

**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 16 August 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor G Craig

**In attendance: (Committee Members)**

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

**(Officials)**

Mr A McKay	Area Planning Manager
Ms N Lary	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms C Taylor	Democratic Services Officer

**P/102/2017: APOLOGIES AND CHAIRPERSON'S REMARKS**

The following apology was received:

Councillor C Casey

**P/103/2017: DECLARATIONS OF INTEREST**

**Councillor Harte** declared an interest in Planning Application LA07/2017/0172/F.

**Councillor Devlin** declared an interest in Planning Applications LA07/2017/0318/F and LA07/2017/0049/F.

**P/104/2017: MINUTES OF PLANNING COMMITTEE MEETING  
WEDNESDAY 19 JULY 2017**

**Read:** Minutes of Planning Committee Meeting held on Wednesday 19 July 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 19 July 2017 as a true and accurate record.

**P/105/2017:            PLANNING APPLICATION: LA07/2017/0172/F**

Read:            Report from Planning Department regarding draft Refusal Reasons for Planning Application: LA07/2017/0172/F – Lindsays Hill, Newry.  
**(Copy circulated)**

The Chief Planning Officer explained at the Planning Committee Meeting held on 19 July 2017 it had been agreed Planning Officers be delegated responsibility for compiling reasons for refusal in respect of Planning Application LA07/2017/0172/F, based on the objections and concerns outlined by Councillor Larkin relating to the inappropriateness of placing an access bridge over a significant historical part of Newry; the creation of an inappropriate underpass and negative impact on the historic district of Lindsay Hill, and the reasons for the refusal be brought back to Committee at a later date for decision.

Councillor Larkin proposed and Councillor Ruane seconded to adopt the reasons for refusal in respect of Planning Application LA07/2017/0172/F – Lindsays Hill, Newry.

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

For:                            5  
Against:                      2  
Abstentions:                0

**AGREED:    On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to adopt the reasons for refusal in respect of Planning Application LA07/2017/0172/F – Lindsays Hill, Newry.**

**P/106/2017:            ADDENDUM LIST**

Read:            Addendum List of Planning Applications with no Representations received or requests for speaking rights – Wednesday 16 August 2017. **(Copy circulated)**

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

- **Item 7 – 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 No. 23 Keel Point, Dundrum.  
**REFUSAL**  
**(Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor W Clarke)**
  
- **Item 10 – LA07/2016/1264/F** – Mr & Mrs Richard Forsythe – erection of dwelling and domestic garage – located between No. 119 and 123 Harbour Road, Kilkeel.  
**REFUSAL**  
**(Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor G Hanna)**

- **Item 17 – LA07/2017/0431/O** – Mr & Mrs Peter Byrne – demolition of outbuilding and construction of a dwelling and garage – Ashleigh House, 85 Byransford Road, Tollymore, Newcastle.  
**REFUSAL**  
**(Withdrawn from the planning process by the Agent)**
- **Item 18 – LA07/2017/0498/LBC** – Mrs & Mrs Peter Byrne – demolition of outbuilding and construction of a dwelling and garage – Ashleigh House, 85 Bryansford, Tollymore, Newcastle.  
**REFUSAL**  
**(Withdrawn from the planning process by the Agent)**

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Macauley 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 16 August 2017:

- **Item 6 – LA07/2017/0318/F** – Telefonica UK Ltd – Proposed 15m telecommunications mast to carry 3 No. antennae and 2 No. radio dishes, 3 No. equipment cabinets and associated works including site compound. (Additional supporting info received) – On lands within William Kirkwood & Sons Timber Yard 5-9 Newcastle Road, Castlewellan.  
**APPROVAL**  
**(Removed from Schedule - Committee agreed to include on Addendum List)**
- **Item 15 – LA07/2017/0075/O** – D Brannigan – replacement dwelling – 31 Mearne Road, Downpatrick  
**APPROVAL**  
**(Removed from Schedule - Committee agreed to include on Addendum List)**
- **Item 32 – LA07/2016/0226/O** – Mark Devlin – Erection of residential development comprising 19 dwellings – Lands adjacent and south east of Nos 16 & 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (extending to the rear of and adjacent to Nos 61 & 63 Dundalk Road, Crossmaglen.  
**APPROVAL**  
**(Removed from Schedule - Committee agreed to include on Addendum List)**
- **Item 33 – LA07/2016/0227/F** – Mark Devlin – Erection of residential development comprising 2 No dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) – Lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road)  
**APPROVAL**

**(Removed from Schedule - Committee agreed to include on Addendum List)**

- **Item 34 – LA07/2016/0228/F** – Mark Devlin – Erection of residential development comprising 2 No dwellings with associated parking provision and ancillary works (with access via Lisbeg Park and road layout proposed in conjunction, application for 19no dwellings, under file Ref. P/2007/0058/F) – Lands adjacent and south east of Nos 16 and 19 Lisbeg Park, Lismore, Dundalk, Crossmaglen (and adjacent and west/south of 63 Dundalk Road)  
**APPROVAL**  
**(Committee agreed to include on Addendum List)**
- **Item 35 – LA07/2016/0527/F** – Joan Henderson – change of house type from previously approved application P/2010/1299/F – 200m SE of 21 Levellyreagh Road, Rostrevor.  
**REFUSAL**
- **Item 41 – LA07/2017/0952/0** – Sean Og Hoey – erection of in-fill dwelling and detached garage – between 20 and 22 Molly Road, Foughillotra, Jonesborough.  
**REFUSAL**

**P/107/2017: 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 9 – LA07/2016/0865/F** – Mr & Mrs Dean Brown – proposed farm dwelling and domestic garage on lands 60m SE of 34 Wood Road, Castlewellan  
**REFUSAL**  
**(On the advice of the Chief Planning Officer it was agreed to remove this application from the Schedule as a considerable amount of additional/new information has been received)**

The following applications were then determined by the Committee:

**(1) LA07/2017/0621/F – Patrick Treanor**

**Location:**

80m west of 10a Newtown Road, Newtownhamilton

**Proposal:**

Site for dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Colin O’Callaghan, Agent, and Mrs Treanor, Applicant, presented in support of the application.

**AGREED:** On the proposal of Councillor Macauley seconded by Councillor McAteer it was agreed to exclude the public and press from the Meeting during discussion on the following matters which related to exempt information by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 – information relating to any individual.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Macauley, 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 Larkin, seconded by Councillor Harte, it was agreed by 5 votes For and 4 votes Against, to issue an approval in respect of Planning Application LA07/2017/0621/F, contrary to Officer Recommendation, on the basis that setting aside the personal circumstances, the Committee consider the dwelling on the site is bounded by development including the laneway to the applicants house; the area is locally known as a hamlet therefore a settlement already exists; the development will not lead to an extension of ribbon development along Newtown Road, and it is essential to have small settlements in the countryside.

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

**(2) LA07/2016/0583/F – Felix McEvoy**

**Location:**

60m SE of 36 Derryneill Road, Ballyward Castlewellan

**Proposal:**

Change of use from outbuilding to holiday chalet with associated alterations and extension

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Martin Bailie, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2016/0583/F to allow discussion between Planning Department and Agent/Applicant regarding a reduced scheme.

**Planning Officers be delegated authority to issue decision thereafter.**

It was unanimously agreed to consider both application LA07/2016/1306/LBC – Mr & Mrs P McDowell and application LA07/2016/1372/F – Mr & Mrs P McDowell together at this point in the Meeting, as the applications were related.

(3) **LA07/2016/1306/LBC – Mr & Mrs P McDowell**

**Location:**

25 Ballybannon Road, Ballylough, Castlewellan

**Proposal:**

Alterations to existing dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Conor Hughes, on behalf of Ian Butney Agent, presented in support of the application.

(4) **LA07/2016/1372/F – Mr & Mrs P McDowell**

**Location:**

25 Ballybannon Road, Ballylough, Castlewellan

**Proposal:**

Alterations to existing dwelling to create additional bedroom and living accommodation

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Conor Hughes on behalf of Ian Butnet Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2016/1306/LBC and Planning Application LA07/2016/1372/F to allow Planning Department to consider revised plans.

(11.55am – The Meeting adjourned)

(12.05pm – The Meeting resumed)

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

**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:**

Colin McAuley, Agent, and Joanna Magee, Applicant, presented in support of the application.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Clarke it was agreed to defer Planning Application LA07/2016/1331/O and arrange a Members' site visit.**

**(6) LA07/2016/1430/0 – Damian Fitzsimons**

**Location:**

90m NW of 44 Tyrella Road, Downpatrick

**Proposal:**

Proposed site for 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 Clarke seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2016/1430/O, contrary to Officer Recommendation, on the basis that the Committee consider the farm an active business.**

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

**(7) LA07/2017/0296/0 – Mark Galloway**

**Location:**

80m west of No. 3 Ballytrustan Road, Downpatrick

**Proposal:**

Proposed dwelling and garage on a farm

**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 Clarke it was agreed to defer Planning Application LA07/2017/0296/O, pending**

receipt of clarification in relation to ownership of buildings and clustering with existing farm buildings and information being provided to the satisfaction of the NIEA.

Planning Officers be delegated authority to issue decision thereafter.

(1.15pm – The Meeting adjourned)

(2.10pm – The Meeting resumed)

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**AGREED:** The Chairperson advised that the meeting would adjourn after Item 27. Any remaining items would be considered at a reconvened session to take place on Wednesday 23 August 2017 commencing at 10am.

It was also agreed to defer Item 39 to the Planning Committee Meeting September 2017, at the request of the Agent, due to unavailability on 23 August 2017.

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**(8) LA07/2017/0630/F – Alan Marshall**

**Location:**

Land to rear and NE of 45 and 29 Chestnut Meadows, Riverside Road, Ballynahinch

**Proposal:**

Proposed 3 No. pair of semi-detached dwellings and 1 detached dwelling with 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 Devlin seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2017/0630/F, for the reasons recommended as per the Development Management Officer Report.

**(9) LA07/2017/0228/F – Mr & Mrs Tate**

**Location:**

Lands immediately north of 37 Dromore Road, Ballynahinch

**Proposal:**

Dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Sam Hawthorne, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2017/0228/F, contrary to Officer Recommendation, on the basis that the proposal would not have adverse impact on views.

Planning Officers be delegated authority to impose any necessary conditions.

**(10) LA07/2017/0287/0 – Mr & Mrs D McMullan**

**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:**

Sam Hawthorne, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Devlin it was agreed to defer Planning Application LA07/2017/0287/O and arrange a Members' site visit.

**(11) LA07/2017/0420/F – Mr & Mrs Gerard and Bernadette Curran**

**Location:**

50m NE of 90 Strangford Road, Chapletown

**Proposal:**

Replacement dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

**Noted:**

Councillor D Curran has indicated support for this application

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2017/0420/F, contrary to Officer Recommendation.

Planning Officers be delegated authority to impose any necessary conditions.

**(12) LA07/2017/0424/F – A Martin**

**Location:**

No. 117 Lisburn Road, Saintfield

**Proposal:**

Sun-room extension to side of dwelling, small extension to front of dwelling and provision of dormer windows to study over detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

David Donaldson presented on behalf of an objector.

Gary Thompson, Agent and Mr Martin, Applicant, presented in support of the application.

Councillor McAteer proposed and Councillor Devlin seconded to accept the Officers recommendation in respect of Planning Application LA07/2017/0424/F, for the reasons recommended as per the Development Management Officer Report.

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

**FOR: 4**  
**AGAINST: 6**

The proposal was declared LOST.

Councillor Clarke proposed and Councillor Macauley seconded to defer Planning Application LA07/2017/0424/O to allow further discussion between Planning Department, Applicant and Agent and that Planning Officers be delegated authority to issue decision thereafter.

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

**FOR: 9**  
**AGAINST: 0**

The proposal was declared CARRIED.

**AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2017/0424/O to allow further discussion between Planning Department, Applicant and Agent.**

**Planning Officers be delegated authority to issue decision thereafter.**

**(13) LA07/2017/0541/F – Chris Canning**

**Location:**

Land adjacent to 161 Clay Road, Killyleagh

**Proposal:**

Conversion of 2 No. buildings for residential use

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Andy Stephens, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2017/0541/F, contrary to Officer Recommendation, on the basis that the Committee consider the dwellings to be of local importance and subject to the buildings being retained in stone.

Planning Officers be delegated authority to impose any necessary conditions.

**(14) LA07/2015/0545/F – Mr P Smith**

**Location:**

40m south west of 23a Castlewellan Road, Hilltown

**Proposal:**

Site for farm dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Keith Sommerville representing Colin O'Callaghan, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2015/0545/F, for the reasons recommended as per the Development Management Officer Report.

**(15) LA07/2016/0423/F – Thomas Gollogly**

**Location:**

40m SE of 18 Lough Road, Mullaghbawn

**Proposal:**

Proposed replacement dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Keith Sommerville representing Colin O'Callaghan, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2016/0423/F to allow further discussion regarding a design more reflective of the character of the existing building

**Planning Officers be delegated authority to issue decision thereafter.**

**(16) LA07/2016/1103/F – Ronan Morgan**

**Location:**

Rear of Nos. 10 and 10a Finnard Road, Rathfriland

**Proposal:**

Erection of two replacement dwellings with detached garages, in substitution for replacement dwellings approved under planning application P/2011/0537/F

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Keith Sommerville representing Colin O'Callaghan, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Murnin seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2016/1103/F, for the reasons recommended as per the Development Management Officer Report.

**FOR DISCUSSION/DECISION**

**P/108/2017: PLANNING COMMITTEE MEETING  
PERFORMANCE REPORT JULY 2017**

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

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

**P/109/2017: MEETINGS BETWEEN PLANNING OFFICERS  
AND PUBLIC REPRESENTATIVES**

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

**AGREED:** It was agreed to note the record of Meetings between Planning Officers and Public Representatives from April 2017 – July 2017.

**P/110/2017: APPEALS & DECISIONS**

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

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

The Meeting concluded at 5:10pm.

**P/111/2017: DATE FOR RECONVENED SESSION**

**NOTED:** It was agreed that Agenda Items 28, 29, 30, 36, 37, 38 and 40 would be discussed at a reconvened meeting of the Planning Committee on Wednesday 23 August 2017 at 10:00.

For adoption at the Planning Committee Meeting to be held on 13 September 2017.

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

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