

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 29 July 2020 at 10.00am in Newry Leisure Centre and via Skype

Chairperson: Councillor R Burgess

Deputy Chairperson: Councillor J Tinnelly

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 J Trainor

(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)
Mr F O Connor	Legal Advisor
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms L O'Hare	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/055/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

Councillor Burgess offered his condolences to Sarah Taggart on the sad passing of her grandmother.

Apologies were received from Councillor Stokes.

P/056/2020: DECLARATIONS OF INTEREST

Councillor Burgess declared an interest in Planning Application LA07/2018/0680/F.
Councillor Brown declared an interest in Planning Application LA07/2019/0953/F advising he would be speaking in objection to the application and therefore would be withdrawing from all discussions pertaining to it.

**P/057/2020: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

There were no declarations in relation to Paragraph 25 of Planning Committee Operating Protocol – Members to be present for entire item.

MINUTES FOR CONFIRMATION

**P/058/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 1 JULY 2020**

Read: Minutes of Planning Committee Meeting held on Wednesday 1 July 2020. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 1 July 2020 as a true and accurate record.

FOR DISCUSSION/DECISION

P/059/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 29 July 2020. **(Copy circulated).**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to remove the following Planning Application from the addendum list to allow for further consideration and submissions.

- **LA07/2018/0680/F** - 2No additional broiler poultry houses with 3No feed bins and associated site works (to contain 37,000 broilers each, 74,000 in total, raising the overall site capacity to 148,000 broilers) - Land approx. 420m SE of 8 Seaforde Road, Downpatrick **REFUSAL**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 29 July 2020:

- **LA07/2020/0377/F** - Restoration and refurbishment of existing building for community use providing new meeting rooms, kitchen and universal toilets to both ground and first floor. Installation of photovoltaics to rear roof. Construction of new steel fire escape stair to rear. Change of use from Class C1 'Dwelling house' to

Class D1 'Community Use' - 16 The Square, Rostrevor

APPROVAL

- **LA07/2020/0587/F** - The proposed works involve some demolition works of internal walls with new build works to provide a new entrance lobby, toilet facilities and storage. There will be no change to the current usage as it will be used as a bowling pavilion and meeting room - Kilkeel Bowling Pavilion, Mourne Esplanade, Kilkeel **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

The following applications were determined by the Committee:-

P/060/2020: PLANNING APPLICATIONS FOR DETERMINATION

(1) P/2010/0904/F

Location:

45 metres north of 18 Ballinasack Road, Mullaghbawn

Proposal:

Erection of farm dwelling to include retention of existing foundations

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.

Ms Largey provided some background saying the Committee had previously decided to approve the application contrary to Officer recommendation and that decision had resulted in a judicial review challenge. Following on from this and upon taking legal advice on the issues raised, the Committee agreed to quash the decision based solely on the fact that adequate reasons had not been given for the decision by the Committee to overturn the Officers recommendation.

Ms Largey said it was important the Committee look at several issues when determining the application:

1. Commencement – consider not only if works had commenced within the timeframe but also if they had been carried out in accordance with the plans.
2. Refusal Reasons – if the Committee were to decide to overturn the Officer's recommendation for a refusal, all six refusal reasons would have to be addressed.
3. Conacre – the advice from Stewart Beattie QC with regard to conacre was the letting of land in conacre did not constitute farm activity.

**Speaking rights:
(via Skype)**

In objection

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

In support

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

Issues raised:

- The original planning permission was granted on 11 January 2008 with a one year time limit to commence development.
- The applicant failed to commence works before the expiry date of 11 January 2009 and also failed to comply with Condition 4 - the provision of visibility splays.
- The site had been cleared and the foundations put in, however the foundations were in the wrong place and had been done outside of the allocated timeframe.
- The original planning permission predated PPS 21 – Sustainable Development in the Countryside.
- Mr O'Callaghan stated the applicant had considered he had commenced works in good faith and there had been conflicting guidance issued by the former Planning Department.
- Ms Largey advised the one year timeframe to commence development was not unlawful and that applications had to be assessed against current planning policies.
- In response to a query as to why the original application had been for a dwelling and this had subsequently changed to a farm dwelling, Mr O'Callaghan replied the applicant had been expected to comply with new planning policy and he considered CTY10 the most suitable. He said the applicant was seeking planning permission for a dwelling not necessarily a farm dwelling.

Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application P/2010/0904/F to allow for a site visit to take place so the Committee could assess the site in more detail.

(2) LA07/2015/0054/F

Location:

355m SE of No 23 Keel Point Dundrum

Proposal:

Proposed poultry laying shed for up to 8,000 birds and 3m Dia feeder bin

Conclusion and Recommendation from Planning Official:

Refusal

Mr McKay advised Planning Application LA07/2015/0054/F had been removed from the agenda to consider late information that had been received.

(3) LA07/2019/0953/F

(Councillor Brown 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 on behalf of Mary McCann presented in objection to the application, 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.

Issues raised:

- Mr Wells considered a site visit was essential so Committee Members could see first hand the scale of the operation and its impact in the landscape.
- The intensity of the odour from the existing poultry business depended very much on weather conditions.
- Mr Wells considered the proposed poultry sheds could be located behind the existing sheds thereby reducing the overall impact, however, Ms McAlarney advised this would sit outside the boundary and would require a new application to be submitted.
- The application had been assessed with consideration given to the cumulative effect the two additional poultry sheds would have.
- This was a major application that had been through a public consultation process and all consultees had reported no detrimental environmental impact.

Councillor Hanna proposed a site visit take place in order to assess the site in more detail. Councillor Trainor seconded the proposal.

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

FOR: 7
AGAINST: 1

ABSTENTIONS: 2

The proposal was declared carried.

Agreed: On the proposal of Councillor Hanna seconded by Councillor Trainor it was agreed a site visit take place in order to assess the site in more detail.

FOR NOTING

P/061/2020: HISTORIC ACTION SHEET

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

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

P/062/2020: JUNE 2020 PLANNING COMMITTEE PERFORMANCE REPORT

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

AGREED: Noted

P/063/2020: CURRENT APPEALS AND DECISIONS

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

AGREED: Noted

P/064/2020: POTENTIAL CONFLICT OF INTEREST

Mr McKay stated he had been requested to provide clarity on a potential conflict of interest with regard to Committee Members sitting on various working groups and he asked Mr O'Connor to elaborate on this.

Mr O'Connor said the issue had recently been raised in the context of Members sitting on various working groups and taking decisions. He said he would discuss the issue with Ms Largey and issue guidance to Members in the near future.

P/065/2020: SITE VISITS

Mr McKay asked Members to confirm with Democratic Services, their availability to attend site visits on 7 August to ensure a quorum was present.

The Meeting concluded at 12.02pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 26 August 2020.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**