

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 16 October 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor H Reilly

In attendance: (Committee Members)

Councillor W Clarke
Councillor V Harte
Councillor G Hanna
Councillor C Mason
Councillor D McAteer
Councillor H McKee
Councillor M Ruane
Councillor J Trainor

(Officials)

Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Mr F O Connor	Legal Advisor
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/100/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Devlin.

P/101/2019: DECLARATIONS OF INTEREST

Councillor Mason declared an interest in Planning Application LA07/2019/0935/F and advised she would be withdrawing from the discussion/decision on this application.

With regard to Planning Application LA07/2017/0542/F – proposed retail park at Carnbane, Newry, Ms Largey advised Members that a previous decision had been

taken by the Planning Committee of Newry and Mourne Council in respect of a similar type application at Carnbane in June 2014. Ms Largey said it was a matter for the Committee to decide as to how to proceed at the Meeting today, and if they were conflicted and considered they should not take part in the vote. She continued saying, in the absence of audio recording at the Meeting in June 2014, it was difficult to advise Members about what they said and that it would be difficult for Members to recall any comments they may have made at that meeting.

In view of the legal advice received, Councillors Harte, Larkin, McAteer and Ruane advised they would withdraw from the Meeting for discussions on Planning Application LA07/2017/0542/F.

**P/102/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

Declarations in relation to Para.25 of Planning Committee Operating Protocol – Members to be present for entire item:-

- **Item 8 - LA07/2019/0830/0** – erection of 2 no. infill dwellings - land NW of 11 Wateresk Road, Dundrum **REFUSAL** – all Councillors can take part in the discussion / decision on this application with the exception of **Cllrs. Brown, Clarke, Devlin, Hanna, Harte and Reilly.**

MINUTES FOR CONFIRMATION

**P/103/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 18 SEPTEMBER 2019**

Read: Minutes of Planning Committee Meeting held on Wednesday 18 September 2019. **(Copy circulated)**

**AGREED: On the proposal of Councillor Hanna, seconded by
Councillor McAteer, it was agreed to adopt the Minutes of
the Planning Committee Meeting held on Wednesday 18
September 2019 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/104/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 16 October 2019. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 16 October 2019: -

- **LA07/2019/0753/F** - Proposed new "Sure Start" nursery building, with additional 3 No. parking spaces provided by extension of existing car park – lands immediately to the north of Bessbrook Community Centre within "The Pond Field" park at No. 8 Mill Road Bessbrook. **APPROVAL**
- **LA07/2018/1259/F** - Redevelopment of existing petrol filling station and forecourt to include extension to existing supermarket to provide additional food server, deli space with associated seating and sanitary facilities, replacement of existing petrol pumps, fuel tanks and forecourt canopy with associated signage and additional carparking (amended site layout) - 82 Dundrum Road, Newcastle. **APPROVAL**
- **LA07/2019/0161/F** - Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing street pedestrian footpaths, new street lighting scheme, street furniture and all associated works including new pedestrian path in St. Colman's Park - Hill Street, O'Hagan Street, Mill Street, Bridge Street John Mitchel Place and St. Colman's Park, Newry. **APPROVAL**
- **LA07/2019/0576/F** - Environmental improvement scheme - Main Street adjacent to Sacred Heart Catholic Church extending to the junction with School Hill adjacent to Dundrum Bay Holiday homes site also incorporates an area east of Murlough Bay Court to the rear of Kennan Commercials 30 Main Street and bordered on the north by the former boat building Quay. **APPROVAL**
- **LA07/2019/0625/LBC** - Public Realm Improvement Scheme to include upgrading of paving and kerbing of existing pedestrian footpaths, new street lighting scheme, street furniture and all associated works - Ballybot Bridge, Mill Street, Newry **CONSENT**
- **LA07/2019/0500/F** - extension of car park and fencing - Derryleckagh Playing Fields, Ballyholland Road, Newry. **APPROVAL**
- **LA07/2019/1245/F** - implementation of a pedestrian footpath to join into existing pedestrian footpath - approx 75m SW of 58 Derrymore Road, Newry **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/105/2019: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

- (1) **LA07/2016/1074/RM**
(Audio recorded - YES)

Location:

Lands at Abbey Way/Courtney Hill (including part of former grammar school lands and lands to the rear of Abbey Yard) Ballynacraig, Newry (amended address).

Proposal:

Development of Community Treatment and Care Centre, associated parking including an area of decked parking, accesses from Abbey Way and Courtney Hill and other associated operational development (amended plans).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:In objection:

Jim McCartan and Sean Carr

In objection:

DEA Councillor G Stokes

In support:

David Mountstephen, Karen McShane, Jim Kerr, Eamon O'Hare and Shane Devlin CEO SH&SCT Trust all presented in support of the application, detailing and expanding upon written statements that had been circulated to Committee Members.

The Chairman advised that the written submission from Shane Devlin CEO SH&SCT Trust had been received after the closing deadline and it was a matter for the Committee whether they agreed to hear it.

It was unanimously agreed to hear the submission from Mr Devlin.

Power-point presentation:

Mr Pat Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- DFI expressed concern regarding accessibility and safety issues for road users.
- Mr McCartan who resided at No. 71 Castle Street considered a 10m radii at the proposed entrance would be more acceptable than the proposed 6m.
- Mr McCartan expressed concern regarding safety issues when accessing his property in that he would be forced to reverse either in or out of his driveway on to a very busy junction.
- Councillor Stokes said whilst he would welcome such a fantastic new health facility for the district, it was paramount that all road safety issues were addressed.
- The car parking provision had been increased from 228 spaces to 397.

- The proposed development would be served by two accesses; the Courtney Hill access would be for cars and service vehicles, whilst the Abbey Way access would be for cars only.
- There was a restricted radii of 6m to the proposed entrance at Abbey Way which would require approval for a formal relaxation agreement from DfI Roads.
- Senior Planner confirmed there was reference to a 10m radii on the outline planning approval permission.
- DfI said there was no provision to upgrade the existing footway network.
- DfI had previously indicated there would be improvements made to the traffic lights system on Abbey Way which it was hoped would improve the flow of traffic.
- The SH&SCT would be the main provider of care in the proposed development.
- Currently SH&SCT operated from fourteen locations within Newry, these would all move to the proposed development. This proposed facility was essential to the future provision of health and social care in the Newry area – there was no alternative site in Newry.
- Although it was common practice at many other SH&SCT sites to have a regular public transport facility, it had not insisted on this provision at the proposed development.
- Councillor Clarke considered it a fundamental component of the application to have a public transport facility at the proposed site, in an effort to reduce the carbon footprint.

Councillor Hanna proposed to defer Planning Application LA07/2016/1074/RM to allow for a site visit to take place. Councillor McKee seconded the proposal.

Councillor Clarke agreed with the proposal and said it was important a public transport facility was provided at the site and that DfI Roads should attend the site visit. Councillor Clarke continued, saying a meeting should take place with Mr McCartan, Applicant, Planning Officials and DfI Roads to address concerns regarding road safety and access to 71 Castle Street.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McKee it was unanimously agreed to defer Planning Application LA07/2016/1074/RM to allow for a site visit to take place to which DfI Roads Representatives would be invited.

A meeting to be organised with Mr McCartan, 71 Castle Street, Applicant, Planning Officials and DfI to address concerns regarding road safety and access to Mr McCartan's property.

(Break 12.00 – 12.15pm)

(Councillor Larkin, Harte, McAteer and Ruane withdrew from the meeting – Councillor Reilly assumed the Chair).

**(2) LA07/2017/0542/F
(Audio recorded - Yes)**

Location:

Retail park with ancillary coffee shop/restaurant units (supporting statement April 2019)

Proposal:

Former HM Revenue Customs Custom House and Clearance Station, Carnbane Way, Carnbane Industrial Estate.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

In objection

Tomas Bell, Andrew Ryan and Andy Stephens.

In support

Martin Kelly, Laurence Breen, Declan Mackin, Mike Prentice and Stewart Beattie QC.

Ms Largey advised that late information had been received from TLT who were objecting to the application. She said they had submitted a holding submission in which they indicated their intention to make a further submission and it was a matter for the Committee to decide if they wished to consider this late information.

Councillor Hanna said he had not read the late information and proposed and Councillor McKee seconded that the late information should not be accepted.

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

FOR:	3
AGAINST:	3
ABSTENTIONS:	0

The Chairman used his casting vote in favour of the proposal and it was agreed not to consider the late information submitted by TLT.

Mr Pat Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, proposed site layout plan, and photograph of the site. He outlined the issues identified in the case officer's report and the reasons for the recommendation for refusal. He confirmed that the Council had appointed a retail consultant, who was present to provide clarity on any issues raised.

Ms Largey said she had been advised that further late information had been received and requested the Meeting be adjourned for a short recess to allow Officers time for further discussions.

Agreed: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to adjourn the Meeting for a short recess to allow for further discussion to take place with Officers.

Following the recess, Ms Largey advised that regrettably they would be unable to proceed with Planning Application LA07/2017/0542/F as more investigation on late information was needed to be undertaken by Officers. Ms Largey confirmed the application would be considered at the Planning Committee Meeting on 13 November 2019.

Agreed: On the proposal of Councillor Clarke, seconded by Councillor Trainor it was agreed to defer Planning Application LA07/2017/0542/F until the November 2019 Planning Committee Meeting to allow further investigation on late information to be undertaken by Planning Officers.

(Lunch 1.10pm – 2.00pm)

(Councillor Larkin resumed Chairing the meeting).

(3) LA07/2019/0830/O
(Audio recorded – Yes)

(Councillors Clarke, Hanna, Harte and Reilly withdrew from the Meeting)

Location:

Land NW of 11 Wateresk Road, Dundrum.

Proposal:

Erection of 2 no. infill dwellings.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Eoin Morgan, agent and Hugh Flanagan, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Anette McAlarney Senior Planning Officer, gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Ms McAlarney said the two buildings at No. 7b, a house and garage were the only buildings with frontage on to the lane and therefore the application contravened policy.
- The agent considered there to be four dwellings with frontage on to the lane at Wateresk Road which he said was one continuous lane in a loop.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Ruane it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/0830/O contrary to Officer recommendation on the basis that it was a gap site with frontage onto a continuous lane and complied with Planning Policy CTY8.

(Councillors Clarke, Hanna, Harte and Reilly re-joined the meeting).

**(4) LA07/2019/0019/F
(Audio recorded – YES)**

Location:

Approximately 150m NW of the junction of 5 Church Road, Crossgar.

Proposal:

Proposed agricultural building, hard standing and all associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Andy Stephens, agent and Francie Killen, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Anette McAlarney Senior Planning Officer, gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- The proposed location was sited 5½ miles from the main farm house.
- The applicant had an active farm as evidenced by DAERA and had been unable to secure farmlands closer to his main farm.
- The applicant considered the building needed to be located at an isolated location as part of bio security measures.

- Planning Officials were not opposed to appropriate farm buildings in the countryside but considered the proposed application lacked sufficient substantive evidence.
- The ridge height of the proposed building was 4.8m, the eaves 2.1m, and to minimise visual impact, it was to be a green clad building within two hedgerows.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor McAteer it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/0019/F contrary to Officer recommendation on the basis that the applicant had demonstrated sufficient evidence to support the application and in the interests of animal welfare and the sustainability of the farm business.**

It was also agreed Officers be delegated authority to impose any relevant conditions.

(Councillor Trainor left the Meeting at this point – 2.30 pm).

**(5) LA07/2019/0512/O
(Audio recorded – YES)**

Location:

Lands between Nos. 151 and 149 Dunmore Road, Ballynahinch.

Proposal:

Infill dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Carol Gourley, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Annette McAlarney Senior Planning Officer, gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- The agent considered there to be six buildings all with frontage to Dunmore Road and therefore the application represented an infill opportunity.
- Planning Officials considered there to be only one building with frontage and consequently the application failed to meet policy.

AGREED: On the proposal of Councillor Clarke seconded by Councillor McAteer it was unanimously agreed to defer Planning Application LA07/2019/0512/O to allow for a site visit to take place so that Members could assess the site in more detail.

(Councillor Mason withdrew from the Meeting)

(6) LA07/2019/0935/F
(Audio recorded – IN CLOSED SESSION - NO)

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

Location:

4 Oldpark Road, Loughinisland, Downpatrick

Proposal:

Extension to side dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Darren McMullan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Anette McAlarney Senior Planning Officer, gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues raised:

- Planning Officials considered the scale of the proposed extension to be excessive and not ancillary to the main dwelling.
- The agent advised Members the proposed extra space was needed to cater for the family's needs and it had been kept to the minimum in terms of size.
- The agent advised Members that in order to retain the vernacular of the countryside and use the existing form on the site, the proposed extension was a separate building.

Councillor Reilly proposed to issue an approval in respect of Planning Application LA07/2019/0935/F on the basis that the applicant had demonstrated exceptional need. Councillor Hanna seconded the proposal.

Ms Largey advised that if the Planning Application was to be overturned, the two refusal reasons would have to be addressed.

Councillor Reilly responded as follows:

1. The proposed design enhanced the rural character of the area
2. Based on the drawings demonstrated, the proposed design did not impact on the streetscene and did not contravene Policy EXT1 (a) of Addendum to PPS7.

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

FOR: 2
AGAINST: 4
ABSTENTIONS: 2

The proposal was declared lost.

Councillor Clarke said whilst he sympathised with the needs of the applicant he considered the scale of the proposed building to be too extensive.

Councillor Clarke proposed to defer Planning Application LA07/2019/0935/F to allow Planning Officials and the applicant / agent to meet and agree on a revised design that would be suitable for all parties. Councillor McAteer seconded the proposal.

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

FOR: 7
AGAINST: 0
ABSTENTIONS 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Clarke seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2019/0935/F to allow for Planning Officials, the applicant and agent to meet to agree on a revised design.

It was also agreed Officers be delegated authority to impose any relevant conditions.

AGREED: On the proposal of Councillor McAteer seconded by Councillor McKee it was agreed to come out of 'closed session'.

**(7) LA07/2019/1031/F
(Audio recorded – YES)**

Location:

178 Crew Road, Downpatrick

Proposal:

Proposed shed for storage of vintage vehicles

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumilty, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Anette McAlarney Senior Planning Officer, gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Planning Officials considered the siting of the proposed shed was the main issue and contravened policies CTY1 and CTY8.
- The proposal would not be eligible for permitted development as it was more than 20m from the dwelling.
- The proposed siting for the shed was 43m from the main dwelling but the agent said it could be sited closer.

Councillor Hanna proposed to accept the Officer's recommendation and issue a refusal, Councillor Larkin seconded the proposal.

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

FOR:	6
AGAINST:	1
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2019/1031/F, as per the information and recommendation contained in the Case Officer report presented to Committee.

**(8) LA07/2019/0283/O
(Audio recorded – YES)**

Location:

30m west of 45 Cranfield Road, Kilkeel, County Down

Proposal:

Site for dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ian Patterson and Pamela Houston presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mark Keane, Senior Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Issues Raised:

- Chestnutt Caravan Park was discounted by Planning Officials when assessing the application, as only a small section of it was bound to the south west corner of the site and therefore they did not consider it formed part of the cluster.
- Applicant considered the application met all six criteria of Planning Policy CTY2A.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/0283/O on the basis that it met the criteria for a cluster in that there were more than four dwellings, Cranfield Hall was a focal point, the development was enclosed at either end and there would be little impact as all neighbouring properties appeared to have separate accesses. Councillor Reilly seconded the proposal.

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: **On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to issue an approval in respect of Planning Application LA07/2019/0283/O contrary to Officer recommendation on the basis that it complied with CTY2A.**

It was also agreed Officers be delegated authority to impose any relevant conditions.

P/106/2019 JUDICIAL REVIEW OF PLANNING DECISION P/2010/0904/F

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

Read: Report dated 16 October 2019 from Fearghal O'Connor regarding Judicial Review of Planning Decision P/2010/0904/F. **(Copy circulated)**

AGREED: On the proposal of Councillor Clarke seconded by Councillor Ruane it was agreed that Members accept the legal advice given by our Counsel and legal advisors in this matter and concede the application for leave to apply for judicial review on one ground, namely the 'reasons' issue.

It was also agreed the solicitors for the applicant be notified at the earliest opportunity to minimise the accrual of legal costs.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Reilly it was agreed to come out of 'closed session'.

FOR NOTING

P/107/2019: HISTORIC ACTION SHEET

Read: Planning historic action sheet. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning historic action sheet.

P/108/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT – SEPTEMBER 2019

Read: Planning Committee Performance Report September 2019. **(Copy circulated)**

AGREED: It was agreed to note the Planning Committee Performance Report September 2019.

P/109/2019: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives. **(Copy circulated)**

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

P/110/2019: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – September 2019. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions September 2019.

The Meeting concluded at 5.40pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 13 November 2019.

Signed: _____ Chairperson

Signed: _____ Chief Executive