



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE HELD
IN MOSSLEY MILL ON MONDAY 20 JULY 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, D Hollis, S Ross and B Webb
- Non-Committee Members Present** : None
- In Attendance** : Mr A Collins - Public Speaker
Ms T Fraser - Public Speaker
Mr J Wright - Public Speaker
Mr R McBirney - Public Speaker
Mr C Hanna - Public Speaker
- Officers Present** : Chief Executive - Mrs J Dixon
Director of Community Planning & Regeneration - Ms M McAlister
Director of Finance & Governance - Mrs C McFarland
Director of Organisation Development - Mrs A McCooke
Head of Governance - Mrs L Johnston
Head of Planning - Mr J Linden
Principal Planning Officer - Mr B Diamond
Senior Planning Officer - Mr K O'Connell
Legal Adviser (A&L Goodbody) - Ms D St John
Systems Support Officer - Mr P Allan
Senior Administrative Officer - Mrs S McAree
Senior Mayor and Member Services Officer - Mrs K Smyth

1 APOLOGIES

Councillor T Hogg (Mayor).

2 DECLARATIONS OF INTEREST

Item 3.5 - Aldermen Agnew, Campbell and Councillors Bingham and Webb

Item 3.6 - Aldermen Campbell and Councillor Webb

Item 3.10 - Alderman Smyth and Councillors Cushinan, Duffin, Swann

Item 3.13 - Councillors Hollis, Webb

Item 3.16 - 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

ITEM 3.1 - APPLICATION NO: T/2015/0094/F

PROPOSAL:	Installation and operation of a solar farm and associated infrastructure for the life of the solar farm
SITE/LOCATION:	Lands 90m West of and lands to the south of 72 Milltown Road (known as Millar Farm) Antrim
APPLICANT:	Lightsource SPV 168 Ltd

Barry Diamond, Principal 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 -

- Mr Aidan Collins

Proposed by Councillor Beatty
Seconded by Councillor Bingham that

Planning permission be granted subject to additional conditions being applied.

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

It was agreed that planning permission be granted for the application subject to the conditions set out in the planning report and including the undernoted additional conditions, the precise detail being delegated to Officers:

1. The ongoing management and maintenance of the agricultural unit to address the situation if for any reason sheep are not to be grazed on the land; and
2. The painting or treatment of the structures holding the solar panels along the boundary closest to the M22 to help these integrate with their surroundings.

ACTION BY: John Linden.

ITEM 3.2 - APPLICATION NO: T/2015/0079/F

PROPOSAL: Construction of 3 dwellings to rear of 102-104 Main Street, Randalstown and extension to 102-104 Main Street, Randalstown and alteration of access to Main Street (Application for renewal of planning permission previously approved under T/2009/0062/F).

SITE/LOCATION: 102-104 Main Street, Randalstown, Co. Antrim

APPLICANT: E & C Inns

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

No public speakers had registered to address Committee regarding this application.

Proposed by Alderman Smyth
Seconded by Councillor Beatty that

Planning permission be granted subject to conditions being applied.

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

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

ACTION BY: John Linden.

ITEM 3.3 - APPLICATION NO: G/2011/0136/F

PROPOSAL: Proposed 4 turbine wind farm including revision of turbine model (max blade to tip height 125 m, hub height 75m) and amendment to proposed location of T2 and T4 and associated ancillary works. Development also to include: upgrade of existing access tracks; provision of new access track and road improvement works; temporary works compound for construction phase

SITE/LOCATION: Land at Whappstown and Castlegore, Kells, Ballymena

APPLICANT: ABO Wind

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

It was noted that the application had been processed by planning officers in Mid and East Antrim Borough Council and had received approval by Council, however, lying partially within the two Council areas it required the support of both Councils.

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

- Ms Tamasin Fraser.

Proposed by Councillor Beatty
Seconded by Alderman Agnew that

Planning permission be granted.

On the proposal being put to the meeting 10 Members voted in favour, none against and 1 abstention.

It was agreed that planning permission be granted for the application subject to the conditions set out in the Mid and East Antrim planning report.

ACTION BY: John Linden.

Councillor Beatty withdrew from the meeting at this point.

ITEM 3.4 - APPLICATION NO: U/2014/0234/F

PROPOSAL: Application for housing development of 58 dwellings consisting of 34 No. 2 storey detached dwellings and 24 No. 2 storey semi-

detached dwellings and associated site works on land previously approved under planning approval reference No. U/2011/0151/F

SITE/LOCATION: Lands to the west of 188-190 Rashee Road to the north of Ross' Avenue and to the south of 101 Rashee Road Ballyclare

APPLICANT: Margaret Donnelly

Kieran O'Connell, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

There were no public speakers present to address this item.

Proposed by Councillor Bingham
Seconded by Councillor Webb that

Planning permission be granted subject to conditions being applied.

On the proposal being put to the meeting 10 Members voted in favour, none against and no abstentions.

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

ACTION BY: John Linden.

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

ITEM 3.5 - APPLICATION NO: U/2014/0113/F

PROPOSAL: Proposed residential development comprising 31 No. dwellings (26 No. semi-detached and 5 No. detached)

SITE/LOCATION: Lands adjacent to junction of Fairhill Crescent and The Brackens and Lands on Ballyduff Road, 200m east of Fairhill Road, Newtownabbey

APPLICANT: Beshouse Residential Properties Ltd

Kieran O'Connell, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

There were no public speakers present to address this item.

Proposed by Councillor Hollis
Seconded by Councillor Ross that

Planning permission be granted subject to conditions being applied.

On the proposal being put to the meeting 6 Members voted in favour, none against and no abstentions.

Councillor Beatty returned to the Chamber during this item and was unable to participate in the vote.

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 Councillor Bingham returned to the Chamber.

Aldermen Campbell and Councillor Webb remained outside the Chamber having also declared an interest in the next item.

ITEM 3.6 - APPLICATION NO: U/2015/0048/F

PROPOSAL: Erection of dwelling

SITE/LOCATION: 18 Old Manse Road, Jordanstown

APPLICANT: Mr C McKinstry

Kieran O'Connell, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

No public speakers had registered to address Committee regarding this application.

Proposed by Councillor Beatty
Seconded by Alderman Agnew that

Planning permission be granted.

On the proposal being put to the meeting 9 Members voted in favour, none against and no abstentions.

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

ACTION BY: John Linden.

Alderman Campbell and Councillor Webb returned to the Meeting.

ITEM 3.7 - APPLICATION NO: T/2014/0505/F

PROPOSAL: Erection of replacement dwelling and garage.

SITE/LOCATION: 212 Lisnevenagh Road, Antrim, BT41 2JT

APPLICANT: M Kelly

Kieran O'Connell, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

No public speakers had registered to address Committee regarding this application.

Proposed by Councillor Webb
Seconded by Councillor Hollis that

Planning permission be refused.

On the proposal being put to the meeting 9 Members voted in favour, 1 against and 1 abstention.

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

- 1. The proposal is contrary to Policies CTY 1, 3 and 13 of Planning Policy Statement 21 – Sustainable Development in the Countryside, in that the proposal would if permitted; (i) have a visual impact significantly greater than the existing dwelling; and (ii) fail to integrate with its surroundings and is unable to provide a suitable degree of enclosure.**
- 2. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21 – Sustainable Development in the Countryside, in that the proposal if permitted would further erode the character of the rural area by reason of being unduly prominent.**

ACTION BY: John Linden.

ITEM 3.8 - APPLICATION NO: LA03/2015/0078/F

PROPOSAL: Retrospective single storey sunroom extension

SITE/LOCATION: 18 Heather Park, Ballyclare

APPLICANT: David McCrum

Barry Diamond, Principal 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 -

- Mr Jackie Wright (Jnr)

Proposed by Councillor Cushinan
Seconded by Councillor Duffin that

Planning permission be granted subject to conditions being applied.

On the proposal being put to the meeting 2 Members voted in favour, 9 against and no abstentions.

The Chairman declared the proposal lost and it was subsequently

Proposed by Alderman Smyth
Seconded by Councillor Beatty that

Planning permission be refused.

On the proposal being put to the meeting 9 Members voted in favour, 2 against and no abstentions.

It was agreed that planning permission be refused on the following grounds, the precise detail of which being delegated to officers:

1. **Because of the overshadowing and loss of light to the neighbouring property;**
2. **Because of the significant visual impact and domineering effect of the extension on the neighbouring property.**

ACTION BY: John Linden.

ITEM 3.9 - APPLICATION NO: LA03/2015/0068/A

PROPOSAL: L.E.D Hoarding sign (Retrospective)

SITE/LOCATION: Gable End of No.81 Main Street, Ballyclare

APPLICANT: R Wilson

Barry Diamond, Principal Planning Officer, introduced the Planning Report to the Committee and advised of emergency circumstances affecting the agent.

No public speakers had registered to address Committee regarding this application.

The Committee were unanimous that

the application be deferred for one month and brought back to the next Committee Meeting.

ACTION BY: John Linden.

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

ITEM 3.10 - APPLICATION NO: T/2014/0296/O

PROPOSAL: Site for Dwelling and Garage on farm

SITE/LOCATION: Approx. 200m North West of No. 30 Burnside Road, Dunadry.

APPLICANT: Mr Christopher Hanna

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

Additional information was tabled for Members' information.

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

- Mr Ryan McBirney
- Mr Christopher Hanna

Proposed by Councillor Webb
Seconded by Councillor Hollis that

Planning permission be refused.

On the proposal being put to the meeting 4 Members voted in favour, 2 against and 1 abstention.

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

1. The proposal is contrary to Policies CTY 1 and CTY 10 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal does not merit being considered an exceptional case in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
2. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposed development would fail to integrate into the countryside.

ACTION BY: John Linden.

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

ITEM 3.11 - APPLICATION NO: U/2014/0402/F

PROPOSAL: Four Bay Car Park

SITE/LOCATION: 30m South-East of 57 O'Neill Road, Newtownabbey

APPLICANT: The Woodland Trust

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

No public speakers had registered to address Committee regarding this application.

Proposed by Councillor Duffin
Seconded by Councillor Webb that

Planning permission be granted.

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

It was agreed that planning permission be granted for the application subject to the condition set out in the Planning Report.

ACTION BY: John Linden.

ITEM 3.12 - APPLICATION NO: U/2015/0067/A

PROPOSAL: Entrance sign (1 x double sided V-shaped sign)

SITE/LOCATION: 30m South-west of 2 Dunanney, O'Neill Road, Newtownabbey

APPLICANT: The Woodland Trust

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

No public speakers had registered to address Committee regarding this application.

Proposed by Councillor Beatty
Seconded by Councillor Bingham that

Advertisement Consent be granted.

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

It was agreed that advertisement consent be granted for the application subject to the condition set out in the Planning Report.

ACTION BY: John Linden.

Councillors Hollis and Webb left the Chamber for consideration of the next item having declared an interest.

ITEM 3.13 - APPLICATION NO: U/2015/0068/F

PROPOSAL: Multi Use Games Area (MUGA)

SITE/LOCATION: Dunanney Centre Rathcoole

APPLICANT: Newtownabbey Borough Council

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

No public speakers had registered to address Committee regarding this application.

Proposed by Councillor Duffin
Seconded by Councillor Beatty that

Planning permission be granted.

On the proposal being put to the meeting 9 Members voted in favour, none against and no abstentions.

It was agreed that planning permission be granted for the application subject to the condition set out in the Planning Report.

ACTION BY: John Linden.

Councillors Hollis and Webb returned to the Chamber.

ITEM 3.14 - APPLICATION NO: T/2014/0471/O (DEFERRED FROM JUNE COMMITTEE)

PROPOSAL: Site for infill dwelling

SITE/LOCATION: Adjacent and east to 48 Tully Road, Nutts Corner, Crumlin

APPLICANT: Cecil Minford

John Linden, Head of Planning, introduced the Planning Report to the Committee and made a recommendation to refuse outline planning permission.

No public speakers had registered to address Committee regarding this application.

Alderman Agnew stated that in his opinion a defined line of buildings or ribbon of development already existed at this location comprising some 4 dwellings and a range of adjacent farm sheds. He added that the recently built farm dwelling previously approved by Planners at this location had already led to infilling of the group of buildings which has changed of pattern of development at the site and felt there is now only a relatively small gap site left. If this were infilled with the proposed dwelling there would not be any great harm to the rural character at this location and if controlled properly by conditions a new dwelling should be acceptable.

On this basis he proposed approval with the following non-standard conditions , the precise detail of which being delegated to Officers

- (1) The retention of existing boundary vegetation adjacent to the proposed access;
- (2) Supplementary planting scheme to be provided;
- (3) Ridge height of the proposed dwelling not to exceed 6m.

Proposed by Alderman Agnew
Seconded by Councillor Webb that

Outline planning permission be granted.

On the proposal being put to the meeting 7 Members voted in favour, 2 against and 2 abstentions.

It was agreed that outline planning permission be granted subject to the above three non-standard conditions being applied, the precise detail being delegated to Officers.

ACTION BY: John Linden.

ITEM 3.15 - ENFORCEMENT CASE: LA03/2015/0005/CA

BREACH: Unauthorised winning and working of minerals;
Unauthorised processing and export of minerals associated with quarrying activities at the site; and
Unauthorised deposition of waste materials

SITE/LOCATION: 59 Upper Hightown Road, Ballyvaston, Belfast, Co Antrim, BT36 7AT

Barry Diamond, Principal Planning Officer, introduced the Enforcement Report to Committee and made a recommendation to retrospectively ratify the temporary stop notice, stop notice and enforcement notice.

Proposed by Alderman Campbell
Seconded by Councillor Duffin 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 the temporary stop notice, stop notice and enforcement notice be progressed.

ACTION BY: John Linden.

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Hollis
Seconded by Councillor Beatty that

that the following Committee business be taken In Confidence.

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

IN-CONFIDENCE

DECISIONS ON ENFORCEMENT CASES

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

ITEM 3.16 - ENFORCEMENT CASE: T/2013/0093/CA

Barry Diamond, Principal Planning Officer, introduced the Enforcement Report to the Committee and made a recommendation that approval be granted to progress enforcement action.

Proposed by Councillor Hollis
Seconded by Councillor Beatty that

the recommendation be approved.

On the proposal being put to the meeting 10 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.

Councillor Swann returned to the Meeting.

ITEM 3.17 - ENFORCEMENT CASE: T/2014/0005/CA

Barry Diamond, Principal Planning Officer, introduced the Enforcement Report to the Committee and made a recommendation that approval be granted to progress enforcement action.

Proposed by Councillor Bingham
Seconded by Councillor Webb 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 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

ITEM 3.18 - ENFORCEMENT CASE: U/2015/0003/CA

Barry Diamond, Principal Planning Officer, introduced the Enforcement Report to the Committee and made a recommendation that approval be granted to seek prosecution for the Breach through the Courts.

Proposed by Councillor Webb
Seconded by Councillor Beatty and

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 to progress prosecution for the Breach through the Courts against the unauthorised removal of 2 no. TPO protected trees, with mitigating planting measures also being requested.

ACTION BY: John Linden.

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Beatty
Seconded by Councillor Hollis and agreed

that any remaining Committee business be conducted in Open Session.

OTHER PLANNING MATTERS

3.19 ENFORCEMENT ACTION ON LANDS NORTHWEST OF MOIRA ROAD, AUGHNAMULLAN (ENFORCEMENT CASE REFERENCES T/2012/0008/CA AND T/2014/0013/CA)

Correspondence was received from a local MLA requesting that enforcement action was withdrawn at lands approximately 60m northwest of 50 Moira Road, Aughnamullan, Glenavy otherwise known as the "The Yard". Three Enforcement Notices were served by DOE Planning on this site and details of the Notices were outlined below. The correspondence received stated that if enforcement action was withdrawn, a planning application would be submitted to regularise the breaches of planning control.

Members noted that an appeal to the Planning Appeals Commission had been lodged against all three Enforcement Notices and one of the grounds of appeal is that planning permission should be granted for the development listed in the Enforcement Notices. An appeal against an Enforcement Notice on this ground was referred to as a deemed planning application and jurisdiction for deciding the application falls to the Planning Appeals Commission to consider.

Enforcement action at this site had been protracted and some elements of the unauthorised development were now approaching immunity under the five year rule in which enforcement action can be taken. As a consequence should enforcement action be withdrawn by the Council in this case the unauthorised development could well become immune from future enforcement action. Furthermore current planning policy would not support the retrospective granting of planning permission for the existing development given that the site is located within the rural area and is in close proximity to other filling stations along the Moira Road (A26) and the Tully Road (A26).

The Planning Committee at its meeting on 20 April 2015 gave its consent for Officers to continue with formal enforcement action in all cases where Enforcement Notices had previously been issued by DOE Planning and, in addition, to defend those transitional cases where any appeal was lodged against a decision taken by the DOE Planning on a planning or other related application. The following Enforcement Notices fell into that category:

Enforcement Notice/2015/0056 - Lands approximately 60m north west of 50 Moira Road, Aughnamullan, Glenavy.
Unauthorised use of land for fuel sales and storage of vehicle fuels, consisting of: A. Unauthorised fuel tanks B. Unauthorised storage container, used to hold solid fuels and gas cylinders

Enforcement Notice/2015/0076 - Lands approximately 60m north west of 50 Moira Road, Aughnamullan, Glenavy.
Unauthorised use of land for fuel sales and storage of vehicle fuels, consisting of: A. Unauthorised fuel tanks B. Unauthorised storage container, used to hold solid fuels and gas cylinders

Enforcement Notice/2015/0077 - Lands approximately 60m north west of 50 Moira Road, Aughnamullan, Glenavy.

Unauthorised development of the land consisting of: A. Unauthorised erection of the boundary fencing B. Unauthorised erection of a pergola and planters C. Unauthorised of 6 number lampsteads, electric fencing and gate

Proposed by Councillor Webb

Seconded by Councillor Beatty and agreed

that the report be noted and a written response provided that the appeals lodged with the Planning Appeals Commission against the Enforcement Notices include deemed planning applications.

On the proposal being put to the meeting 10 Members voted in favour, none against and 1 abstention.

3.20 NOTIFICATION BY THE DEPARTMENT OF THE ENVIRONMENT UNDER SECTION 26 OF THE PLANNING ACT (NORTHERN IRELAND) 2011 - JURISDICTION IN RELATION TO APPLICATIONS OF REGIONAL SIGNIFICANCE

The Department of the Environment had written to Council under the provisions of Section 26 of the 2011 Planning Act, a copy of the communication being circulated, to indicate that it had advised the prospective applicant for the following planning proposal that any planning application should be submitted directly to the Department of the Environment for determination.

1. Proposed 50MW Solar Farm on lands located East and West of Whappstown Road and to the North of Doagh Road, Northwest of Kells, Co Antrim.

Proposed by Councillor Cushinan

Seconded by Councillor Beatty and agreed

that the report be noted.

3.21 DELEGATED PLANNING DECISIONS AND APPEALS

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

Proposed by Councillor Beatty

Seconded by Alderman Smyth and agreed unanimously

that the report be noted.

The Chairman expressed appreciation to all Officers and there being no further Committee business under Part B of the agenda the Meeting concluded at 9.30pm.

MAYOR