

## NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

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### **Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 3 August 2016 at 11.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor J Macauley

**In Attendance:**

**(Committee Members)**

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

**(Officials)**

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms J McParland	Senior Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr P Green	Legal Advisor
Ms L Dillon	Democratic Services Officer
Ms S Taggart	Democratic Services Officer

#### **P/75/2016: APOLOGIES/CHAIRMAN'S REMARKS**

Apologies were received from:

Councillor W Clarke  
Councillor L Devlin  
Councillor M Ruane  
Ms N Largey Legal Services

#### **P/76/2016: DECLARATIONS OF INTEREST**

**Councillor V Harte** declared an interest in Planning Application LA07/2015/0130/F (Calmor Properties Ltd) regarding non compliance with condition 2 of P/2011/0340/F – application to remove social housing occupancy clause – Lindsay's Hill, approximately 60m south east of 53-55 North Street Newry.

**Councillor C Casey** declared an interest in Planning Application LA07/2015/0130/F (Calmor Properties Ltd) regarding non compliance with condition 2 of P/2011/0340/F – application to remove social housing occupancy clause – Lindsay’s Hill, approximately 60m south east of 53-55 North Street Newry.

**P/77/2016: MINUTES OF PLANNING COMMITTEE MEETING  
- WEDNESDAY 6 JULY 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 6 July 2016 (Copy circulated).

**AGREED: On the proposal of Councillor G Craig seconded by Councillor D McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 6 July 2016 as a true and accurate record.**

**P/78/2016: ADDENDUM LIST**

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

**AGREED: On the proposal of Councillor M Murnin seconded by Councillor G Craig it was agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications:**

**LA07/2015/0161/F**

**Applicant:** Mr E Lennon

**Proposal:** Apartment building with 14 units 3.5 storey with retail space and car parking

**Location:** 35 Central Promenade Newcastle

**Recommendation:** **APPROVAL**

**R/2014/0660/O**

**Applicant:** Mr M Judge

**Proposal:** Retrospective shop sign

**Location:** 43 High Street Ballynahinch

**Recommendation:** **REFUSAL**

**R/2014/0575/F**

**Applicant:** Millbrook Lodge Hotel

**Proposal:** Demolitions, alterations, extension and new buildings.

**Location:** 5 Drumaness Road Ballynahinch BT12 6EQ

**Recommendation:** **APPROVAL**

**R/2013/0441/O**

**Applicant:** Mr C Lavery & Miss R O Higgins

**Proposal:** Proposed new dwelling on a farm under Policy CTY10 of PPS21

**Location:** 50m north east of 19 and 60m north of 17 Ballymoney Road Kilcoo

**Recommendation:** **REFUSAL**

**LA07/2015/0090/F**

**Applicant:** AJ Coaches

**Proposal:** Retrospective extension of curtilage and change of use of land to facilitate parking of vehicles in relation to coach hire business and proposed improved entrance and new stone wall boundary

**Location:** 49 Ballyveaghbeg Road Ballymartin

**Recommendation:** **REFUSAL**

**LA07/2015/0800/F**

**Applicant:** Ponsa Ltd

**Proposal:** Construction of rock armour revetment sea defence to provide protection to the access road and 8 properties from storm damage

**Location:** Lands 20m se of 51-69 Windmill Road Cranfield Kilkeel

**Recommendation:** **REFUSAL**

**LA07/2015/1153/O**

**Applicant:** Ronan Turley

**Proposal:** Erection of infill dwelling with detached garage

**Location:** Adjacent to and 20m east of 72 Newry Road Mayobridge

**Recommendation:** **REFUSAL**

**LA07/2016/0276/F**

**Applicant:** Frank Hughes Bookmaker

**Proposal:** Change of use of vacant shop to offices

**Location:** 14-15 The Mall Newry

**Recommendation:** **APPROVAL**

**P/79/2016: APPLICATIONS FOR DETERMINATION**

**AGREED:** On the advice of the Principal Planning Officer it was agreed on the proposal of Councillor Craig seconded by Councillor Loughran to withdraw the following Planning Applications from the schedule:-

- LA07/2015/0079/F – Anne Marie O Higgins – change of use of ground floor units from retail to café/restaurant – ground floor unit 8 Central Promenade Newcastle. (REFUSAL) – **withdraw from schedule as information which has been requested by Planning in respect of this application has now been supplied by the applicant.**
- LA07/2016/0036/F – Bronagh Smith – proposed rear extension to a dwelling – 17 Demense Crescent Downpatrick. (REFUSAL) – **withdraw from schedule as information which had been sought by Planning has now been submitted by applicant.**
- R/20130217/F – Mr Tony Steel – erection of agricultural shed (amended address) – 120m east of No.18 Moneyland Road Dundrum. (REFUSAL) – **withdraw from schedule for further review/consideration by Planning Department.**
- LA07/20150639/F – Mr & Mrs P McMillan – replacement dwelling and conversion of former mill to ancillary accommodation – site 45 metres east of 55 Rossglass Road Killough. (REFUSAL) – **withdraw from schedule as Planning Department have been provided with new information on which a number of matters have arisen which Planning wish to discuss further with the applicants.**
- LA07/2015/0402/F – Glyn Mitchell – proposed erection of a dwelling - opp and 25m e of 16 Chancellors Hall Newry. (REFUSAL) – **withdraw from schedule to allow further discussion between the Agent and Planning Department regarding issues which have arisen.**
- P/2014/1041/O – Matthew Mallon – site for dwelling and detached garage – 20m ne of 30a Edentrumly Road Mayobridge. (REFUSAL) – **withdraw from schedule as the written submission from the Agent indicates this application be considered under CTY8. This application was originally considered under CTY10, therefore Planning Department view this to be a new consideration of the Application.**

The following Applications were then determined by the Committee:

**(1) LA07/2015/0546/F – Jane Magee**

***Location:***

Approx 70m South East 71 Ardglass Road, Ballyhornan, Downpatrick

***Proposal:***

Retention of building with alterations to be used as arm shed and animal handling facility in substitution for agricultural building granted permission under R/2007/1021/F

(additional information)

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

**Speaking rights:**

Gerry Tumilty Agent, presented in support of the application.

Councillor Craig proposed and Councillor Larkin seconded to accept the Officers recommendation and issue a Refusal in respect of Planning Application LA07/2015/0546/F, 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	4
Against	4
Abstentions	1

The Chairperson used her casting vote in support of the proposal.

The proposal was declared carried.

**AGREED: On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue a Refusal , for the reasons recommended in respect of Planning Application LA07/2015/0546/F, as per the Development Management Officer Report.**

**(2) LA07/2015/0842/O – Mr G Reavey**

***Location:***

66 Drin Road, Drin, Dromara, BT25 2LE

***Proposal:***

Site for replacement dwelling, garage and associated site works and retention of old building as outbuilding

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

**Speaking rights:**

Mr Nigel Coffey, Agent, presented in support of the application.  
DEA Councillor P Clarke presented in support of the application.

Councillor Murnin proposed and Councillor McAteer seconded to overturn the Officers recommendation in respect of Planning Application LA07/2015/0842/O and include a condition that the vernacular building must be retained in a manner more suitable to the countryside thus ensuring the protection of historic heritage.

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

For	7
Against	2
Abstentions	0

Mr McKay said the Committee had not indicated as to whether the decision was contrary to policy or in line with policy

**AGREED: On the proposal of Councillor Murnin seconded by Councillor McAteer it was agreed to issue an Approval in respect of Planning Application LA07/2015/0842/O and include a condition that the vernacular building must be retained.**

**(3) R/2014/0178/O – Mr P J McKeown**

***Location:***

Site approx 120m south of No. 108 Loughinisland Road, Loughinisland, Downpatrick, BT30 8JL

***Proposal:***

Proposed single storey dwelling for disabled occupant in accordance with PPS21 CTY6

**Conclusion and recommendation from Planning Official:**

REFUSAL

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Loughran 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.**

The Applicant and Agent remained in the Chamber.

**Speaking rights:**

Mr Jason Walker Agent, presented in support of the application.

Ms Vera McKeown presented on behalf of the applicant.

**AGREED: On the proposal of Councillor Harte seconded by Councillor Hanna the Committee came out of closed session.**

When the Committee came out of closed session the Chairperson reported the following:

**AGREED:** On the proposal of Councillor Casey seconded by Councillor Hanna it was agreed to defer Planning Application R/2014/0178/O to allow further discussion between Planning Department and the Applicant.

**(4) R/2014/0442/O – John Breen**

***Location:***

Rear of 25 Killybawn Road, Crossgar

***Proposal:***

Proposed dwelling on a farm

**Conclusion and recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr J Morgan Agent, presented in support of the application.

Mr J Breen Applicant, presented in support of the application.

DEA Councillor T Andrews presented in support of the application.

Councillor Casey proposed and Councillor McAteer seconded that Planning Application R/2014/0442/O be deferred, contrary to Officers recommendation, in order to allow the applicant to provide further information to demonstrate length of time buildings have been established, evidence of ownership of land and confirmation that sight splays can be provided.

Councillor Larkin proposed and Councillor Hanna seconded to issue a Refusal, for the reasons recommended, in respect of Planning Application R/2014/0442/O, as per the Development Management Officer Report.

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

For	5
Against	4
Abstentions	0

The original proposal was declared carried.

**AGREED:** On the proposal of Councillor Casey seconded by Councillor McAteer it was agreed to defer Planning Application R/2014/0442/O, contrary to Officers recommendation, in order to allow the applicant to provide further information to demonstrate length of time buildings have been established, evidence of ownership of land and confirmation that sight splays can be provided.

**(5) R/2014/0576/F – Mr D Orr**

***Location:***

West of 109 Barnamaghery Road, Crossgar

***Proposal:***

Erection of wintering shed for livestock and retention of existing fodder storage shed on part foundation of original shed on site

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Representations:**

Councillor Harvey has advised of his support for this application

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue a Refusal, for the reasons recommended, in respect of Application R/2014/0576/F, as per the Development Management Officer Report.

**(6) R/2015/0093/F – Kennedy’s Direct Catch Ltd**

***Location:***

21 Enterprise Avenue, Down Business park, Belfast Road, Downpatrick

***Proposal:***

Proposed fitness facility and associated parking

**Conclusion and recommendation from Planning Official:**

REFUSAL

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Craig it was agreed to issue an Approval, contrary to Officers recommendation, in respect of Planning Application R/2015/0093/F, on the basis this application is deemed exceptional circumstances as a leisure facility is being provided within the curtilage of an existing business therefore will have no impact in terms of loss of zoned land and that a precedent has already been set in terms of non-industrial use of land in this park.

**Abstentions 0**

(3.45pm – Councillor Harte and Councillor C Casey withdrew to the public gallery)



**(7) LA07/2015/0130/F – Calmor Properties Ltd**

***Location:***

Lindsay's Hill, approximately 60m south est of 53-55 North Street, Newry

***Proposal:***

Non compliance with condition 2 of P/2011/0340/F – application to remove social housing occupancy clause

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking rights:**

Mr Colin O'Callaghan Agent, presented in support of the application.

Councillor Hanna proposed and Councillor Larkin seconded to issue a Refusal, for the reasons recommended, in respect of Planning Application R/2014/0442/O, 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	7
Against	0
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 Planning Application LA07/2015/0130/F, for the reasons recommended as per the Development Management Officer Report.**

(4.00pm – Councillor Harte and Councillor C Casey re-joined the meeting)

**(8) LA07/2015/0511/0 – Peter McEvoy**

***Location:***

Adjacent to and immediately north of 147 Rathfriland Road, Newry, BT34 1PQ

***Proposal:***

Dwelling and detached garage

**Conclusion and recommendation from Planning Official:**

REFUSAL

**Speaking rights:**

Mr Karl Sherry, Agent, presented in support of the application

Councillor Larkin proposed and Councillor Harte seconded to issue a Refusal, for the reasons recommended, in respect of Planning Application LA07/2015/0511/O, 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	2
Against	6
Abstentions	1

The proposal was declared lost.

Councillor McAteer proposed and Councillor Hanna seconded to issue an Approval, contrary to Officer recommendation, in respect of Planning Application LA07/2015/0511/O, on the basis that with regard to CTY2a, it was not clear in this instance that this is uninterrupted open countryside as nearby adjacent buildings are visible.

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

For	6
Against	2
Abstentions	1

The proposal was declared carried.

**AGREED: On the proposal of Councillor McAteer seconded by Councillor Hanna it was agreed to issue an Approval, contrary to Officer recommendation, in respect of Planning Application LA07/2015/0511/O, on the basis that it complies with CTY2a, ie, that the proposal rounds off the crossroads, this being the intention of policy, and this is not uninterrupted/open countryside.**

**(9) LA07/2015/1167/F – Brendan and Sharon O’Gorman and Gregory**

***Location:***

80 metres north east of 84 Kiltybane Road, Crossmaglen, BT35 9BH

***Proposal:***

Replacement dwelling and new garage

**Conclusion and recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr Seamus Murphy, Agent, presented in support of the application.

Mr Eamon Gregory presented on behalf of the applicant.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Craig it was agreed to defer Planning Application LA07/2015/1167/F, to allow Planning Officers to conduct a site visit with the Agent to review drawings and assess other issues regarding the site and if necessary this application will be tabled at a future meeting of the Planning Committee, as recommended by Mr A McKay Chief Planning Officer.

**P/80/2016 ADJOURN MEETING**

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to adjourn the meeting and continue the session on Wednesday 10 August 2016 at 9.30am (Boardroom Newry) to consider the following Planning Applications:

**P/2012/0712/F – Brendan Carragher**

***Location:***

24 New Road, Silverbridge, BT35 9PQ

***Proposal:***

Extension to Tyre Depot

**Conclusion and recommendation from Planning Official:**

Refusal

**Speaking rights:**

A request for speaking rights has been received from Mr James Murphy, in support of the application

**LA07/2016/0175/F – Dermot White**

***Location:***

80 metres north west of 15 Molly Road, Jonesborough, BT35 8HY

***Proposal:***

Replacement dwelling and domestic garage

**Conclusion and recommendation from Planning Official:**

Refusal

**Speaking rights:**

A request for speaking rights has been received from Mr James Murphy, in support of the application

**LA07/2016/0421/0 – Fiona Doyle**

***Location:***

Site adjacent to and west of No. 25 Tamnaharry Hill Road, Mayobridge

***Proposal:***

Proposed infill dwelling and detached garage

**Conclusion and recommendation from Planning Official:**

Refusal

**Speaking rights:**

A request for speaking rights has been received from Mr Barney Dinsmore Agent, in support of the application.

**It was also agreed the following Planning Application be considered at the Planning Committee Meeting to be held on Wednesday 31 August 2016:**

**LA07/2015/1317/0 – Paul and Dianne Kelly**

***Location:***

25 metres south of 162 Tandragee Road, Jerrettspass

***Proposal:***

1 No. infill 1.5 storey dwelling and garage

**Conclusion and recommendation from Planning Official:**

Refusal

**Speaking rights:**

A request for speaking rights has been received from John Richardson Agent, in support of the application.

**Representations**

DEA Councillor B O Muiri has made representations in support of this application.

**FOR NOTING**

**P/81/2016: PLANNING DEPARTMENT PERFORMANCE INDICATORS**

Read: Planning Department Performance Indicators. (Copy circulated).

**AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to note the Planning Department Performance Indicators Report.**

**P/82/2016: REPORT – CONTACT FROM PUBLIC REPRESENTATIVES AUGUST 2016**

Read: Report regarding record of meetings between Planning Officers and Public Representatives for August 2016. (Copy circulated).

**AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to note Report regarding record of meetings between Planning Officers and Public Representatives for August 2016.**

**P/83/2016: CURRENT PLANNING APPEALS**

Read: Report on current planning appeals. (Copy circulated).

**AGREED: On the proposal of Councillor Craig seconded Hanna it was agreed to note Report regarding current Planning Appeals.**

There being no further business the meeting adjourned at 5.20pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 31 August 2016

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

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