

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

**Minutes of the Planning Committee Meeting of Newry, Mourne and Down
District Council held on Thursday 2 February 2017 at 10.00am in the
Boardroom, District Council Offices, Monaghan Row, Newry**

Chairperson: Councillor W Clarke

Vice Chair: Councillor J Macauley

In Attendance: (Committee Members)

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

(Officials)

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer

Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms S Taggart	Democratic Services Officer
Ms C Taylor	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/014/2017: APOLOGIES/CHAIRMAN'S REMARKS

There were no apologies received.

P/015/2017: DECLARATIONS OF INTEREST

Councillors Devlin and Hanna declared an interest in Item 22 – LA07/2015/0248/F.

**P/016/2017: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 18 JANUARY 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 18 January 2017. **(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 18 January 2017 as a true and accurate record.

P/017/2016: ADDENDUM LIST

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Thursday 2 February 2017.
(Copy circulated)

AGREED: It was unanimously agreed to remove the following planning applications from the Addendum List:-

- **Item 28 – LA07/2016/0150/O** – Alan and Ronald Davidson – site for farm managers dwelling and garage – adjacent and immediately south of No 17 Ardaragh Road, Rathfriland.
(Remove from the addendum list at the request of Councillor Macauley for full presentation at the next Committee Meeting).
- **Item 33 – P/2012/0069/F** – Terry O’Hanlon – erection of 225kw wind turbine – approximately 400m SSW of 78 Maytown Road, Enagh, Bessbrook. Newry.
(Remove from the addendum list as the applicants have advised they wish to withdraw this application from the planning process).
- **Item 34 – P/2014/0070/RM** – Patrick and Mairead Green – erection of dwelling and garage – immediately north of 54 Drumreagh Road, Rostrevor.
(Remove from the addendum list as the applicants have advised they wish to withdraw this application from the planning process).

AGREED: On the proposal of Councillor Devlin seconded by Councillor Loughran, 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 4 – LA07/2015/0180/F** – Jilian D’Arcy – wind turbine up to a maximum tip height of 87m comprising of 65m tower and 44m rotor diameter, associated access, transformer and electric cabling – 449m SE of 11 Struell Wells Road, Struell, Downpatrick. **REFUSAL**
- **Item 8 – LA07/2016/0621/O** – Mr & Mrs Rooney – new dwelling and garage – between 4 and 8 Magheralone Road, Ballynahinch. **REFUSAL**
- **Item 12 – LA07/2016/0824/F** – Mr S Cochrane – single storey sunroom and porch extension to the front of existing dwelling – No. 28 Church Road, Ballynahinch. **REFUSAL**
- **Item 14 – LA07/2016/1087/F** – Anne & Phil Goodwin – proposed alterations and extension to first floor balcony and cladding of wall behind balcony – apartment 2 Seahaven, Downs Road, Newcastle. **REFUSAL**
- **Item 15 – R/2015/0062/F** – Rice Building Contracts Ltd – private housing development of 41 units (amended plans and drainage

assessment received, on lands off Forde Way, Main Street, and to the rear of 199-207 Newcastle Road, Seaforde. **APPROVAL**

- **Item 17 – LA07/2016/1296/0** – Mr & Mrs John Curran – proposed 1 No. dwelling and garage with associated site works – opposite 2 and 4 Magheralone Road, Drumaness, Ballynahinch. **REFUSAL**
- **Item 19 – LA07/2015/0088/F** – George Tinnelly – proposed stables and store for an existing equestrian centre – Greenpark Road, Rostrevor. **REFUSAL**
- **Item 23 – LA07/2015/0377/F** – Raymond Blackwood – single wind turbine, associated access and 2 no. electricity cabinets – approx 125m SW of Knockowen Road, Newtownhamilton. **REFUSAL**
- **Item 29 – LA07/2016/0557/F** – Mr & Mrs Oliver Reavey – retention of dwelling as constructed previously approved under planning ref: P/2015/0186/RM – 85 Newtown Road, Camlough. **REFUSAL**
- **Item 32 – LA07/2016/1206/0** – Theresa McNulty – erection of replacement dwelling and detached garage for 4 Upper Burren Road to be replaced off site on land – 50m south of 30 Upper Burren Road, Burren, Warrenpoint. **REFUSAL**
- **Item 35 – P/2010/1065/F** – Martina Magill – erection of wind turbine for electricity production – 30m high – 300m from Newtown Road, Belleek accessed by lane adjacent to 3 Newtown Road, Belleek. **REFUSAL**
- **Item 36 – P/2011/0031/F** – Kieran McDonnell – wind turbine 30m hub height 27m rotor diameter – 250m from 31 Tullygeasey Road, Newtownhamilton. **REFUSAL**
- **Item 39 – P/2013/0078/F** – Marvyn Hamilton – erection of 1 no. 250kw wind turbine with a hub height of 30m – 420m NW of 20 Levin Road, Newtownhamilton. **REFUSAL**

P/018/2017: 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 7 – LA07/2016/0143/F** - Meave Chadwick – proposed new stables/fodder storage building for private use – rear of 43 Kirkland Road/adjc to (rear) 43 Kirkland Road, Killyleagh, Downpatrick **REFUSAL**
(Remove from the agenda to consider new information submitted by the Agent).
- **Item 9 – LA07/2016/0660/F** – Mr PJ Morgan – Farm diversification providing 1 no. unit of tourist accommodation – lands approximately 175m SW of 116 Drumnaquoile Road, Ballynahinch **REFUSAL**
(Remove from the agenda to consider new information submitted by the Agent)
- **Item 24 – LA07/2015/0493/F** – Eric Jeans – erection of dwelling and garage (change of house type to that approved under application P/2007/0611/RM) – 80m east of Moneygore Road, Rathfriland – **REFUSAL (Remove from the agenda to consider new information submitted by the Agent)**

- **Item 25 – P/2015/0977/F – Belinda and Ross McArdle – erection of farm dwelling – approximately 60m north of 53 Upper Fathom Road, Killeen, Newry – REFUSAL (Remove from the agenda to consider new information submitted by the Agent)**
- **Item 27 – LA07/2015/0545/F – Mr P Smith – dwelling and garage – 40m SW of No 23a Castlewellan Road, Hilltown – REFUSAL (Remove from the agenda to consider new information submitted by the Agent)**
- **Item 31 – LA07/2016/0879/F – Mourne Landscapes Ltd – retention of existing machinery store and yard for existing landscape business – 40a School Road, Ballymartin, Kilkeel – REFUSAL (Remove from the agenda to consider new information submitted by the Agent)**

The following applications were then determined by the Committee:-

(1) LA07/2015/0747/O – Niall Brannigan

Location:

Approximately 88m east of 184 Lackan Road, Kilcoo

Proposal:

Proposed dwelling on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Feehan, Agent, presented in support of the application

Noted:

Additional information received from Ulster Farmer's Union in support of the application.

Councillor Murnin proposed and Councillor Casey seconded to issue an approval in respect of Application LA07/2015/0747/O, contrary to Officer recommendation, on the basis that the proposed site is visually linked with existing farm buildings.

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

For	4
Against	4
Abstentions	4

As the Chair had the casting vote, he voted for the proposal.

The proposal was declared carried.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Casey it was agreed to issue an approval in respect of Application

LA07/2015/0747/O, contrary to Officer recommendation, on the basis that the proposed site is visually linked with existing farm buildings.

(2) LA07/2015/1221/0 – Mrs W Allen

Location:

35m to rear (north) of 8 Comber Road, Saintfield

Proposal:

Dwelling and garage (amended layout)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ewart Davis, Agent, presented in support of the application

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Devlin it was agreed to defer Application LA07/2015/1221/0 to allow further consideration of the highlighted discrepancies within the report.

(3) 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:

Gerry Tumelty, Agent, presented in support of the application

Councillor Larkin proposed and Councillor Hanna seconded to refuse the application 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	5
Against	6
Abstentions	1

The proposal was lost.

Councillor Devlin proposed and Councillor Casey seconded to issue an approval in respect of Application LA07/2016/0706/F, contrary to Officer recommendation, with authority being delegated to officers to impose any conditions as the applicant had taken steps to reduce the size of the loft and planted to screen the loft from the road.

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

For	6
Against	5
Abstentions	1

The proposal was carried.

AGREED: On the proposal of Councillor Devlin seconded by Councillor Casey it was agreed to issue an approval in respect of Application LA07/2016/0706/F, contrary to Officer recommendation, with authority being delegated to officers to impose any conditions.

(4) LA07/2016/0762/0 – Mr G Sharvin

Location:

10m west of No. 89 Killard Road, Ballyhornan

Proposal:

Proposed one and half storey bungalow and detached garage (amended site location)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerard Sharvin, Applicant, presented in support of the application

AGREED: On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to issue a refusal in respect of Application LA07/2016/0762/0, for the reasons recommended as per the Development Management Officer Report.

The above proposal had been declared carried following a vote taken by way of a show of hands as follows:

For	8
Against	3
Abstentions	1

(5) LA07/2016/0973/0 – Mrs M Maw & Mr A Russell

Location:

Lands 85m east of 26 Claragh Road, Clough, Downpatrick

Proposal:

Proposed dwelling and garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sam Hawthorne, Agent, presented in support of the application

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to issue a refusal in respect of Application LA07/2016/0973/0, for the reasons recommended as per the Development Management Officer Report.

The above proposal had been declared carried following a vote taken by way of a show of hands as follows:

For	7
Against	5
Abstentions	0

(6) LA07/2016/1109/F – Stephen Magee**Location:**

No. 9 Ballywooden Road, Downpatrick

Proposal:

Replacement dwelling and detached double garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Magee, Applicant, presented in support of the application.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Craig, it was agreed to defer Application LA07/2016/1109/F for one month to give the applicant an opportunity to submit the additional required information to support the application.

(7) LA07/2016/1388/F – Jackie Orr

Location:

Lands approximately 170m NE of 7 Rockschapel Road, Crossgar

Proposal:

Extension to the existing farm shop to form tea rooms

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Burgess, Agent, and Jackie and Richard Orr (Applicants) presented in support of the application

Councillor Hanna proposed to approve the application, contrary to Officer recommendation, as he believed there would not be an excessive increase in the amount of visitors to the proposed tea rooms. He stated a condition should be attached to have a maximum capacity of 30 seats within the tea rooms. This was seconded by Councillor Macauley.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Macauley, it was agreed to issue an approval in respect of Application LA07/2016/1388/F, contrary to Officer recommendation, on the basis that there would be no excessive increase in movements of traffic onto a protected route as a condition would be imposed to limit the maximum seating capacity in the tea rooms to 30. Planning Officers to also be granted authority to impose any other relevant conditions.

(1.00pm – the meeting adjourned)

(1.50pm – the meeting resumed)

Councillor Casey left the meeting – 1.50 pm

(8) LA07/2015/0097/F – John Rafferty

Location:

To rear of 34a Ballynalack Road, Camlough

Proposal:

Proposed retention and completion of equine shelter and store

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Barney Dinsmore, Agent, presented in support of the application

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Craig, it was agreed to issue a refusal in respect of Application

LA07/2015/0097/F, for the reasons recommended as per the Development Management Officer Report.

Abstentions: 0

(9) LA07/2015/0203/F – Martin Bailie

Location:

150m SE of No. 57 Bavan Road, Mayobridge

Proposal:

Change of use of house type on approved site with works commenced on site (with reduced site cartilage)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Martin Bailie, Applicant, presented in support of the application

AGREED: On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of Application LA07/2015/0203/F, contrary to Officer recommendation, with a condition that work commences within a 12 month period.

Abstentions: 0

Councillor Casey returned to the meeting – 2.20 pm

(Councillors Devlin and Hanna, having previously declared an interest in the next item, did not take part in any discussions – 2.20 pm)

(10) LA07/2015/0248/F – Sean Fitzpatrick

Location:

261m NW of 36a Council Road, Kilkeel

Proposal:

Erection of 225kw wind turbine with a 40m high monopole and a 3 blade 13.5 radius rotor, equipment room to service turbine, form hardcore access track

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Brendan Quinn, Agent, and Dr Peter Hill presented in support of the application

Noted:

Sarah Davidson from the Environmental Health Department also attended to respond to Members' queries and confirmed that as Consultees they had asked that an additional noise assessment be carried out.

Councillor Murnin proposed to issue an approval contrary to Officer recommendation on the basis of the noise assessment report submitted by Dr. Hill, a Specialist Consultant employed by the Applicant, which confirmed that the noise from both the proposed wind turbine and the existing wind turbine was compliant with noise assessment criteria. .

This was seconded by Councillor McAteer.

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

For	2
Against	7
Abstentions	1

The proposal was lost

Councillor Larkin proposed to defer Application LA07/2015/0248/F in order that detailed technical advice, including a further noise assessment, could be carried out.. This was seconded by Councillor Casey and all were in agreement.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Casey, it was agreed to defer Application LA07/2015/0248/F in order that detailed technical advice, including a further noise assessment, could be carried out.

Councillor Hanna and Councillor Devlin returned to the meeting.

(11) P/2014/1032/F – Gabriel McEvoy

Location:

Adjacent and north of 50 Newtown Road, Killeen, Newry

Proposal:

Proposed erection of 2 dwelling houses in infill site

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, Agent, presented in support of the application

AGREED: On the proposal of Councillor Murnin, seconded by Councillor McAteer, it was agreed to issue a refusal in respect of Application P/2014/1032/F, for the reasons recommended as per the Development Management Officer Report.

The above proposal had been declared carried following a vote taken by way of a show of hands as follows:

For	10
Against	2
Abstentions	0

(12) LA07/2016/0408/F – Garvan and Helen Walsh

Location:

99 Windmill Road, Cranfield, Kilkeel

Proposal:

Replacement dwelling house and garage as substitute for previously approved planning application P/2013/1764/F

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Emma Speers, Agent, presented in support of the application

AGREED: On the proposal of Councillor Devlin, seconded by Councillor McAteer, it was agreed to defer Application LA07/2016/0408/F to allow further discussions and investigation on the application.

Abstentions: 0

(13) P/2011/0728/0 – Mr Oliver Hearty

Location:

Lands to the rear and west of Nos 71-79 Dundalk Street, Newtownhamilton

Proposal:

Site for housing development (amended scheme)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Diana Thompson, Agent, presented in support of the application

AGREED: On the proposal of Councillor Murnin, seconded by Councillor Larkin, it was agreed to issue an approval in respect of Application P/2011/0728/0, contrary to Officer recommendation, with the condition it was outline approval with no specified numbers for

dwelling approved

(14) P/2012/0743/F – Brian Cunningham

Location:

Valley Business Park, 48 Newtown Road, Rostrevor

Proposal:

Part change of use to tourism park incorporating 47 No. touring caravan pitches, 2 No. log cabins, tent pitching areas, gate house, pump house, toilets and showers and new micro hydropower system

Conclusion and Recommendation from Planning Official:

Refusal

Noted:

Councillor D McAteer had requested that a full presentation be given on this application

AGREED: On the proposal of Councillor Craig, seconded by Councillor Hanna, it was agreed to defer Application P/2012/0743/F for one month to investigate whether the applicant wished to continue with the application. If there was no positive response from the agent/applicant within that time period the application would be determined and issued under Delegated Decisions.

CONSULTATION DOCUMENTS

P/019/2017: CONSULTATION ON REVIEW OF PERMITTED DEVELOPMENT RIGHTS FOR MINERAL EXPLORATION

Read: Letter dated 8 December 2016 from the Department of Infrastructure re: Consultation Paper on proposals to amend permitted development rights in respect of mineral exploration **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Ruane, seconded by Councillor Hanna to support Option 1 for changes to permitted development rights for petroleum exploration and the changes to height restrictions (introduce a height restriction of 15 metres for any structure provided for mineral exploration) and timescales (extend the timescale for responding to permitted development notifications to 28 days)..

P/020/2017: CONSULTATION PAPER ON PROPOSALS TO AMEND THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NI) 2015

Read: Letter dated 15 December 2016 from the Department of Infrastructure re: Consultation Paper on proposals to amend the Planning (Environmental Impact Assessment) Regulations (NI) 2015. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Craig, seconded by Councillor Ruane to endorse and support proposals to amend the Planning (Environmental Impact Assessment) Regulations (NI) 2015.

FOR NOTING

P/021/2017: NEWRY, MOURNE AND DOWN DRAFT STATEMENT OF COMMUNITY INVOLVEMENT

Read: Report dated 2 February 2017 from Mr A Hay, Principal Planning Officer regarding Newry, Mourne and Down Draft Statement of Community Involvement (**copy circulated**)

NOTED It was agreed to note the Newry, Mourne and Down Draft Statement of Community Involvement.

P/022/2017: NEWRY, MOURNE AND DOWN LOCAL DEVELOPMENT PLAN PREPARATORY STUDIES PAPER 7: TOURISM

Read: Report dated 2 February 2017 from Mr A Hay, Principal Planning Officer regarding Newry, Mourne and Down Draft Local Development Plan: Preparatory Studies Paper 7: Tourism (**copy circulated**)

NOTED It was agreed to note the Newry, Mourne and Down Draft Local Development Plan: Preparatory Studies Paper 7: Tourism

P/023/2017: NEWRY, MOURNE AND DOWN LOCAL DEVELOPMENT PLAN PREPARATORY STUDIES PAPER 9: PUBLIC UTILITIES

Read: Report dated 2 February 2017 from Mr A Hay, Principal Planning Officer regarding Newry, Mourne and Down Draft Local Development Plan: Preparatory Studies Paper 9: Public Utilities (**copy circulated**)

NOTED It was agreed to note the Newry, Mourne and Down Draft Local Development Plan: Preparatory Studies Paper 9: Public Utilities

P/024/2017: UPDATE ON PROPOSED ARRANGEMENTS FOR SITE MEETINGS

NOTED: Suggested arrangements:

- Wednesday 15 February 2017 – 08.45 – meet at 14 Upper Dromore Road, Warrenpoint (LA07/2016/0091/F – Mr Peter Clarke) then travel to No. 24 Lower Corrags Road, Newry (LA07/2016/1486/0 – Mr & Mrs J Matthews)
- Monday 27 February 2017 – 4.00pm – meet at Kings Castle Nursing Home, Kildare Street, Ardglass (Members may wish to change this date and/or time as the Special Meeting due to have been held at 6.00pm in Downpatrick has been postponed because of Election week).

AGREED: It was unanimously agreed to change the start time of the site meeting on Monday 27 February 2017 from 4.00 pm to 12 noon.

There being no further business the Meeting concluded at 4.35pm

For adoption at the Planning Committee Meeting to be held on 1 March 2017.

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

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