



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE
HELD IN MOSSLEY MILL ON MONDAY 19 JUNE 2017 AT 6.30 PM**

- In the Chair** : Councillor P Brett
- Committee Members Present** : Aldermen – F Agnew, T Campbell, J Smyth and R Swann
Councillors - T Beatty, J Bingham, H Cushinan, B Duffin, D Hollis, M Magill and W Webb
- Non-Committee Members Present** : Aldermen – M Cosgrove and T Burns
Councillors – J Blair, N McClelland and M Rea,
- In Attendance** : Ms A Wheavil - Public Speaker
Mr P Gillespie - Public Speaker
Mr A Larkin - Public Speaker
Mr D Ford - Public Speaker
Mr R McBirney - Public Speaker
Mr P Girvan – Public Speaker
Mr R Bowman – Public Speaker
Mr A Pender – Public Speaker
Mr D Dowey – Public Speaker
Mr R Poots – Public Speaker
Mr M Malcolm – Public Speaker
- Officers Present** : Chief Executive - Mrs J Dixon
Director of Community Planning & Regeneration - Ms M McAlister
Head of Planning - Mr J Linden
Principal Planning Officer - Mr B Diamond
Senior Planning Officer – Mr K O'Connell
Senior Planning Officer – Ms J McKendry
Legal Advisor - Mr P Casey
Media & Marketing Officer – M A Doherty
ICT Officer – Mr C Bell
Member Services Officer - Mrs D Hynes

CHAIRPERSON'S REMARKS

The Chairperson welcomed Committee Members to the monthly Planning Committee Meeting and reminded all present of the protocol for speaking and timeframes accorded.

The Chairperson welcomed the new Vice Chairperson, Councillor Bingham and a new Committee Member Councillor Magill.

The Chief Executive 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

None.

2 DECLARATIONS OF INTEREST

Item 3.1- Alderman Campbell
Item 3.3 - Councillor Magill
Item 3.4 - Councillor Webb

PART ONE DECISIONS ON PLANNING APPLICATIONS

Alderman Campbell withdrew from the meeting having declared an interest in the next item. 3.1.

Alderman Cosgrove arrived at this point of the meeting.

ITEM 3.1 APPLICATION NO: LA03/2016/0941/F

PROPOSAL:	Demolition of existing derelict garage buildings and erection of 3no two storey, semi detached and detached dwellings, including upgrading Ladysmith Lane
SITE/LOCATION:	Units 1-5 Ladysmith Lane, Carnmoney, Newtownabbey
APPLICANT:	Bolan Investments

Kieran O'Connell, Senior 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 Blair
- Anne Wheavil
- Paul Gillespie

Proposed by Councillor Webb
 Seconded by Alderman Swann

On the proposal being put to the meeting 10 Members voted in favour, 1 against and 0 abstentions as follows:-

In Favour: Aldermen Agnew, Smyth and Swann
 Councillors Beatty, Bingham, Brett, Cushinan, Duffin, Magill and Webb
 Against: Councillor Hollis
 Abstentions: None

It was agreed

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

- (a) loss of privacy to and detrimental impact on amenities enjoyed by the occupiers of adjoining properties; and**
- (b) overdevelopment of a restricted site.**

ACTION BY: John Linden

Alderman Campbell returned to the meeting.

ITEM 3.2 APPLICATION NO: LA03/2017/0114/F

PROPOSAL: Mixed use development comprising 8no light industrial units, petrol filling station and associated shop and creation of new vehicular access point onto Mallusk Drive

SITE/LOCATION: Lands South of 5 Mallusk Drive, Mallusk

APPLICANT: J & F Group

Johanne McKendry, Senior 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 -

- Alan Larkin

Proposed by Councillor Hollis
 Seconded by Councillor Duffin and

On the proposal being put to the meeting 11 Members voted in favour, 0 against and 1 abstention it was agreed as follows:-

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

ACTION BY: John Linden

Councillor Magill withdrew from the meeting having declared an interest in the next item. 3.3.

ITEM 3.3 APPLICATION NO: LA03/2016/0719/F

PROPOSAL: Change of use of Apart Hotel (comprised of 36 no. 2 bed self catering apartments) to 36 no. 2 bed permanent residential apartments, including additional car parking and construction of footway to link in Paradise Walk

SITE/LOCATION: Castlewood Apartments, Paradise Walk, Castle Upton, Templepatrick

APPLICANT: SVM Properties

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

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

- Councillor Magill
- Councillor Rea
- Alderman Cosgrove
- Councillor Burns
- David Ford
- Paul Girvan MP
- Ryan McBirney
- Richard Bowman
- Aiden Pender

Proposed by Alderman Campbell
Seconded by Councillor Webb and

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

that the application be deferred for 2 months to provide the applicant with the opportunity to provide further supporting information.

ACTION BY: John Linden

Councillor Magill returned to the meeting.

Councillor Webb withdrew from the meeting having declared an interest in the next item 3.4.

ITEM 3.4 APPLICATION NO: LA03/2016/1116/F

PROPOSAL: Two new dwellings (change of design)

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

APPLICANT: Cialean Developments

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

There were no public speakers to address this item.

Proposed by Alderman Campbell
Seconded by Councillor Beatty and

On the proposal being put to the meeting 11 Members voted in favour, 0 against and 0 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

Councillor Webb returned to the meeting.

ITEM 3.5 APPLICATION NO: LA03/2016/1118/O

PROPOSAL: Single dwelling, domestic garage and store

SITE/LOCATION: 378A Ballyclare Road, Newtownabbey

APPLICANT: Mr & Mrs A. Dykes

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 –

- David Dowey

Proposed by Councillor Beatty
 Seconded by Councillor Duffin and

on the proposal being put to the meeting 8 Members voted in favour, 1 against and 3 abstentions, it was 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 CTY1 of Planning Policy Statement 21; Sustainable Development in the Countryside, in that there is not overriding reasons why this development is in this rural location and could not be located within a settlement and it fails to meet the provisions for a replacement dwelling in accordance with Policy CTY3 of PPS21 as it has not been demonstrated that the replacement of the existing non-residential building would result in significant environmental benefits.**
2. **The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21; Sustainable Development in the Countryside, in that there is not overriding reasons why this development is in this rural location and could not be located within a settlement and it fails to meet the provisions for an infill dwelling in accordance with Policy CTY8 of PPS21.**

ACTION BY: John Linden

ITEM 3.6 APPLICATION NO: LA03/2017/0233/O

PROPOSAL:	2 infill dwellings
SITE/LOCATION:	Lands approx. 50 metres North West of 31 Ballyvesey Road, Newtownabbey
APPLICANT:	Mr William Carson

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 -

- Robert Poots

Proposed by Alderman Agnew
 Seconded by Alderman Smyth and unanimously 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 CTY1 of Planning Policy Statement 21; Sustainable Development in the Countryside, in that there is not overriding reasons why this development is in this rural location and could not be located within a settlement and it fails to meet the provisions for an infill dwelling in accordance with Policy CTY8 of PPS21.
2. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policies CTY 8 & 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwellings would, if permitted, create a ribbon development and would therefore result in a detrimental change to, and further erode, the rural character of the countryside.
3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwellings would, if permitted, fail to integrate into the surrounding landscape.

ACTION BY: John Linden

ITEM 3.7 APPLICATION NO: LA03/2017/0245/A

PROPOSAL: Free standing double sided totem
SITE/LOCATION: Lands at No 670 Antrim Road, Glengormley, BT36 4RG
APPLICANT: MH Motors Ltd

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

The undernoted public speaker addressed the Committee on items 3.7, 3.8, 3.9 and responded to enquiries from Members as requested -

- Maurice Malcolm

Proposed by Councillor Webb
Seconded by Alderman Smyth and unanimously agreed

that advertisement consent be granted for the application subject to the conditions set out in the Planning Report.

ACTION BY: John Linden

ITEM 3.8 APPLICATION NO: LA03/2017/0246/A

PROPOSAL: Retention of Electric Digital Sign including sign board on reverse

SITE/LOCATION: Lands at No 670 Antrim Road, Glengormley, BT36 4RG

APPLICANT: MH Motors Ltd

Kieran O'Connell, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse advertisement consent.

Proposed by Councillor Beatty
Seconded by Councillor Duffin and unanimously agreed

that advertisement consent be refused for the following reason:

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD 1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that the proposed signage would result in an unacceptable detrimental impact on the visual amenity of this area and the signage will add to a clutter of advertisements in the locality which will detract from the rural character of the area.**

ACTION BY: John Linden

ITEM 3.9 APPLICATION NO: LA03/2017/0247/A

PROPOSAL: Retention of free standing double sided sign board

SITE/LOCATION: Lands at No 670 Antrim Road, Glengormley

APPLICANT: MH Motors Ltd

Kieran O'Connell, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse advertisement consent.

Proposed by Councillor Duffin
Seconded by Councillor Beatty and

on the proposal being put to the meeting 11 Members voted in favour, 1 against and 0 abstentions, it was agreed

that advertisement consent be refused for the following reason:

- 1. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD 1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that the proposed signage would result in an unacceptable**

detrimental impact on the visual amenity of this area and the signage will add to a clutter of advertisements in the locality which will detract from the rural character of the area.

ACTION BY: John Linden

ITEM 3.10 APPLICATION NO: U/2015/0042/F

PROPOSAL: Construction of a replacement accommodation bridge over the Flush River which will enable access to properties south of Grange Lane

SITE/LOCATION: Grange Lane Bridge, adjacent to 11 Grange Lane, Newtownabbey

APPLICANT: Antrim and Newtownabbey Borough Council

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

PART TWO OTHER PLANNING MATTERS

ITEM 3.11

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during May 2017 under delegated powers was circulated for Members attention together with information received this month on planning appeals.

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

the report be noted.

ACTION BY: John Linden

ITEM 3.12

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

Members were made aware that prospective applicants for all development proposals which fall into the Major development category under the 2011 Planning Act were required to give at least 12 weeks notice to the Council that an application for planning permission was to be submitted. This was referred to as a Proposal of Application Notice (PAN). One PAN was registered during May and the details were set out below.

PAN Reference: LA03/2017/0507/PAN
Proposal: South westerly extension to existing hard rock quarry for continued extraction of basalt and on-site processing, incorporating alteration to parts of the perimeter of Cottonmount landfill site, where remain as yet undeveloped.
Location: Lands approximately 200m South of 24 Bernice Road extending to Sealstown Road Mallusk
Applicant: James Boyd & Sons Ltd
Date Received: 25 May 2017
12 week expiry: 17 August 2017

Members recalled that under Section 27 of the 2011 Planning Act obligations were 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 was submitted this must be accompanied by a Pre-Application Community consultation report outlining what consultation had been undertaken regarding the application and detailing how this had influenced the proposal submitted.

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

the report be noted.

ACTION BY: John Linden

ITEM 3.13

REFERENCE LA03/2017/0310/F CONSULTATION BY THE DEPARTMENT FOR INFRASTRUCTURE UNDER ARTICLE 13 OF THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NORTHERN IRELAND) 2015 – AN APPLICATION OF REGIONAL SIGNIFICANCE

The Department for Infrastructure (Dfi) had issued a consultation to the Council under Article 13 of the Planning (General Development Procedure) Order 2015 for the following regionally significant planning application.

Application Reference: LA03/2017/0310/F

Proposal:	Application for the extraction, transportation and working of sand and gravel from Lough Neagh. Sand and gravel to be extracted from within two distinct areas totalling some 3.1km ² , in the north-west of Lough Neagh situated approximately east of Traad Point, north of Stanierds Point, west of Doss Point and south of Ballyronan and the ancillary deposition of silt and fine material.
Location:	Lough Neagh within the Mid Ulster District Council Antrim and Newtownabbey Borough Council Armagh Banbridge and Craigavon Borough Council and Lisburn and Castlereagh Council Areas
Applicant:	Lough Neagh Sand Traders Ltd

Full details of the application, including the application forms, relevant drawings, consultation responses and any representations received are available to view at the Planning Portal www.planningni.gov.uk

Officers stressed that the Council was not the decision maker in respect of this application; rather the Council was one of a number of bodies that had been consulted on the application. Any comments made by the Council would be considered by DfI as part of the processing of the application together with all other consultation replies and other representations received. In addition, while the Council was a statutory consultee, there was no obligation on the Council to provide a corporate view on the development.

When considering an application of regional significance 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, 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 a regionally significant planning application such as this shall be final.

There were a number of options available to the Council in responding to the 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 Councillor Webb

Seconded by Councillor Bingham and unanimously agreed that

That the Council adopt Option 3 linked to Option 4, namely that the Council provides no corporate view on the merits of the development, thus allowing individual Members or parties to express support for or object to the development. The Council would

nevertheless support a Local Public Inquiry being held to inform the Department's decision on this application.

ACTION BY: John Linden

ITEM 3.14

P/PLAN/1

THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NORTHERN IRELAND) 2017

The Department for Infrastructure (DfI) had written to the Council, a copy of which was circulated, to advise that it had made a new Statutory Rule (SR) on environmental impact assessment and that this came into operation on 16 May 2017.

The new SR can be accessed at the link attached:

- SR 2017 83 - Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017
(<http://www.legislation.gov.uk/nisr/2017/83/contents/made>)

This new Statutory Rule had been made to implement Directive 2014/52/EU amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment.

Proposed by Councillor Beatty

Seconded by Councillor Duffin and unanimously agreed that

the report be noted.

ACTION BY: John Linden

ITEM 3.15

P/FP/12 – JUDICIAL REVIEW UPDATE ON THE BELFAST METROPOLITAN AREA PLAN 2015 - COURT OF APPEAL JUDGEMENT

In September 2014 the Department of the Environment (DOE) adopted the Belfast Metropolitan Area Plan (BMAP) which then became the statutory development plan for the legacy Newtownabbey Council area.

However, a legal challenge was subsequently launched by the then Enterprise Minister, Arlene Foster, claiming that the then DOE Minister Mark H Durkan had breached the Ministerial Code by proceeding to adopt BMAP without bringing it before the Executive for full approval.

In January 2015 the High Court granted leave to Minister Foster for a judicial review of Minister Durkan's decision to adopt BMAP. As previously reported to Committee in April 2016, Mr Justice Treacy concluded in March 2016 that the DOE Minister had acted

unlawfully when adopting BMAP on the basis that the decision to adopt the plan was one for the Executive to discuss and agree upon, rather than for the DOE Minister to act unilaterally.

Whilst concluding that the adoption of BMAP was unlawful Mr Justice Treacy subsequently accepted a 'tailored remedy', put forward jointly by the two Departments. This remedy focused on the only contested element of the Plan which related to policy provisions regarding bulky goods at Sprucefield regional shopping centre in the Lisburn and Castlereagh City Council area. As a consequence, and as previously reported to Committee in December 2016, Mr Justice Treacy ruled on 18 November 2016 that all the remaining elements of BMAP were confirmed as lawfully valid. This included those provisions relating to the legacy Newtownabbey Council area.

Belfast City Council subsequently appealed the 'tailored remedy' agreed by the High Court and in a judgement handed down on 18 May 2017, a copy of which was circulated, the Court of Appeal allowed the appeal. The Court of Appeal held that the adoption of BMAP in this manner by Mr Justice Treacy was impermissible and the judgement states that the draft BMAP remains in its entirety unadopted.

Officers were liaising with colleagues in the Department for Infrastructure regarding the implications of this judgement. In the interim all planning applications within the legacy Newtownabbey Council area would be assessed against the provisions of the extant adopted Development Plan - the Belfast Urban Area Plan. Account would also be taken of the Draft Newtownabbey Area Plan and its associated Interim Statement and the emerging provisions of the Belfast Metropolitan Area Plan (which as indicated above had reverted to the Draft Plan stage) together with relevant provisions of Planning Policy Statements (PPSs) which contain the main operational planning policies for the consideration of development proposals

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

the report be noted.

ACTION BY: John Linden

There being no further Committee business under Part 2 of the agenda the Chairperson thanked everyone for their attendance and the meeting concluded at 8.15pm.

MAYOR

Council Minutes have been redacted in accordance with the Freedom of Information Act 2000, the Data Protection Act 1998 and legal advice.