

## **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

Ref: PL / DM

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### **Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 8<sup>th</sup> June 2016 at 10.00am in the Boardroom, Monaghan Row, Newry**

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**In the Chair:**

Councillor W Clarke	(10.00am – 12.35pm)
Councillor J Macauley	(12.35pm – 1.35pm)
Councillor W Clarke	(1.35pm – 2.10pm)

**In attendance:**

**(Committee Members)**

Cllr W Clarke	Chairperson
Cllr J Macauley	Vice Chairperson

Cllr C Casey	Cllr G Craig
Cllr L Devlin	Cllr G Hanna
Cllr V Harte	Cllr M Larkin
Cllr K Loughran	Cllr D McAteer
Cllr M Murnin	Cllr M Ruane

**(Non Committee Members)**

Cllr P Clarke  
Cllr J Tinnelly  
Cllr M Carr

**(Officials)**

Mr L Hannaway	Chief Executive
Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms N Largey	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

### **P/55/2016: APOLOGIES & CHAIRMANS REMARKS**

Councillor Clarke, Chairperson, welcomed the members of the public to the meeting. He also welcomed the newly appointed Committee Members, Councillor Casey, Councillor Hanna and Vice Chairperson of the Committee, Councillor J Macauley. He paid tribute to the outgoing Committee Members and commended them on the sterling work they carried out as members of the Planning Committee, in particular to Councillor J Tinnelly in his role as Chairperson for the first year of the Planning Committee.

Councillor Clarke said following a review of the Council's Planning structures speaking rights had now been introduced at Planning Committee Meetings which would provide a more transparent method of how Planning Committee Meetings are conducted. He added the Council would continue to endeavour to ensure it took on board the views of all parties concerned and ensure implementation of good planning process which would deliver good decisions for people and the wider community in terms of wellbeing, the economy and the environment.

Apologies were received from the following:

Councillor V Harte  
Councillor M Ruane

**P/56/2016: DECLARATIONS OF INTEREST**

**Noted:** Councillor W Clarke declared an interest in Planning Application No: R/2013/0375/F – Mrs Mary O Prey – proposed house and garage on the farm for a family member – lands nw of 9 Wateresk Road Dundrum and indicated he would not be taking part in discussion regarding this application.

**Noted:** Councillor L Devlin declared an interest in Planning Application No: LA07/2015/0542/F – Mr RL Annett – agricultural building, yard and access from Council Road – 150m southwest of 20 Council Road Kilkeel and indicated she would not be taking part in discussion regarding this application.

**Noted:** Councillor L Devlin declared an interest in Planning Application No: R/2013/0375/F – Mrs Mary O Prey – proposed house and garage on the farm for a family member – lands nw of 9 Wateresk Road Dundrum and indicated she would not be taking part in discussion regarding this application.

**Noted:** Councillor G Hanna declared an interest in Planning Application No: LA07/2015/0542/F – Mr RL Annett – agricultural building, yard and access from Council Road – 150m southwest of 20 Council Road Kilkeel and indicated he would not be taking part in discussion regarding this application.

**P/57/2016: MINUTES OF PLANNING COMMITTEE MEETING  
- THURSDAY 26 MAY 2016**

**Read:** Minutes of Planning Committee Meeting held on Thursday 26 May 2016. (Copy circulated).

**AGREED:** **On the proposal of Councillor Devlin seconded by Councillor Craig it was agreed to adopt the Minutes of the Planning Committee Meeting held on Thursday 26 May 2016 as a true and accurate record.**

**P/58/2016: APPLICATIONS FOR DETERMINATION**

**(1) LA07/2015/0481/O – Mr V Quinn**

***Location:***

40m east of 101 Moor Road, Kilkeel

***Proposal:***

Site for dwelling on a farm

**Conclusion and recommendation from Planning Official**

Refusal

**AGREED:** On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0481/O, as per the Development Management Officer Report.

**NOTED:** Abstentions 0

**(2) LA07/2015/0526/O - David Campbell**

***Location:***

49m south west of 71 Moor Road, Kilkeel

***Proposal:***

Site for dwelling and detached garage

**Conclusion and recommendation from Planning Official**

Refusal

**AGREED:** On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0526/O, as per the Development Management Officer Report.

**NOTED:** Abstentions 0

**(3) LA07/2014/0850/F – Gareth Nugent**

***Location:***

Lands adjacent to and east of 1-7 Drumleacht and north of Whitecross Bar, Tullyah Road, Whitecross

***Proposal:***

Erection of 4 semi detached dwellings on lands

**Conclusion and recommendation from Planning Official:**

Refusal

**AGREED:** On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to issue a Refusal in respect of Planning Application LA07/2014/0850/F, as per the Development Management Officer Report

**NOTED:** Abstentions: 0

**(4) LA07/2015/0625/O – Mrs M J Burgess**

***Location:***

Lands between 211 and 213 Derryboy Road, Crossgar

***Proposal:***

Dwelling and garage

**Conclusion and recommendation from Planning Official**

Refusal

**Representations:**

Representation was made by Councillor D Taylor in support of the application.

**NOTED:** Planning Application LA07/2015/0625/O had been withdrawn by the Applicant and was not considered by the Committee.

**(5) LA07/2015/0868/O – Mr & Mrs Ward**

***Location:***

Lands between 20 & 20B Station Road, Killough

***Proposal:***

Single dwelling and garage

**Conclusion and recommendation from Planning Official:**

Refusal

**NOTED:** Planning Application LA07/2015/0868/O had been removed from the schedule to allow Planning Department to review the recommended determination in light of issues which have since arisen with regard to this application and was not considered by the Committee.

**(6) LA07/2015/1055/O – Mr J Convery**

***Location:***

20m north east of 15 Chancellors Road, Newry

***Proposal:***

Proposed site for infill dwelling and domestic garage

**Conclusion and recommendation from Planning Official:**

Refusal

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue a Refusal in respect of Planning Application LA07/2015/1055/O, as per the Development Management Officer Report.

**NOTED:** Abstentions: 0

**(7) P/2013/0938/F – John Morgan**

***Location:***

220m west of 6 Tamary Road, Mayobridge

***Proposal:***

225kw wind turbine with 30m mast and 29m rotor for electricity production

**Conclusion and recommendation from Planning Official:**

Refusal

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue a Refusal in respect of Planning Application P/2013/0938/F, as per the Development Management Officer Report

**NOTED:** Abstentions: 0

**(8) LA07/2015/0504/O – Fiona McGivern**

***Location:***

Lands between 18 & 20 Derryleckagh Road, Newry

***Proposal:***

Proposed infill dwelling

**Conclusion and recommendation from Planning Official:**

Refusal

**Representations:**

Representation was made from Councillor S Ennis in support of the application.

**Speaking Rights:**

A request for speaking rights had been received from a representative from Gray Design Limited.

Mr Colin Dalton Grey Design Limited and Ms Fiona McGivern delivered a presentation.

**Discussion:**

Discussion followed during which issues were raised in relation CTY8, Section 5.33, road frontage, ribboning, visual linkage and whether the site could be classed as infill. A number of members indicated they felt this application should be considered as exceptional circumstances.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Murnin it was agreed to overturn the recommendation from Planning Department to issue a Refusal in respect of Planning Application LA07/2015/0504/O, as outlined in the Development Management Officer Report, on the grounds of CTY8, as whilst there is ribbon development, the Committee were of the view that because there had been such extensive ribbon development in the area as highlighted by the applicant, that the site appeared to be the only potential infill development left in the area, and that in these particular circumstances the paddock identified in the adjoining site should be considered as part of the curtilage of the dwelling, and the application was therefore an exceptional case.

**NOTED:** Abstentions: 0

**(9) LA07/2015/0542/F – Mr R L Annett**

***Location:***

150m southwest of 20 Council Road, Kilkeel

***Proposal:***

Agricultural building, yard and access from Council Road

**Conclusion and recommendation from Planning Official**

Refusal

**Speaking Rights:**

A request for speaking rights had been received from a representative from Michael Burroughs Associates.

**NB:** Mr Richard O Toole Michael Burroughs Associates had subsequently advised he would not be speaking.

A request for speaking rights was received from Councillor H Reilly in support of this application.

**NB:** Councillor Reilly was absent from the meeting.

(11.55am – Councillor Devlin and Councillor Hanna withdrew to the Public Gallery during discussion on this application)

**Noted:** Mr Rooney asked that the Committee note the following additional reason for refusal which had not been included in the Development Management Officer Report:  
“The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, 'Sustainable Development in the Countryside' in that the impact of ancillary works would damage rural character and would therefore result in a detrimental change to the rural character of the area.”

**Discussion:**

Councillor McAteer said in terms of knowledge of farming he would question the relevance of a number of the statements contained in the Development Management Officer Report regarding this application in respect of housing of sheep.

On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0542/F, as per the Development Management Officer Report.

Councillor McAteer said he was not in favour of accepting the recommendation contained in the Development Management Officer Report in respect of Planning Application LA07/2015/0542/F as this application was proven to be exceptional circumstances.

A vote was taken on the Motion as proposed by Councillor Larkin and seconded by Councillor Craig and voting was as follows:

For	5
Against	3

The proposal was declared carried.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to issue a Refusal in respect of Planning Application LA07/2015/0542/F, as per the Development Management Officer Report.**

(12.20pm – Councillor L Devlin and Councillor G Hanna re-joined the meeting)

**(10) LA07/2015/0552/F – Trevor Perry**

***Location:***

13 Slieveshannagh Park, Newcastle

***Proposal:***

2 No. single storey extensions to front of dwelling which project forward of existing dwelling

**Conclusion and recommendation from Planning Official**

Approval

**Representations:**

Representation was made by Councillor S Doran on behalf of the objectors.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to issue an Approval in respect of Planning Application LA07/2015/0552/F, as per the Development Management Officer Report.**

**NOTED: Abstentions: 0**

**(11) LA07/2015/1229/O – P J O'Hare**

***Location:***

Between No's 2 and 4 Bog Road, Kilcoo

***Proposal:***

Infill site for dwelling and garage

**Conclusion and recommendation from Planning Official:**

Refusal

**Representations:**

Submission was made by the Agent in support of application.

**Speaking Rights:**

A request for speaking rights had been received from Martin J Bailie Agent.

**NB:** Mr Martin J Bailie Agent was absent from the meeting.

**Noted:** Mr Hay referred to reasons for Refusal as outlined on Page 3 of the Development Management Officer Report and advised that Paragraph 1 had been reworded to read as follows:

“The proposal is contrary to the Strategic Planning Policy Statement 2015 and Policies CTY1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site is not part of a substantial and continuously built up frontage. The proposal is therefore not a valid infill opportunity.”

Mr Hay also advised that Paragraph 2 had been removed in its entirety.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Murnin it was agreed to issue a Refusal in respect of Planning Application LA07/2015/1229/O as per the Development Management Officer Report.

**NOTED: Abstentions: 0**

(12.35pm – Councillor W Clarke and Councillor L Devlin withdrew to the Public Gallery)

(12.35pm – Councillor J Maculey chaired the meeting from this point)

**(12) R/2013/0375/F – Mrs Mary O’Prey**

***Location:***

Lands 40m north west of 9 Wateresk Road, Dundrum

***Proposal:***

Proposed house and garage on the farm for a family member

**Conclusion and recommendation from Planning Official:**

Refusal

**Speaking Rights:**

A request for speaking rights had been received from a representative from Hillen Architects Limited.

Mr Barry Hillen Hillen Architects Limited delivered a presentation.

**Discussion:**

During discussion issues were raised regarding Single Farm Payment and the submission of receipts/invoices as evidence of establishing active farm activity. Reference was also made



to a Planning Application which had been sent to Planning Appeals and thereafter had been granted approval based on exceptional circumstances.

During discussion regarding letting land on conacre, Mr Hay stated that if land was let in conacre then the farmer who took the land was classed as being the active farmer.

Councillor Larkin proposed to accept the Planning Officer's recommendation to grant a Refusal in respect of Planning Application R/2013/0375/F, as per the Development Officer Management Report. No seconder was received.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Murnin it was agreed to defer Planning Application R/2013/0375/F and that, in the interim, Officers to engage a barrister to assist in preparing a report providing details on the following issues, in order to provide the Planning Committee with more detailed information before proceeding with issuing a determination on Planning Application R/2013/0375/F:

- (a) Clarification on issues regarding letting of land on conacre.
- (b) Clarification on what defines 'active farming'.
- (c) Advice on Planning Appeal 2014/A0133 and other significant Appeal decisions on this issues.

**NOTED:** Abstentions: 0

(1.35pm – Councillor Macauley vacated the Chair at this point)

(1.35pm – Councillor W Clarke chaired the meeting from this point)

(1.35pm – Councillor L Devlin re-joined the meeting at this point)

**(13) R/2015/0093/F – Kennedy's Direct Catch Ltd**

***Location:***

21 Enterprise Avenue, Down Business Park, Downpatrick

***Proposal:***

Proposed fitness facility and associated parking

**Conclusion and recommendation from Planning Official:**

Refusal

**Speaking Rights:**

A request for speaking rights had been received from a representative from Hillen Architects Limited.

Mr Barry Hillen Hillen Architects Limited delivered a presentation.

**Discussion:**

During discussion issues were raised with regard to ownership of the site the use of the land within an area which is zoned for industrial use.

Councillor Craig proposed and Councillor Larkin seconded the issue of a Refusal in respect of Planning Application R/2015/0093/F, as per the Management Development Officer Report.

A number of Members abstained from the above Motion which was therefore put to a vote and voting was as follows:

For 3  
Against 4  
Abstentions 3

The Motion was therefore declared lost.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to defer Planning Application R/2015/0093/F in order that the Planning Committee could be provided with more detailed information regarding this application in terms of lease/ownership of the site and possible job creation for the area, and have the opportunity to consider same before issuing a determination on this application.

**NOTED:** Abstentions 0

#### **FOR NOTING**

##### **P/59/2016 – PLANNING DEPARTMENT PERFORMANCE INDICATORS**

**Read:** Planning Department Performance Indicators.  
(Copy circulated)

**AGREED:** It was agreed to note Planning Department Performance Indicators.

##### **P/60/2016 - REPORT – CONTACT FROM PUBLIC REPRESENTATIVES – MAY 2016**

**Read:** Report re: Record of meetings between Planning Officers and Public Representatives for May 2016. (Copy circulated)

**AGREED:** It was agreed to note the report regarding Record of Meetings between Planning Officers and Public Representatives May 2016.

##### **P/61/2016 - CURRENT PLANNING APPEALS**

**Read:** Report on Current Planning Appeals. (Copy circulated)

**AGREED:** It was agreed to note the report on Current Planning Appeals.

There being no further business the meeting ended at 2.10pm

For adoption at the Planning Committee Meeting to be held on Wednesday 29 June 2016.

**Signed:** \_\_\_\_\_ **Chairperson**

**Signed:** \_\_\_\_\_ **Chief Executive**