



**MINUTES OF THE PROCEEDINGS OF THE MEETING OF THE PLANNING COMMITTEE HELD
IN MOSSLEY MILL ON MONDAY 15 FEBRUARY 2016 AT 6.30 PM**

- In the Chair** : Alderman R Swann
- Committee Members Present** : Aldermen - F Agnew, T Campbell, J Smyth
Councillors - T Beatty, J Bingham, H Cushinan, B Duffin,
T Hogg, D Hollis, S Ross and B Webb
- Non-Committee Members Present** : Councillor D Arthurs
- In Attendance** : Francis Ellison- Public Speaker
Shaun McElhone - Public Speaker
Christopher Harris - Public Speaker
Michael Francey - 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 – Mrs J Winters
Planning Officer – Mr S Russell
Media and Marketing Officer – Ms Jenni Coulter
Legal Advisor - Mr Paul Casey
Senior ICT Officer - Mr P Allan
Senior Administrative Officer – Ms S McAree
Member Services Officer - Mrs D Hynes

CHAIRMAN'S REMARKS

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

1 APOLOGIES

None

2 DECLARATIONS OF INTEREST

Councillors Hogg and Webb – Item 3.16

PART ONE - PLANNING APPLICATIONS AND RELATED DEVELOPMENT MANAGEMENT AND ENFORCEMENT ISSUES

DECISIONS ON PLANNING APPLICATIONS

ITEM 3.1 APPLICATION NO: LA03/2015/0627/F

PROPOSAL: Proposed Dwelling

SITE/LOCATION: Adjacent to No.9/9a Greenpark Drive, Antrim BT41 4EL

APPLICANT: Anthony McNeill

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.

Councillor Duffin
Seconded by Alderman Campbell and

on the proposal being put to the meeting 11 Members voted in favour, 1 against and no abstentions, it was agreed

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

ACTION BY: Barry Diamond

ITEM 3.2 APPLICATION NO: LA03/2015/0606/O

PROPOSAL: Two Infill Dwellings and Garages

SITE/LOCATION: Between 10 and 18 Hollybank Road, Parkgate, BT39 0DL

APPLICANT: Gary Stewart

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 –

- Mr Francis Ellison

Proposed by Councillor Beatty

Seconded by Councillor Hollis and unanimously agreed

that planning permission be refused for the following reasons:

- 1. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policies CTY1, CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Hollybank Road detrimental to the rural character of the locality.**
- 2. The proposal is contrary to the provisions of the Strategic Planning Policy Statement and Policies CTY1 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, fail to integrate into the local landscape.**
- 3. The proposal is contrary to Policy FLD 3 of PPS15 'Planning and Flood Risk' in that insufficient information has been provided to demonstrate to the satisfaction of the Council that the proposal would, if approved, provide adequate measures to effectively mitigate the known flood risk to the proposed development and from the development elsewhere.**
- 4. Insufficient information has been provided to demonstrate to the satisfaction of the Council that the proposal would not be adversely affected by odour and smell nuisance from the nearby waste water treatment works.**

ACTION BY: Barry Diamond

ITEM 3.3 APPLICATION NO: LA03/2015/0519/O

PROPOSAL: Building to be used for proposed children's nursery

SITE/LOCATION: 20m south west of 48 Gallagher Road, Toomebridge, Co. Antrim

APPLICANT: Mr Shaun McElhone

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 –

- Shaun McElhone

Proposed by Alderman Smyth
Seconded by Councillor Webb and

on the proposal being put to the meeting 11 Members voted in favour, 1 against and no abstentions, it was agreed

that the application be deferred to afford the applicant the opportunity to submit information and evidence seeking to establish the need for the development at this location and then returned to Committee within 2 months for further consideration.

ACTION BY: Simon Russell

ITEM 3.4 APPLICATION NO: LA03/2015/0464/O

PROPOSAL: Proposed dwelling within an existing cluster

SITE/LOCATION: Lands south of 76 Rathmore Road, Dunadry

APPLICANT: Mr and Mrs McKendry

Simon Russell, 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 Webb
Seconded by Alderman Agnew and unanimously agreed

that planning permission be refused for the following reasons:

- 1. The proposal is contrary to the provisions contained within the Strategic Planning Policy Statement and Policies CTY1 and CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that development of the site would not constitute rounding off and consolidation of an existing cluster.**
- 2. The proposal is contrary to the provisions contained in the Strategic Planning Policy Statement and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, contribute to a build-up of development when viewed with existing buildings and would further erode the character of this rural area.**

ACTION BY: Simon Russell

ITEM 3.5 APPLICATION NO: LA03/2015/0602/A

PROPOSAL: Retrospective application for 1 no. LED digital sign on free standing structure, 1 no. aluminium sign on free standing steel structure, 2 no. aluminium signs fixed to building

SITE/LOCATION: Integrity Cars, 183 Templepatrick Road, Doagh

APPLICANT: Gavin Martin

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 –

- Mr Christopher Harris

Proposed by Alderman Campbell
Seconded by Councillor Beatty and

on the proposal being put to the meeting 11 Members voted in favour, none against and 1 abstention, it was agreed

that the application be deferred to afford the applicant the opportunity to submit an amended scheme reducing the number of signs proposed at the site and addressing concerns about the LED signage and then returned to Committee within 2 months for further consideration.

ACTION BY: Barry Diamond

ITEM 3.6 APPLICATION NO: LA03/2015/0480/A

PROPOSAL: Retrospective consent for 4 shops signs (2 no wall mounted signs, 1 no shop front mounted fascia sign & 1 no shop front mounted up stand sign).

SITE/LOCATION: 133 Doagh Road, Newtownabbey, BT36 6AA

APPLICANT: Mr Victor Stopford

Barry Diamond, Principal 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 Hollis

Seconded by Councillor Hogg and unanimously agreed

that planning permission 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 retention of the proposed signage, would result in an unacceptable detrimental impact on visual amenity and a proliferation of signs that are overly dominant in the streetscene leading to unacceptable visual clutter.**

ACTION BY: Barry Diamond

ITEM 3.7 APPLICATION NO: LA03/2015/0208/A

PROPOSAL: Retrospective display of 2 electronic variable messages.

SITE/LOCATION: 205 Doagh Road, Newtownabbey

APPLICANT: W J Walker

Simon Russell, 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 Ross and unanimously agreed

that planning permission be refused for the following reason:

- 1. The advertisements, if approved, would be contrary to Policy AD 1 of Planning Policy Statement 17, in that they would be detrimental to visual amenity when assessed in the context of the general characteristics of the area and would prejudice road safety.**

ACTION BY: Simon Russell

ITEM 3.8 APPLICATION NO: LA03/2015/0585/RM

PROPOSAL: Proposed detached dwelling house and associated site works

SITE/LOCATION: Between 3 and 5 Drumsough Road, Randalstown, BT41 2NW

APPLICANT: Mr James Mullan

Simon Russell, Planning Officer, introduced the Planning Report to the Committee. After highlighting a typing error in Condition 1 attached to the report he made a recommendation to grant planning permission.

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

- Mr Michael Francey

Proposed by Councillor Beatty

Seconded by Councillor Bingham and unanimously agreed

that planning permission be granted for the application subject to the conditions set out in the Planning Report, incorporating the aforementioned amendment to Condition 1.

ACTION BY: Simon Russell

PROPOSAL TO PROCEED 'IN CONFIDENCE'

Proposed by Councillor Bingham

Seconded by Councillor Duffin and agreed

that the following Committee business be taken In Confidence.

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

IN-CONFIDENCE

DECISIONS ON ENFORCEMENT CASES

ITEM 3.9 ENFORCEMENT CASE: LA03/2015/0008/CA

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

Proposed by Alderman Campbell

Seconded by Councillor Duffin and unanimously agreed

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

ACTION BY: Judith Winters

ITEM 3.10 ENFORCMENT CASE: LA03/2015/0016/CA

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

Proposed by Alderman Smyth
Seconded by Councillor Webb and unanimously agreed

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

ACTION BY: Judith Winters

ITEM 3.11 ENFORCMENT CASE: LA03/2015/0198/CA

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

Proposed by Councillor Hollis
Seconded by Councillor Webb and unanimously agreed

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

ACTION BY: Judith Winters

ITEM 3.12 ENFORCMENT CASE: T/2015/0012/CA

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

Proposed by Councillor Hollis
Seconded by Councillor Webb and unanimously agreed

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

ACTION BY: Judith Winters

PROPOSAL TO MOVE OUT OF 'IN CONFIDENCE

Proposed by Councillor Beatty
Seconded by Councillor Webb and agreed

that any remaining Committee business be conducted in Open Session.

The Chairman advised that audio-recording to recommence at this point.

OPEN SESSION

ITEM 3.13

2015/0021/TPO - CONFIRMATION OF TREE PRESERVATION ORDER (TPO) ON LANDS AT 401 SHORE ROAD AND LISMARA COURT, NEWTOWNABBEY

Members were advised that Section 122 of the Planning Act (Northern Ireland) 2011 empowered the Council to make provision for the preservation of trees or woodlands where it appeared that it was expedient in the interests of amenity. The purpose of the Order was to preserve the trees on this site and to prohibit the cutting down, lopping, uprooting, wilful damage or wilful destruction of the trees.

Members were reminded that at the September Planning Committee meeting Officers reported the service of a Provisional TPO on lands at 401 Shore Road and Lismara Court on 28th August 2015 in accordance with Section 123 of the Planning Act (Northern Ireland) 2011.

In accordance with Section 123 of the Planning Act (Northern Ireland) 2011 the Tree Preservation Order must be confirmed on or before 27th February 2016, being 6 months from the date of service of the Provisional TPO.

Members were further advised that In making a Tree Preservation Order, The Planning (Trees) Regulations (Northern Ireland) 2015 required the Council to identify the trees or group of trees which were subject to the Order. In accordance with established practice, Officers commissioned a tree survey report and this identified the trees to be the subject of the Order and detailed their health and condition.

It was reported that the Council invited representations from those with an interest in the land and properties adjoining the land, which were to be received by 6th February. No representations had been received.

Officers considered the trees in question had significant local amenity value and Members were therefore requested to confirm the TPO.

Proposed by Councillor Webb
Seconded by Councillor Hollis and unanimously agreed

that the Tree Preservation Order be confirmed and officers be congratulated on their quick response to this situation.

ACTION BY: John Linden

ITEM 3.14

APPLICATION U/2013/0147/O - REDEVELOPMENT OF UNIVERSITY OF ULSTER AT JORDANSTOWN

Members were reminded that Officers previously reported that the Planning Section had received correspondence from Strategic Planning, the agents for the University of Ulster at Jordanstown seeking a meeting on planning application U/2013/0147/O which was refused by the Planning Committee on the 17th August 2015 and which was now the subject of a planning appeal to the Planning Appeals Commission (PAC).

Following the agreement of the Planning Committee at its meeting on 18 December 2015, Officers subsequently met with two representatives from Strategic Planning and a representative from the University of Ulster, Mr Paul Spratt. Strategic Planning did not provide any submissions or information prior to the meeting.

Shortly before the meeting both the Council and Strategic Planning were advised by the PAC that the deadline for the submission of Statements of Case to the Commission on the planning appeal was the 1st March 2016. An informal hearing will then take place on the 5th April 2016 in the PAC's Offices in Park House, Great Victoria Street, Belfast.

Members were advised that at the meeting Officers advised that the discussion was taking place on a without prejudice basis and that they had no authority to remove or amend any of the reasons for refusal as the decision to refuse this major application had been taken by the Planning Committee.

The agents sought some elucidation on several of the grounds of refusal. It was pointed out by Officers that the Committee Report which explained the reasons for refusal was some 30 pages long and should therefore offer a comprehensive response. There was also some general discussion around specific aspects of the scheme, in particular those matters where the Council's reasons of refusal advised that insufficient information had been made available.

It was reported that while there was also some discussion around the length of time it might take for the Council to consider and provide comment on any design or layout changes the applicant may be willing to make, the agents for the University subsequently confirmed in writing after the meeting that no changes to the scheme would be submitted to the Council or the PAC at this time. The Council had written to Strategic Planning indicating that it was open to discussing the matter further and indeed should a new application be forthcoming or anticipated to engage in pre-application discussions with the agent and/or applicant.

Proposed by Councillor Bingham
Seconded by Councillor Duffin and unanimously agreed

that the report be noted.

ACTION BY: John Linden

ITEM 3.15

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

Members were reminded that prospective applicants for all development proposals which fell 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 had been registered during January and the details were set out below.

PAN Reference:	LA03/2016/ 0075/PAN
Proposal:	Continued use of lands for the provision of car parking for users of Belfast International Airport
Location:	Karl Business Park, 92 Old Ballyrobin Road, Muckamore
Applicant:	Karl Airport Parking
Date Received:	29 January 2016
12 week expiry:	22 April 2016

Members were further reminded 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 Beatty
Seconded by Councillor Duffin and unanimously agreed

that the report be noted.

ACTION BY: John Linden

(Having declared an interest Councillors Hogg and Webb left the meeting during the consideration of the following item.)

ITEM 3.16

U/2014/0339/O PRE-DETERMINATION HEARING FOR MAJOR PLANNING APPLICATION FOR MIXED USE DEVELOPMENT ON LANDS AT CHURCH ROAD, NEWTOWNABBEY.

Members were advised that Planning application U/2014/0339/O was seeking outline planning permission for a mixed use development comprising a supermarket, petrol filling station and light industrial units at Bombardier Aerospace, Church Road, Newtownabbey.

The application was originally submitted in November 2014, but an amended submission was received in November 2015 seeking to reduce the proposed supermarket element of the scheme from 9,300 sq.m gross retail floor space to 5,500 sq.m gross retail floor space. Approximately 3,000 sq.m of business/light industrial floor space was proposed. It should be noted that to date no end user had been identified for the supermarket element of the scheme.

It was reported that the application had elicited a number of objections including one from the Northern Ireland Independent Retail Trade Association (NIIRTA). The representations received to date regarding this proposal were available for Members to view online at the Planning Portal (www.planningni.gov.uk). In addition to its written objection NIIRTA had requested an opportunity to make a presentation to the Council in which they wished to set out their objections to the proposal. NIIRTA considered the application to be contrary to the planning policy for town centres and retailing set out in the Strategic Planning Policy Statement for Northern Ireland (SPPS).

Members were further advised that at this time Officer assessment of the amended application and the revised retail impact assessment submitted in late November was ongoing and a number of consultation responses were still awaited.

Nevertheless, taking account of the current development plan zoning and given that the proposal had the potential to have a significant impact upon the retail catchment of the Borough and with the NIIRTA request in mind, Officers considered, that it would be appropriate to hold a Pre-Determination Hearing in this case under Section 30 (4) of the Planning Act 2011 prior to a Case Officer report being presented to Members at a future meeting of the Planning Committee. Such a hearing would provide an opportunity for Members to examine, explore and probe the detail and issues pertaining to this particular application and thus help inform the decision making process.

It was anticipated that any Pre-Determination Hearing would likely take place during late March / early April. However, agreeing this course of action at this time would allow Officers to provide advance notification to the developer and those who had made representations that the Committee intended to examine all the issues associated with this application through a Pre-Determination Hearing. Subject to Committee agreement, the timing and detailed for a Pre-Determination Hearing in this case would be made available by Officers on the Council's website.

Proposed by Councillor Duffin
Seconded by Beatty and unanimously agreed

that a Pre-Determination Hearing should take place for Planning Application U/2014/0339/O with the date and detailed arrangements delegated to Officers.

ACTION BY: John Linden

(Councillor Campbell left the meeting at this point.)

ITEM 3.17

P/PLAN/1 DELEGATED PLANNING DECISIONS AND APPEALS

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

Proposed by Councillor Bingham
Seconded by Councillor Duffin and unanimously agreed

that the report be noted.

NO ACTION

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

ITEM 3.18

P/FP/LDP/49 - REGIONAL DEVELOPMENT STRATEGY 2035 (RDS) - REVISED HOUSING GROWTH INDICATORS

It was reported that the Department for Regional Development (DRD) had written to the Council to advise that the existing Housing Growth Indicators (HGIs) published in the Regional Development Strategy (RDS) 2035 had been revised to take account of NISRA's revised 2012 based household projections and to allocate growth to the 11 new Councils. DRD had given all Councils 4 weeks to reply and "in the absence of any substantive evidence supported response within the timescale specified", DRD advised that they would proceed to formally adopt the figures for the Borough.

HGI figures provided an estimate of the number of new dwellings that needed to be built in Northern Ireland. They were used to inform the designation and zoning of land as part of the local development plan process. A copy of the DRD letter, the methodology and the figures was enclosed.

Members were advised that the revised figure for Antrim and Newtownabbey Borough was 7,200 dwellings. In essence this meant that for the period of 2012-2025 it was estimated that this was the number of new dwellings needed to be built within the Borough. DRD advised that the HGIs were for guidance and should not be seen as a cap on housing development in the area or a target to be achieved.

The Council would determine where housing growth should go within the Borough through the local development plan process. The plan was required legislatively to take account of the RDS and the amount of new housing growth would eventually be assessed at public inquiry to determine if the new plan for the Borough was sound.

It was further reported that HGIs were first set out in the RDS 2025 and had been revised a number of times since. The RDS 2035 was published in 2012 and included HGIs for the period 2008 to 2025. The indicator for the former Antrim district was 7,300. Newtownabbey didn't have a district specific indicator because it was part of the Belfast Metropolitan Area (BMA) which had an overall indicator of 60,800. Based on its 12.5% population share of the BMA, it was estimated that Newtownabbey would have a HGI of 7,700. This would give an estimated overall current HGI for Antrim and Newtownabbey of 15,000 for the period 2008-2025. The proposed revised figure was less than 50% of the existing estimated HGI. The RDS 2035 was subject to public consultation. Council Officers were not aware of any public consultation or examination regarding the current figures.

Proposed by Councillor Duffin

Seconded by Alderman Smyth and unanimously agreed

that the Committee approves an interim response to DRD raising concern about the new HGIs and inviting DRD officials to attend the Committee, in due course.

ACTION BY: John Linden

ITEM 3.19

SURVEYS FOR TREE PRESERVATION ORDERS - PRACTICE AND PROCEDURES

It was reported that Section 122 of the Planning Act (Northern Ireland) 2011 empowered Councils to make a Tree Preservation Order (TPO) where it appeared to the Council that it was expedient to do so. The purpose of the Council seeking to protect trees was due to their amenity value, especially the visual amenity afforded by existing trees where these were under threat of being felled.

DOE established practice was to commission a full health and condition survey of the trees to be the subject of the Order. This involved the trees being surveyed by an arboriculturalist who tagged them with a reference tag and provided a report which detailed the tree reference, species, age, condition, height in metres, diameter at breast height, crown spread and any comments regarding the health and condition of the tree. It also included a recommendation regarding the imposition of a TPO on each tree and was accompanied by a map referencing the trees. However, the cost of undertaking such an extensive survey is expensive and is legislatively unnecessary.

In making a TPO, the Planning (Trees) Regulations (Northern Ireland) 2015 require the Council to identify the trees or group of trees which are subject to the Order. There is no legislative requirement for the Council to have a full tree condition survey carried

out as part of the TPO; it serves no purpose for the Council, provides no defence for applying a TPO and is quickly outdated.

Members were advised that as a consequence Officers wished to amend the practice and procedure for tree surveys associated with TPOs. In order to ensure that Council held sufficient information to carry out effective enforcement against breaches of Tree Preservation Orders as necessary, it was intended that future tree surveys:

- 1) identify individual trees on a map
- 2) number the tree on the map
- 3) identify the species of the tree and approximate height
- 4) photograph of the tree or group of trees

In cases of individual trees it might be possible to carry out the survey in-house.

It was considered the procedure recommended could provide the Council with a significant saving on the cost of initiating a Tree Preservation Order.

Proposed by Councillor Beatty

Seconded by Councillor Duffin and unanimously agreed

that the new procedure for surveys associated with Tree Preservation Orders be approved.

ACTION BY: John Linden

The Chairman thanked everyone for the attendance and there being no further Committee business under Part 2 of the agenda the Meeting concluded at 8.05 pm.

MAYOR