

## **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 1 July 2020 at 10.00am in Newry Leisure Centre and via Skype**

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**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 G Stokes  
Councillor J Trainor (via Skype)

**(Officials)**

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

**P/044/2020: APOLOGIES AND CHAIRPERSON'S REMARKS**

No apologies were received.

**P/045/2020: DECLARATIONS OF INTEREST**

Councillor Doran declared an interest in Item 8 – Planning Application LA07/2019/1279/F.

**P/046/2020: 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/047/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 3 JUNE 2020**

Read: Minutes of Planning Committee Meeting held on Wednesday 3 June 2020. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor Brown it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 3 June 2020 as a true and accurate record.**

## **FOR DISCUSSION/DECISION**

### **P/048/2020: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 1 July 2020. **(Copy circulated)**.

**AGREED:** **On the proposal of Councillor Doran 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 1 July 2020: -**

**LA07/2018/0820/F** - Erection of detached single dwelling with associated parking and landscaping - lands to the rear of nos 1 and 2 Sally Gardens and 31 to 35 Mourne Rise, Newcastle. **APPROVAL**

**LA07/2019/1691/F** - Training pitch and ball wall court with associated floodlighting, retaining walls, perimeter paths, ball stops and fencing - 65 Longstone Road, Moneydarragh More, Annalong. **APPROVAL**

## **DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION**

### **P/049/2020: PLANNING APPLICATIONS FOR DETERMINATION**

**Item 7 – Planning Application LA07/2020/0185/F – 2 No. Stables – lands adjoining and 30m north east of 5 Drumnaconnell Road, Saintfield** - Mr McKay advised that following discussions with the agent, Planning had agreed to issue an approval with delegated authority to Officers.

**AGREED:** **On the proposal of Councillor Trainor seconded by Councillor O'Hare it was agreed, following discussions with Planners and Agent to issue an approval in respect of Planning Application LA07/2020/0185/F.**

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

The following applications were then determined by the Committee:-

**(1) LA07/2019/1279/F**

(Councillor Doran withdrew from the meeting)

**Location:**

lands adjacent to 27 Islandmoyle Road, Cabra, Newry

**Proposal:**

New access and laneway to serve dwellings 27, 29 and 31 Islandmoyle Road

**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.

Michael Sands, DfI Rivers was in attendance via Skype to comment on queries pertaining to potential flood risk.

**Speaking rights:  
(via Skype)**

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:**

- Mr O'Callaghan was not aware of any incidences of flooding at the site.
- Mr O'Callaghan advised there were some blind spots on the existing shared laneway and it would not accommodate two vehicles passing each other.
- Mr Sands advised DfI Rivers flood maps did not show a flood plain only because the area was below the catchment threshold for water course modelling, but he considered it to be a fluvial floodplain.
- The application was not for agricultural access therefore permitted development rights did not apply.
- The reference to the application to DfI Rivers regarding culverting was new information that had not previously been presented to the Committee and therefore could not be considered; Planning Officials to discuss with DfI the impact of culverting on river modelling separately.
- Planning considered it was important the water course modelling was carried out to dispel any concerns raised by DfI Rivers.
- It was unfortunate that no proper modelling had been carried out as evidence to show this was in a floodplain area.

Councillor Hanna proposed a site visit take place in order to see the area more fully. Councillor Trainor seconded the proposal.

Ms Largey advised that a Councillor had made a proposal in relation to the flooding issue and whether or not this should be added to the proposal.

Councillor Stokes said the issue of water course modelling was pivotal to this application and Councillor Hanna advised he was happy to include this in his proposal and that the issue be included with the site visit.

The proposal was put forward using instant messaging on Skype and the results were as follows:

FOR:	6
AGAINST:	5

The proposal was declared carried.

**Agreed: On the proposal of Councillor Hanna seconded by Councillor Trainor it was agreed that a site visit take place and that the issue of water course modelling be included with the site visit.**

(Councillor Doran rejoined the meeting)

## **(2) LA07/2020/0005/F**

### **Location:**

3 Edentrumly Road Upper, Ballydulany, Mayobridge, Newry

### **Proposal:**

Proposed change of house type from dwelling and garage under planning reference P/2008/0181/RM

### **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

Cormac McKay, agent and Paul O'Donaghue, applicant's father presented in support of the application, detailing and expanding upon a written statement that had been circulated to Members.

### **Issues raised:**

- The applicant had commenced construction work on the access and visibility splays prior to the planning permission expiry date of 14 May 2010.

- An energy performance rating had been unexpectedly requested by Building Control which resulted in work on site having to cease and the applicant was unable to get the digger driver back on site until 25 May 2010.
- The applicant believed he had complied with regulations in that building works had commenced prior to the expiry date of 14 May 2010.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/0005/F contrary to Officer recommendation on the basis that the applicant considered he had complied with regulations by commencing works prior to the expiry date of 14 May 2010.

Councillor Hanna seconded the proposal.

**Agreed: On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/0005/F contrary to officer recommendation on the basis that works had commenced on site prior to the expiry date of 14 May 2010 and the applicant considered he had complied with regulations.**

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

Councillor Burgess advised that for the duration of his term as Chair he would take all questions from Members before accepting a proposal.

Ms Largey advised that as the Planning Committee was a quasi-judicial committee, all public speakers must be heard before a proposal was made.

## **FOR AGREEMENT**

### **P/050/2020: REPORT DATED 1 JULY 2020 – PLANNING COMMITTEE SITE VISITS**

Read: Report dated 1 July 2020 from Mr A McKay re: Site Visits – Planning applications deferred by previous meetings of the Planning Committee and seeking the agreement of Members with regard to the manner in which applications deferred for site visits by the previous Planning Committee were to be progressed. (Copy circulated)

Mr Mallon advised protocol regarding site visits would be drawn up by Health and Safety department to ensure Committee were adhering to guidelines when on site.

Under current Covid 19 guidelines it would be acceptable to have all 12 Committee Members and Officers at site visits as they would be in the open air and maintaining the required social distancing measures.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to progress the outstanding applications as outlined in the report to a conclusion.**

**It was agreed Mr Mallon to liaise with Health and Safety department to draw up protocol with regard to site visits**

**which would enable all 12 Members of the Committee to attend, if available.**

**FOR NOTING**

**P/051/2020: HISTORIC ACTION SHEET**

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

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

**P/052/2020: REPORT DATED 1 JULY 2020 – PLANNING LISTS PUBLISHED ON COUNCIL WEBSITE**

Read: Report dated 1 July 2020 – Planning Lists published on Council website. The report advised Members of the Planning Committee of changes to the details published in the weekly planning lists of new applications received and decisions issued so that, in line with the GDPR and Data Protection Act 2018, the name and address of the applicant and/or agent have been removed from the weekly lists circulated to members and published on the Council website. **(Copy circulated)**

**AGREED: It was agreed to note the report dated 1 July 2020 – Planning lists published on Council website.**

**P/053/2020: EXEMPT INFORMATION – UPDATE ON PLANNING SERVICE IMPROVEMENT**

On the proposal of Councillor Trainor, seconded by Councillor Brown, it was agreed to exclude the public and press from the meeting during discussion on this item.

Read: Report dated 1 July 2020 from Mr D Fitzsimon, Planning Consultant, re: update on Planning Service Improvement and outputs to date. **(Copy circulated)**

Councillor Brown proposed and Councillor Trainor seconded to come out of closed session.

When the Committee was out of closed session the Chairperson reported the following had been agreed:-

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Brown it was agreed to note the Update on Planning Service Improvement report.**

**P/054/2020: ATTENDANCE OF MEMBERS AT  
PLANNING COMMITTEE MEETINGS:**

In response to queries from Members as to whether it was acceptable for Members of the Planning Committee to participate in the meetings via skype, Mr Mallon provided confirmation that Councillor Trainor could attend at home due to personal circumstances, otherwise all members should be in attendance at NLC. He said this would be considered on a meeting by meeting basis.

The Meeting concluded at 12.00 noon.

For confirmation at the Planning Committee Meeting to be held on Wednesday 29 July 2020.

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

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