

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 19 December 2018 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

Councillor W Clarke
Councillor G Craig
Councillor G Hanna
Councillor K Loughran
Councillor J Macauley
Councillor M Murnin

(Officials)

Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms P McKeever	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

Others

In attendance: Mr R Laughlin DFI Roads
Mr K Killen DFI Roads

P/116/2018: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received Councillor Casey, Devlin, Harte and Ruane.

P/117/2018: DECLARATIONS OF INTEREST

Declarations of Interest received from:

- Councillor Macauley Item 11 – LA07/2015/1088/F

P/118/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

- **Item 9** - LA07/2018/0698/0 - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Larkin, , Clarke, Craig, Hanna, Loughran, Macauley, Murnin and.**
- **Item 10** - LA07/2018/0401/0 - Members who were present for the entire item and who could take part in the discussion/decision on this application werere **Councillors Larkin, , Clarke, Craig, Hanna, Loughran, and Macauley.**
- **Item 11** - LA07/2015/1088/F - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Craig, Loughran, Clarke, , Macauley, Murnin, , Hanna, Larkin, McAteer.**
- **Item 12** - P/2013/0242/F - Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Larkin, McAteer, Hanna, Loughran, Craig, Macauley, Murnin**

MINUTES FOR CONFIRMATION

P/119/2018: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 21 NOVEMBER 2018

Read: Minutes of Planning Committee Meeting held on Wednesday 21 November 2018. **(Copy circulated)**

AGREED: **On the proposal of Councillor Craig, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 21 November 2018 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/120/2018: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 19 December 2018. **(Copy circulated)**

AGREED: **On the proposal of Councillor Loughran, seconded by Councillor Craig, it was agreed to approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 19 December 2018:-**

- **Item 14** - LA07/2018/0634/0 – re-location and substitution of previously approved farm dwelling (R/2014/0610/0) from outlying farm group to main farm group on lands approx 100m SW of 116 Drumnaquoile Road, Ballynahinch.
APPROVAL
- **Item 15** - LA07/2018/1402/BC - internal alterations - Dan Rice Memorial Hall, Drumaness
APPROVAL
- **Item 16** - LA07/2018/0378/0 - erection of dwelling and garage on a farm - 200m south of 112 Monlough Road, Saintfield.

REFUSAL

- **Item 19** - LA07/2017/1624/0 - replacement dwelling - Site 50m N.W. of 18 Turloughs Hill, Annalong & 80m N.W. of the dwelling which is to be replaced at 20 Turloughs Hill.

REFUSAL

**DEVELOPMENT MANAGEMENT –
PLANNING APPLICATIONS FOR DETERMINATION**

P/121/2018: PLANNING APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following planning applications from the schedule:

- **Item 18 - LA07/2017/0932/O** – 4 no. holiday cottages including fully inclusive design (amended proposal and site address) – land immediately adjacent to S.W. of 32 Dougan’s Road, Killeel.

REFUSAL

Removed at the request of Councillor Hanna for full presentation at the next Committee Meeting.

- **Item 20 - LA07/2018/0504/F** – proposed dwelling and garage (in substitution of that approved under P/2007/0405/RM) – adjacent and north of 21 Aghadavoyle Road, Jonesborough.

REFUSAL

Removed at the request of Councillor Larkin for full presentation at the next Committee Meeting.

The following applications were then determined by the Committee:-

- (1) LA07/2018/0085/O
(Audio recorded – NO – Closed Session)**

Location:

Land opposite and to the south of 18 Ringdufferin Road, Rathcunningham, Downpatrick

Proposal:

Single dwelling under CTY6

Conclusion and Recommendation from Planning Official:

REFUSAL

AGREED: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to exclude the public and press from the Meeting during discussion on the following 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 an individual.

Speaking rights:

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

Power-point presentation:

Ms A McAlarney, Senior Planning Officer gave a power point presentation 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.

Councillor Murnin proposed and Councillor Clarke seconded to accept the officer's recommendation to refuse this application.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Macauley it was agreed to come out of closed session.

When the Committee came out of closed session the Chairperson reported the following decision had been taken:

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to issue a refusal in respect of planning application LA07/2018/0085/O – as per the information and recommendation contained in the Case Officer report presented to Committee.

**(2) LA07/2015/1088/F
(Audio recorded – YES)**

(Councillor Macauley withdrew from the meeting)

Location:

100m West of No. 133 Carrigagh Road, Finnis, Dromara.

Proposal:

Proposed anaerobic digestion plant.

Conclusion and Recommendation from Planning Official:

REFUSAL

Speaking rights:**In objection:**

Carson Harte presented on behalf of the objectors detailing and expanding upon a written statement that had been circulated to Committee Members.

In support:

Sarah McDowell, Simon Warke and Thomas Crommie, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms A McAlarney, Senior Planning Officer gave a power point presentation 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.

Councillor Clarke asked Mr Harte to expand on his claim there were inaccurate and inconsistent facts contained in the planning application.

Mr Harte replied that research had been conducted on other anaerobic digestion plants and it was found the need for imported material was much higher than stated in the supporting documents for the application. Mr Harte said an official road sign had recently been erected at the junction of Slievenaboley Road and Dromara Road, redirecting large vehicles to Castlewellan via a longer route.

Mr Laughlin said he was not aware of any structural reason for a sign to have been erected at this junction and he assumed it was an advisory sign erected by DFI RoadsTraffic Maintenance Section.

Discussion took place regarding the potential for increased volume of traffic that the proposed anaerobic digestion plant would generate. Mr Cromie said the proposal would result in a 76% reduction of farm related trips to and from the site.

Councillor Murnin asked would there not be traffic intensification when the silage was being transported.

Mr Cromie replied that silage was already being cut for the dairy farm, and the proposal would involve storing the grass silage in the existing silos on the farm, therefore there would be no increased farm traffic movement.

Mr Laughlin said he was of the opinion the proposal would result in increased traffic, however he said the subject of increased traffic volume was a matter of debate. He continued, saying there were no obvious formal passing bays along the Carrigagh Road and the use of private driveway accesses as informal passing bays, would not be permitted.

Councillor Craig said the outcome of the application hinged on whether the Committee decided there was intensification on the use of the Carrigagh Road and he asked Ms McDowell to explain how the farm traffic would be reduced.

Ms McDowell said the current farm generated between 13 – 20 farm related journeys per day. She then demonstrated that with the anaerobic digestion site working at maximum capacity, this would be significantly reduced, resulting in just one journey required for 3rd party poultry litter, one journey for 3rd party slurry and one journey for 3rd party lands for the digestate to be transported to, per day.

Mr Laughlin said he did not know the source location of the digestate, poultry litter and slurry and he understood the lands were not all adjoining. In addition he said the current road infrastructure was grossly inadequate, in terms of road width to deal with any increased traffic volume.

Councillor Clarke said there were gaps in the information provided to the Committee. He asked about the source location of the feed products and the roads that were to be used to transport the feed products, the disposal of high nitrate digestate, and the size of the vehicles that would be used.

In response, Ms McDowell said that whilst it was not possible to provide exact details of the source location prior to planning approval being granted, potential lands had been identified within a 5km radius.

Ms McDowell said with regard to the disposal of the high nitrate digestate, both NIEA and Environmental Health had been consulted and they had no objections to the proposal. Ms McDowell confirmed the size of the vehicles to be used would be 21 tonnes.

Councillor McAteer asked Ms McAlarney what amount of weight Planning Officials would have attached to the application in terms of benefits to climate change.

Ms McAlarney replied that Planning Policy was permissive in terms of encouraging renewable energy, however, she said the main area of concern with the proposed application, was the impact on the roads network, and consequently, greater weight had been attached to this in determining the recommendation for refusal as it contravened planning policy.

Mr Laughlin said it was difficult to gauge the level of traffic intensification without having detail on the precise roads that would be used to transport the waste. He asked what the maximum daily traffic would be in and out of the site.

Mr Warke replied this would be significantly reduced from the current figure of fourteen arrivals and departures per day to seven arrivals and departures per day.

Councillor Murnin proposed and Councillor Loughlin seconded to accept the Officer recommendation to refuse this planning application on the basis that there would be an intensification of traffic on the roads as stated by Dfi representatives.

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

FOR:	2
AGAINST:	5

The proposal was declared 'lost'.

Councillor Clarke proposed to defer the application and arrange for a site visit to take place and also to await additional information on the roads that would be used to transport the source feed. Councillor Hanna seconded the proposal.

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

FOR:	2
AGAINST:	5

The proposal was declared 'lost'.

Councillor Craig proposed granting an approval in respect of Planning Application LA07/2015/1088/F contrary to the planning officer's recommendation saying he was not

convinced the proposed anaerobic digestion plant would result in road traffic intensification. He also said he believed the proposed site for this application was similar to other anaerobic digestion plant sites, in that the majority of anaerobic digestion plants were located on 'C' minor roads. Councillor Hanna seconded the proposal.

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

FOR: 4
AGAINST: 3

The proposal was declared 'carried'.

Ms Largey referred to Mr Laughlin's statement where he had said the lack of detail on the precise roads to be used to transport feed products had made it difficult for him to comment definitively on road traffic intensification issues, and she said the decision was a judgement call for the Committee to make.

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2015/1088/F contrary to the information and recommendation contained in the Case Officer report presented to Committee on the basis that the proposed anaerobic digestion plant would not result in road traffic intensification.

It was also agreed that Planning Officers be granted authority to delegate any relevant conditions.

(Break 11.50 – 12.00)

**(3) LA07/2018/0401/O
(Audio recorded – NO)**

(Councillor Murnin withdrew from the meeting)
(Councillor McAteer withdrew from the meeting)
(Councillor Macauley re-joined the meeting)

Location:

60m south of No. 24 School road, Ballymartin, Kilkeel (amended address).

Proposal:

Proposed site for infill dwelling and domestic garage

Conclusion and Recommendation from Planning Official:

REFUSAL

Speaking rights:

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

Power-point presentation:

Ms J McParland, Senior Planning Officer gave a power point presentation 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.

Councillor Hanna asked Ms McParland what the definition of a paddock was. Ms McParland replied, saying it was an area of ground for agricultural use, she said it was not a curtilage, it did not have to be of a specific size and that it should form a visual break in terms of road frontage.

Councillor Hanna proposed granting an approval in respect of Planning Application LA07/2018/0401/O contrary the planning officer's recommendation saying he accepted the garage located at No. 20 School Road was a separate building and the proposed gap site was not big enough to accommodate three dwellings. He said the requirements of policy CTY8 were therefore addressed. Councillor Macauley seconded the proposal.

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

FOR: 6
AGAINST: Nil

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Macauley it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0401/O contrary to the information and recommendation contained in the Case Officer report presented to Committee on the basis that the garage located at No. 20 School Road was deemed to be a separate building and the proposed gap site was not big enough to accommodate three dwellings.

It was also agreed that officers be delegated authority to impose any relevant conditions

(Councillor Murnin re-joined the meeting)
(Councillor McAteer re-joined the meeting)
(Councillor Clarke withdrew from the meeting)

**(4) P/2013/0242/F
(Audio recorded – YES)**

Location:

Lands at Watsons Road/Dorans Hill, Newry including lands to the east of Watsons Road.

Proposal:

Proposed residential housing development of 200 no. units (some with garages).

Conclusion and Recommendation from Planning Official:

APPROVAL

Speaking rights:

In Objection:

Mr R O'Toole and Mr G McBurney.

In Support:

Ms D Loughran and Mr C O'Callaghan.

Power-point presentation:

Mr A Davidson, Senior Planning Officer gave a power point presentation 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.

During his presentation, Mr Davidson gave a detailed background to Planning Application P/2013/0242 as outlined in his report circulated to Committee Members saying the proposed application complied with all relevant planning policies subject to all forty four conditions being satisfied.

Mr Davidson referred to an email received from an objector after the closing date and advised its contents did not warrant a change of opinion on the application.

Mr McBurney speaking on behalf of the objectors said whilst they were not totally opposed to the development, there were road safety issues that would need to be considered. He continued, saying they did not accept the negative PSD condition that was being proposed and he referred to Article 4 of the Private Streets Order saying it clearly stated there was a legal requirement to have a Private Streets Determination Drawing (PSD) carried out prior to granting planning approval.

Councillor Craig asked for clarity on whether this would need to be carried out prior to granting planning approval.

Ms Largey advised the Committee that should they consider granting approval for Planning Application P/2013/0242/F, they should do so, subject to a Private Streets Determination Drawing being carried out.

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

Mr Laughlin said whilst the provision of PSD drawings would give a level of comfort, he would accept the advice of the Planning Officials.

Councillor McAteer proposed and Councillor Murnin seconded to accept the Officer's recommendation to approve this application subject to a Private Streets Determination being made and also that officers be delegated authority to impose any relevant conditions.

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

FOR:	7
AGAINST:	Nil
ABSTENTIONS:	Nil

The proposal was declared 'carried'.

Agreed: On the proposal of Councillor McAteer, seconded by Councillor Murnin it was unanimously agreed to issue an approval in respect of Planning Application P/2013/0242/F

as per the information and recommendation contained in the Case Officer report presented to Committee, subject to a Private Streets application being determined and that officers be delegated authority to impose relevant conditions

(Councillor McAteer withdrew from the meeting)

(5) LA07/2018/0698/O
(Audio recorded – YES)

Location:

Adjacent to and west of No. 4 Ballykeel Road, Mullaghbawn.

Proposal:

Erection of dwelling house (infill).

Conclusion and Recommendation from Planning Official:
REFUSAL

Speaking rights:

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

Power-point presentation:

Mr A Davidson, Senior Planning Officer gave a power point presentation 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 said the garage at No. 4 Ballykeel Road did not have relevant planning approval and the house had not been constructed in accordance with planning policy. He continued, saying the application contravened planning policy in that the garage was located behind the dwelling and not in line with it and although the shed had an internal wall subdividing the building, it was the view of Planning officials this was a single farm building.

Mr Malone said the erection of the garage had fallen under Permitted Development and therefore did not require planning permission and he said the garage was adjacent and to the side of the house at No. 4 Ballykeel Road.

Discussion took place among Members regarding the shed and if it should be regarded as a single farm building or, because of its dividing internal wall and independent entrances, it should be regarded as two buildings.

Mr McKay said in assessing the application, Members should consider the number of buildings visual in the landscape and whether they considered there to be substantial frontage. He continued, saying in planning terms, a semi-detached house would be considered as one building.

Councillor Larkin proposed and Councillor Loughran seconded to issue an approval contrary to officer recommendation on the basis that the sub divided farm building represented two buildings.

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

For: 6
Against: 1

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Loughran it was agreed to issue an approval in respect of Planning Application LA07/2018/0698/O contrary to officer recommendation on the basis that the sub divided farm building represented two buildings and therefore satisfied planning policy. It was also agreed that Planning Officers be delegated authority to impose any relevant conditions.

(Lunch break 1.00pm – 1.50pm)

(6) LA07/2018/0489/F
(Audio recorded – YES)

Location:

76 Drumnaconagher Road, Crossgar, Downpatrick.

Proposal:

Proposed conversion of garage and shed to holiday accommodation.

Conclusion and Recommendation from Planning Official:

REFUSAL

Speaking rights:

Denis Piggot, applicant in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms A McAlarney, Senior Planning Officer gave a power point presentation 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.

Discussion took place regarding the building to be converted and whether it was considered to be a locally important building.

Councillor Larkin asked if the historical archway entrance to the building was architecturally significant.

Ms McAlarney said whilst she acknowledged the building was old, it was the view of Planning officials that the building had no historical or architectural merit and it was for the Committee to decide if they deemed the building to be locally important.

Mr McKay said there had been applications before Committee previously that Planning Officials would have viewed to have more historical merit than the application under consideration and on those occasions the Committee had agreed to demolishing the buildings.

Agreed: On the proposal of Councillor Murnin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0489/F contrary to officer recommendation on the basis that the entire site was historically significant and had been held as a design icon in 'A Planning Strategy for Rural NI', having received a commendation in the DOR Design Competition and publication, 'Houses in Harmony with the Countryside.'

It was agreed the proposed conversion should comply with the NMDDC tourism corporate plan.

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

**(7) LA07/2018/0377/O
(Audio recorded – YES)**

Location:

20m east of 53 Beechview Road.

Proposal:

Replacement dwelling and garage.

**Conclusion and Recommendation from Planning Official:
REFUSAL**

Speaking rights:

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

Power-point presentation:

Ms A McAlarney, Senior Planning Officer gave a power point presentation 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 McAlarney said the building that was to be replaced was an unauthorised building and did not represent a valid replacement opportunity, in addition to which the physical appearance of the building did not exhibit the essential characteristics associated with a dwelling. She continued, saying in the absence of a CLUD, the building was unlawful.

Discussion took place on whether the structure was mobile or permanent and what the planning position if it were a mobile structure.

Ms Largey advised Members it did not matter whether the building was permanent or mobile, but they should be mindful that it was currently an unlawful structure. She continued, saying it was up to the Committee to decide if the building resembled a dwelling bearing in mind policy required this to be both functional and physical.

Councillor Clarke proposed to defer Planning Application LA07/2018/0377/O to allow time for the applicant to submit an application for a CLUD. Councillor McAteer seconded the proposal.

Agreed: On the proposal of Councillor Clarke, seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2018/0377/O to allow time for the applicant to submit an application for a CLUD.

**(8) LA07/2016/0925/F and LA07/2017/0301/LBC
(Audio recorded - YES)**

Location:

Within the walled garden at Killeavy Castle, Meigh.

Proposal:

Erection of glasshouse and cafeteria/shop.

**Conclusion and Recommendation from Planning Official:
APPROVAL**

Power-point presentation:

Mr A Davidson, Senior Planning Officer gave a power point presentation 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 advised Members both LA07/2016/0925/F and LA07/2017/0301/LBC were linked planning applications.

Mr McKay said the two applications would require to be considered by the Committee under a Pre-determination hearing before subsequently being determined by the Committee. He asked Members if they were content to proceed to formally consider the proposals before them.

The Committee Members unanimously indicated their agreement to proceed.

AGREED: On the proposal of Councillor Murnin seconded by Councillor McAteer it was unanimously agreed to issue an approval for Planning Applications LA07/2016/0925 and LA07/2017/0301/LBC as per the information and recommendation contained in the Case Officer report presented to Committee.

FOR NOTING

P/122/2018: HISTORIC ACTION SHEET

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

AGREED: It was unanimously agreed to note the Planning historic action sheet

**P/123/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT
OCTOBER 2018**

Read: Planning Committee Performance Report November 2018. **(Copy
circulated)**

**AGREED: It was agreed to note the Planning Committee Performance
Report November 2018.**

**P/124/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC
REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives
2018-2019. **(Copy circulated)**

**AGREED: It was agreed to note the record of Meeting between Planning
Officers and Public Representatives.**

P/125/2018: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – November 2018. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions November 2018.

The Meeting concluded at 3.10pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 16 January
2019.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**