

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL/DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 7 December 2016 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
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	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 Manager
Ms C McAteer	Democratic Services Officer

P/134/2016: APOLOGIES/CHAIRMAN'S REMARKS

There were no apologies.

P/135/2016: DECLARATIONS OF INTEREST

Councillor Ruane declared an interest in planning application P/2015/0018/RM – Mr Francis Morgan – and advised he would be withdrawing from the discussion/decision on this application.

**P/136/2016: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 23 NOVEMBER 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 23 November 2016. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Craig, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 23 November 2016 as a true and accurate record, subject to Council Officers checking the accuracy of the recording of the vote in relation to planning application LA07/2016/0217/F – Mr Kieran Kelly.

P/137/2016: ADDENDUM LIST

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Wednesday 7 December 2016. **(Copy circulated)**.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Craig, it was unanimously agreed to remove the following planning applications from the addendum list for full presentation at a future Planning Committee Meeting:-

- Item No. 12 – LA07/2016/0821/F – Mr C Canning – the Planning Department advised this application is being removed from the addendum list as an amended scheme has been received.
- Item No. 16 – LA07/2015/0087/F – Martin Ward, Rockmount Convenience Complex, is being removed from the addendum list at the request of the Planning Department to allow Environmental Health to attend the Committee and also to give the opportunity for objectors and agents to speak if requested.
- Councillor Macauley requested that item No. 32 – P/2012/0457/F – Mr Tom Fletcher, be removed from the addendum list for a full presentation at a future Planning Committee Meeting.
- Councillor McAteer requested that item No. 22 – LA07/2016/0226/F; item No. 23 LA07/2016/0227/F and item No. 24 LA07/2016/0228/F for Mr Mark Devlin, be removed from the addendum list for a full presentation at a future Planning Committee Meeting.
- Councillor W Clarke requested that item No. 25 – LA07/2016/0401/F – Margaret Kane, be removed from the addendum list for a full presentation at a future Planning Committee Meeting.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Craig, 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 10** – LA07/2015/1326/F – Mr B Boyd – retrospective permission for amendments to previous approval R/2014/0235/F to include an extension to the existing micro-distillery with elevation changes, visitor area, public bar, bottling area/storage, café, sales area, toilets, mezzanine floor for offices, treatment plan and associated works with access onto Church Road and 3 passing bays along Church Road – 360m south of Rademon House, 60 Ballynahinch Road, Crossgar.

APPROVAL

- **Item 15** – R/2014/0658/F – Mr J McMullan – installation of a wind turbine on a tubular tower of up to 40m height with blades up to 59.5m (to tip height) – lands 340m south west of No. 22 Slievegrane Road, Saul. **REFUSAL**
- **Item 17** – LA07/2015/0364/F – Lindsay Martin – retention of existing building for light industrial purposes (storage and repair of farm plant and machinery) as farm diversification project – lands to rear of 23 Ballymaderfy Road, Kilkeel. **REFUSAL**
- **Item 18** – LA07/2015/0519/0 – Gerard McEvoy – proposed infill sites to accommodate 2 No. dwellings – adjacent and directly south of No. 43 Newtown Road, Cloghogue. **REFUSAL**
- **Item 19** – LA07/2015/0611/F – David McKee – erect 7 dwellings in substitution to the approval granted under P/2006/2173/F – 27 Knockchree Avenue, Kilkeel. **REFUSAL**
- **Item 26** – LA07/2016/0516/F – Bernagh Brims and Gill Hindshaw – conversion of existing historical granite barn to 3 bedroom dwelling with associated garden, existing parking spaces and road access (revised address) – lands 10m west of No. 5 Stewarts Road, Annalong. **REFUSAL**
- **Item 33** – LA07/2016/1198/0 – Neil Saward – site for dwelling – 165m SW of 26 Shaughan Road, Belleeks. **REFUSAL**

P/138/2016: 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** - LA/07/2016/0700/F- Neill Jackson - dwelling on farm with retention of temporary living accommodation during construction of

new dwelling in substitution of approval R/2012/0337/0 - 11 Bawn Lane, Crossgar – **application removed from the schedule for further consideration.**

- **Item 8** - LA07/2015/0965/F - East Down Amateur Boxing Club - retrospective change of use (from former poultry house) for retention and approval for current use as amateur boxing club and gym - building No. 2 79 Downpatrick Road, Crossgar – **application removed from the schedule to allow further consideration of roads concerns.**
- **Item 27** - LA07/2016/0677/F - NI Electricity - 11kv overhead to facilitate connection to a wind turbine - approx 40m south east of 35 Ballymoyer Road, Co. Armagh and extending south east towards and east of 15 Cold Brae Road, Co. Armagh – **application removed from the schedule in order that the agent can address additional matters raised by NIEA.**
- **Item 30** - LA07/2016/1124/F - Tesco Stores Ltd - proposal under Section 54 of the Planning Act 2011 to vary Condition 1 of P/2010/1568 and Condition 14 of P/2012/0504 (both relating to permitted servicing hours for food superstore) to permit an additional hours servicing from 06.00hrs to 07.00hrs Monday to Friday and an additional hour and a half from 07.00hrs to 8.30hrs on a Saturday at Tesco Store, 24 Downshire Road, Newry – **application has been withdrawn.**

The following applications were then determined by the Committee:-

(1) LA07/2016/0732/0 – Mrs Mary Carr

Location:

Lands to the rear and south of No. 6 Railway Road, Meigh, Killeavy, Newry, BT35 8JU

Proposal:

Proposed erection of a farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Aiden Cole, Architect and Mary Carr, applicant, presented in support of the application.

(10.15 – Councillor L Devlin joined the meeting).

AGREED: On the proposal of Councillor Craig, seconded by Councillor Macauley it was agreed to issue a refusal in respect of application LA07/2016/0732/0 for the reasons recommended in the Development Management Officer report.

Abstentions: 0

(2) LA07/2015/0620/0 – Robert Burgess

Location:

Between 62 and 64 Ballynahinch Road, Saintfield, BT24 7ND

Proposal:

One dwelling house and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Burgess (agent) presented in support of the application

AGREED: On the proposal of Councillor Craig seconded by Councillor Macauley, it was agreed to defer application LA07/2015/0620/0 to clarify the issue of the vehicular access with Transport NI.

Abstentions: 0

(3) LA07/2015/0885/0 – Patrick Murray

Location:

Between 171 and 173 Carrickmannon Road, Crossgar

Proposal:

Infill site 2 dwellings

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Burgess (agent) and Patrick Murray (applicant) presented in support of the application.

Councillor Murnin proposed and Councillor Devlin seconded that planning application LA07/2015/0885/0 be approved contrary to Officer recommendation, on the basis that the shed and workshop were permanent structures and therefore this was a gap site and that authority be delegated to Officers to impose relevant technical conditions as required.

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

FOR:	6
AGAINST:	6
ABSTENTIONS:	Nil

The Chairman used his casting vote in favour of the proposal which was declared carried.

AGREED: On the proposal of Councillor Murnin, seconded by Councillor Devlin, it was agreed approve application LA07/2015/0885/0 contrary to Officer recommendation, on the basis that the shed and workshop were permanent structures and therefore this was a gap site and that authority be delegated to Officers to impose relevant technical conditions as required.

(4) LA07/2015/1224/F – Mrs E Fitzsimons

Location:

53A Saintfield Road, Crossgar, Downpatrick, BT30 8HY

Proposal:

Proposed conversion with extension of vernacular stone outbuilding to form dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Tumelty, agent, presented in support of the application.

AGREED: On the proposal of Councillor Murnin, seconded by Councillor Craig, it was agreed to defer application LA07/2015/1224/F and await the outcome of the submission of a Certificate of Lawfulness in relation the use of the application building as a separate dwelling.

Abstentions: 0

(Councillor Devlin left the meeting – 11.05 am).

(5) LA07/2016/0434/F – Mr & Mrs Paul Flanagan

Location:

Adjacent to 27 Ballynahinch Road, Crossgar, BT30 9HS

Proposal:

Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Gerry Tumelty, Agent, and Mr Paul Flanagan, applicant, presented in support of the application.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to approve application LA07/2016/0434/F contrary to the Officer recommendation on the basis that the applicant had agreed to submit amended drawings to remove the overlooking windows, thereby removing the refusal reason of overlooking on existing properties and also to remove the garage to reduce the massing and appearance of the buildings. If Planning Officers were satisfied with the amended drawings the decision to approve would issue under delegated authority.

Abstentions: 0

(6) LA07/2016/0836/F – Kings Castle Nursing Home
LA07/2016/0837/LBC – Kings Castle Nursing Home

Location:

Kings Castle Nursing Home, Kildare Street, Ardglass

Proposal:

Proposed single storey extension to accommodate 5 No. single bedrooms
Listed building consent for single storey extension to accommodate 5 No. single bedrooms

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

- Michael Bailie, Agent, presented in support of the application.
- Councillor Curran has advised of his support for this application.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Craig, it was agreed to defer applications LA07/2016/0836/F and LA07/2016/0837/LBC for a site visit and to give the applicant an opportunity to present evidence on the issues raised during the discussion i.e. the findings of the RIQA inspection and their impact on the operation of the nursing home; a viability report on the impact on the business if this planning application was not granted and what other similar type accommodation is available in the area.

It was also agreed that a site visit be organised for the Members of the Planning Committee and that a representative from NIEA attend the next Planning Committee Meeting at which these applications will be determined.

Abstentions: 0

(Councillor Devlin returned to the meeting – 12.15 pm)

(7) LA07/2015/0910/F – Mr Kieran O’Callaghan

Location:

Site adjacent to and south of 20 Chapel Road, Camlough

Proposal:

2 storey farm dwelling & double garage (amended plans)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Siobhan Olarte, applicant and Paul McAllister presented in support of the application.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Craig, it was agreed to defer application LA07/2015/0910/F for further discussions between Planning Officers and the agent/applicant on issues raised including the location of a septic tank in a proposed alternative site and to explore the view that the gap between the proposed house and the road will not contribute to frontage development.

Abstentions: 0

(8) LA07/2016/0005/F – Mr Adrian Sherry

Location:

No. 55 and part of Garden at No. 59 Newry Road, Kilkeel, BT34 4DT

Proposal:

Change of house type to site No. 5 in on-going approved development at Newry Road, Kilkeel

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

- A request for speaking rights had been received from Joe Lynam, Architect, in support of the application but Mr Lynam was not present at the meeting.

Noted: Mr Pat Rooney, Principal Planning Officer, presented the case officer report on application LA07/2016/0005/F and advised whilst the opinion was to refuse the applicant could still make an application for renewal of planning permission.

AGREED: On the proposal of Councillor Murnin, seconded by Councillor Macauley, it was agreed to issue a refusal in respect of planning application LA07/2016/0005/F for the reasons recommended in the Development Management Officer report.

(9) LA07/2016/0883/F – WBR Credit Union

Location:

21-23 Church Street, Warrenpoint

Proposal:

Demolition of existing bar/restaurant with 2 floors of residential use over. Relocation of existing credit union from 14 Church Street. New 3 storey building (Class A2: financial, professional and other services) with ground floor pedestrian access off Church Street and King's Lane

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Eamon Larkin, Milligan Reside Larkin and Mr Tony Mackle presented in support of the application.

Councillor McAteer proposed and Councillor Hanna seconded to refuse the application for the reasons recommended in the Development Management Officer report.

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

FOR:	7
AGAINST:	5
ABSENTIONS:	Nil

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to issue a refusal in respect of planning application LA07/2016/0883/F for the reasons recommended in the Development Management Officer report.

(10) LA07/2016/1142/0 – Mr Paul Gribben

Location:

Site immediately north of and adjacent to No. 23 Drumsesk Road, Rostrevor

Proposal:

Dwelling & domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Taylor, Collins & Collins, presented in support of the application

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Macauley, it was agreed to issue a refusal in respect of planning application LA07/2016/1142/0 for the reasons recommended in the Development Management Officer report.

Abstentions: 0

Councillor Ruane withdrew from the discussion/decision on the following application (2.25 pm).

(11) P/2016/0018/RM – Mr Francis Morgan

Location:

Approx 80m east of 51 Rostrevor Road, Warrenpoint

Proposal:

Proposed dwelling (amended plans received)

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

- Dermot Monaghan, MBA Planning and objectors Rory McShane and Mark Reynolds spoke in objection to the application.
- Colin D’Alton, Agent and Mr Francis Morgan, applicant, spoke in support of the application.

Councillor Devlin left the meeting (2.55 pm).

Councillor Larkin proposed and Councillor Hanna seconded that an approval be issued in respect of planning application P/2016/0018/RM.

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

FOR:	5
AGAINST:	4
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application P/2016/0018/RM with the conditions recommended in the Development Management Officer report.

Councillor Ruane returned to the meeting (3.05 pm).

(12) P/2015/0230/F – Mr Stephen Collins

AGREED: On the proposal of Councillor Macauley, seconded by Councillor Hanna, it was agreed to exclude the public and press from the meeting during discussion on these matters which related to exempt information under paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to an individual.

Location:

10 Cloughreagh Park, Cloughreagh, Bessbrook, BT35 7EJ

Proposal:

Retention of 2 storey rear extension & new baby window & canopy on front elevation (revised description)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

It was unanimously agreed to come out of closed session.

AGREED: When the Committee was out of closed session, the Chairman reported it had been agreed on the proposal of Councillor Murnin, seconded by Councillor Macauley, to issue a refusal in respect of planning application P/2015/0230/F for the reasons recommended in the Development Management Officer report.

Abstentions: 0

**P/139/2016: UPDATE RE: PLANNING APPLICATION P/2015/0218/F
- GRUGGANDOO WIND FARM**

Mr McKay advised that the Minister had recently issued a Notice of Opinion to refuse the above planning application. He said the applicant had a right to request an appeal before the Planning Appeals Commission.

**P/140/2016: REVISION OF SCHEME OF DELEGATION AND
OPERATING PROTOCOL FOR THE PLANNING COMMITTEE**

It was noted that following on from a Planning Workshop where it had been agreed to revise the Scheme of Delegation and the Operating Protocol of the Planning Committee, that the revised version was to be tabled for consideration at the Strategy, Policy and Resources Committee Meeting on 15 December 2016 and that all Members of the Planning Committee would be invited to attend for discussion on this item.

There being no further business the Meeting concluded at 3.30 pm

For adoption at the Planning Committee Meeting to be held on Wednesday 21 December 2016.

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

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