

## **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 Thursday 10<sup>th</sup> November 2016 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor W Clarke (10.00am – 12.45pm)

**Vice Chairperson:** Councillor J Macauley (12.45pm – 6.05pm)

**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  |

**(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     |
| Ms N Largy     | Legal Advisor               |
| Ms E McParland | Democratic Services Manager |
| Ms L Dillon    | Democratic Service Officer  |
| Ms C McAteer   | Democratic Services Officer |

### **P/120/2016: APOLOGIES/CHAIRMAN'S REMARKS**

Apologies were received from:

Councillor C Casey  
Councillor L Devlin

### **P/121/2016: DECLARATIONS OF INTEREST**

**Councillor V Harte** declared an interest in Planning Application P/2013/0632/F from Carncastle Properties, and Planning Application P/2014/0286/F from Carncastle Properties.

**P/122/2016: MINUTES OF PLANNING COMMITTEE MEETING  
- WEDNESDAY 26 OCTOBER 2016**

**Read:** Minutes of Planning Committee Meeting held on Wednesday 26 October 2016. (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 26 October 2016 as a true and accurate record.

**P/123/2016: ADDENDUM LIST**

**Read:** Addendum list of planning applications with no representations received or requests for speaking rights – Thursday 10 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 8 – LA07/2016/0856/F – Eamon Lynch – proposed replacement dwelling (with retention of building to be replaced) and garage – 14 Mountain Road Camlough Newry. **REFUSAL (removed from the Addendum List as amended plans have been received)**
- Item 22 – LA07/2015/1365/F – Mr Martin D Skillen – proposed farm building with underground tanks – 200m east of No.134 Ballyveaghmore Road Annalong. **REFUSAL (removed from the Addendum List at the request of the Agent)**
- Item 24 – LA07/2016/0438/F – Peter and Sinead Donaghy and Kinney Excel Gymnastics – proposed change of use from approved industrial unit to gymnastics facilities aged 5 years – site at No. 2G Derryboy Road Carnbane Industrial Estate Newry. **REFUSAL (removed from the Addendum List at the request of the Agent and will be re-presented at the Planning Committee Meeting on 23 November 2016)**
- Item 27 – R/2016/1033/F – Mr Conor McNally – proposed replacement dwelling and garage – 40 Ballynaleck Road Camlough Newry. **REFUSAL (removed from the Addendum List at the request of Councillor V Harte)**

**AGREED:** On the proposal of Councillor Craig 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 5 - LA07/2015/0361– Leitrim Fontenoy's GAC – provision of additional new training field with associated floodlighting, boundary fencing, and ball stops all serving existing sports facility – 11 Backaderry Road, Leitrim, Castlewellan, BT31 9SL. **APPROVAL**
- Item 11 – LA07/2016/0544/RM – Miss L Davidson – proposed dwelling – land 50m south of 53 Killyleagh Road Crossgar. **APPROVAL**
- Item 13 – R/2014/0392/F – Mr Cathal Shields – proposed V39 250kw wind turbine on 40m high tower – approx 400m east south east of 47 Loughmoney Road, Raholp, Downpatrick. **REFUSAL**
- Item 15 – R/2014/0476/F – Colm Shields – proposed 250kw wind turbine with tower height of 40m and blade diameter of 29m – approx 340m SSW of 35 Myra Road, Downpatrick. **REFUSAL**
- Item 17 – LA07/2015/0717/F – Mr Jim McCreight – new dwelling and garage with associated site works – 300m south of 90 Crossan Road, Mayobridge. **REFUSAL**
- Item 18 – LA07/2015/1078/F – David Mackin – retention of unauthorised domestic shed to rear of existing sheds at existing dwelling – No. 1 St. Brigid's Cottage, Drumsesk Road, Rostrevor. **REFUSAL**
- Item 19 – LA07/2015/1190/F – Mr K Byrne – removal of business occupancy condition No. 10 from outline approval P/2002/1150/0 and business occupancy condition No. 2 from reserved matters approval P/2006/0146/RM – to the rear of No. 94 Warrenpoint Road, Newry. **REFUSAL**
- Item 25 – LA07/2016/0496/F – Mr Brian McConville – proposed extension to existing office block "A" comprising (a) 6m extension westwards over 4 floors grid lines (11-12) (A-C) with balconies and fin wall. (b) reduction in previously approved parapet height with proposed additional office floor recessed with balconies on three sides. Glazed handrail and louvered plant areas to roof – lands 10m west of MJM Group, Carnbane Industrial Estate, Newry. **APPROVAL**
- Item 28 – LA07/2016/1041/0 – Joseph O'Hare – dwelling and domestic garage on gap/infill site (amended address) – lands north of and adjacent to 53 Mayo Road, Mayobridge. **REFUSAL**
- Item 29 – P/2013/0737/0 – Eamon Harrison – proposed erection of one private dwelling with alternative access to existing shed at Cullion Road, Mayobridge – 30m north east of 8 Cullion Road, Mayobridge. **REFUSAL**
- Item 30 – P/2014/0896/0 – Glasgiven Contracts Ltd – site for hotel and tourist accommodation (renewal of previously approved outline

application under file ref: P/2011/0385/0) – lands situated in townland of Glassdrumman Road, Annalong. **APPROVAL**

- Item 31 – P/2014/0897/F- Emma and Pat McCartney – erection of farm dwelling – lands 70m south-east of No. 21 Ballynalack Road, Camlough, Newry. **REFUSAL**
- Item 32 – LA07/2016/0623/0 – Carncastle Properties Ltd – new dwelling – land to the rear of 29a Billy's Road, Newry. **REFUSAL**

#### **P/124/2016: APPLICATIONS FOR DETERMINATION**

**AGREED:** On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following planning application from the Schedule:-

- Item 9 - P/2015/0230/F – Stephen Collins – retention of 2 storey rear extension and new bay window and canopy on front elevation (revised description) – 10 Cloughreagh Park Bessbrook  
**Recommendation: REFUSAL**  
**(A request had been received from Mark Tumilty for this application to be deferred to the December Planning Meeting)**

The following applications were determined by the Committee:-

#### **(1) LA07/2015/0702/F – Mr M Cunningham**

**Location:**

65m north west of 113 Newcastle Road Castlewellan

**Proposal:**

Agricultural outbuilding for general farm storage and animal shelter

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr Barry Hillen Agent, presented in support of the application.

Councillor Hanna proposed and Councillor Macauley seconded to issue a refusal in respect of Planning Application LA07/2015/0702/F, as per the Development Management Officer Report.

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

|          |   |
|----------|---|
| FOR:     | 2 |
| AGAINST: | 7 |

ABSTENTIONS: 1

The proposal was declared lost.

Councillor Larkin proposed and Councillor Murnin seconded to issue an Approval in respect of Application LA07/2015/0702/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances for the following reasons:

- (a) The proposed development is necessary for the efficient use of the active and established agricultural holding as it will increase productivity and lessen costs.
- (b) It is not possible for the proposed development to be sited at the farm holding due to access issues.
- (c) It has been established that there is no alternative site for the proposed development as there is no available access.
- (d) The proposed development will increase road safety by removing roadside deliveries and farm activity associated with feed, stock and material.

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

FOR: 7  
AGAINST: 2  
ABSTENTIONS: 1

The proposal was declared carried.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to issue an Approval in respect of Application LA07/2015/0702/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances for the following reasons:**

- (a) The proposed development is necessary for the efficient use of the active and established agricultural holding as it will increase productivity and lessen costs.**
- (b) It is not possible for the proposed development to be sited at the farm holding due to access issues.**
- (c) It has been established that there is no alternative site for the proposed development as there is no available access.**
- (d) The proposed development will increase road safety by removing roadside deliveries and farm activity associated with feed, stock and material.**

It was also agreed authority be granted to Planning Officers to impose any technical related conditions on Planning Application LA07/2015/0702/F which may be necessary.

**(2) LA07/2015/0747/O – Niall Brannigan**

**Location:**

Lands approximately 88m east of 184 Lackan Road Kilcoo.

**Proposal:**

Proposed dwelling on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr John Feehan Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to defer Planning Application LA07/2015/0747/O, to allow Planning Officers and the Applicant to explore the possibility of an alternative preferred site on the farm holding.

**(3) LA07/2016/0201/F – Alterity Developments Ltd**

**Location:**

115-117 Main Street Newcastle

**Proposal:**

New café on ground floor with 3 apartments over first and second floors addressing the Main Street, the rear building has 2 apartments over ground and first floor (amended plans received)

**Conclusion and Recommendation from Planning Official:**

Approval

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue an Approval in respect of Planning Application LA07/2016/0201/F, as per the Development Management Officer Report.

**Noted:** Councillor W Clarke asked that it be recorded that he was against the above decision.

**(4) LA07/2014/0159/F – Philip Patterson**

**Location:**

31 Brae Road Ballynahinch.

**Proposal:**

Replacement agricultural shed.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking Rights:**

Mr James Anderson Agent, 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 LA07/2014/0159/F, as per the Development Management Officer Report.

**Abstentions:** 0

**(5) R/2014/0442/O – Mr 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 James Morgan Agent, Mr John Breen Applicant and DEA Councillor T Andrews presented in support of the application.

(12.45pm – Councillor W Clarke left the meeting)

Councillor Murnin proposed and Councillor McAteer seconded to issue an Approval in respect of Application R/2014/0442/O, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances for the following reasons:

- (a) The buildings have been in existence for the required period of time.
- (b) The business is established.

- (c) Refusal reasons regarding visibility splays and access can be addressed by negative conditions.

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

FOR: 3  
AGAINST: 6  
ABSTENTIONS: 0

The proposal was declared lost.

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

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

FOR: 6  
AGAINST: 3  
ABSTENTIONS: 0

The proposal was declared carried.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue a Refusal, in respect of Application R/2014/0442/O. for the reasons recommended as per the Development Management Officer Report.**

**(6) R/2014/0566/F – Canon McCrory**

**Location:**

167 Dunmore Road Guinness Ballynahinch.

**Proposal:**

Single dwelling replacement of existing primary school.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking Rights:**

Mr Sean Kennedy Agent, presented in support of the application.

Councillor Larkin proposed and Councillor Craig seconded to issue a refusal in respect of Application R/2014/0566/F, for the reasons recommended as per the Development Management Officer Report.

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



FOR: 3  
AGAINST: 3  
ABSTENTIONS: 3

The Chairperson used her casting vote in favour of the proposal, and the proposal was therefore declared carried.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Craig it was agreed to issue a Refusal in respect of Application R/2014/0566/F, for the reasons recommended as per the Development Management Officer Report.

**(7) LA07/2015/1306/F – Mr J McMahon**

**Location:**

114m east south east of 83 Clonallan Road Warrenpoint.

**Proposal:**

Farmstead made up of two storey farmhouse with 3 No. agricultural sheds forming central courtyard.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking Rights:**

Mr Richard O Toole Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Application LA07/2015/1306/F, to allow Planning Officers and the Applicant to explore alternative options on this site.

**Noted:** Mr Rooney Principal Planning Officer pointed out that a revised application may be required.

**(8) LA07/2016/0193/F – Raymond McVeigh**

**Location:**

22 Grange Meadows Kilkeel

**Proposal:**

Retention and alteration of existing extension.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking Rights:**

Mr Cathal Maguire Agent, presented in support of the application.

Councillor Larkin proposed and Councillor Ruane seconded to issue a Refusal in respect of Application LA07/2016/0193/F, for the reasons recommended as per the Development Officer Management Report.

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

|              |   |
|--------------|---|
| FOR:         | 4 |
| AGAINST:     | 3 |
| ABSTENTIONS: | 2 |

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a Refusal in respect of Application LA07/2016/0193/F, for the reasons recommended as per the Development Officer Management Report.

**(9) LA07/2016/0432/F – Mourne Breakers Ltd**

**Location:**

Lands 55m north west of 21 Ryan Road Mayobridge.

**Proposal:**

Regularisation of an extant end of life vehicle (ELV) facility comprising workshops, hard standing storage compound ancillary office, security fencing, access and proposed interceptor.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking Rights:**

Mr Gavin Magill Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an Approval in respect of Application LA07/2016/0432/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances for the following reasons:

- (a) This site can be managed with a number of conditions.
- (b) The issue regarding surface water has already been dealt with.

- (c) As the proposed site was an industrial site, there will be no increased impact on the character of the site and surrounding area.
- (d) It is essential a facility of this nature is situated in a rural community as it provides a service to the rural community as it assists in encouraging the recycling of end of life vehicles.

It was also agreed that Planning Officers be granted authority to include a condition regarding appropriate screening of the site.

Abstentions: 0

**(10) LA07/2016/0802 – Darren O Hagan**

**Location:**

60m north east of 11a New Line Road Hilltown Newry.

**Proposal:**

Site for dwelling and detached garage.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking Rights:**

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

Councillor Craig proposed and Councillor Larkin seconded to issue a refusal in respect of Application LA07/2016/0802, for the reasons recommended as per the Development Management Officer Report.

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

|              |   |
|--------------|---|
| FOR:         | 5 |
| AGAINST:     | 4 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue a refusal in respect of Application LA07/2016/0802, for the reasons recommended as per the Development Management Officer Report.

(4.30pm – Councillor V Harte withdrew from the meeting to the Public Gallery)

**(11) P/2013/0632/F – Carncastle Properties**

**Location:**

Lands adjacent to 20 and 25 Mullach Alainn Carnagat Road Newry.

**Proposal:**

Retrospective application for the relocation of dwelling numbers 31, 33, 35 and 37 of the original approved application P/2009/0278/F and external rear return and area of open space (amended plans and description).

**Conclusion and Recommendation from Planning Official:**

Approval

**(12) P/2014/0286/F – Carncastle Properties**

**Location:**

Adjacent to 20 and 25 Mullach Alainn, Carnagat Road, Newry, BT35 8UU

**Proposal:**

Retrospective permission for the relocation of dwelling numbers 22, 24, 26, 27, 28, 29, 30, 32, 34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space (amended plans and description).

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking Rights:**

Ms Bridget Smyth, on behalf of the Private Residents Association Mullach Alainn, presented in objection Planning Application P/2013/0632/F and Planning Application P/2014/0286/F.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed, in principle, to an Approval in respect of Application P/2013/0632/F and Application P/2014/0286/F, as per the Development Officer Management Reports, subject to the following:

- (a) The open space to be fully enclosed at the Hospital Road end - Planning Officials to engage with the applicant and the objectors to establish who would have access to this space to ensure that the Management Company's managing arrangements reflect this.
- (b) Planning Officials to engage with the applicant regarding drawing up plans and appropriate conditions to be attached to the planning permission to ensure (a) above is achieved.

- (c) On completion of (a) and (b) above, Planning Officials to submit a report back to a future meeting of the Planning Committee for consideration and agreement.

(6.05pm – Councillor Harte re-joined the meeting)

**P/124/2016:- NILGA PLANNING EVENT  
22 NOVEMBER 2016**

**Noted:** Councillor M Murnin indicated he would be unable to attend the NILGA Planning Event to be held on 22 November 2016.

**AGREED:** It was agreed Councillor M Ruane attend the NILGA Planning Event in place of Councillor Murnin.

There being no further business the meeting concluded at 6.05pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 23 November 2016.

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

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