

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 11 October 2017 at 10.00 am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig

Deputy Chairperson: Councillor K Loughran

In attendance:

(Committee Members)

Councillor W Clarke	Councillor M Ruane
Councillor L Devlin	Councillor G Hanna
Councillor V Harte	Councillor M Larkin
Councillor J Macauley	Councillor D McAteer
Councillor M Murnin	

(Officials)

Mr A McKay	Chief Planning Officer
Ms J McVeigh	Professional Technical Officer
Mr A Donaldson	Professional Technical 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/125/2017: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received for Councillor Casey. Councillors Clarke and Harte advised they would be unable to stay for the full duration of the Meeting.

The Chairperson welcomed thirteen students and their tutor from Southern Regional College who were attending the Meeting as observers.

P/126/2017: DECLARATIONS OF INTEREST

Councillor Devlin advised she would not be taking part in the discussion / decision on planning Application Nos. LA07/2016/0836 and LA07/2016/0837 as she had not been involved in the original Application presentation in December 2016.

Councillors McAteer, Macauley and Larkin advised they would not be taking part in the discussion / decision on Planning Application Nos. LA07/2016/0836 and LA07/2016/0837 as they had not been present at the site visit.

**P/127/2017: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 13 SEPTEMBER 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 13 September 2017. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 13 September 2017 as a true and accurate record.

P/128/2017: ADDENDUM LIST

Read: Addendum List of planning applications with no representations received or requests for speaking rights – Wednesday 11 October 2017. **(Copy circulated).**

AGREED: On the proposal of Councillor Macauley seconded by Councillor McAteer it was agreed to remove the following Planning Application from the Addendum List:-

Item 23 – LA07/2017/0808/F – EDB Construction – Removal of condition 2 on Planning Approval P/2011/1067/F. Condition 2 requires that 16 of the 47 units approved are provided for social rented housing – Lands between The Sacred Heart Grammar School and Newry High School Ashgrove avenue Newry – **Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor Loughran.**

AGREED: On the proposal of Councillor Macauley, seconded by Councillor McAteer, it was agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following planning application on the addendum list:-

**Item 11 – LA07/2017/1027/0 – Mr & Mrs Douglas – dwelling – land adjacent to 91 Dunmore Road, Spa, Ballynahinch.
REFUSAL**

P/129/2017: APPLICATIONS FOR DETERMINATION

AGREED: On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following applications from the schedule:-

- **Item 9 – LA07/2017/0427/0 – Mr Oliver Murnin – proposed site for farm dwelling and domestic garage – 80m west of 53 Yellow Road, Hilltown – **withdrawn from the schedule at the request of the Chief Planning Officer to consider new information.****
- **Item 20 – LA07/2016/1632/0 – Jason Fegan – proposed farm dwelling – lands 45m NWW of No. 12 Upper Knockbarragh Road, Warrenpoint – **withdrawn from the schedule due to personal circumstances of the****

applicant, for presentation at the next Planning Committee Meeting, at request of Councillor Ruane.

- **Item 25 – LA07/2017/1138/F – Bernard Morgan – erection of agriculture buildings – adjacent to and immediately SE of No. 1 Newtown Court, Newtown Road, Cloghogue, Newry – **withdrawn from the schedule on the advice of the Chief Planning Officer due to personal circumstances of the applicant, for presentation at the next Planning Committee Meeting.****

The following applications were then determined by the Committee:

(1) LA07/2015/1088/F – United Renewables Ltd

Location:

100m west of No. 133 Carrigagh Road, Finnis, Dromara

Proposal:

Anaerobic digestion plant that includes a CHP unit, gas flare stack, three silos, 3 digestion tanks and associated site works including NIE sub-station.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Sarah McDowell, Agent and Simon Warke, traffic consultant had requested to present in support of the application.

In response to queries from Members Mr McKay advised that late information, including a traffic and transport report on behalf of the applicant, had been received which had not been uploaded on to the portal or viewed by the Objectors and he stated it was now a decision of the Committee to decide on the course of action.

Councillor Murnin proposed and Councillor Hanna seconded that the Committee proceed to hear the application:-

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

For: 5
Against: 6

The proposal was declared LOST.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to defer the Application to the earliest Planning Meeting in order that the Objectors and Transport NI have sufficient time to review the new information, including a traffic and transport report submitted on behalf of the applicant

(10.30 am – Councillor Devlin, Councillor Harte, Councillor Larkin, Councillor Macauley, Councillor McAteer and Councillor Ruane left the meeting).

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

Location:

Kings Castle Nursing Home

Proposal:

Single storey extension to accommodate 5 No. single bedrooms

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Gerry Tumelty presented on behalf of objectors.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2015/1363/F and Consent in respect of Planning Application LA07/2016/0837/LBC as per the Management Development Officer reports.

Abstentions: 0

(10.50 am – Councillor Devlin, Councillor Harte, Councillor Larkin, Councillor Macauley, Councillor McAteer and Councillor Ruane returned to the meeting).

(3) LA07/2017/0289/F – Gerard McGrath

Location:

Adjacent to 4 Saul Road, Downpatrick

Proposal:

New dwelling and improved vehicular access.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Burgess, Agent, and Gerard McGrath, Applicant presented in support of the application.

A written letter had been received from Emma Rogan MLA in support of the application.

AGREED: On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2017/0289/F and arrange a Members' site visit.

Abstentions: 0

(11.10am - Councillor Clarke left the meeting)

(6) LA07/2017/0875/F – Mr and Mrs McGouran

Location:

Lands adjacent to No. 2 The Slip, Strangford.

Proposal:

Erection of a new dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, Agent presented in support of the application

Councillor Larkin proposed and Councillor Macauley seconded to defer Planning Application LA07/2017/0875/F for further discussions between the Applicant / Agent/ Planning Officers and Historic Environment Division to agree to a proposal that would address the reasons for refusal.

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

For: 6

Against: 4

The proposal was CARRIED.

AGREED: To defer Planning Application LA07/2017/0875/F for further discussions between the applicant/agent/Planning Officers and Historic Environment Division to agree a proposal that would address the reasons for refusal.

It was also agreed that Planning Officers be granted approval to issue the decision under delegated authority.

(7) LA07/2017/0705/F – Mr & Mrs P McGreevy

Location:

103a Manse Road, Raffrey, Newry

Proposal:

Removal of existing commercial premises and offices and construction of proposed dwelling and garage for residential purposes.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Patrick McGreevy, applicant presented in support of the application

A written letter had been received from Emma Rogan MLA in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to issue a refusal in respect of Planning Application LA07/2017/0705/F as per the Management Development Officer report.

Abstentions: 0

(12.10pm – Councillor Devlin and Councillor Harte left the meeting)

(8) LA07/2016/0401/F – Margaret Kane

Location:

135m ESE of No. 42 Levallyreagh Road, Rostrevor

Proposal:

Farm building without underground tanks.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Glyn Mitchell, Agent presented in support of the application.

Councillor Murnin proposed and Councillor McAteer seconded to issue a refusal in respect of Planning Application LA07/2016/0401/F as per the Management Development Officer report.

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

For: 6
Against: 2

The proposal was declared carried.

AGREED: To issue a refusal in respect of Planning Application LA07/2016/0401/F as per the Management Development Officer report.

(12.20pm – Councillor Devlin re-joined the meeting)

(9) LA07/2016/0580/F – Brian and Joseph Murphy

Location:

100m NW of 17 Glenore Road, Mullaghbawn

Proposal:

Cattle house with slurry tanks below.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Seamus Murphy, Agent, Brian Murphy Applicant and Councillor Terry Hearty presented in support of the application.

Discussion took place regarding the size and scale of the proposed building. Councillor Hanna suggested two smaller buildings might be a better option and he proposed that the Applicant had further talks with Planning Department to seek a solution. This proposal was not seconded.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2016/0580/F contrary to officer recommendation on the basis that modern farming had changed the farming business and whilst it was important to protect the AONB, it was equally important to sustain the farming population in rural areas and also that the proposal was to locate the building in an existing natural depression which would negate against any unacceptable impact on the landscape.

It was also agreed Planning Officials be delegated authority to impose relevant conditions to ensure that the location of the proposed farm building was in the natural depression on the site to ensure it fully integrated into the surrounding landscape.

Abstentions: 0

(10) LA07/2016/0733/F – Robert Hollywood

Location:

Approximately 80m west of No. 34 Church Road, Forkhill.

Proposal:

Erection of agricultural sheds and slurry tank.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Stephen Hughes, Agent presented in support of the application

AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2016/0733/F and arrange a Members' site visit to view both the Planners preferred site and the site proposed by the applicant.

Abstentions: 0

(1.10pm – 2.00pm Lunch)

(11) LA07/2016/0952/F – D & M Downey

Location:

113-117 Dublin Road, Newry

Proposal:

Sub division of part of existing bulky goods retail warehouse (No 115) to provide 3 No. 3 ground floor class A1 retail units with new shop-fronts (the 3 No. units to operate without compliance with the bulky goods condition on approval P/1993/0605): and western extension of site area to facilitate additional parking and improved servicing provision for all units on this site. Access arrangements to be as already approved under application P/2011/0556/F.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

David Donaldson, Agent, and David and Michael Downey, applicants, presented in support of the application.

Letters of support had been received from Mickey Brady MP, Councillor Liz Kimmins and Councillor Sean Doran.

Councillor Hanna proposed and Councillor Macauley seconded to issue a refusal in respect of Planning Application LA07/2016/0952/F as per the Management Development Officer report.

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

For: 6
Against: 3

The proposal was declared carried.

AGREED: To issue a refusal in respect of Planning Application LA07/2016/0952/F as per the Management Development Officer report.

(12) LA07/2016/1036/F – Thomas McLoughlin

Location:

Approximately 100m SW of 24 Ryan Road, Mayobridge

Proposal:

Erection of dwelling and detached garage on a farm.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant 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 Planning Application LA07/2016/1036/F as per the Management Development Officer Report.

Abstentions: 0

(13) LA07/2016/1130/F – Glenmarshal Sires Ltd

Location:

Approximately 80m NE of 112 Carrigenagh Road, Kilkeel

Proposal:

Retention of ancillary staff resting areas and staff facilities at pig farm.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant presented in support of the application.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to issue an approval in respect of planning application LA07/2016/1130/F contrary to Officer recommendation on the basis that these facilities were needed for the welfare of the pigs on the farm, which was a 24 hour operation with between 10 and 12 staff on site at any one time and because of the risk of cross contamination, it was essential that all staff shower and change clothes when coming on to and leaving the premises. The applicant had given an assurance that the premises would not be used as permanent residences.

It was also agreed that Planning Officers be given authority to re-visit the site to view the interior of the buildings to ensure they were satisfied that the appropriate conditions were applied to any approval, including a condition that the premises should not be used as permanent residences.

Abstentions: 0

(12) LA07/2016/1264/F – Mr & Mrs Richard Forsythe

Location:

Between No. 119 and 123 Harbour Road, Kilkeel

Proposal:

Erection of dwelling and domestic garage.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Glyn Mitchell, Architect and Helen Forsythe, Applicant presented in support of the application.

AGREED: On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2016/1264/F contrary to officer recommendation on the basis that the Harbour Road does not have an existing pattern of development in terms of layout, design and variety of houses and the proposed design would not have an adverse impact on the surrounding area and would help to regenerate this particular part of the Harbour Road.

Abstentions: 0

(14) LA07/2017/0099/F – Jerry Lucey

Location:

75m SW of 8 Clontigora Road, Killeen, Newry

Proposal:

Erection of dwelling and garage under substitution for development approved under planning application P/2008/0341/RM.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to defer Application No. LA07/2017/0099/F on the basis that this application had been kept "live" with foundations being put in under a previous approval. The deferral to allow further discussion to take place between Agent and Applicant regarding the submission of an amended proposal regarding modification of the design and reduced ridge height to reduce visual impact.

It was also agreed that Planning Officers be granted approval to issue the decision under delegated authority.

Abstentions: 0

(15) LA07/2017/0145/O – Cathal Sloan

Location:

Lands immediately 55m south of 14 Sandy Brae, Attical.

Proposal:

Site for dwelling and detached garage at existing cluster of development in the countryside.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant 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 LA07/2017/0145/O as per the Management Development Officer Report.

Abstentions: 0

(16) LA07/2017/1042/F – Kieran Shanley and Sonya McPolin

Location:

Lands 10M south of 22 Seafin Road, Meigh, Newry

Proposal:

Change of house type in substitution of approved planning permission reference P/2009/0682/RM (amended description).

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

John Lavery, Agent presented in support of the application.

A written letter of support had been received from Councillor P Byrne.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2017/1042/F contrary to Officer Recommendation, on the basis that evidence from Newry, Mourne and Down District Council Building Control Department indicated that work had commenced on the site before the expiry date of 29 November 2011 on a previous planning application for this site - P/2009/0682/RM.

It was agreed Planning Officers be granted authority to impose any relevant conditions including a condition that a timeframe of 12 months be imposed for work to be completed.

Abstentions: 0

(18) LA07/2013/0569/F – Joseph Donnelly

Location:

Adjacent to 21 Mountain Road, Cloghogue, Newry

Proposal:

Change of use of former dwelling to granny flat with alterations and extension.

Conclusion and Recommendation by Planning Official:

Refusal

Speaking rights:

Keith Somerville, Planning Consultant presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2013/0569/F as per the Management Development Officer Report.

Abstentions: 0

FOR DISCUSSION/DECISION

P/130/2017: PROPOSED WINDFARM AT GRUGGANDOO, HILLTOWN

Mr McKay advised the Planning Committee was required to approve the submission of a response to the Department for Infrastructure as agreed at Special Council Meeting on 26 September 2017, confirming Council's opposition to planning application P/2015/0218/F on the basis that, having had regard to the Development Plan, the relevant planning policy context and all other material considerations, the proposal for a 10 turbine wind farm at Gruggandoo was considered to be unacceptable in planning terms.

Councillor McAteer stated that the opinion of the Planning Committee should be considered and forwarded to Planning Department in Belfast. He said that the views of the up to 50% of people who voted in favour of the Wind Farm should be reflected. Discussion followed and Ms Coll advised that concerns had already been recorded at the Special Council Meeting on 26 September 2017 where the decision had been made.

The Chief Planning Officer agreed that the current protocol needed to be looked at in terms of the procedures for replying to Consultations from the Department.

AGREED: On the proposal of Councillor Ruane seconded by Councillor Larkin it was agreed to submit the response from the Special Council Meeting held on 26 September 2017 to the Department for Infrastructure.

P/131/2017: PLANNING COMMITTEE MEETING PERFORMANCE REPORT SEPTEMBER 2017

Read: Planning Committee Performance Report, September 2017. **(Copy circulated)**

AGREED: It was agreed to note the Planning Committee Performance Report September 2017.

P/132/2017: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives from April 2017 – August 2017. **(Copy circulated)**

AGREED: It was agreed to note the record of Meetings between Planning Officers and Public Representatives.

P/133/2017: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – September 2017. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions September 2017.

P/134/2017: REGISTER OF CONTACTS JULY 2017 to SEPTEMBER 2017.

AGREED: It was agreed to note the Register of Contacts July 2017 to September 2017.

The Meeting concluded at 4.40pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 8 November 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**