

MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE HELD IN MOSSLEY MILL ON MONDAY 21 JANUARY AT 6.00 PM

In the Chair : Councillor H Cushinan

Committee : Aldermen – F Agnew, T Campbell, J Smyth and R Swann

Members Present Councillors - J Bingham, P Brett, D Hollis, M Magill, S Ross

and B Webb

Non-Committee Members Present Councillors – P Dunlop, J Montgomery

In Attendance : Mr Richard O'Toole – Public Speaker

Mr Alan Wilton – Public Speaker Mr Gavyn Smyth – Public Speaker Mr Paul Stanfield – Public Speaker Mr Trevor Clarke MLA – Public Speaker Mr Norman Hannan – Public Speaker Mr Brendan Boyle – Public Speaker

Officers Present : Deputy Chief Executive - M McAlister

Head of Planning - J Linden

Principal Planning Officer - B Diamond Senior Planning Officer - K O'Connell Senior Planning Officer - J Winters

Borough Lawyer and Head of Legal Services - P Casey

ICT Officer - A Cole

Media and Marketing – J Coulter Member Services Officer - S Boyd Member Services Officer - S Fisher

CHAIRPERSON'S REMARKS

The Chairperson welcomed Committee Members to the monthly Planning Committee Meeting and sought a resolution to consider the In Confidence items.

1 APOLOGIES

Councillor R Lynch Chief Executive – J Dixon

2 DECLARATIONS OF INTEREST

None

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Bingham Seconded by Councillor Brett and agreed

that the following Committee business be taken In Confidence.

The Chairperson advised that audio recording would cease at this point.

ITEMS IN CONFIDENCE

DECISIONS ON ENFORCEMENT CASES

ITEM 3.1 - ENFORCEMENT CASE: LA03/2018/0041/CA

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

Proposed by Alderman Campbell Seconded by Councillor Brett and unanimously agreed

that enforcement action be progressed in this case and the detail of this was delegated to appointed Officers.

ACTION BY: John Linden

PART TWO OTHER PLANNING MATTERS - IN CONFIDENCE

ITEM 3.2 – IN CONFIDENCE

P/PLAN/1 – PLANNING ENFORCEMENT REPORT 2018-2019 – QUARTER 2

The Northern Ireland Planning Statistics Q2 Statistical Bulletin was released in December 2018 by the Department for Infrastructure's Analysis, Statistics and Research Branch. It included information on the Council's performance on Enforcement cases measured against the statutory performance targets set by Dfl.

The Quarter 2 report was circulated and in view of the sensitive nature of some of this information it was presented to Committee in confidence.

The Dfl figures highlighted that the Council's planning enforcement team opened 119 cases during the period, compared to 110 during the same period last year. 120 cases were closed, compared to 103 during the same period last year. The Section processed 95.1% of enforcement cases to target conclusion with the 39 week target

compared to 93.4% during the same period last year. Prosecution was initiated in relation to 1 case, the same as was initiated during the same period last year. Members noted that the Council has maintained its status as the top performing Planning Enforcement Team in Northern Ireland.

Proposed by Alderman Campbell Seconded by Alderman Smyth and agreed that

the report be noted.

NO ACTION

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Alderman Smyth Seconded by Councillor Bingham and agreed

that any remaining Committee business be conducted in Open Session.

At this point, the Chairperson advised there would be a short interval, with the remainder of Committee business resuming at 6.30pm when the meeting would be open to the public and audio recording would resume.

PART ONE DECISIONS ON PLANNING APPLICATIONS

CHAIRPERSON'S REMARKS

At this point, the Chairperson welcomed everyone to the meeting and reminded all present of the protocol for speaking and timeframes accorded.

The Chairperson reminded Members that additional information had been circulated for items 3.6 and 3.8 and that item 3.7 had been withdrawn.

1 APOLOGIES

Councillor R Lynch Chief Executive – J Dixon

2 DECLARATIONS OF INTEREST

None

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.

ITEM 3.3 APPLICATION NO: LA03/2017/0925/O

PROPOSAL: Hotel and Office

SITE/LOCATION: Lands to the North of Valley Leisure Centre, Church Road,

Newtownabbey

APPLICANT: Comtec Developments (No. 1) Ltd

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

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

- Richard O'Toole
- Alan Wilton

Proposed by Councillor Hollis Seconded by Councillor Bingham and unanimously agreed

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

ACTION BY: John Linden

ITEM 3.4 APPLICATION NO: LA03/2018/0629/F

PROPOSAL: Proposed residential development of 123 No. dwellings

(comprising 79 No. detached and 44 No. semi-detached dwellings) including garages, open space with equipped children's play area, landscaping and all associated site and

access works.

SITE/LOCATION: Lands at the former Enkalon site to the NW of Enkalon Sports and

Social Club and Steeple Burn watercourse SW of Enkalon Industrial Estate and NE of Plaskets Burn and Umry Gardens

Randalstown Road Antrim

APPLICANT: Fermac Properties Ltd

Kieran O'Connell, Senior Planning Officer, introduced the Planning Report to the Committee, advised of a corrected description for the proposal, and made a recommendation to grant planning permission.

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

• Brendan Boyle

Proposed by Councillor Brett Seconded by Alderman Campbell and unanimously agreed

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

ACTION BY: John Linden

Councillor Brett left the Chamber.

ITEM 3.5 APPLICATION NO: LA03/2018/0548/F

PROPOSAL: Demolition of existing derelict garage buildings, with the

erection of two number apartment blocks with two number, two bedroom apartments in each block, including the

upgrading of Ladysmith Lane.

SITE/LOCATION: 1-5 Ladysmith Lane, Carnmoney, Newtownabbey

APPLICANT: Bolan Investments

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 Alderman Smyth and unanimously agreed

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

ACTION BY: John Linden

Councillor Brett returned to the Chamber following the Planning Officers report and was therefore unable to vote on item 3.5.

ITEM 3.6 APPLICATION NO: LA03/2018/0708/F

PROPOSAL: Proposed change of use of existing unit to

CrossFit/weightlifting gym and training facility with no

external alterations

SITE/LOCATION: Unit A3, Fergusons Way, Kilbegs Business Park, Kilbegs Road,

Antrim

APPLICANT: Mark Smyth T/A Wolfhound Strength & Conditioning 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 the Committee and responded to enquiries from Members as requested –

- Councillor J Montgomery
- Councillor P Dunlop
- Paul Stanfield
- Gavyn Smyth
- Trevor Clarke MLA

Proposed by Alderman Campbell Seconded by Councillor Brett and

on the proposal being put to the meeting 10 Members voted in favour, 1 against and 0 abstentions it was agreed

In favour: Aldermen - Agnew, Campbell, Smyth and Swann

Councillors - Bingham, Brett, Cushinan, Magill, Ross and Webb

Against: Councillor Hollis

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

- (a) insufficient parking for the proposed use;
- (b) noise and disturbance; and
- (c) the use is incompatible with existing business use.

ACTION BY: John Linden

Councillor Brett left the meeting at this point.

ITEM 3.7 APPLICATION NO: LA03/2018/0994/O

PROPOSAL: Site for infill dwelling and garage

SITE/LOCATION: Site 20 metres west of 378 Ballyclare Road, Newtownabbey

APPLICANT: Mrs Denise Dykes

The Chairperson advised Members that this application had been withdrawn by the applicant

NO ACTION

ITEM 3.8 APPLICATION NO: LA03/2018/1020/O

PROPOSAL: Proposed dwelling and garage on a farm

SITE/LOCATION: Land approx. 100 metres Northeast of 73 Crosskennan Road

APPLICANT: Claire and Norman Hannan

Barry Diamond, Principal 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 –

• Mr Norman Hannan

Proposed by Alderman Campbell Seconded by Councillor Webb and

on the proposal being put to the meeting 7 Members voted in favour, 2 against and 1 abstention, it was agreed

that outline planning permission be refused for the following reasons:

- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY10 of PPS 21: Sustainable Development in the Countryside, and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm holding.
- 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policies CTY 13 and CTY 14 of PPS 21: Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to

cluster with an established group of buildings on the farm holding and would be a prominent feature in the landscape.

3. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy BH 3 of PPS6: Planning, Archaeology and the Built Heritage, in that no Archaeological Evaluation of the site has been carried out and it is not possible, on the basis of the information provided, to assess whether the proposed development is likely to impact upon archaeological remains.

ACTION BY: John Linden

ITEM 3.9 APPLICATION NO: LA03/2018/1033/A

PROPOSAL: Trailer advert (Retrospective)

SITE/LOCATION: Approx. 300m SE of 105 Moira Road, Glenavy

APPLICANT: Mr Sean Cassidy

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

There were no public speakers to address this item.

Proposed by Councillor Webb Seconded by Alderman Smyth and unanimously agreed

that advertising consent be refused for the following reasons:

- The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that retention of the proposed signage would result in an unacceptable detrimental impact on the visual amenity of the rural area.
- 2. The proposal is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy AD1 of Planning Policy Statement 17: Control of Outdoor Advertisements, in that retention of the proposed signage would prejudice the safety and convenience of road users with the creation of a traffic hazard.

ACTION BY: John Linden

Councillors Ross and Magill left the Chamber.

ITEM 3.10 APPLICATION NO: LA03/2018/0788/TPO

PROPOSAL: Fell 1 no. tree

SITE/LOCATION: 37 Abbeydene Manor, Newtownabbey

APPLICANT: M. Large Tree Services Ltd

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

There were no public speakers to address this item.

Proposed by Councillor Webb Seconded by Councillor Hollis and

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

In favour: Aldermen - Agnew, Campbell and Smyth

Councillors - Cushinan, Hollis and Webb

Abstentions: Alderman Swann

Councillor Bingham

that TPO works consent be refused for the following reasons, the precise detail of which being delegated to Officers:

- (a) the significance of the tree in the local context; and
- (b) there being insufficient justification for its felling.

ACTION BY: John Linden

Councillors Ross and Magill returned to the Chamber at this point and were therefore unable to vote on item 3.10

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 December 2018 under delegated powers was circulated for Members attention together with information received this month on planning appeals.

Proposed by Alderman Campbell Seconded by Alderman Smyth and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.12

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

Members were aware that 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 week's notice to the Council that an application for planning permission is to be submitted. This is referred to as a Proposal of Application Notice (PAN). One PAN was registered during December 2018 the details are set out below.

PAN Reference: LA03/2018/1119/PAN

Proposal: Residential-led masterplan scheme, including community

facilities

Location: Former Craighill Quarry site lands to the north of the Ballycorr

Road and to the south of the Ballyeaston Road Ballyclare

Applicant: Craighill Developments Ltd

Date Received: 17 December 2018 **12 week expiry:** 11 March 2019

Members recalled that 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 what consultation has been undertaken regarding the application and detailing how this has influenced the proposal submitted.

Proposed by Alderman Campbell Seconded by Alderman Smyth and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.13

TPO/2018/0067/LA03 - SERVICE OF PROVISIONAL TPO ON LANDS AT RUSH PARK, NEWTOWNABBEY.

On 21 December 2018, Officers served a provisional Tree Preservation Order on the above-mentioned lands in accordance with Section 123 of the Planning Act (Northern Ireland) 2011. The Order was served on the basis that it is expedient in the interests of amenity to preserve the trees on this site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees. Members should note that this is a Provisional TPO which provides a 6-month period for Officers to survey the site and identify trees or groups of trees which would warrant protection under a confirmed Tree Preservation Order. Prior to any Order being confirmed Officers will present a full report to the Committee for consideration. In accordance with the Council's Scheme of Delegation, Officers are reporting the service of the Provisional TPO to the next available Committee Meeting.

Proposed by Alderman Campbell Seconded by Alderman Smyth and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.14

DISCONTINUANCE ORDER UNDER SECTION 73 OF THE PLANNING ACT (NORTHERN IRELAND) 2011

Members will recall that at the July 2018 Committee meeting planning permission was granted to Lidl NI (under application reference LA03/2018/0087/F) for the construction of a discount foodstore and associated site works on undeveloped land immediately east and southeast of Homebase (Unit 20), 140 Junction One Retail Park, Ballymena Road, Antrim.

A condition was attached to the grant of planning permission that prevents any part of the new foodstore unit approved becoming operational until such time as an Order requiring the discontinuance of the Class A1 Retail Use of the existing Lidl premises located at Unit 8, Junction One Retail Park B, Ballymena Road, Antrim has taken effect. This condition was attached to maintain the vitality and viability of Antrim Town Centre and prevent an accumulation of planning permissions providing for unrestricted Class A1: Retail Use within the Junction One Retail Park.

Both Lidl and Episo 4 Antrim SARL, the tenant and owner respectively of the existing Lidl premises have agreed to promote and co-operate in the discontinuance of the current foodstore use at Unit 8 permitted by planning permission T/1997/0288/O and T/2004/1452/RM and have also agreed not to seek any compensation in respect of this matter.

Accordingly the Planning Section, working with the Borough Lawyer, has now prepared the requisite Discontinuance Order under Section 73 of the Planning Act (NI) 2011

(copy circulated). Members should note that under Section 74 of the Planning Act any Discontinuance Order made by the Council must be submitted to the Department of Infrastructure for its confirmation before it can take effect.

Proposed by Alderman Campbell Seconded by Alderman Smyth and unanimously agreed that

the Discontinuance Order is agreed for signing and sealing by the Council and then submitted to the Department for Infrastructure for confirmation with the arrangements for subsequent service of the Confirmed Order on the owner and occupier of the land delegated to Officers.

ACTION BY: John Linden

ITEM 3.15

P/PLAN/1 ENFORCEMENT POWERS TO REMOVE PLACARDS

Planning Enforcement Officers have been working closely with the Environmental Health Section to secure the timely removal of placards and posters displayed in contravention of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015.

This legislation, coupled with the provisions of the Planning Act (Northern Ireland) 2011, empowers the Council to bring proceedings against such offences before the Courts. This can be a lengthy process and the Council, whilst often able to recover its legal costs, cannot claim costs for officers time. In addition, the lengthy process does not dissuade other operators from displaying placards in the same location and it is not always known who the responsible person or beneficiary is in some cases.

The Clean Neighbourhoods & Environment Act (Northern Ireland (2011) provides the Council with the powers to remove such placards, following the service of a Notice on the operator. Currently the Environmental Health Section uses these powers in relation to placards and fly posting.

Planning Enforcement Officers have been issuing Notices to beneficiaries quoting the Clean Neighbourhoods & Environment Act (Northern Ireland (2011), however in most cases the placards are not removed and officers have to liaise with colleagues in Environmental Health to have them removed.

In order to streamline the process and reduce duplication of work, authority was being sought for Officers from the Planning Section to remove such placards.

Proposed by Alderman Campbell Seconded by Alderman Agnew and unanimously agreed that

authority is provided to Officers in the Planning Section to remove placards displayed in contravention of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 following the failure to comply with a Notice sent in accordance with the Clean Neighbourhoods & Environment Act (Northern Ireland (2011).

ACTION BY: John Linden

ITEM 3.16

P/PLAN/1 CHIEF PLANNER'S UPDATE - DECEMBER 2018

Angus Kerr, the Chief Planner in the Department for Infrastructure, had issued a Chief Planner's update (copy circulated) which was intended to update councils in relation to particular planning issues.

The Update covered the period from November 2017 – November 2018 and provided information under a range of headings including Planning Legislation, Regional Planning and Policy, Environmental Governance, Planning Guidance, the new NI Planning IT System and Other Government Publications/Initiatives. The update also outlined recent changes in senior management at the Department as well as information on recent case law and the NI (Executive Formation and Exercise of Functions) Act 2018

Proposed by Alderman Campbell Seconded by Alderman Smyth and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.17

P/PLAN/1 - NORTHERN IRELAND PLANNING STATISTICS 2018/19 - SECOND QUARTERLY BULLETIN FOR THE PERIOD JULY - SEPTEMBER 2018

The second quarterly provisional planning statistics for 2018/19 produced by the Analysis, Statistics and Research Branch of the Department for Infrastructure (DfI), a copy of which was circulated, were released on 20 December 2018.

The figures showed that during the period from July to September 2018, the total number of planning applications received in Northern Ireland was 2,949, which marks a 9% reduction (almost 300 applications) to the previous quarter (April – June) and a reduction of some 8% on the same quarter in 2017/18. The total number of decisions issued during this period was 3,071.

During the second quarter a total of 160 new applications were received by Antrim and Newtownabbey Borough Council. This represents a reduction of 49 applications (over 20%) from the first quarter which is above the NI trend. During the same period 215 decisions were issued.

In relation to performance against statutory targets the Department for Infrastructure (DfI) figures show that the Council took on average 24.2 weeks to process and decide **Major** planning applications during the second quarter against the target of 30 weeks. This has maintained the improved performance witnessed during the first quarter and ranks amongst the top three of the 11 Councils and also reflects well against the average processing time of 58 weeks across all Councils. However, Members should note that there are still several Major applications over 12 months old that are likely to come forward to Committee over the coming months for determination. Whilst this

could clearly impact on the Council's Major performance target by year end, the indications are still that the Council is likely to meet the statutory target this year which would mark a continuing improvement on 2017/18.

The Dfl figures show that the Council took on average 13 weeks to process and decide **Local** planning applications during the second quarter against the target of 15 weeks. This shows that the Planning Section is broadly maintaining performance in average processing time and again ranks among the top three of the 11 Councils.

In relation to enforcement the Dfl figures highlight that the Council's planning enforcement team once again recorded the shortest time taken, 14.6 weeks, to process 70% of enforcement cases to target conclusion which compares favourably with the average processing time of 27 weeks across all Councils. The team's performance also ranked first in the proportion of cases brought to target conclusion within the performance target of 39 weeks.

Proposed by Alderman Campbell Seconded by Alderman Smyth and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.18

P/FP/LDP/1 LOCAL DEVELOPMENT PLAN QUARTERLY UPDATE OCT - DEC 2018

The Council's Local Development Plan (LDP) Timetable advises that progress reports will be submitted on a quarterly basis to the Planning Committee. This report covers the third quarter of the 2018-2019 business year (October to December 2018).

Member Workshops on Planning Policy

The Forward Planning Team continued to formulate new draft Planning Policy for the draft Plan Strategy document.

A number of events were held including a policy discussion workshop on waste and flooding planning policies (22 October); a presentation by the Northern Ireland Housing Executive relating to its Tower Block Strategy and affordable housing approach followed by a presentation by Officers on affordable housing options (24 October); and a presentation on the findings of the Local Development Plan's draft Retail and Commercial Leisure Study (30 October).

In December 2018 a copy of all policy drafted to date; options relating to affordable housing and the draft Retail and Commercial Leisure Study were circulated to all Members for any further comments.

Metropolitan Area Spatial Working Group – Update

The seventh meeting of the working Metropolitan Area Spatial Working Group took place on 3 December 2018, hosted by Antrim and Newtownabbey Borough Council. Issues discussed included the preparation of the Belfast Metropolitan Transport Strategy and an update from all Councils on plan progress.

Proposed by Alderman Campbell Seconded by Alderman Smyth and unanimously agreed that

the report be noted.

NO ACTION

ITEM 3.19

P/FP/LDP/118 BELFAST METROPOLITAN TRANSPORT PLAN PROJECT BOARD UPDATE

Members were made aware that the Department of Infrastructure was preparing a new Transport Plan for the Belfast Metropolitan area. The plan will be in two stages i.e. a Plan Strategy followed by a Transport Plan. The work relating to the Plan Strategy has commenced.

Due to the geographic extent of the combined Council areas that make up the Belfast Metropolitan Transport Plan (BMTP) area, a two tier technical approach is being used for the development the Belfast Metropolitan Transport Strategy (BMTS). The first tier will centre on the Belfast Metropolitan Area and will use the Belfast Strategic Transport Model as the primary evidence base. The second tier relates to the remaining areas of the Councils involved which fall outside the BMA. For these areas a Local Transport Strategy will be prepared and within our Borough this will encompass the towns of Antrim, Ballyclare, Crumlin and Randalstown.

Tom Reid, Director of Transport Strategy at the Department of Infrastructure had written to the Project Board for the Belfast Metropolitan Transport Strategy, on which the Council is represented (a copy of which was circulated), to advise that there would be a delay in the modelling process being undertaken as part of the study. He advised that whilst there were still issues to be resolved before the programme could be confirmed, his Section's best estimate was that the Modelling Report would now be delivered towards the end of April 2019. As a result, it is anticipated that the draft Belfast Metropolitan Transport Strategy will not now be released for public consultation until the end of July 2019.

Mr Reid advised that the Local Transport Studies are expected in January 2019 and these documents will provide an indication of the transport measures required in each of the urban areas and should help provide a robust evidence base for both the BMTS and the Local Development Plan Strategies being prepared by Councils. The Department would intend to use these studies to engage with each Council to facilitate consideration of transport matters within their respective Plan Strategies

Proposed by Alderman Campbell Seconded by Alderman Smyth and unanimously agreed that

the report be noted.

NO ACTION

There being no further Committee business under Part 2 of the agenda the Chairperson thanked everyone for their attendance and the meeting concluded at 8.10 pm.
MAYOR