

## **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

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### **Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 13 September 2017 at 2.00 pm in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor G Craig

**Deputy Chairperson:** Councillor K Loughran

**In attendance: (Committee Members)**

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

**(Officials)**

Mr L Hannaway	Chief Executive
Mr A McKay	Area Planning Manager
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms P McKeever	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

### **P/115/2017: APOLOGIES AND CHAIRPERSON'S REMARKS**

No apologies were received.

Councillor Craig advised the Chief Executive wanted to update Members on the current position regarding the issue of recording of Planning Committee Meetings.

Mr Hannaway said a report would be included on the agenda for the Strategic, Policy and Resources Committee Meeting to be held on 14 September 2017 setting out options in relation to proposals for the recording of Planning Committee Meetings.

A general discussion followed and it was noted that the Planning Committee Members would be invited to attend the SPR Meeting for discussion on this item.

(2.10pm – Mr Hannaway left the meeting)

### **P/116/2017: DECLARATIONS OF INTEREST**

**Councillors Devlin, Ruane and Harte** advised they would not be taking part in the discussion/decision on planning Application No. LA07/2017/0049/F – Mr and

Mrs McGivern as they had not been present at the Planning Meeting on Wednesday 23 August 2017 when the initial presentation had been made on this application.

**Councillors Ruane and Harte** advised they would not be taking part in the discussion/ decision on planning Application No. LA07/2016/1483/F – Mr M McConville as they had not been present at the Planning Meeting on Wednesday 23 August 2017 when the initial presentation had been made on this application.

**Councillor Casey** advised he would not be taking part in the discussion/ decision on planning Application No. LA07/2016/1331/80 – Ms J McGee and Application No. LA07/2017/0287/0 – Mr and Mrs D McMullan as he had not been present at the Planning Committee Meeting on Wednesday 16 August 2017 when the initial presentation had been made on this application.

**P/117/2017: MINUTES OF PLANNING COMMITTEE MEETING  
WEDNESDAY 16 AUGUST 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 16 August 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 16 August 2017 as a true and accurate record.**

**P/118/2017: MINUTES OF PLANNING COMMITTEE MEETING  
WEDNESDAY 23 AUGUST 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 23 August 2017. **(Copy circulated)**

**AGREED: On the proposal of Councillor Macauley seconded by Councillor Murnin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 23 August 2017 as a true and accurate record.**

**P/119/2017: ADDENDUM LIST**

Read: Addendum List of planning applications with no representations received or requests for speaking rights – Wednesday 23 September 2017. **(Copy circulated).**

**AGREED: It was unanimously agreed to remove the following Planning Application from the Addendum List**

**Item 24 – LA07/2017/0887/0 – Mr Richard Henning – site for infill dwelling and domestic garage – opposite 7 Jockey’s Brae, Newry.  
REFUSAL**

**(Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor Macauley)**

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Hanna 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 for Wednesday 13 September 2017:

- **Item 20 – LA07/2016/1490/O – Mr Brian McDowell – construction of replacement dwelling and garage – Tamary Road, Mayobridge, Newry.  
REFUSAL**
- **Item 23 – LA07/2017/0856/F – Mr Brian Hollywood – proposed change of use from spa centre business to dwelling with some minor renovations – 20 Lough Road, Mullaghbawn.  
REFUSAL**

**P/120/2017: 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 14 – LA07/2015/0054/F – Murlough Farm Eggs – proposed poultry laying shed for up to 16,000 birds and 3m dia feeder bin – 355m SE of 23 Keel Point, Dundrum – **withdrawn from the schedule at the request of Councillor Clarke to consider new information****
- **Item 18 – LA07/2016/1264/F – Mr and Mrs Richard Forsythe – erection of dwelling and domestic garage – located between No. 119 and 123 Harbour Road, Kilkeel – **deferred to the October Planning Committee Meeting at the request of Councillor Macauley****
- **Item 19 – LA07/2017/0427/O – Mr Oliver Murnin – proposed site for farm dwelling and domestic garage – 80m west of 53 Yellow Road, Hilltown – **deferred to the October Planning Committee Meeting at the request of Councillor Macauley****

The following applications were then determined by the Committee:

**(1) LA07/2017/0490/F – Mr Sean Matthews**

**Location:**

Lands to rear and 25m east of No. 20 Leitrim Road, Hilltown

**Proposal:**

Erection of dwelling and garage (special circumstances)

**Conclusion and Recommendation from Planning Official:**

Refusal

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Devlin it was agreed to exclude the public and press from the Meeting during discussion on the following 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.

**Speaking rights:**

Martin Byrne, agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Ruane it was agreed to come out of closed session.

When the Committee came out of closed session the Chairperson reported the following decision had been taken:-

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Murnin it was agreed to issue a refusal in respect of Planning Application LA07/2017/0490/F for the reasons recommended as per the Development Management Officer Report.

Abstentions: 0

(2.35 pm - Councillor Casey left the meeting)

**(2) LA07/2016/1331/0 – Joanna Magee**

It was noted a site visit to the application site had taken place prior to the Meeting.

**Location:**

Lands adjoining and between 57 and 61 Churchtown Road, Downpatrick

**Proposal:**

Two detached dwellings and garages

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Joanna Magee, applicant, presented in support of the application.

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Ruane it was agreed to issue a refusal in respect of Planning Application LA07/2016/1331/0 for the reasons recommended as per the Development Management Officer Report.

Abstentions: 0

**(3) LA07/2017/287/0 – Mr & Mrs D McMullan**

It was noted a site visit to the application site had taken place prior to the Meeting.

**Location:**

Lands contained between 4 and 6 Sawmills Road, Drumee, Bryansford, Newcastle

**Proposal:**

Single dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Paul Hamilton, agent, presented in support of the application

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Clarke it was agreed to issue an approval in respect of planning application LA07/2017/0287/0 contrary to officer recommendation with Planning Officers, as Committee were of the view the proposal would respect the existing development, plot size and frontage, and that authority be delegated to impose any relevant conditions including the relocation of the proposed dwelling within the approved curtilage and a satisfactory report being provided which addressed the concerns of NIEA.

**Planning officers be delegated authority to issue the decision thereafter.**

Abstentions: 0

**(3.00 pm – Councillors Harte and Ruane left the meeting)**

**(3.00 pm – Councillor Casey returned to the Meeting)**

**(4) LA07/2016/1483/F – Michael McConville**

It was noted a site visit to the application site had taken place prior to the Meeting.

**Location:**

Land approx. 100m NW of 16 Carrickrovaddy Road, Jerrettspass, Newry

**Proposal:**

Proposed free range poultry shed with 2 no. feed bins and a standby generator building (poultry shed to contain 16,000 free range hens laying eggs)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Philip Marshall, agent, and Michael McConville, applicant, presented in support of the Application

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application LA07/2016/1483/F contrary to officer recommendation, on the basis that there was a natural hollow which would allow for integration; additional landscaping could be added to the conditions; the proposed building could not be sited close to farm buildings and that the site visit showed that this development would not cause any more blight than any other farm business and would sustain work and families in the countryside. Any approval to be subject to the following additional conditions:

1. Finished floor level being lowered by 1 metre
2. Additional landscaping undertaken to provide screening
3. Planning officials be delegated authority to impose any other necessary conditions.
4. Planning Officers be delegated authority to issue the decision thereafter.

Abstentions: 0

(3.15 pm – Councillor Devlin left the meeting)

**(5) LA07/2017/0049/F – Mr & Mrs McGivern**

It was noted a site visit to the application site had taken place prior to the Meeting.

**Location:**

Ingleside, 5 Windsor Avenue, Newry

**Proposal:**

Proposed garage with home office and gym

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mark McGivern, applicant, and Colin D'Alton, agent, presented in support of the application

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Casey it was agreed to issue an approval in respect of Planning Application LA07/2017/0049/F contrary to Officer recommendation on the basis that following the site meeting it was shown that all that was being lost was an overgrown area; the proposed building would not impose any higher than other buildings in the neighbourhood with planning officers

**being granted authority to impose any relevant conditions including additional planting and landscaping to mitigate against any loss to the townscape character.**

**Planning Officials be delegated authority to issue the decision thereafter.**

Abstentions: 0

(3.30 pm – Councillor Ruane, Councillor Harte and Councillor Devlin rejoined the meeting)

**(6) LA07/2017/0546/F – Golf Centre**

**Location:**

39 Castlewellan Road, Newcastle

**Proposal:**

Proposed indoor amenity area, café, event rooms and associated car parking for use in conjunction with existing tourist facility (Golf Centre) conjunction with existing tourist facility (Golf Centre)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Martin Bailie, agent, and Michael McPolin, applicant, presented in support of the application

**Noted:** The applicant advised he had applied to LEADER for funding for this project and it was suggested that an official from the Council's Enterprise, Regeneration and Tourism Directorate (ERT) could assist in this process as there were employment opportunities if this application was successful.

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2015/0546/F for one month to allow the following:

- **The Applicant / Agent time to produce documentary evidence as to why this development should be located outside the town settlement.**
- **Planning Officials to clarify the objections from Transport NI.**
- **A site visit being held before the application was taken back to Committee with the additional information requested.**
- **The Council's ERT Department to be asked if they could help facilitate the applicant's funding application to LEADER.**

Abstentions: 0

**(7) LA07/2017/0794/0 – Ms Mariam Burney**

**Location:**

40M SW of 78 Crabtree Road, Ballynahinch

**Proposal:**

Dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Gerry Tumelty, agent, presented in support of the Application

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2017/0794/0 contrary to Officer recommendation.**

**Planning Officers be delegated authority to impose any necessary conditions.**

**(8) LA07/2015/1363/F – Henderson Group**

**Location:**

8 The Commons, Tullyvallen, Newtownhamilton

**Proposal:**

Proposed new petrol station with associated supermarket and car parking and development

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Graham Park and Colm Devlin presented in objection to the application.

David Mountstephen, agent, presented in support of the application.

DEA Councillor B O'Muire presented in objection to the application.

(5.10 pm – Councillor Devlin left the meeting)

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2015/1363/F as per the Development Management Officer report.**

Abstentions: 0

(5.15 pm – Councillor Macauley left the meeting).



**(9) LA07/2017/0375/0 – Declan Kearney**

**Location:**

30m west of 34 Station Road, Adavoyle, Killeavy, Newry

**Proposal:**

Farm dwelling and garage

**Conclusion and Recommendation by Planning Official:**

Refusal

**Speaking rights:**

Michael Toale, agent, and Mr Declan Kearney, applicant presented in support of the Application

Councillor Larkin proposed overturning the officer recommendation with conditions, stating that the location was ideal as it formed a cluster with the existing farm yard, was located in a hollow and did not constitute ribbon development. This proposal was not seconded.

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2017/0375/0 for the reasons outlined as per the Development Management Officer report.**

**(10) LA07/2017/0782/0 – Mr E Magee**

**Location:**

Site east-south of 3 Drummond Road, Gosford, Newry

**Proposal:**

Replacement dwelling

**Conclusion and Recommendation by Planning Official:**

Refusal

**Speaking rights:**

Mr John Harkness, agent, and Mr E Magee, applicant, presented in support of the Application

**AGREED: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2017/0782/0 for the reasons outlined as per the Development Management Officers report.**

Abstentions: 0

**FOR DISCUSSION/DECISION**

**P/121/2017: PLANNING COMMITTEE MEETING  
PERFORMANCE REPORT AUGUST 2017**

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

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

**Noted:** In response to concerns expressed by Councillor Hanna about the increase in live enforcement cases, Mr McKay said additional staff had been added to the enforcement compliment, and there was now a team of six in place and this would have a positive impact on reducing the number of live cases.

**P/122/2017: 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 from April 2017 – August 2017.**

**P/123/2017: APPEALS & DECISIONS**

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

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

**P/124/2017: RTPI - NI PLANNING CONFERENCE – 26 SEPTEMBER  
2017**

**AGREED:** **On the proposal of Councillor Ruane, seconded by Councillor McAteer it was agreed to appoint Councillor Craig, Chairperson of the Planning Committee Meeting to attend the above Conference to be held on Tuesday 26 September 2017 in the Europa Hotel, Belfast. It was noted NILGA had offered each Council one free place at the Conference and Councillor Craig was the Council representative who would avail of this free place.**

**Noted:** **It was noted that a workshop would be held on Tuesday 3 October 2017 on the District Development Plan and that all Councillors would be invited to attend this workshop.**

The Meeting concluded at 6.00 pm

For adoption at the Planning Committee Meeting to be held on Wednesday  
11 October 2017.

**Signed:** \_\_\_\_\_ **Chairperson**

**Signed:** \_\_\_\_\_ **Chief Executive**