

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 23 November 2016 at 10.25am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor W Clarke

Vice Chairperson: Councillor J Macauley

In Attendance: **(Committee Members)**

Cllr G Craig	Cllr M Larkin
Cllr G Hanna	Cllr D McAteer
Cllr V Harte	Cllr M Ruane
Cllr K Loughran	Cllr M Murnin
Cllr L Devlin	Cllr C Casey

(Officials)

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/125/2016: APOLOGIES / CHAIRMAN'S REMARKS

No apologies.

P/126/2016: DECLARATIONS OF INTEREST

Councillor D McAteer declared an interest in Planning Application LA07/2016/0889/F from Telefonica UK Limited.

**P/127/2016: MINUTES OF PLANNING COMMITTEE MEETING
- THURSDAY 10 NOVEMBER 2016**

Read: Minutes of Planning Committee Meeting held on Thursday 10 November 2016. **(Copy circulated)**

AGREED: On the proposal of Councillor Loughran seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Thursday 10 November 2016 as a true and accurate record.

P/128/2016: ADDENDUM LIST

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Wednesday 23 November 2016.
(Copy circulated)

Agreed: It was unanimously agreed to remove the following planning applications from the Addendum List for full presentation at a future Planning Committee Meeting: -

- Item 31 – LA07/2016/1045/F – Mr & Mrs A Quinn – demolition of existing dwelling and outbuildings and erection of new replacement dwelling and detached garage -32 Aughnduff Road Mullaghbawn.
REFUSAL
(Removed from the Addendum List at the request of Councillor Casey)
- Item 23 – LA07/2015/1036/O – Mary B Agnew – erection of dwelling on family farm – 50m NW of 33 Kilnasaggart Road Jonesborough.
REFUSAL
(Planning Officials advised this Application has been withdrawn)

Agreed: On the proposal of Councillor Craig seconded by Councillor Harte it was agreed to approve the Officer Recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications listed on the Addendum List:

- Item 6 – LA07/2015/1387/0 – Tony & Peggy Murphy – 3 detached dwellings – Killard Square, Ballyhornan, Downpatrick – **REFUSAL**
- Item 9 – LA07/2016/0446/0 – Mrs S A McBride – proposed replacement dwelling – 250m east of 23 Clanmaghery Road, Tyrella – **REFUSAL**
- Item 13 – LA07/2016/1001/0 – Mr Garet Poole – proposed dwelling – site opposite 26 Peartree Road, Ballynahinch – **REFUSAL**

- Item 14 – LA07/2016/1115/0 – Mr Roche McGreevy Jnr – proposed storey and a half dwelling – land 50m NE of 101a Manse Road, Rafferey – **REFUSAL**
- Item 15 – LA07/2016/0268/F – J Graham & Sons – proposed storey and a half dwelling between 32 and 34 Eliza Close, Newcastle – **REFUSAL**
- Item 16 – LA07/2015/0704/0 – Damien Murphy – site for dwelling on farm – 170m south west of No. 111 Newry Road, Mayobridge – **REFUSAL**
- Item 17 – LA07/2016/0428/0 – Mr & Mrs Mark McKinley – proposed dwelling on a farm – to the rear of No. 68 Newry Road, Hilltown – **REFUSAL**
- Item 18 – LA07/2016/0896/0 – Gregory Glenny – proposed dwelling on a farm – adjacent and south of 319a Newry Road, Kilkeel – **REFUSAL**
- Item 19 – LA07/2015/0137/F – Mr Brian McCullough – commercial development of 1 No. detached unit and 4 No. units within one block – opposite and west of 8 Old Warrenpoint Road, Newry – **REFUSAL**
- Item 27 – LA07/2016/0510/0 – Robert Laurence Annett – dwelling on a farm – adjacent and west of 60 Corcreaghan Road, Kilkeel – **REFUSAL**
- Item 28 – LA07/2016/0617/F – Lotus Homes (UK) Ltd – proposed residential development to include 246 No. dwellings (166 no semi-detached and 80 no. detached houses) associated garages and private driveways, formation of new right-hand turn lane and site access from McKnights Hill, provision of childrens’ play area and associated site works – lands at McKnights Hill to the north of Church of the Good Shepherd to the rear of Derramore Crescent/Derramore Terrace and to the east of Brooklawns including all lands stretching to the Bessbrook River – **APPROVAL**
- Item 33 – P/2014/0322/F – Danny Fegan – proposed installation of a wind turbine on a tubular tower to up to 40m height with blades to 54.4 metre (to tip height) – lands 350m east of 72 Drumlough Road, Drumgath, Rathfriland – **APPROVAL**

P/129/2016: APPLICATION FOR DETERMINATION

AGREED: On the advice of the Planning Department, it was unanimously agreed to note that the following Application had been removed from the Agenda:

- Item 10 - LA07/2016/0559/F – J W & S Watson – dwelling with amended siting and change of house type in substitution for approval R/2007/0115/RM – 90m north of 121 Ballylough Road, Castlewellan
Recommendation: REFUSAL

(Planners have agreed to remove this application from the agenda on the basis of information submitted by Mr Ewart Davis, Agent, on 14 November 2016)

- Item 25 – LA07/2016/0438/F – Peter and Sinead Donaghy and Kinney Excel Gymnastics – proposed change of use from approved industrial unit to gymnastic facilities ages plus 5 years – site at No. 2G Derryboy Road, Carnbane Industrial Estate, Newry
Recommendation: REFUSAL
(Planners have agreed that this application be removed from the agenda and be re-presented at the Planning Committee Meeting on 7 December 2016.
- Item 32 – P/2013/0279/F – Herbert Bailie – erection of wind turbine with a max output not exceeding 250kw (amendment of previous application P/2011/0239/F to allow increase in hub height from 32m to 40m, no change in rotor diameter (30m) and increase in max height to tip from 47 m to 55 m) – 230m north of 31 Cavankill Road, Newtownhamilton
Recommendation: APPROVAL
(The Planning Department has agreed to undertake further consultation with the Environmental Health Department to allow further consideration of this application and as a result it will be removed from the Agenda. It is anticipated that this application will return to the Planning Committee in January 2017)
- Item 29 – LA07/2016/0732/O – Mary Carr - proposed erection of a farm dwelling – lands to the rear and south of No. 7 Railway Road, Meigh, Killeavy.
Recommendation: REFUSAL
(It was agreed, at the request of the Applicant, to defer Planning Application LA07/2016/0732/O to the next meeting of the Planning Committee)

The following applications were determined by the Committee: -

(1) LA07/2015/0647/O – PR Jennings

Location:

15m north of 39 Listooder Road, Crossgar

Proposal:

Erection of farm dwelling (additional information received)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gary Thompson, GT Design, presented in support of the application

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a refusal for the reasons recommended in

respect of Planning Application LA07/2015/0647/O, as per the Development Management Officer Report.

Abstentions: 0

(2) LA07/2016/0173/F – David Tate

Location:

9 Annacloy Road, Downpatrick

Proposal:

Change of use of building for a dog training and boarding kennels with external exercise area

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr David Burgess Agent, Sylvia Tate and David Tate presented in support of the application.

Councillor H Harvey confirmed his support for this application.

Councillor Casey proposed and Councillor Hanna seconded to issue an approval in respect of Application LA07/2016/0173/F, contrary to Officer recommendation, on the basis that the inclusion of suitable and appropriate conditions can overcome the refusal reason as outlined in the Development Management Officer Report regarding amenities of nearby residents at No. 2 Keelstown Road.

It was also proposed that Planning Officials be granted authority to include reasonable mitigating conditions that will address any impact on amenity in terms of noise, of nearby residents at No. 2 Keelstown Road.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Casey seconded by Councillor Hanna it was agreed to issue an approval in respect of Application LA07/2016/0173/F, contrary to Officer recommendation, on the basis that the inclusion of suitable and appropriate conditions can overcome the refusal reason as outlined in the Development Management Officer Report regarding amenities of nearby residents at No. 2 Keelstown Road.

It was agreed Planning Officials be granted authority to include reasonable mitigating conditions that will address any impact on amenity in terms of noise, of nearby residents at No. 2 Keelstown Road.

(3) LA07/2016/0217/F – Mr Kieran Kelly

Location:

60m NE of 72 Finnis Road, Dromara

Proposal:

Proposed change of house type and sited 50m SE from previous Q/2011/0024/F (amended proposal)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Colin O'Callaghan, Planning Consultant, presented in support of the application

(11.10am – Councillor L Devlin joined the Meeting)

Councillor McAteer proposed and Councillor Murnin seconded to issue an approval in respect of Application LA07/2016/0217/F, contrary to Officer recommendation, on the basis that the position of the site would not have a detrimental visual impact on the landscape.

The proposal was put to a vote and voting was as follows:

FOR:	3
AGAINST:	7
ABSTENTIONS:	0

The proposal was declared lost.

Councillor Hanna proposed and Councillor Larkin seconded to issue a refusal in respect of Application LA07/2016/0217/F, for the reasons recommended, as per the Development Management Officer Report.

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

FOR:	8
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue a refusal in respect of Application LA07/2016/0217/F, for the reasons recommended, as per the

Development Management Officer Report.

(4) LA07/2016/0561/F – Mr & Mrs Samuel Duke

Location:

19 Inishbeg, Killyleagh

Proposal:

Extension to existing curtilage of dwelling. Retention of existing pigeon loft and construction of additional loft

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Tumelty, Agent, and Mr Samuel Duke Applicant, presented in support of the application

Councillor Larkin proposed and Councillor Ruane seconded to issue a refusal, for the reasons recommended, in respect of Planning Application LA07/2016/0561/F, as per the Development Management Officer Report.

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

FOR:	6
AGAINST:	3
ABSTENTIONS:	3

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a refusal, for the reasons recommended, in respect of Planning Application LA07/2016/0561/F, as per the Development Management Officer Report.

(5) LA07/2016/0706/F – Patrick Byrne

Location:

20 Killough Road, Ardglass

Proposal:

Retention of pigeon loft

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Turmelty, Agent, presented in support of the application

AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2016/0706/F to allow the applicant and Planning Officials to discuss whether it is possible to reduce the height of the building to address refusal reason regarding scale, massing and design.

Abstentions: 0

(6) LA07/2015/0381/F – Mr B Loughran

AGREED: It was agreed that any Member of the Planning Committee who were not in attendance at the site visit in respect of Application LA07/2015/0381/F, or who were not in attendance at the Planning Committee Meeting held on Wednesday 6 July 2016 at which the said Application was heard, could not take part in the decision making process regarding this application.

Noted: It was noted Councillor M Ruane, Councillor L Devlin and Councillor J Macauley indicated they would not be taking part in the decision making process in respect of Application LA07/2015/0381/F.

Location:

South of 108 Tullyah Road, Whitecross

Proposal:

Dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Tony O'Hare, Agent, presented in support of the application

Councillor McAteer proposed and Councillor Loughran seconded to issue an approval in respect of Planning Application LA07/2015/0381/F, contrary to Officer recommendation, on the basis that there was no other viable option available at this location and that standard conditions be introduced to address issues raised in relation to mature planting and impact on the skyline.

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

Agreed: On the proposal of Councillor McAteer seconded by Councillor Loughran it was agreed to issue an approval in respect of Planning Application LA07/2015/0381/F, contrary to Officer recommendation, on the basis that there was no other viable option available at this location and that Planning Officers be granted authority to introduce standard conditions to address issues raised in relation to mature planting and impact on the skyline.

(7) LA07/2015/0894/F – Mr Conor Quinn

Location:

19m south east of No. 17 Carn Road, Meigh, Newry

Proposal:

Erection of 2 dwellings with double garages on an infill site

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Stephen Hughes, Agent, presented in support of the application

Agreed: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to issue a refusal in respect of Planning Application LA07/2015/0894/F, for the reasons recommended, as per the Development Management Officer Report.

Abstentions: 0

(1.05pm – meeting adjourned)

(1.45pm – meeting resumed)

(1.45pm – Councillor L Devlin left the meeting)

(8) LA07/2015/0971/O – Mr John McNally

Location:

100m north east of No. 37 Sheeptown Road, Saval, Newry

Proposal:

Site for dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Agreed: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed on the advice of the Chief Planning Officer, to defer Planning Application LA07/2015/0971/O to the next appropriate

Planning Committee Meeting to consider information raised at the meeting.

(9) LA07/2016/0413/F – Hugh, Shane, Stephen, Ciaran and Raymond Fitzpatrick

Location:

45m north of 235b Moyad Road, Kilkeel

Proposal:

Proposed livestock shed with underground slurry tank, multi purpose shed and livestock loading/handling pens

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Brendan Quinn, Agent, presented in support of the application

Agreed: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2016/0413/F, to allow Planning Officers to request from the Agent, evidence of the farm business, and the amount of cattle registered with the farm business and the pattern of buying livestock and Planning Officers to discuss with the agent and applicant the need to construct two buildings at this site.

Abstentions 0

(10) LA07/2016/0477/F – Caolan Quinn

Location:

50m SE of No. 106 Carrickgallogly Road, Carrickgallogly, Belleek

Proposal:

Erection of a dwelling

Consultation and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Stephen Hughes, presented in support of the application

Agreed: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2016/0477/F, for the reasons recommended, as per the Development Management Officer Report.

Abstentions 0

(2.45pm – Councillor McAteer withdrew to the public gallery)

(11) LA07/2016/0889/F – Telefonica UK Limited

Location:

Lands 157m south east of Fernhill House, 83 Clonallan Road, Warrenpoint

Proposal:

Proposed 25m telecommunications mast to carry 3 No. antennae and 2 No. radio dishes and associated works including 3 No. equipment cabinets and site compound

Consultation and Recommendation from Planning Official:

Approval

Speaking rights:

Les Ross Agent, presented in support of the application

Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2016/0889/F, subject to Condition 1, and Informatives 1 to 7, as per the Development Management Officer Report.

(2.55pm – Councillor McAteer re-joined meeting)

(12) P/2014/0972/O – Edward Ryan

Location:

15 Ryanstown Road Newry

Proposal:

Site for dwelling (additional information submitted)

Consultation and Recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Hanna 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.

Speaking rights:

Colin O Callaghan Agent, presented in support of the application

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to come out of Closed Session.

When the Committee came out of Closed Session, the Chairman reported the following decision had been taken which was put to a vote by way of a show of hands:

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an refusal in respect of Planning Application P/2014/0972/O, for the reasons recommended, as per the Development Management Officer Report.

FOR: 8
AGAINST 3
ABSTENTIONS: 0

(13) P/2013/0349/F – Canice McKeown

Location:

35m east of 23 Lissaraw Road Camlough

Proposal:

One single storey dwelling house and associated domestic garage with new vehicular access and all associated site works.

Consultation and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin O Callaghan Agent, presented in support of the application

AGREED: On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application P/2013/0349/F, for the reasons recommended, as per the Development Management Officer Report.

P/130/2016: PERFORMANCE REPORT
- OCTOBER 2016

Read: Performance Report for October 2016. (Copy circulated)

Agreed: It was agreed to note Performance Report for October 2016.

P/131/2016: APPEALS & DECISIONS
- OCTOBER 2016

Read: Report regarding Appeals and Decisions for October 2016 .
(Copy circulated)

Agreed: It was agreed to note the Report on Appeals and Decisions for October 2016.

P/132/2016: MEETINGS
PLANNING OFFICERS/PUBLIC REPRESENTATIVES

Read: Report regarding Meetings with Planning Officials and Public Representatives. (Copy circulated)

Agreed: It was agreed to note the Report regarding Meetings with Planning Officials and Public Representatives.

P/133/2016: PLANNING WORKSHOP
- 5 DECEMBER 2016

Noted: A Planning Workshop for the Members of the Planning Committee and Planning Officials will be held with Mr Stuart Beattie QC, together with Belfast Legal Services, for Committee to discuss general planning issues, including assessing applications for houses in the countryside and the evidence to demonstrate whether there is an active and established farm, plus any other issues Members wish to raise.

The Workshop will be held on Monday 5 December 2016 in the Boardroom District Council Offices Monaghan Row Newry,

AGREED: Members to advise Senior Officers as soon as possible, of any particular issues they would like raised at the Planning Workshop, in relation to planning.

There being no further business the meeting concluded at 3.35pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 7 December 2016

Signed: ----- **Chairperson**

Signed: ----- **Chief Executive**