

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry Mourne and Down District Council held on Wednesday 4 July 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 C Casey
Councillor G Craig
Councillor K Loughran
Councillor J Macauley
Councillor M Murnin
Councillor M Ruane

(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 L Coll	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/056/2018: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Clarke, Devlin, Hanna and Harte

P/057/2018: DECLARATIONS OF INTEREST

There were no Declarations of Interest received.

P/058/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

- **Item No. 6 – LA07/2017/1854/O** – Mr J McIlmail – Councillors Larkin and Harte were not in attendance for the first presentation on 9 May 2018 and Councillors Larkin, Harte, Hanna and Craig were not present at the site visit on 6 June 2018 and as such they would not be taking part in the discussion / decision.

MINUTES FOR CONFIRMATION

P/059/2018: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 6 JUNE 2018

Read: Minutes of Planning Committee Meeting held on Wednesday 6 June 2018.
(Copy circulated)

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Ruane it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 6 June 2018 as a true and accurate record.

FOR DISCUSSION/DECISION

P/060/2018: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 4 July 2018. **(Copy circulated)**

AGREED: It was unanimously agreed to remove the following Planning Applications from the Addendum List: -

- **Item 8 – LA07/2017/1558/0** – Mr P McCormack – farm dwelling – 275m north of 35 Tobbercorran Road, Downpatrick
REFUSAL
Removed from the addendum list at the request of Councillor Murnin, for presentation at a future Planning Committee Meeting
- **Item 12 – LA07/2018/0042/0** – Ciaran O'Higgins – farm dwelling and garage – adjacent to No. 46 Bann Road, Castlewellan
Removed from the addendum list as the agent had advised the application had been withdrawn from the planning process

AGREED: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to approve the Officer recommendation in respect of the following Applications listed on the Addendum List for Wednesday 4 July 2018.

- **Item 7 – LA07/2017/1380/0** – Robert McBriar – dwelling and garage – 26m west of No. 45 Manse Road, Crossgar
REFUSAL
- **Item 16 – LA07/2017/1360/F** – Matthew D'Arcy & Company Ltd – refurbishment of existing bar and extension to provide craft micro distillery and visitor centre, function room, restaurant and ancillary features at 17-19 Monaghan Street, Newry
APPROVAL
- **Item 19 – LA07/2018/0464/0** – Mary Slane – dwelling and garage (amended address) – between No. 34 and 38 Seafin Road, Killeavy, Meigh
REFUSAL

Councillor Murnin asked if it would be feasible to give Agents more notice regarding the applications to be determined at each meeting.

Mr McKay replied that the application list was produced two weeks prior to the meeting date and if the Agent was not available to attend a specific meeting, a substitute could be nominated. He also advised the dates of the Planning Committee Meetings were published one year in advance and the onus was on the Agent to be aware of the dates and deadlines, however should they have any issues of concern they should contact Planning Officials who would facilitate where possible.

DEVELOPMENT MANAGEMENT – PLANNING APPLICATIONS FOR DETERMINATION

P/061/2018: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were then determined by the Committee:-

(Councillor Larkin and Councillor Craig withdrew from the meeting for discussion on this application – 10.19 am and the Deputy Chairperson, Councillor McAteer assumed the Chair in the absence of the Chairperson).

(1) LA07/2017/1854/0 – Mr J McIlmail

Location:

Lands contained between 71 and 73 Lisoid Road, Bright, Downpatrick

Proposal:

Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sam Hawthorne, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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 asked Planning Officials what they would deem to be acceptable in terms of plot size and what would constitute rural settlement.

Ms McAlarney replied that to satisfy the conditions of Policy CTY 8 (infill), the proposed site would have to respect the neighbouring plots and the proposed application failed to do so in terms of size, scale, siting and plot size. She continued, saying the Committee would have to determine if they deemed the application site to be reflective of neighbouring sites when making their decision.

Councillor Murnin proposed and Councillor Loughran seconded to issue an approval contrary to officer recommendation on the basis that the refusal reasons as stated in the Officer

Report had been addressed and the application site was located in a hamlet as opposed to a rural setting.

Ms Coll advised Members that all four reasons for refusal would have to be addressed satisfactorily if the Committee were to decide to overturn the officer recommendation.

Councillor Murnin said, on the basis of the facts presented, and taking account of plot sizes there was not any demonstrable harm to the area from the application as proposed and it would not further erode the rural character of the countryside as the area was essentially a hamlet, rather than open countryside.

Councillor Loughran said the application was for outline permission and the size of plot could be considered at design stage.

Mr McKay said in planning terms the application site was not located within a hamlet.

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

FOR: 2
AGAINST: 4
ABSTENTIONS: 0

The proposal was declared 'lost'.

Councillor McAteer proposed and Councillor Macauley seconded to issue a refusal in respect of Planning Application LA07/2017/1854/O as per officer recommendation.

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

FOR: 4
AGAINST: 2
ABSTENTIONS: 0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Macauley it was agreed to issue a refusal in respect of Planning Application LA07/2017/1854/O as per the information and recommendation contained in the Case Officer report presented to Committee.

(Councillor Larkin and Councillor Craig rejoined the meeting - 10.30 am.
Councillor Larkin resumed the Chair.

(2) LA07/2017/1770F – Mr Patrick King

Location:

11 Bright Road, Downpatrick

Proposal:

Proposed detached annex to existing dwelling to be used as a granny flat

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

A request for speaking rights has been received from Gerry Tumelty, Agent, in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

Ms 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.

The Agent, in his presentation advised that the application had been submitted on PHD forms and it should be noted the current site had permitted development rights which would allow for a large domestic store, greater in height, to be constructed which would not require the submission of a formal application.

Councillor Murnin asked Ms McAlarney for clarification regarding PHD forms.

Ms McAlarney replied that PHD forms were Householder Development forms used for residential applications with the standard practice condition attached that the proposed building remain ancillary and reliant to the main building. She continued, saying the proposed application was for a detached singular dwelling within the curtilage, but contrary to the requirements of the policy, the proposed building could function independently.

Councillor Craig referred to the garage located on the site and said he was not convinced that it could not be upgraded to bring the insulation value up to the standard required for a dwelling. He asked Ms McAlarney if it could be linked to the main building.

Ms McAlarney replied that the configuration of the buildings on the site would make a link feasible, although the policy only called for proximity to other residential dwellings and therefore it wasn't always necessary to have a link. She said she would dispute that the existing dwelling could not be extended and also that the garage could not be linked.

Councillor Craig proposed and Councillor Macauley seconded to accept the officer's recommendation to issue a refusal in respect of Planning Application LA07/2017/1770/F.

AGREED: On the proposal of Councillor Craig seconded by Councillor Macauley it was unanimously agreed to offer a refusal in respect of Planning Application LA07/2017/1770F as per the information and recommendation contained in the Case Officer report presented to Committee.

(3) LA07/2017/1797/F – Ann Herron

Location:

Land 20m south and adjacent to 25 Saintfield Road, Crossgar

Proposal:

Conversion of windmill stump to dwelling including single storey rear extension

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Barry Fletcher, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

Ms 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 and there was general agreement among Members that although this was an opportunity to retain an historical building, the design presented was not respectful of the existing windmill stump.

Councillor Craig proposed to defer the application to allow time for the Agent / Applicant and Planning Officials to meet and agree on a more acceptable design, Councillor Macauley seconded this proposal.

AGREED: On the proposal of Councillor Craig seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2017/1797/F to allow time for the Agent / Applicant and Planning officials to meet and agree on a more acceptable design.

It was also agreed that Planning Officers be granted approval to issue the decision under delegated authority but if the opinion continued as a refusal, that the application revert back to Planning Committee.

(4) LA07/2018/0394/F – NIHE (South Region)**Location:**

1 Seaview, Ardglass

Proposal:

Proposed single storey front, side and rear extension

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Councillor Gareth Sharvin, in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

Ms 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 proposed site and the fact that the design submitted encroached on to open green space.

Ms McAlarney said the Applicant would have to justify the loss of open green space and that Policy OS1 stated an exception would only be permitted where it was clearly demonstrated that redevelopment would bring substantial community benefits that decisively outweighed the loss of the open space. Additionally, she said the proposed elevations in the design submitted would lead to an undesirable change in character of the existing property and the

area in which it was located, however the design issues could be overcome but the fundamental issue was the loss of the open green space. She said the Applicant, NIHE, had failed to adequately demonstrate need.

Mr McKay said a simplified design would be more appropriate and that considerable value was attached to the protection of open green space, however Planning Officials would endeavour to reach a compromise, but this would require careful consideration and the Applicant should consider carefully if they needed as much of the open space as currently formed part of the application.

Councillor Casey proposed and Councillor Loughran seconded to defer Planning Application LA07/2018/0394/F to allow for further discussions to take place with the Applicant and Planning Officials regarding the design issues and open green space.

AGREED: On the proposal of Councillor Casey seconded by Councillor Loughran it was unanimously agreed to defer Planning Application LA07/2018/0394/F to allow for further discussions to take place between the Applicant and Planning Officials regarding the design issues and open green space.

(5) LA07/2016/1564/F – Mr John McAleavey

Location:

Laneway Lodge Riding Centre, 6 Leitrim Road, Hilltown

Proposal:

Proposed conversion of existing hay loft into tourist accommodation

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John McAleavey, Applicant, in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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.

Ms McParland said this application had been made under the Farm Diversification Scheme. The Economic Impact Assessment contained within the papers was new information that had been submitted along with the Agents Speaking Rights submission and therefore had not been considered by Planning Officials.

The Chairperson stated that as Officials hadn't had the opportunity to read this late information, it should not be considered by the Committee when determining the Application.

Ms Coll advised the Committee that a recent decision taken at the High Court had determined that late information should be put before Committee for consideration if it was a material consideration, and failure to do so could result in the decision being challenged.

Councillor Craig said to adhere to legal advice, it would be necessary to consider the late information, however, he expressed concern at the time this would take.

Mr McKay said the Committee should be mindful of the recent court judgements and how late information was to be considered. He continued, saying the application had first been submitted to Planning in 2016 and therefore there had been ample time for the Applicant to have submitted all necessary information. He said to enter into this process now, could be viewed as an attempt to prolong the process even further and he added that if the information was so critical, where had it been since the application was submitted in 2016.

Ms Coll said she appreciated the timeframes and how long this application had been in the Planning system. However she said if it was material, it needed to be considered.

Councillor McAteer asked the Applicant if he could provide evidence that the Riding Centre was an established and fully registered business.

The Applicant said that he had submitted a copy of public liability insurance, copies of DARD Riding School licences dating back to 2009, and horse passports. However as he operated the Riding Centre solely he did not have it registered as a business. He continued, saying the Riding Centre had been registered with NITB since 2009 and was registered with NMDDC's Environmental Health Department and he would have assumed this was enough evidence to have constituted a business.

Ms McParland advised the application had been assessed under recreational policy rather than business policy and the Applicant failed to provide a rateable history. She continued, saying the public liability insurance provided, only covered injuries and did not meet the minimum requirements of the policy, additionally evidence of business accounts and verification from HMRC would need to be submitted to fully comply with the policy.

Councillor Larkin asked the Applicant if he had a Farm Business ID number.

Mr McAleavey replied that he didn't think this was applicable to him as he didn't have stock and he had not claimed the Single Farm Payment supplement, however he said he would be in receipt of a Farm Business ID number within ten days.

Councillor McAteer asked Ms McParland whether this Application should be considered under the Farm Diversification Scheme or Tourism Development Scheme.

Ms McParland replied that a Farm Business ID Number would be beneficial, however the Applicant would have had to be in possession of a Farm Business ID Number for six years for it to be a benefit to this application. With regard to applying under the Tourism Development Scheme, she said the Applicant would have to resubmit a new application with provision for three or more units and suggested that he acquired the professional advice of a qualified Planner if he were to pursue this route.

The Chairperson invited the Applicant to respond to any inaccuracies that had been stated during discussions.

The Applicant stated that his Public Liability Insurance covered all his horses, visitors to the Riding Centre and also covered him when he instructed at other sites. He said he would be agreeable to providing a third unit, should he reapply under the Tourism Development Scheme.

Councillor McAteer proposed to defer Planning Application LA07/2016/1564/F to allow the Applicant to seek professional advice for the best way forward and for Members to have time to consider the Economic Impact Assessment.

The proposal was not seconded.

Councillor Craig proposed and Councillor Larkin seconded to issue a refusal in respect of Planning Application LA07/2016/1564/F on the basis that the Application failed to meet the requirements of the policies and if the Applicant still wanted to pursue the proposed works, a new application would have to be submitted.

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

AGREED: On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2016/1564/F as per the information and recommendation contained in the Case Officer report presented to Committee.

FOR NOTING

P/062/2018: HISTORIC ACTION SHEET

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

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

P/063/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT JUNE 2018

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

AGREED: It was unanimously agreed to note the Planning Committee Performance Report May 2018.

P/064/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives 2017-2018. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Record of Meetings between Planning Officers and Public Representatives 2017 – 2018.

P/065/2018: JUNE 2018 APPEALS & DECISIONS

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

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

P/066/2018: PLANNING WORKSHOP

Councillor Macauley advised she would be unable to attend the Planning Workshop scheduled for 5 July in the Downshire Civic Centre and asked if it could be postponed.

Ms Ward replied that she would prefer the Planning Workshop to proceed but another workshop would be scheduled in advance of the August Strategy, Policy and Resources Committee meeting to update those Members who were unable to attend on 5 July 2018.

The Meeting concluded at 12.25pm.

For confirmation at the Planning Committee Meeting to be held on 1 August 2018.

Signed: _____ Chairperson

Signed: _____ Chief Executive