson

Proposed by Councillor Hollis
Seconded by Councillor Duffin that

The recommendation be approved, subject to inclusion of a further condition requiring the provision of County Antrim pillars at the entrance to the development.

On the proposal being put to the meeting 10 Members voted in favour, 1 against and no abstentions.

It was agreed that a Statement of Case be submitted to the Planning Appeals Commission in support of the draft conditions previously forwarded by DOE Planning (as outlined in the report) with a further condition added requiring the provision of County Antrim pillars at the entrance to the development. The Committee agreed that the detail of the additional condition be delegated to Officers.

ACTION BY: John Linden.

Councillor Swann returned to the Meeting.

ITEM 3.9 - APPLICATION NO: T/2014/0269/F (NON-DETERMINATION APPEAL)

APPLICATION TO DEVELOP A SINGLE WIND TURBINE ON LAND APPROX 585M EAST OF 12 LAUREL LANE, BALLYUTOAG

John Linden, Head of Planning, introduced the Planning Report on this non-determination appeal to the Committee and explained to Members that the report was effectively for noting as the request for a postponement of this non-determination hearing had not been granted by the Planning Appeals Commission (PAC).

He did however advise that Officers had in any case concluded that the non-determination appeal in this case fell within the scope of the Scheme of Delegation and was therefore delegated to Officers who subsequently attended the PAC hearing accompanied by Environmental Health colleagues to defend the case on behalf of the Council. A decision is awaited.

Proposed by Councillor Webb
Seconded by Councillor Hogg that

the recommendation to note the report be accepted.

It was agreed that the report be noted.

ACTION BY: John Linden.

OTHER PLANNING APPLICATION MATTERS

The Chief Executive left the Chamber for consideration of the next item having declared an interest.

ITEM 3.10 - APPLICATION NO: U/2013/0147/O (PRE-DETERMINATION HEARING)

MAJOR PLANNING APPLICATION FOR REDEVELOPMENT OF THE UNIVERSITY OF ULSTER JORDANSTOWN CAMPUS

John Linden, Head of Planning, introduced the Planning Report on this Pre-Determination Hearing to the Committee and summarised in detail the key points for consideration, adding that the application had not been deemed an Article 31 application.

As per the recommendation contained in the report he sought the Committee's instructions as to whether a pre-determination hearing should take place prior to the June Committee Meeting.

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

- Mr Chris Bryson

Additional information from the public speaker had been tabled.

Proposed by Councillor Duffin
Seconded by Councillor Beatty that

A pre-determination hearing be approved.

On the proposal being put to the meeting all 12 Committee Members voted in favour.

It was agreed that a pre-determination hearing for application U/2013/0147/O should take place with detailed arrangements delegated to Officers.

ACTION BY: John Linden.

The Chief Executive returned to the Meeting.

PROPOSAL TO PROCEED 'IN CONFIDENCE

Proposed by Councillor Hollis
Seconded by Councillor Hogg

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 3.11 - ENFORCEMENT CASE: T/2013/0081/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 Duffin
Seconded by Councillor Beatty that

the recommendation be approved.

On the proposal being put to the meeting 11 Members voted in favour, 1 against and no abstentions.

It was agreed that enforcement action be progressed against the unauthorised development in this case and the detail of this was delegated to appointed Officers.

ACTION BY: John Linden.

ITEM 3.12 - ENFORCEMENT CASE: T/2013/0058/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 Bingham that

the recommendation be approved.

Councillor Cushinan withdrew from the Chamber during discussion and was unable to vote.

On the proposal being put to the meeting 11 Members voted in favour, none against and no abstentions.

It was agreed that enforcement action be progressed against the unauthorised development in this case and the detail of this was delegated to appointed Officers

ACTION BY: John Linden.

IN-CONFIDENCE

Councillor Cushinan left the Meeting having declared an interest in the next item.

ITEM 3.13 - ENFORCEMENT CASE: T/2013/0020/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 Webb
Seconded by Councillor Duffin and

the recommendation be approved, subject to the compliance period being reduced from 12 weeks to 6 weeks.

On the proposal being put to the meeting 7 Members voted in favour, 4 against and no abstentions.

It was agreed that enforcement action be progressed against the unauthorised development in this case with the compliance period accorded being 6 weeks and the remaining detail delegated to appointed Officers.

ACTION BY: John Linden.

Councillor Cushinan returned to the Meeting.

Councillor Swann left the Meeting having declared an interest in the next item.

ITEM 3.14 - ENFORCEMENT CASE: T/2013/0093/CA

Judith Winters, Senior Enforcement Officer, sought a deferral to a future Planning Committee Meeting.

It was agreed to defer Enforcement Case T/2013/0093/CA to a future Planning Committee Meeting.

ACTION BY: John Linden.

Councillor Swann returned to the Meeting.

IN CONFIDENCE

ITEM 3.15 - ENFORCEMENT CASE: T/2015/0035/CA

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

Proposed by Councillor Bingham
Seconded by Councillor Beatty that

the recommendation be approved.

On the proposal being put to the meeting 11 Members voted in favour, none against and no abstentions.

It was agreed that summons action be progressed against the unauthorised display of advertisements and the detail of this was delegated to appointed Officers.

ACTION BY: John Linden.

ITEM 3.16 - ENFORCEMENT CASE: T/2014/0075/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 Webb
Seconded by Councillor Beatty that

the recommendation be approved.

On the proposal being put to the meeting all 12 Committee Members voted in favour.

It was agreed that enforcement action be progressed against the unauthorised development and the detail of this was delegated to appointed Officers.

ACTION BY: John Linden.

Councillor Hogg left the Meeting.

IN CONFIDENCE

OTHER ENFORCEMENT MATTERS

ITEM 3.17 - ENFORCEMENT CASE: T/2014/0075/CA

John Linden, Head of Planning, introduced the Enforcement Report to the Committee and made a recommendation, in line with Committee's decision to allow appointed Officers to continue with enforcement action agreed at its April Meeting, that the Committee confirms its approval for appointed officers to continue with injunction proceedings as part of the enforcement action in this case.

Proposed by Alderman Campbell
Seconded by Councillor Hollis that

the recommendation be approved.

Councillor Hogg returned to the meeting during this discussion and therefore was unable to vote.

On the proposal being put to the meeting 11 Members voted in favour.

It was agreed that enforcement action be progressed against the cessation of unauthorised use, the detail being delegated to appointed Officers.

ACTION BY: John Linden.

ITEM 3.18 - ENFORCEMENT CASE: T/2014/0012/CA

John Linden, Head of Planning, introduced the Enforcement Report to the Committee outlining the proposal by DOE to use its reserve enforcement powers against the unauthorised development which was impacting on the Antrim and Newtownabbey Council area. This required consultation with the Council and DOE had granted an extension to Tuesday 19 May in order to allow the Council to respond.

Proposed by Councillor Beatty
Seconded by Councillor Hogg that

The Council responded expressing support for the proposed DOE enforcement action, but noting that Members would also wish to see proper regulation for the unauthorised use introduced.

On the proposal being put to the meeting 8 Members voted in favour, 2 against and 2 abstentions.

It was agreed to respond as outlined above.

ACTION BY: John Linden.

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Bingham
Seconded by Councillor Hollis and agreed

that any remaining Committee business be conducted in Open Session.

The Chairman expressed appreciation to all Officers and there being no further Committee business under Part B of the agenda the Meeting concluded at 9.35pm.

MAYOR