

## NEWRY, MOURNE & DOWN DISTRICT COUNCIL

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### **Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 23 September 2020 at 10.00am in Council Offices Monaghan Row Newry and via Skype**

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**Chairperson:** Councillor R Burgess

**In attendance:** **(Committee Members)**

Councillor P Brown  
Councillor S Doran  
Councillor G Hanna  
Councillor V Harte  
Councillor M Larkin  
Councillor D McAteer  
Councillor D Murphy  
Councillor G O'Hare  
Councillor G Stokes  
Councillor J Tinnelly

**(Officials)**

Mr C Mallon	Director Enterprise Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr A Davidson	Senior Planning Officer (via Skype)
Ms A McAlarney	Senior Planning Officer (via Skype)
Ms J McParland	Senior Planning Officer (via Skype)
Mr M Keane	Senior Planning Officer (via Skype)
Ms N Largey	Legal Advisor
Mr F O Connor	Legal Advisor (via Skype)
Ms S Taggart (via Skype)	Democratic Services Manager
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

**P/075/2020: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor J Trainor.

The Chairperson on behalf of the Committee, offered condolences to Councillor Trainor and his family on the recent sad passing of his father.

**P/076/2020: DECLARATIONS OF INTEREST**

Councillor Burgess declared an interest in Item 5 LA07/2020/0924/0 on the Addendum List – Planning applications with no representations received or requests for speaking rights.

**P/077/2020:           DECLARATIONS IN ACCORDANCE WITH PLANNING  
COMMITTEE PROTOCOL PARA. 25  
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

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Declarations in relation to Paragraph 25 of Planning Committee Operating Protocol – Members to be present for entire item:-

Councillor Brown declared an interest in Item 8 – LA07/2019/0953/F advising he would be speaking in objection to this application.

- **Item 7** – LA07/2019/0261/F – 2 dwellings with detached garages (amended plans) Sites 22 and 22a Spring Meadows, Burren Road Warrenpoint BT34 3SU - **Councillors Brown, Harte, Stokes and Tinnelly did not take part in the discussion/decision on this application.**
- **Item 8** – LA07/2019/0953/F - Lands at 123 Magherahamlet Road Ballynahinch - proposed 2no Broiler Poultry Sheds to replace 2no Existing Poultry Sheds(to contain 74,000 broilers, taking the total farm capacity to 148,000 broilers) with 4no feed bins, 2no gas tanks, 1no underground wash tank and retention of weighbridge, biomass boiler shed and associated pellet bins, water tank, site office, access and associated site works - **Councillors Brown, Harte, O’Hare, Stokes and Tinnelly did not take part in the discussion/decision on this application**
- **Item 9** – LA07/2019/1136/F - 6 detached dwellings, garages and ancillary works - land to the south of 35 Old Belfast Road and to the south and west of 3 Orchard Lane Downpatrick - **Councillors Brown, Harte, O’Hare, Stokes and Tinnelly did not take part in the discussion/decision on this application.**
- **Item 10** – LA07/2019/1362/O - gap/infill site for dwelling and domestic garage - adjacent and immediately South of No. 64 The Heights Loughinisland - **Councillors Brown and McAteer did take part in the discussion/decision on this application.**
- **Item 11** – LA07/2019/1807/0 - site for farm dwelling - 55m north of 4 Leitrim Road, Hilltown - **Councillors Brown, Harte, Stokes and Tinnelly did not take part in the discussion/decision on this application.**

**MINUTES FOR CONFIRMATION**

**P/078/2020:           MINUTES OF PLANNING COMMITTEE MEETING HELD ON  
WEDNESDAY 26 AUGUST 2020**

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Read:                           Minutes of Planning Committee Meeting held on Wednesday 26 August 2020. **(Copy circulated)**

**AGREED:                 On the proposal of Councillor Larkin seconded by Councillor Doran it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 26 August 2020 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

Councillor Burgess withdrew from the meeting at this point and Councillor Tinnelly assumed the Chair.

**P/079/2020: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 23 September 2020. **(Copy circulated).**

**AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to approve the Officer recommendation in respect of the following application listed on the addendum list for Wednesday 23 September 2020:**

- LA07/2020/0924/O - approx. 70m East of 22 Drumnaconnell Road Saintfield - dwelling and garage on a Farm. **APPROVAL**

Councillor Burgess re-joined the meeting and assumed the Chair.

**DEVELOPMENT MANAGEMENT -  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/080/2020: PLANNING APPLICATIONS FOR DETERMINATION**

**P/2010/0904/F** - 45 metres north of 18 Ballinasack Road Mullaghbawn - erection of farm dwelling to include retention of existing foundations. **REFUSAL**

**Mr McKay advised Members planning application P/2010/0904/F had been formally withdrawn from the planning system.**

The following applications were determined by the Committee:-

**(1) LA07/2019/1807/O**

(Councillors Brown, Harte, Stokes and Tinnelly withdrew from discussions/decision).

**Location:**

55m north of 4 Leitrim Road, Hilltown

**Proposal:**

site for farm dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mark Keane, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Skype)**

In support:

Liam McCrum, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

There were no issues raised.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Murphy it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1807/O contrary to Officer recommendation on the basis that the proposed application would not result in ribbon development, it was visually linked with the existing farm buildings, it was accessed via a private laneway and it was not unsympathetic to the AONB.

**It was also agreed Officers be delegated authority to impose relevant conditions.**

**(2) LA07/2019/0261/F**

(Councillors Brown, Harte, Stokes and Tinnelly withdrew from discussions/decision).

**Location:**

Sites 22 and 22a Spring Meadows, Burren Road Warrenpoint BT34 3SU.

**Proposal:**

2 dwellings with detached garages (amended plans)

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Jacqui McParland, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Skype)**In objection

Cormac McKinney presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support

John Cole, agent, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- **Concern raised regarding the privacy of Nos. 24 and 26 Spring Meadows being compromised as a result of the proposed development.**
- **The agent had indicated to Planning Officials a reluctance to revert back to the original plan of one dwelling on the site.**
- **The amenity of No. 24 was already compromised with the existence of a turning head.**
- **Ms McParland advised it was an established practice to have driveways located beside private amenities.**

- **Mr Cole advised he would have to consult the applicants regarding any design element amendments.**
- **Mr McKinney advised his objection was to the style of house and said an alternative house style already included in the development would be a better option for the proposed location.**

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/0261/F, as per the information and recommendation contained in the Case Officer Report presented to Committee. Councillor Larkin seconded the proposal.

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

FOR:	5
AGAINST:	2
ABSTENTIONS:	1

The proposal was declared carried.

**AGREED:**                   **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2019/0261/F, as per the information and recommendation contained in the Case Officer Report presented to Committee.**

**It was also agreed Officers be delegated authority to impose any relevant conditions.**

**(3)           LA07/2019/0953/F**

(Councillors Brown, Harte, O'Hare, Stokes and Tinnelly withdrew from discussions/decision).

**Location:**

Lands at 123 Magherahamlet Road Ballynahinch

**Proposal:**

Proposed 2no Broiler Poultry Sheds to replace 2no Existing Poultry Sheds (to contain 74,000 broilers, taking the total farm capacity to 148,000 broilers) with 4no feed bins, 2no gas tanks, 1no underground wash tank and retention of weighbridge, biomass boiler shed and associated pellet bins, water tank, site office, access and associated site works

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Annette McAlarney, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Skype)**

In objection

Jim Wells presented in objection to the application (in support of Mrs McCann objector) detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor Brown presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support

Philip Marshall, agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- **Ms McAlarney advised Members an application in 2016 for four poultry sheds, had been declared invalid as it represented a major development and would have required an Environmental Impact Assessment to be conducted; she said no determination had been made by the Planning Department at the time.**
- **Ms McAlarney confirmed a new application would be required if the proposed siting of the poultry sheds was altered.**

**AGREED:**                   **On the proposal of Councillor McAteer seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/0953/F as per the information and recommendation contained in the Case Officer Report presented to Committee.**

**It was also agreed Officers be delegated authority to impose any relevant conditions.**

**(4)           LA07/2019/1136/F**

(Councillors Brown, Harte, O'Hare, Stokes and Tinnelly withdrew from discussions/decision).

**Location:**

Land to the south of 35 Old Belfast Road and to the south and west of 3 Orchard Lane Downpatrick

**Proposal:**

6 detached dwellings, garages and ancillary works

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Annette McAlarney, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Skype)**

In objection:

Lisa Byers and Catherine Edwards presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor Enright presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support:

Lisa Shannon and Adam Larkin, from Garvis Planning presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- **Ms McAlarney confirmed the proposed site was located both within the development area and the LLPA, however, she said the fact it was within the LLPA did not make it automatically exempt from development and advised there was a new school adjacent to the proposed site, also within the LLPA that had been approved.**
- **The trees located within the LLPA were the subject of a Tree Preservation Order.**
- **Planning did not consider the proposed application would adversely affect the integrity of the area.**
- **Consultations conducted had been a combination of both desk top plan and site visits which was usual practice.**

**AGREED:**                    **On the proposal of Councillor Hanna seconded by Councillor Doran it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1136/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

**It was also agreed Officers be delegated authority to impose any relevant conditions.**

**(5)    LA07/2019/1362/O**

(Councillors Brown and McAteer withdrew from discussions/decision, Councillors Harte, O'Hare, Stokes and Tinnelly re-joined the meeting)

**Location:**

Adjacent and immediately South of No. 64 The Heights Loughinisland

**Proposal:**

Gap/infill site for dwelling and domestic garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Annette McAlarney, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Skype)**

In support:

John Young, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- **To create an infill opportunity it would be necessary to demolish existing buildings and the proposal would not respect the character of the site.**
- **There was a substantial drop between the neighbouring property and the existing sheds on the proposed site.**
- **There was a 45m frontage onto the road and proposals would include demolishing existing buildings.**

**AGREED:**                   **On the proposal of Councillor Larkin seconded by Councillor Harte it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1362/O contrary to Officer recommendation on the basis that whilst it was an unusual shaped site with differing levels, it represented a small gap and complied with CTY8.**

**It was also agreed Officers be delegated authority to impose any relevant conditions.**

**(6)    LA07/2019/1092/F**

(Councillors Brown and McAteer re-joined the meeting)

**Location:**

Lands opposite No. 1 Ashgrove Avenue Newry BT34 1PR

**Proposal:**

Residential development comprising 18 No. 3-bed semi-detached houses and 2 No. 3-bed detached houses (20 No. dwellings in total)

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Jacqui McParland, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:  
(via Skype)**



In support:

Richard O'Toole, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- This application was being recommended for approval with the Planning Department going against Rivers Agency comments. The applicant already had live consents in place, particularly Article 17, and this had been confirmed with Rivers Agency and it was felt there was no need for them to go through the process again.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1092/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

**It was also agreed that Officers be delegated authority to impose any relevant conditions.**

**(7) LA07/2020/0176/F**

**Location:**

Lands approximately 45m north of 5 Molly Road Lower Foughillotra, Jonesborough, BT35 8JR

**Proposal:**

Proposed erection of a rural infill detached dwelling and detached garage together with associated landscaping

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Andrew Davidson, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Mr Davidson asked Members to note an error in the Officer's report regarding a Planning Appeal reference number and said the correct number was 2017/AA04.

In support:

Barney McKeivitt, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- **Mr McKeivitt confirmed the foundations and four rows of blocks were in situ at the dwelling to the north of the proposed site and said he considered this constituted a building.**
- **Mr Davidson said in order to meet policy, there was a requirement to have three buildings with frontage to the road and currently there were only two buildings, and even if the garage was completed, it could not be considered as it was being constructed to the rear of the site.**

Councillor Larkin proposed to defer Planning Application LA07/2020/0176/F to allow time for the garage to be completed so that it could be considered as a third building. Councillor Murphy seconded the proposal.

Mr McKay reminded Members that the Case Officer, in his presentation had advised them the completion of the garage could not be considered as it would be situated to the rear of the site and therefore did not have road frontage.

Councillor Larkin said previous applications had been deferred for building works to be completed and he said he would not speculate on the eventual outcome.

**AGREED:**                   **On the proposal of Councillor Larkin seconded by Councillor Murphy it was unanimously agreed to defer Planning Application LA07/2020/0176/F for a period of three months to allow time for the garage at No. 5 Molly Road to be completed before a determination by the Planning Committee could be made.**

**FOR NOTING**

**P/081/2020:**           **HISTORIC ACTION SHEET**

Read:                       Planning historic action sheet. **(Copy circulated)**

**AGREED:**                   **It was unanimously agreed to note the Planning Historic Action Sheet.**

**P/082/2020:**           **AUGUST 2020 PLANNING COMMITTEE PERFORMANCE REPORT**

Read:                       August 2020 Planning Committee Performance Report. **(Copy circulated)**

**AGREED:**                   **It was unanimously agreed to note the Planning Historic Action Sheet.**

**P/083/2020:**           **CURRENT APPEALS AND DECISIONS**

Read:                       Current Appeals and Decisions Report. **(Copy circulated)**

**AGREED:**                   **It was unanimously agreed to note the Planning Historic Action Sheet.**

**ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014**

**AGREED:**                   **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to exclude the public and press from the meeting during discussion on the next matters which related to exempt information by virtue of para. 3 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of a particular person**

(including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

**P/084/2020: PLANNING COMMITTEE PROTOCOLS**

Read: Report by Fearghal O'Connor dated 23 September 2020 regarding Planning Committee Protocols. ***(Circulated)***.

**AGREED: On the proposal of Councillor Brown seconded by Councillor Larkin it was agreed Committee come out of closed session.**

**AGREED: When out of closed session Nora Largey, Legal Advisor said it had been agreed that some further changes were required to the skype operating protocol which would be brought back for agreement to the next Committee Meeting. The Committee also agreed to changes to the Operating Protocol except for a small amendment on the proposed new Section 54 to be clear that the reference to Members was a reference to Members who do not sit on the Planning Committee.**

The Meeting concluded at 12.50pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 21 October 2020.

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

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