

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

In the Chair	:	Councillor S Flanagan	
Committee Members Present	:	Aldermen - F Agnew, T Co Councillors - J Archibald-E M Magill, N Ramsay, R Sw	Brown, H Cushinan, R Lynch,
Non-Committee Members Present	:	Councillors – V McWilliam	, S Ross and M Stewart
Public Speakers	:	Councillor S Ross David Mounstephen Aidan Stott Councillor M Stewart Damien Kearney John Heffron Jonny Adair Roy Greer David Donaldson James Neill Mervyn McNeill	In Objection (Item 3.1) In Support (Agent, Item 3.1) In Support (Applicant, Item 3.1) In Objection (Item 3.2) In Support (Agent, Item 3.2) In Support (Agent, Item 3.5) In Support (Agent, Item 3.6) In Support (Agent, Item 3.8) In Support (Agent, Item 3.9) In Support (Agent Items 3.10 & 3.11)
Officers Present	:	Deputy Director of Plannir	of Legal Services - P Casey - Barry Diamond McKendry ble Nason

## CHAIRPERSON'S REMARKS

The Chairperson welcomed Committee Members to the November 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 advised Members that Addendum reports relating to Item 3.8 and Site Visits had been circulated to Members in advance of the meeting along with an updated Speakers list with hard copies made available in the Chamber.

The Chairperson further advised Members that Items 3.3 and 3.4 had been withdrawn by the agent and Item 3.12 had been withdrawn by Officers.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.

## 1 APOLOGIES

Alderman P Brett Chief Executive J Dixon

## 2 DECLARATIONS OF INTEREST

None

## PART ONE PLANNING APPLICATIONS

## ITEM 3.1 APPLICATION NO: LA03/2021/0596/F

PROPOSAL:	Extension to existing park and ride facility (with associated access road, pedestrian and cycle path, fencing, lighting and CCTV), reconfiguration of existing park and ride layout (to provide a total of 318 parking spaces), two cycle storage units, landscaping, new access arrangements at The Glade and widening of The Glade at junction with Carnmoney Road North Newtownabbey
SITE/LOCATION:	Land 150m to the west of and including Mossley West Park and Ride and the junction of The Glade and Carnmoney Road North, Newtownabbey, BT36 5PE
APPLICANT:	Translink

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 S Ross	In Objection
David Mounstephen	In Support (Agent)
Aidan Stott	In Support (Applicant)

Proposed by Alderman Campbell

Seconded by Councillor Lynch that planning permission be granted

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

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

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

#### ITEM 3.2 APPLICATION NO: LA03/2021/0187/F

SITE/LOCATION:	additional storage space 19 Rashee Road, Ballyclare
APPLICANT:	Trevor McMullan

Barry Diamond, Principal 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 M Stewart	In Objection
Martine Kearney	In Support(Agent)

Proposed by Councillor Archibald-Brown

Seconded by Alderman Smyth that planning permission be refused and the issuance of the enforcement notice be expedited and brought back to Committee

on the proposal being put to the meeting 9 Members voted in favour, 1 against and 0 abstentions, it was agreed

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

1. The proposal is contrary to the Strategic Planning Policy Statement set out at paragraph 3.8 in that, if permitted, the development would cause demonstrable harm to interests of acknowledged importance which includes the local character, environmental quality of the area and the residential amenity of existing residents at No's 25, 27 and 29 Rashee Road.

and that the issuance of the enforcement notice be expedited and brought back to Committee.

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

## ITEM 3.3 APPLICATION NO: LA03/2021/0781/O

PROPOSAL:	1 no. detached dwelling
SITE/LOCATION:	Land between Nos. 111 and 131 Seven Mile Straight Antrim BT41 4QT
APPLICANT:	Ms Rocha Lyttle

The Chairperson reminded Members that this application had been withdrawn by the agent.

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

## ITEM 3.4 APPLICATION NO: LA03/2021/0234/O

PROPOSAL:	A single two storey detached dwelling with a separate garage
SITE/LOCATION:	Land adjoining 12a Laurel Lane, Belfast, BT14 8SQ
APPLICANT:	John McCallin

The Chairperson reminded Members that this application had been withdrawn by the agent.

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

## ITEM 3.5 APPLICATION NO: LA03/2021/0669/O

PROPOSAL:	Site for 2no infill dwelling and garages
SITE/LOCATION:	Approx. 30m S of 89 Magheralane Road, Randalstown, BT41 2PA
APPLICANT:	Mr John Heffron

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

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

John Heffron In Support (Applicant)

Proposed by Alderman Campbell Seconded by Councillor Magill that outline planning permission be refused

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

## that outline 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 CTY1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

- 2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and fails to meet with the provisions for an infill dwelling in accordance with Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the application site is not within an otherwise substantial and continuously built up frontage that includes a line of 3 or more buildings.
- 3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY2a of PPS 21, Sustainable Development in the Countryside, in that the cluster is not made up of at least four buildings, three of which must be dwellings, the cluster does not appear as a visual entity in the landscape and it is not bund on at least two sides by other development in the cluster.
- 4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 and 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building would, if permitted, result in ribbon development resulting in a suburban style build up dwellings and not respect the existing pattern of development.

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

#### ITEM 3.6 APPLICATION NO: LA03/2021/0387/F

PROPOSAL:	Change of use to car electrics workshop utilising farm buildings.
SITE/LOCATION:	50 Ballylagan Road, Ballyclare BT39 9QR
APPLICANT:	Noel McAlister

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 –

Jonny Adair In Support (Agent)

Proposed by Alderman Campbell Seconded by Alderman Smyth that planning permission be refused

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

#### that planning permission be refused for the following reasons:

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY 11 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposed farm diversification business would not be run in conjunction with the agricultural operations on the farm.

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

Alderman Campbell left the meeting.

## ITEM 3.7 APPLICATION NO: LA03/2021/0651/O

PROPOSAL:	Site for single storey dwelling
SITE/LOCATION:	Approximately 25m south east of 44A Drumsough Road, Randalstown, BT41 2NW
APPLICANT:	Chris Craig

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

There were no public speakers to address this item.

Proposed by Alderman Smyth

Seconded by Councillor Archibald-Brown that outline planning permission be refused

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

that outline planning permission be refused for the following reasons:

- 1. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside, as the development cannot be absorbed into the existing cluster through rounding off and consolidation and will intrude into the open countryside.
- 3. The proposal is contrary to the provisions of the Strategic Planning Policy Statement in that it has not been demonstrated that the proposed dwelling will not experience a detrimental impact on the amenity of the future occupants, by way of noise associated with the adjacent Riding Centre.

#### ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

Councillor Magill left and returned to the Chamber during the following Item and was therefore unable to vote.

Councillor Webb joined the meeting during the following Item and was therefore unable to vote.

## ITEM 3.8 APPLICATION NO: LA03/2021/0729/O

PROPOSAL:	Manager's dwelling for existing allotments
SITE/LOCATION:	100m NE of 3 Lisglass Road, Ballyclare
APPLICANT:	Mr & Mrs I McFall

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

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

Roy Greer In Support (Agent)

Proposed by Alderman Smyth

Seconded by Councillor Flanagan that outline planning permission be refused

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

#### that outline planning permission be refused for the following reason:

 The proposal is contrary to the policy provisions of the Strategic Planning Policy statement and Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work; and that the site is not located beside, or within, the boundaries of the business enterprise and does not integrate with the buildings on the site.

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

Councillors Archibald-Brown and Lynch left and returned to the Chamber during the following Item and were therefore unable to vote.

#### ITEM 3.9 APPLICATION NO: LA03/2020/0792/O

PROPOSAL:	Site for a two-storey dwelling
SITE/LOCATION:	50m east of 168 Ballycorr Road, Ballyclare
APPLICANT:	Mr & Mrs Hamilton

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

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

David Donaldson In Support (Agent) James Neill in Support (Architect)

Proposed by Alderman Smyth

Seconded by Councillor Magill that outline planning permission be refused

on the proposal being put to the meeting 6 Members voted in favour, 2 against and 0 abstentions, it was agreed

that outline planning permission be refused for the following reasons:

- 1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
- 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 2a of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it fails to meet with the provisions for a new dwelling in an existing cluster as it would intrude into the open countryside.

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

## ITEM 3.10 APPLICATION NO: LA03/2021/0679/O

PROPOSAL:	Proposed infill dwelling and garage
SITE/LOCATION:	30m West of Rashee Cemetery, Springvale Road, Ballyclare
APPLICANT:	Mr William Patterson

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

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

Mervyn McNeill In Support (Agent)

Proposed by Councillor Ramsay Seconded by Alderman Agnew that outline planning permission be refused

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

## that outline planning permission be refused for the following reason:

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

## ITEM 3.11 APPLICATION NO: LA03/2021/0680/O

PROPOSAL:	Proposed infill dwelling and garage
SITE/LOCATION:	40m East of 26 Springvale Road, Ballyclare
APPLICANT:	Mr William Patterson

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

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

Mervyn McNeill In Support (Agent)

Proposed by Alderman Agnew Seconded by Councillor Ramsay that outline planning permission be refused

on the proposal being put to the meeting 10 Members voted in favour, 0 against and 0 abstentions, it was agreed

that outline planning permission be refused for the following reason:

1. The proposal is contrary to the policy provisions of the Strategic Planning Policy and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

## ITEM 3.12 APPLICATION NO: LA03/2021/0615/O

PROPOSAL:	Site for Infill Dwelling
SITE/LOCATION:	Lands 50 metres west of 36 Aughnabrack Road, Ballyutoag, Belfast
APPLICANT:	Mr Gary Bates

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

ACTION BY: Sharon Mossman, Deputy Director of Planning (Interim)

# PART TWO OTHER PLANNING MATTERS

## ITEM 3.13

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

A list of planning decisions issued by Officers during October 2021 under delegated powers together with information relating to planning appeals was circulated for Members information.

One appeal was heard by the Planning Appeals Commission (PAC) for the Council area during the month of October. The appeal was dismissed by the PAC in relation to LA03/2019/0609/F (PAC reference 2020/A0028) regarding the erection of 2 no semi-detached dwellings with associated access and works at lands south of no 21 Abbeyville Place and west of no 12 Cambrai Park Newtownabbey. A copy of the PAC decision and report was circulated for Members information.

Proposed by Councillor Webb Seconded by Alderman Smyth and unanimously agreed

## that the report be noted.

NO ACTION

## ITEM 3.14

## 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). Two PANs were registered during October 2021 the details of which are set out below.

PAN Reference:	LA03/2021/0949/PAN
Proposal:	Proposed erection of a new post-primary school, ancillary accommodation and sports facilities with associated hard and soft play areas, parking, landscaping, site works and access arrangements from Doagh Road
Location:	Lands at Three Mile Water Playing Fields Doagh Road Newtownabbey BT37 9PA
Applicant:	Abbey Community College
Date Received:	5 October 2021
12 week expiry:	28 December 2021

PAN Reference:	LA03/2021/0979/PAN
Proposal:	Proposed research and development facility comprising a mix of workshops, offices, meeting areas, staff facilities, ancillary facilities, including an additional access point, car parking, landscaping and all associated site works
Location:	Land to the south east of Global Point Avenue at Global Point Business Park Newtownabbey BT36 5TB
Applicant:	Schrader Electronics Ltd and JH Turkington and Sons Ltd
Date Received:	14 October 2021
12 week expiry:	6 January 2022

Under Section 27 of the 2011 Planning Act obligations are placed on the prospective developer to consult the community in advance of submitting a Major development planning application. Where, following the 12-week period set down in statute, an application is submitted this must be accompanied by a Pre-Application Community consultation report outlining the consultation that has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

As part of its response to Coronavirus, the Department for Infrastructure (Dfl) introduced an amendment to subordinate legislation to temporarily remove the requirement for a public event as part of the pre application community consultation (PACC). The initial Departmental Regulations were subsequently extended and given the ongoing pandemic The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment No.2) Regulations (Northern Ireland) 2021 which came into effect on 1 October 2021, have temporarily amended The Planning (Development Management) Regulations (Northern Ireland) 2015 and therefore the temporary relaxation of pre-application community consultation requirements during Coronavirus emergency period now apply until 31 March 2022. 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.

Proposed by Councillor Webb Seconded by Alderman Smyth and unanimously agreed

#### that the report be noted.

NO ACTION

## **ITEM 3.15**

#### P/FP/LDP/103 DEPARTMENT FOR COMMUNITIES (HISTORIC ENVIRONMENT DIVISION): PUBLICATION, INFORMATION GUIDE FOR LOCAL COUNCILS: LISTED BUILDINGS (SEPTEMBER 2021)

Members were advised that the Department for Communities (DfC) Historic Environment Division (HED) recently published a new document 'Information Guide for Local Councils: Listed Buildings' (September 2021) specifically for local Councils to explain the listing process.

Members were reminded that DfC, HED has a statutory duty to protect buildings through 'listing'. 'Listed Buildings' are those man-made objects and structures designated as being of 'special architectural or historic interest' under Section 80 of the Planning Act (NI) 2011. The legislation provides the overall test for assessing buildings for listing and states that: 'The Department:

- a) shall compile a list of building of special architectural or interest, and
- b) may amend any list so compiled'.

Members were aware that DfC, HED has a statutory duty to consult with Antrim and Newtownabbey Borough Council and the Historic Buildings Council should they wish to include or remove a building on that list within the Council area.

This publication is intended to help local Councils understand the listing process i.e. the process that DfC carries out in protecting buildings of special architectural or historic interest. It explains why and how buildings are listed against the Criteria for Listing, as well as explaining the objection process. It further outlines the process for making changes to buildings once listed.

A copy of the publication was circulated for information.

Proposed by Councillor Webb Seconded by Alderman Smyth and unanimously agreed

#### that the report be noted.

NO ACTION

#### ITEM 3.16

# P/PLAN/082 DFI LETTER – SECTION 54 REQUEST FOR PLANNING PERMISSION LA03/2017/0301/F – ENVIRONMENTAL STATEMENT REQUIRED

The Department for Infrastructure has sent the Council a copy of a letter (circulated) and determination (circulated) issued to the agent for the Lough Neagh Sand Traders regarding a Section 54 of the Planning Act (Northern Ireland) 2011 to carry out development without compliance with two planning conditions. The request relates to the previously approved Regionally Significant application for the extraction, transport and working of sand and gravel from Lough Neagh within the Mid Ulster District Council, Antrim and Newtownabbey Borough Council, Armagh

Banbridge and Craigavon Borough Council and Lisburn and Castlereagh City Council Areas.

The Department has determined that such a request will require the submission of an Environmental Statement (either the original updated by way of an addendum or a revised Environmental Statement to be submitted).

Proposed by Councillor Webb Seconded by Alderman Smyth and unanimously agreed

#### that the report be noted.

NO ACTION

**ITEM 3.17** 

#### P/FP/LDP/62 PLANNING APPEALS COMMISSION, INDEPENDENT EXAMINATION, LISBURN & CASTLEREAGH CITY COUNCIL, LOCAL DEVELOPMENT PLAN: DRAFT PLAN STRATEGY

Members were advised that the Planning Appeals Commission (PAC) corresponded with the Council on 26 October 2021 to advise that the Department for Infrastructure (Dfl) has appointed the PAC to conduct an Independent Examination (IE) of the Lisburn & Castlereagh City Council's (LCCC) Local Development Plan, Draft Plan Strategy and that a Commissioner has now been appointed to lead this examination process – copy circulated.

Whilst the PAC has not confirmed the date(s) for IE, LCCC is the fourth council in Northern Ireland to submit a Local Development Plan, Draft Plan Strategy to Dfl to cause an IE, following Belfast City Council, Fermanagh and Omagh and Antrim and Newtownabbey Borough Council.

Members were also advised that the PAC has issued its report on Belfast City Council's Independent Examination to the Department for Infrastructure. The report remains under consideration by the Department and its findings have not been made available to the public.

Proposed by Councillor Webb Seconded by Alderman Smyth and unanimously agreed

#### that the report be noted.

NO ACTION

#### PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Magill Seconded by Alderman Smyth 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 TWO - OTHER PLANNING MATTERS - IN CONFIDENCE

ITEM 3.18

# G-LEG-328 JUDICIAL REVIEW CASE OF HARTLANDS (NI) LTD V DERRY CITY AND STRABANE DISTRICT COUNCIL - IN CONFIDENCE



## Proposed by Alderman Smyth Seconded by Councillor Lynch and unanimously agreed

## that the report be noted.

NO ACTION

## PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Alderman Agnew Seconded by Councillor Magill 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 8.08 pm

MAYOR