



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE
HELD IN MOSSLEY MILL ON WEDNESDAY 14 DECEMBER 2016 AT 6 PM**

- In the Chair** : Alderman F Agnew
- Committee Members Present** : Aldermen - T Campbell, J Smyth and R Swann
Councillors - T Beatty, J Bingham, H Cushin'an, B Duffin, T Hogg, S Ross and B Webb
- Non-Committee Members Present** : Councillor – R Lynch
- In Attendance** : Mr T Clarke – MLA
David Costello- Public Speaker
Jane Burnside- Public Speaker
Paul McKernan - Public Speaker
Raymond Holbeach - Public Speaker
David Meehan – Public Speaker
Ryan Townsend – Public Speaker
Henry Murray – Public Speaker
Eric Randall – Public Speaker
Alan Warren – Public Speaker
Chris Cassidy – Public Speaker
Ciara McStay – Public Speaker
- Officers Present** : Chief Executive - Mrs J Dixon
Director of Community Planning & Regeneration - Ms M McAlister
Legal Advisor – Mr P Casey
Head of Planning - Mr J Linden
Principal Planning Officer – Ms S Mossman
Senior Planning Officer – Ms J McKendry
Planning Officer – Mr K O'Connell
Planning Officer - Mr S Russell
Planning Officer - Mr S McQuillan
Media & Marketing Officer - Ms J Coulter
Systems Support Officer – Mr C Bell
Member Services Officer - Mrs D Hynes

CHAIRMAN'S REMARKS

The Chairman welcomed Committee Members to the monthly Planning Committee Meeting under the new format and sought a resolution to consider the In Confidence items.

APOLOGIES

Councillor Hollis and Councillor Bingham

DECLARATIONS OF INTEREST

None

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Duffin
Seconded by Councillor Beatty and agreed

that the following Committee business be taken In Confidence.

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

ITEMS IN CONFIDENCE

ITEM 3.1 IN CONFIDENCE

P/FP/LDP/3 PUBLICATION OF PREFERRED OPTIONS PAPER FOR PUBLIC CONSULTATION

Members were advised at the special Council meeting held on 25 October 2016 that the first key stage of production of the new Local Development Plan for the Borough was the publication of the Council's Preferred Options Paper (POP). This document would set out the key planning issues for the Borough, identify a range of options to address them and define our preferred options.

The Council agreed with the Draft POP circulated to the special meeting subject to some minor modifications and the options contained in this document were subsequently presented to key consultees at the Local Development Plan Working Group on 11 November 2016.

The text for the public consultation version of the POP had been prepared (copy circulated). This was closely based upon the Members Engagement version of the Draft POP previously circulated and there had been no significant change in terms of the options put forward to Members. The actual POP document itself was being prepared by the Council's graphic design team would be launched for a 12 week public consultation in the first week of January 2017.

The POP had been initially assessed in terms of sustainability, habitats impact and equality impact. A summary of the findings of the sustainability appraisal was also enclosed for Members consideration. This would be used to finalise the Sustainability Appraisal Interim Report which would also be published in January 2017. A draft Equality Impact Assessment examining the likely effects of policies and proposals on the promotion of equality was also under preparation. Finally a Habitats screening was also being finalised. Again it would be published alongside the POP together with our final evidence papers.

The final versions of these reports would be circulated to Members in due course and brought forward to the January 2017 Planning Committee for retrospective approval.

Proposed by Councillor Duffin

Seconded by Councillor Beatty and unanimously agreed

that Members note the preliminary findings of the Sustainability Appraisal and approve the POP document to issue in early January 2017 for a 12 week public consultation.

ACTION BY: John Linden

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE'

Proposed by Councillor Duffin

Seconded by Councillor Beatty and agreed

that any remaining Committee business be conducted in Open Session.

At this this point (6.10pm) the Chairman 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.

CHAIRMAN'S BUSINESS

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

1 APOLOGIES

Councillor Hollis and Councillor Bingham

2 DECLARATIONS OF INTEREST

Item 3.2 – Alderman R Swann

Item 3.3 – Councillor Duffin

PART ONE - DECISIONS ON PLANNING APPLICATIONS

Alderman R Swann declared an interest in item 3.2, having previously advised the Head of Planning that he would be removing himself from the Committee for this application as he wished to speak in support of local constituents opposed to the application. He remained in the chamber during consideration of the application, but did not participate in the decision making process by the Committee.

ITEM 3.2 APPLICATION NO: LA03/2016/0135/F

PROPOSAL: Construction and operation of a solar farm with a total generating capacity of 25MW. Development comprises photovoltaic panels, mounting frames, 1 no substation, 20 No. inverter stations, 12 No. CCTV cameras (3m high) and ancillary construction works including perimeter fencing (2.4m high), internal service tracks and 2 No. temp construction compounds.

SITE/LOCATION: Lands extending north and south of the M2 Motorway approx. 950m east of the Dunsilly Roundabout. Lands at the north begin approx. 80m south of 102 Steeple Road extending to approx. 370m east of 16 Kilgavanagh Road at the lands most westerly extremities. Lands to the south of the Motorway fringe the northern and western boundary of 82 Steeple Road extending southwards to approx. 290m north of 58 Niblock Road, Antrim.

APPLICANT: Elgin Energy Esco Ltd

Johanne McKendry, Senior Planning Officer, introduced the Planning Report to the Committee and made a recommendation to refuse planning permission. She also informed Members that Officers were withdrawing reason for refusal No. 6 from the recommendation.

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

- Alderman Swann
- Councillor Lynch
- David Costello
- Jane Burnside
- Paul McKernan
- Raymond Holbeach
- David Meehan

Proposed by Alderman T Campbell
Seconded by Alderman J Smyth and

on the proposal being put to the meeting 7 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 the provisions contained in the Strategic Planning Policy Statement and Policy RE1 of PPS18 in that the development would, if permitted have a significant adverse impact on visual amenity and landscape character.
2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY 15 of PPS21 in that the development would, if permitted have a significant adverse impact on the setting of Antrim Town.
3. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy FLD 1 of PPS15 Planning & Flood Risk in that the development is partially located within a known floodplain and would, if permitted be at risk from flooding and may increase the risk of flooding elsewhere.
4. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy FLD 3 of PPS15 Planning & Flood Risk in that a detailed drainage assessment has not been carried out and the development, if permitted may increase the risk of flooding elsewhere through increased surface water runoff.
5. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement, Policy NH1 & NH3 of PPS2 and The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) as it has not been demonstrated that the proposed development would not adversely affect Lough Neagh ASSI and Lough Neagh and Lough Beg SPA/Ramsar site.

ACTION BY: John Linden

Alderman R Swann joined the Committee at this point of the meeting.

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

ITEM 3.3 APPLICATION NO: LA03/2016/0582/F

PROPOSAL:	Retention of 2 No. tourist apartments (amendments to previously approved application T/2013/0205/F)
SITE/LOCATION:	Approx. 100m south of Staffordstown & Moneynick Road Junction Randalstown
APPLICANT:	Mrs S McLaughlin

Stephen McQuillan, Planning Officer, introduced the Planning Report to the Committee and made a recommendation to grant planning permission.

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

- Trevor Clarke, MLA
- Ryan Townsend
- Henry Murray

Proposed by Councillor Webb
 Seconded by Alderman T Campbell

That planning permission be granted

on the proposal being put to the meeting 3 Members voted in favour, 6 against and 0 abstentions, the proposal was declared fallen.

Proposed by Councillor Beatty
 Seconded by Alderman J Smyth

In Favour: Alderman Swann, Alderman F Agnew, Alderman Smyth, Councillor Beatty, Councillor Hogg, Councillor Ross,
 Against: Alderman T Campbell, Councillor Webb, Councillor Cushinan
 Abstentions: None

It was agreed

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

1. The proposed development would have an adverse impact on the privacy of the neighbouring dwelling; and
2. The proposed parking arrangement for the development would have an adverse impact on the character and appearance of the area and the amenity/environment of the neighbouring dwelling.

ACTION BY: John Linden

Councillor Duffin returned to the Chamber at this point.

ITEM 3.4 APPLICATION NO: LA03/2016/0275/F

PROPOSAL: Use of site for Waste Transfer Station to include garden and food waste.

SITE/LOCATION: Bryson Recycling, Belfast Road, Central Park, Mallusk

APPLICANT: Bryson Recycling

Stephen McQuillan, 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 –

- Eric Randall

Proposed by Alderman T Campbell
Seconded by Alderman R Swann 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

ITEM 3.5 APPLICATION NO: LA03/2016/0742/RM

PROPOSAL: Proposed residential development of 4 no. semi-detached dwellings with associated car parking and landscaping

SITE/LOCATION: 5 Ballyeaston Village, Ballyclare, Co Antrim

APPLICANT: Ballad Developments LTD

Simon Russell, Planning Officer, introduced the Planning Report to the Committee and made a recommendation to approve reserve matters.

There were no public speakers to address this item.

Proposed by Councillor Beatty
Seconded by Alderman R Swann and unanimously agreed

that reserved matters be granted for the application subject to the conditions set out in the Planning Report.

ACTION BY: John Linden

ITEM 3.6 APPLICATION NO: LA03/2016/0741/F

PROPOSAL: Two storey extension to side and rear of dwelling to provide kitchen, dining and bedroom accommodation

SITE/LOCATION: 10 Arthur Crescent, Newtownabbey

APPLICANT: Mr & Mrs M. McDonnell

Simon Russell, 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 –

- Alan Warren

Proposed by Alderman T Campbell

Seconded by Councillor Webb and unanimously agreed

that the application be deferred to provide the applicant with an opportunity to consider whether there were further amendments that could be undertaken to mitigate the impact of the proposal on neighbouring properties and for the application then to be returned to Committee for further consideration.

ACTION BY: John Linden

ITEM 3.7 APPLICATION NO: LA03/2016/0634/F

PROPOSAL: Replacement of existing semi-detached dwelling with new detached, including the retention of existing dwelling for conversion to domestic store and garage.

SITE/LOCATION: 96 Staffordstown Road, Randalstown.

APPLICANT: Odhran McCann

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

ITEM 3.8 APPLICATION NO: LA03/2016/0821/O

PROPOSAL: Proposed infill dwelling

SITE/LOCATION: Land between 146 and 146a Barnish Road, Quarter Lenagh, Randalstown

APPLICANT: Brian Heffron

Kieran O'Connell, 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 –

- Chris Cassidy
- Ciara McStay

Proposed by Alderman J Smyth

That outline planning permission be refused. As there was no seconder the proposal was declared fallen.

Proposed by Alderman T Campbell

Seconded by Alderman T Hogg

In Favour: Alderman T Hogg, Alderman T Campbell, Councillor Duffin, Councillor Cushman, Councillor Beatty

Against: Alderman J Smyth

Abstentions: Alderman R Swann, Alderman F Agnew, Councillor Webb, Councillor Ross

It was agreed

that planning permission be granted subject to a range of conditions. The conditions, the precise detail of which was delegated to Officers, should provide for a dwelling with a maximum ridge height of 5.5m to be sited in the north eastern corner of the site and make provision for any standard or technical matters arising such as access and landscaping.

The reason for the decision contrary to the Officer recommendation was that Members considered that there were a range of matters that, when taken in combination, provided justification to grant consent in the particular circumstances of this case.

These were that:

the site represents a gap between three buildings which Members consider have a frontage onto the laneway, albeit recognising that one presents its flank elevation to the laneway. Members referenced the agent's assertion that a recent appeal decision suggests such an arrangement can in certain cases be viewed as policy compliant; the proposed siting in the north east corner represents development of a relatively small gap with a tight frontage to the existing laneway and its development would therefore have only a limited impact on the appearance and character of this part of the countryside as the pattern of development has already changed by virtue of the recently constructed farm dwelling which has left this relatively small gap; Members also gave weight to the fact that a garage building approved as part of the farm dwelling proposal could be built on the site leading to the gap in effect being substantially eroded;

Members considered the topography of the site, which slopes away from the Barnish Road will assist in integration subject to landscaping;

Members noted there were no objections to the proposal and that all surrounding properties are occupied by members of the applicant's extended family;

Members recognised that proximity to these family members, and in particular the applicant's mother, will assist in family care both now and in the future; and

Members considered a modest dwelling could be designed in such a way that there would not be a detrimental impact on the amenities of the existing dwellings.

Councillor Ross left the chamber at this point of the meeting and was unable to vote on the next item.

ITEM 3.9 APPLICATION NO: LA03/2015/0041/F

PROPOSAL: Proposed installation of a wind turbine on a tubular tower of 40m height with blades up to 55.5m

SITE/LOCATION: Lands 534m northwest of 39 The Plains Burnside Co. Antrim

APPLICANT: Sam Moore

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

There were no public speakers to address this item.

Proposed by Councillor Beatty
Seconded by Councillor Webb and

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

that planning permission be refused for the following reason:

- 1. The proposed development is contrary to the policy provisions of the Strategic Planning Policy Statement and Policy RE 1 of PPS18 in that, it has not been demonstrated that the development would not cause significant harm to the amenity of any nearby sensitive receptors arising from noise.**

Councillor Ross returned to the Chamber at this point.

ITEM 3.10 APPLICATION NO: LA03/2016/1008/F

PROPOSAL: Bridge Street Environmental Improvement Scheme

SITE/LOCATION: Bridge Street and Dublin Road, Antrim

APPLICANT: Antrim and Newtownabbey Borough Council

Johanne McKendry, Senior 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 Councillor Duffin
Seconded by Alderman J 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 Beatty left at this point of the meeting (9.10pm)

ITEM 3.11 APPLICATION NO: LA03/2016/1007/F

PROPOSAL: Ballyclare Environmental Improvement Scheme

SITE/LOCATION: Rashee Road and North End, Ballyclare

APPLICANT: Antrim and Newtownabbey Borough Council

Johanne McKendry, Senior 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 J Smyth
Seconded by Councillor Duffin 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

**PART 2 FORWARD PLANNING MATTERS - LOCAL DEVELOPMENT PLAN,
PLANNING POLICY AND CONSERVATION**

OTHER PLANNING MATTERS

ITEM 3.12

P/PLAN/1 PROPOSAL OF APPLICATION NOTIFICATION 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 weeks notice to the Council that an application for planning permission is to be submitted. This was referred to as a Proposal of Application Notice (PAN). Two PAN's had been registered during November and the details were set out below.

PAN Reference: LA03/2016/1050/PAN
Proposal: Proposed outline masterplan to facilitate the comprehensive regeneration of Junction One, including the factory outlet centre, retail and leisure Park, and vacant lands. Proposals include demolition and reconfiguration of existing buildings; erection of new buildings to include provision of drive-thru restaurants, restaurants/coffee shops, bulky goods retail warehousing, retail kiosks, indoor leisure and factory outlet units; creation of new children's play area, outdoor multi-purpose recreational facility, new gateway entrance road and reconfiguration of internal road network; reconfiguration of car parking; provision of environmental improvement scheme featuring hard/soft landscaping and all associated site works.
Location: Junction One, 111 Ballymena Road, Antrim BT41 4LL
Applicant: Episo 4 Antrim Sarl
Date Received: 22 November 2016
12 week expiry: 15 February 2017

PAN Reference: LA03/2016/1066/PAN
Proposal: Residential development (Phase 2) of approximately 200 units comprising detached, semi-detached, townhouses and apartment units.
Location: Ballyveigh Housing Development situated to the rear of 5 & 7 Birch Hill Road, west of Ballygore Road and north of Rathenraw Integrated Primary School
Applicant: Tolvin Contractors Limited
Date Received: 30 November 2016
12 week expiry: 23 February 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 Alderman J Smyth
Seconded by Councillor Duffin and unanimously agreed that

the report be noted.

ACTION BY: John Linden

ITEM 3.13

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

A list of planning decisions issued by Officers during November 2016 under delegated powers was circulated for Members attention together with information received this month on planning appeals.

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

the report be noted.

ACTION BY: John Linden

ITEM 3.14

NOTIFICATION BY THE DEPARTMENT FOR INFRASTRUCTURE TO MID-ULSTER COUNCIL UNDER SECTION 26 OF THE PLANNING ACT (NI) 2011 – JURISDICTION IN RELATION TO AN APPLICATION OF REGIONAL SIGNIFICANCE – SAND EXTRACTION AT LOUGH NEAGH

The Department for Infrastructure had forwarded a copy of correspondence recently sent to the Mid-Ulster District Council (circulated) to indicate that, under the provisions of Section 26 of the 2011 Planning Act, it had advised the agent for the following prospective development proposal that any planning application should be submitted directly to the Department for determination.

Proposal: The extraction, transportation and working of sand and gravel from the bed of Lough Neagh from a defined area of approximately 9.28km² 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 consequential deposition of silt and fine material and monitoring thereof by Lough Neagh Sand Traders Limited.

This correspondence was issued specifically to Mid-Ulster Council by the Department as the site now proposed for sand and gravel extraction by the Lough Neagh Sand Traders lies completely within the Mid-Ulster administrative area.

Members were aware, as reported to the Committee in October 2015, that the Department had issued Enforcement Notices on 27 May 2015 seeking the cessation of the working of minerals from Lough Neagh to take effect on 30 June 2015. An appeal against these Notices was subsequently lodged to the Planning Appeals Commission

(PAC) and as a consequence they cease to take effect pending the PAC's determination of the appeal.

This appeal case is ongoing and a date for a hearing had yet to be confirmed. However, in the intervening period Friends of the Earth (FOE) launched judicial proceedings against the Department on the basis that the Minister ought to have issued Stop Notices for the immediate cessation of sand dredging at Lough Neagh. The High Court had recently given its judgement in this case and found against FOE. Mr Justice Maguire said the Minister had assessed the case carefully and had reached a decision that was within his remit to reach. He further indicated that the possibility of a stop notice had not been ruled out and acknowledged that this was a case that would require continuous assessment.

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

the report be noted.

ACTION BY: John Linden

ITEM 3.15

P/FP/12 – BELFAST METROPOLITAN AREA PLAN 2015 – JUDICIAL REVIEW UPDATE

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

A legal challenge was subsequently launched by the then Enterprise Minister, Arlene Foster (currently First Minister), claiming that the 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.

Members recalled, as previously reported to Committee in April 2016, that Mr Justice Treacy concluded on 11 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 the judge also sought submissions by the parties regarding appropriate relief and a remedies hearing on this matter subsequently took place. The suggested remedy, put forward by the two departments jointly, has now been accepted by Mr Justice Treacy. 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 of the ruling made by Mr Justice Treacy on 18 November 2016 all the remaining elements of BMAP have been confirmed as lawfully valid. This includes those provisions relating to the legacy Newtownabbey Council area which will now continue to apply until such time as the Council's new Local Development Plan is adopted.

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

the report be noted.

ACTION BY: John Linden

ITEM 3.16

P/PLAN/12 - REPLACEMENT OF THE NORTHERN IRELAND PLANNING PORTAL

Members recalled that, at the Planning Committee meeting on 19 September 2016, it was agreed that the Council would participate in the Discovery Exercise being led up by the Department for Infrastructure in relation to a potential shared service model for the planned replacement of the current NI Planning Portal.

Correspondence had been received from the Department (copy circulated) including a draft Terms of Reference for the Discovery Exercise and an Outline Business Case along with indicative timescales for this exercise.

Officers would review and assess the information received to ensure that any of the shortcomings identified in previous correspondence with the Department are addressed by this phase of the project and will respond appropriately to the Department.

Proposed by Alderman J Smyth
Seconded by Councillor Duffin 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 Chairman took this opportunity to thank the Planning Section staff for all their hard work. He thanked everyone for their attendance and wished everyone a very Merry Christmas and a Happy New Year. The meeting concluded at 9.17pm.

MAYOR

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

