

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 30 September 2015 at 10.00 am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor J Tinnelly (10.00am – 11.45am)
Councillor V Harte (11.45am – 12.25pm)
Councillor J Tinnelly (12.25pm – 12.55pm)

Deputy Chairperson: Councillor W Clarke

In attendance: (Committee Members)

Cllr P Brown	Cllr M Larkin
Cllr G Craig	Cllr V Harte
Cllr L Devlin	Cllr K Loughran
Cllr M Murnin	Cllr D McAteer
Cllr H McKee	Cllr M Ruane

(Officials)

Mr L Hannaway	Chief Executive
Mr A McKay	Head of Planning
Mr J Farrell	
Mr C Jackson	Assistant Director Building Control/Regulation
Mr P Green	Legal Officer
Mr P Rooney	Principal Planning Officer
Ms J McParland	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Mr M Keane	Acting Senior Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms E McParland	Democratic Services Manager
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

Also in attendance: Mr R McLaughlin Transport NI
Mr S Grant Transport NI
Mr S Milligan Transport NI

P/47/2015: APOLOGIES / CHAIRMAN'S REMARKS

No apologies were received.

P/48/2015: DECLARATIONS OF INTEREST

Councillor L Devlin declared an interest in Planning Application P/2010/1041/F in respect of a proposed motor home site at lands at Ballagh Road Newcastle for reasons as previously outlined at the Planning Committee Meeting held on 5 August 2015, and stated she would be withdrawing from the meeting during discussion on this application.

Councillor J Tinnelly declared an interest in Planning Application P/2010/1041/F in respect of a proposed motor home site at lands at Ballagh Road Newcastle due to reasons he previously alluded to at the Planning Committee Meeting held on 5 August 2015.

Councillor W Clarke declared an interest in Planning Application P/2010/1041/F in respect of a proposed motor home site at lands at Ballagh Road Newcastle as he had been involved in written correspondence concerning this application during his time as a MLA.

Councillor V Harte declared an interest in Planning Application P/2014/0293/F in respect of proposed extension of existing approved housing development (P/2011/1067) on lands between the Sacred Heart Grammar School and Newry High School Ashgrove Avenue Newry, as she had met on a number of occasions with residents regarding this planning application.

Councillor Ruane declared an interest in Planning Application P/2010/1041/F in respect of a proposed motor home site at lands at Ballagh Road Newcastle due to prior involvement he has had regarding this planning application.

**P/49/2015: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 2 SEPTEMBER 2015**

Read: Minutes of Planning Committee Meeting held on Wednesday 2 September 2015. (Copy circulated)

AGREED: On the proposal of Councillor Craig seconded by Councillor McKee it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 2 September 2015 as a true and accurate record.

**P/50/2015: ACTION SHEET
RE: MEMBERS' BRIEFING PANEL MEETING
TUESDAY 8 SEPTEMBER 2015**

Read: Action Sheet of Members' Briefing Panel held on Tuesday 8 September 2015. (Copy enclosed)

AGREED: It was agreed to mark the above Action Sheet noted.

P/51/2015: PLANNING PERFORMANCE FIGURES

Read: Planning Department Performance Indicators.
(Copy circulated)

AGREED: It was agreed to note the Planning Performance Figures.

Councillor McAteer asked for details showing the final total of outstanding applications at the end of each month.

Noted: A total of 1480 live applications were in the system during the month of September 2014. 119 applications had been issued with determinations which was an increase in the figures for July and August 2015. Additional staff resources have been provided and it is hoped that productivity will continue to increase and by the end of the financial year there will be a significant improvement on Planning Department performance.

P/52/2015: APPLICATIONS FOR DETERMINATION

The following Applications were considered by the Committee:

(1) LA07/2015/0499/ FULL

Location:

No. 10 Mount Crescent, Downpatrick

Proposal:

Increase in size of recently approved bitmac playground to give an additional 27.5 x 17 metres of area.

Conclusion and recommendation from Planning Official:

Approval.

AGREED: On the proposal of Councillor McKee seconded by Councillor Craig it was agreed to approve Planning Application No. LA07/2015/0499 as per the Development Management Officer Report.

Noted: No abstentions

(2) R/2014/0487/FULL

Location:

No. 11 Burrenreagh Road, Castlewellan, BT31 9HH.

Proposal:

Proposed new production buildings to be erected in two phases, and located behind the existing storage and production area and extension to existing car park.

Conclusion and recommendation from Planning Official

Refusal.

Considerable discussion then followed regarding the above Planning Application.

Councillor Murnin said the application had exceptional circumstances and the Planning Department needed to ensure the economic considerations of this application were taken into account together with the importance of this company to the rural community. He said the company employed 112 people who resided within a 10 mile radius of the site and who therefore made a significant contribution to businesses in the local town. He said the applicant had tried to identify alternative sites within Castlewellan, but none were available.

Councillor Murnin said he was satisfied the applicant has taken on board concerns regarding the visual impact on the AONB and taken measures to address this aspect. He suggested making revised elevations for the office block a condition of the planning conditions.

Councillor Craig enquired if staff location and storage was an integral facility of this business or not, at Burrenreagh Road. He referred to PED3 and asked how the proposed development integrated into the countryside.

Councillor Craig said he believed there were exceptional circumstances why this application should be given approval, including the significant contribution it made to the local economy. He stated he was in favour to grant an approval in respect of this application and would be minded to vote to overturn the officer's recommendation. He asked for clarification on the statutory responses received in respect of the application.

Mr Rooney - gave a summary of the statutory responses received:

- Transport NI – no objections in terms of impact on the road network.
- Environmental Health (Down District Council) – No objections but recommended restrictions on:
 - hours of operation
 - exit doors on west elevation to be kept closed but not locked

Councillor McAteer referred to PPS 1 and asked if there was sufficient industrial space to serve the population in the Castlewellan area. He said the application was exceptional as this business had outgrown its existing 3 sites which demonstrated there was not sufficient industrial space in the area.

Additionally, the application was exceptional given that the average number of employees for small businesses in Northern Ireland was between 5 – 10 employees and this particular business had 112 employees working in a rural area. He questioned whether it would be right to ask these people to relocate to Newry or Downpatrick, which in turn could compromise the skill pool of the business.

Councillor McAteer said evidence had been given to demonstrate that the business had made attempts to integrate buildings into the surrounding area -agricultural sheds would be similar in size to the sheds being proposed in this application. He added that costs for the business to remain at Burrenreagh Road would be much

lower than to relocate elsewhere and therefore relocation would present risk in terms of being an economically viable option.

Mr Rooney referred to the Area Plan context and said under the provisions of the relevant Planning Act 2011, decision makers on planning applications must have regard to the Area Plan. He said the Area Plan 2000-2015 was adopted in 2009 and therefore was up to date and material. The Plan sought to zone land in accordance with the Regional Development Strategy. He advised the Area Plan had identified sufficient land throughout the District.

Mr Rooney said that there was considerable undeveloped, zoned employment lands in the main towns and the relocation of the business to the main towns would not jeopardise jobs to the local workforce or to the economy. The Plan had also designated an area of mixed use in nearby Annesborough.

The information, submitted in support of the application, on the distribution of the workforce, shows that a lot of people live as close to Downpatrick as to Castlewellan.

The applicants say that approval was required as a low cost option on the basis that they owned the land. Planning approvals on the basis of land ownership would lead to planning for demand in the absence of justifiable need.

Mr Rooney referred to the scale of the sheds and said Planning Officers were of the opinion the sheds, as proposed, would appear as industrial units. Whilst the application stated the current site size of 0.64 hectares, this was not factually correct in planning terms, as there was no approval for production on the site.

Councillor McKee said this company had a turnover of about £37m, had 112 employees and paid around £2.6m in wages. The Council's mission statement stated the Council wanted to create opportunity to allow substantial economic growth and support peoples lifestyles.

The company had demonstrated they have attempted to integrate the proposal into the area by agreeing to move a shed and the apex cannot be seen from the Dublin Road.

Councillor McKee said the company was working for the benefit of the environment across the UK and reducing carbon omissions by way of the product they are providing. He said he was concerned at the consequences if this business were to move out of the area in terms of detrimental economic impact.

Councillor Devlin said this application was exceptional in terms of the Company's outstanding value to the District. For this company to move elsewhere would come with great risk.

Councillor W Clarke said the application is relevant to community needs, economic development and viability of rural communities. The Area Plan made no provisions for industrial manufacturing in the Newcastle, Dundrum and Kilcoo areas of the District. He said consideration should be given to ways of limiting carbon footprint in the District and prevent people having to travel to towns and cities to their place of work. The proposal contained in the application was to provide a new production

unit to improve the economic wellbeing and sustainability of a local company, involved in green technology.

Councillor Clarke said there was not enough space to facilitate this business in Annsborough nor was there an adequate infrastructure. He said Downpatrick did not have a good road infrastructure and was an area already subject to considerable traffic congestion.

Councillor Clarke advised that the company competed for major contracts in London and Scotland and working on split sites would mean it would not be fit for production in terms of health and safety. He said the company proposed to undertake extensive landscaping to improve the appearance of the site.

Councillor Clarke referred to the employing of 112 people with the potential to increase this number to 150. He said no objections had been received from neighbours living in the vicinity of the site, nor from Transport NI and he considered not enough weighting had been given to this application in terms of the economic opportunities the application presented.

Councillor Clarke made reference to 2 No. previous applications which he believed were of a similar nature and were granted approved, ie, Watson Steel Works and a fabrication building in Kilkeel and in these cases considerable weighting had been given as to the economic benefits of these applications.

Mr McKay cautioned Councillors that if they overturned the Planning Officers recommendation in relation to Planning Application R/2014/0487/F they must exercise care in how they arrived at such a decision, and provide clear reasoning for doing so. He said Area Plans and Policies set out the preferred approach in determining an application and to achieve broader social environmental goals in relation to developments in the countryside.

Mr McKay said it was incumbent on the Members of the Council's Planning Committee to consider the 10 reasons for refusal of planning application R/2014/0487/F as outlined by Planning Officers and express their views on these 10 reasons. He referred to the status of the Area Plan and to the provisions of Policy, in particular PED 3, "Expansion of economic development use in the Countryside", and added it was clear from visiting the site, there was office headquarter provision and a storage element but there was no production taking place on site.

Mr McKay also referred to the actual site itself and explained the site was 0.22 of a hectare. The reference to 0.64 of a hectare included rear buildings and car park which were not part of the site and it was the view of the Planning Department that this application was an expansion of a site which comprised of 0.22 of a hectare. If it was accepted that the application was a major expansion of an industrial enterprise, and it was demonstrated that relocation was not possible, then the following 3 elements must be considered for the purposes of a decision which the Committee could have clear basis for arriving at a decision:

- Relocation is not possible
- The enterprise makes a significant contribution to the area
- The proposed development will not undermine the rural character of the area

Mr McKay said there was an expectation that the Planning Department must have regard to the Policy, the Area Plan and other material considerations and, in the interests of a clear decision, the Planning Officials needed to know where the Committee stand in regard to these areas.

Mr Rooney said that the Planning Department had considered the findings of the PAC in respect of the 2 planning appeals referred to by Councillor Clarke. It had concluded that the circumstances of both planning applications and therefore the findings of the PAC were not comparable to the application by Alternative Heat Kane Heating.

Councillor Murnin outlined the following reasons why he believed weight should be given the exceptional circumstances of Planning Application R/2014/0487/F:

Economic benefit to local areas had been demonstrated

- Risk to employment
- Environmental impact has been taken into account by the application by way of the measures proposed by the Company in reducing this impact.

Councillor McAteer gave the following reasons why he believed Planning Application R/2014/0487/F should be considered an exceptional case:

It was grossly unfair to expect this company to spend a large amount of money to relocate elsewhere in Northern Ireland and to operate in a market which is elsewhere. This would risk losing this firm from the region.

Councillor Ruane proposed and Councillor Larkin seconded to accept the Planning Officers' recommendation in respect of Planning Application R/2014/0487/F, and issue refusal for this application.

The above proposal was put to a vote by way of a show of hands and voting was as follows:

For	3
Against	9

The proposal was declared lost

Councillor Murnin proposed and Councillor McAteer seconded not to accept the Planning Officers recommendation in respect of Planning Application R/2014/0487/F and to approve this application for the following reasons:

- The application would bring significant economic benefit to the area
- Risk of loss of employment if the company had to relocate
- Proposed changes to the application which have been made by the applicant in consideration of the local environment.

It was also proposed by the same proposer and seconder that Planning Officers consider the inclusion of conditions for Planning Application P/2014/0487/F to address issues regarding hours of operation, lighting in a rural area, low lighting and elevations. These conditions to be reported back for consideration at the Planning Committee Meeting to be held on Wednesday 28 October 2015.

The proposal was put to a vote by way of a show of hands and voting was as follows:

For: 9
Against: 3

The proposal was declared carried.

AGREED: It was therefore agreed on the proposal of Councillor Murnin seconded by Councillor McAteer to approve Planning Application R/2014/0487/F contrary to Officer recommendations as this application was exceptional based on the following reasons:

- The application would bring significant economic benefit to the area.
- Risk of loss of employment if the company had to relocate.
- Proposed changes to the application which have been made by the applicant in consideration of the local environment.

It was also agreed that Planning Officers consider the inclusion of conditions for Planning Application P/2014/0487/F to address issues regarding hours of operation, lighting in a rural area, low lighting and elevations. These conditions to be reported back for consideration at the Planning Committee Meeting to be held on Wednesday 28 October 2015.

Noted: The Chairperson, Councillor J Tinnelly vacated the Chair and left the meeting (11.45am).

The Deputy Chairperson, Councillor W Clarke left the meeting (11.45am).

Councillor Devlin left the meeting (11.45am).

Councillor Ruane left the meeting (11.45am).

AGREED: On the proposal of Councillor McAteer seconded by Councillor McKee it was agreed to appoint Councillor V Harte to chair the meeting from this point.

Noted: Councillor V Harte chaired the meeting from this point (11.45am).

(3) P/2010/1041/ FULL

Location:

Lands to rear of 35 Ballagh Road Ballaghanery Newcastle BT33 0LA.

Proposal:

Proposed motor home site (amended P2 form).

Conclusion and recommendation from Planning Official

Approval

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to adjourn the meeting for ten minutes.

Noted: The Meeting resumed at 11.50am.

Discussion then followed regarding the above Planning Application during which some members raised a number of issues as follows:

Councillor Craig referred to environmental and noise issues and asked if this was a general recommendation covered in legislation which needs to be complied with.

Ms J McParland said Environmental Health must issue a licence for a motor home site to open and operate. These licences were subject to nuisance regulations which were monitored by Environmental Health should an issue arise.

Councillor McAteer asked for details from Transport NI regarding their opinion on the visibility splays at the site, given that the speed of a motorhome vehicle entering or exiting the site would be much slower than that of an average vehicle and asked would greater visibility be required in this case?

Mr Laughlin Transport NI said the site lines for this application as assessed under criteria were adequate for the volumes of traffic along this road and added that the speed of a vehicle exiting the site was not a factor to be taken into consideration. He further confirmed Transport NI were satisfied the application met the requirements as set out in DCAN 15.

Councillor McKee expressed concerns regarding a hill on the road in the direction of Kilkeel; motorhome vehicles having to manoeuvre out into the middle of the road in order to make the turn into the site and the surfaces in the site being slippery.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to approve Planning Application No. P/2010/1041/ F, subject to conditions as outlined in the Development Management Officer Report

Noted: No abstentions.

Noted: Councillors Ruane, Devlin, Tinnelly and Clarke re-joined the meeting at this point (12.25pm).

Councillor Harte vacated the chair (12.25pm)

Councillor Tinnelly chaired the meeting from this point onwards (12.25pm).

Councillor Harte left the meeting at this point (12.30pm).

(4) P/2014/0293/ FULL

Location:

Lands between the Sacred Heart Grammar School and Newry High School
Ashgrove Avenue Newry.

Proposal:

Proposed extension of existing approved housing development, planning ref: P/2011/1067, to incorporate relocated entrance and repositioning of 6 No. dwellings with amendments to house types A,F,G and B. Nos 42-47.

Conclusion and recommendation from Planning Official

Refusal

Councillor Craig proposed and Councillor Murnin seconded to accept the Officers' recommendation and refuse Planning Application P/2014/0293/F as per the Development Management Officer Report.

Councillor McAteer proposed that Planning Application P/2014/0293/F be deferred for a traffic survey to be carried out. The proposal received no seconder.

The proposal from Councillor Craig, seconded by Councillor Murnin, was put to a vote by way of a show of hands, and voting was as follows:

For	10
Against	1

The proposal was declared carried.

AGREED: It was therefore agreed on the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to refuse Planning Application P/2014/0293/F as per the Development Management Officer Report.

Noted: Councillor Harte re-joined the meeting (12.40pm)

**P/53/2015: CONSULTATION RESPONSE
RE: PLANNING APPLICATION P/2015/0218/F**

Read: Consultation Response from Planning Department on Planning Application P/2015/0218/F – lands approximately 650m south west of 40 Mullaghgarraff Road Newry in the town lands of Gruggandoo Grugganskeagh and Mullaghgarve BT34 5LT – construction of a wind farm comprising 12 No. wind turbines (tip height not exceeding 125 metres) and electrical substation and control building, construction of internal access tracks, spoil deposition areas, temporary construction compound, formation of passing bays on the Mullaghgarraff Road, and all associated ancillary works. (Copy circulated)

AGREED: On the proposal of Councillor Harte seconded by Councillor Larkin it was agreed to accept the Consultation Response from Planning Department, which was approved at the Special Council Meeting held on Monday 28 September 2015, as the Council's corporate response to Planning Application P/2015/0218/F, ie, the Council Planning Department recommend this proposal would be contrary to RE1 of PPS 18, CTY1 of PPS 21, NH6 of PPS 2, TSM 8 of PPS 16, Policy COU 1 of the Banbridge/Newry and Mourne Area Plan and possibly depending on whether further information is provided in relation to the latest response from Natural Environmental Divisions comments policies NH2 and NH5 of PPS 2.

Noted: No abstentions.

P/54/2015: **PLANNING APPLICATION: P/2015/0056/0**
- JOSEPH MCGREEVY – LANDS TO REAR OF
105 MANSE ROAD, CROSSGAR

Agreed: On the proposal of Councillor Ruane seconded by Councillor McAteer it was agreed to exclude the public and press from the meeting during discussion on this matter which related to exempt information by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual.

Agreed: On the proposal of Councillor Ruane seconded by Councillor McAteer it was agreed the Committee come out of closed session.

Agreed: When the Committee came out of closed session, the Chairman reported that on the proposal of Councillor W Clarke seconded by Councillor McKee it had been agreed to accept the Planning Officers recommendation and refuse Planning Application P/2015/0056/O, as per the Development Management Officers Report.

Noted: No abstentions.

There being no further business the meeting concluded at 12.55pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 28 October 2015.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

