

## **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 Wednesday 19 July 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row**

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**Chair:** Councillor K Loughran (Deputy Chairperson)

**In attendance:** **(Committee Members)**

Cllr W Clarke	Cllr G Hanna
Cllr M Larkin	Cllr L Devlin
Cllr M Ruane	Cllr J Macauley

**(Officials)**

Mr A McKay	Area Planning Manager
Mr A Donaldson	Senior Planning Officer
Ms L Coll	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

#### **P/092/2017: APOLOGIES / CHAIRMAN'S REMARKS**

The following apologies were received:

Councillor G Craig  
Councillor C Casey  
Councillor D McAteer  
Councillor M Murnin  
Councillor V Harte  
Ms N Largy, Legal Advisor

#### **P/093/2017: DECLARATIONS OF INTEREST**

**Councillor L Devlin** declared an interest in Planning Application LA07/2017/0318/F – Telefonica UK Ltd.

**AGREED:** It was unanimously agreed to defer Planning Application LA07/2017/0318/F for discussion at the next Planning Committee Meeting as it was noted there may not be a quorum present at the meeting when this application would be discussed as Councillor Clarke had indicated he had to leave the Meeting early for another Council duty.

**AGREED:** It was agreed the Planning Department contact the IT Department to examine if an arrangement such as a text message alert, could be put in

place to notify objectors or supporters of a particular application, when an application was being re-tabled at the Planning Committee.

**P/094/2017: MINUTES OF PLANNING COMMITTEE MEETING  
WEDNESDAY 21 JUNE 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 21 June 2017.  
(Copy circulated)

**AGREED:** On the proposal of Councillor Macauley seconded by Councillor Ruane it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 21 June 2017 as a true and accurate record.

**P/095/2017: MINUTES OF SPECIAL PLANNING COMMITTEE MEETING  
THURSDAY 29 JUNE 2017**

Read: Minutes of Special Planning Committee Meeting held on Thursday 29 June 2017. (Copy circulated)

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Macauley it was agreed to adopt the Minutes of the Special Planning Committee Meeting held on Thursday 29 June 2017 as a true and accurate record.

**P/096/2017: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no Representations received or requests for speaking rights – Wednesday 19 July 2017. (Copy circulated)

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

- **Item 8 – LA07/2016/0865/F** – Mr & Mrs Dean Brown – farm dwelling and domestic garage - on lands 60m SE of No. 34 Wood Road, Castlewellan.  
**REFUSAL**  
(Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor J Macauley)
- **Item 29 – LA07/2016/1483/F** – Michael McConville – 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) – land approx. 100m NW of 16 Carrickrovaddy Road, Jerrettspass, Newry, BT34 1SN.  
**REFUSAL**  
(Removed from the Addendum List at the request of Councillor Clarke and Councillor Loughran)

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Clarke 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 19 July 2017:

- **Item 12 – LA07/2016/1487/0** – David Wilson – proposed housing development (4 no. semi-detached and 2 No. detached dwellings) – 41 Moss Road, Ballynahinch.  
**REFUSAL**
- **Item 13 – LA07/2016/1500/RM** – Newry, Mourne and Down District Council – household recycling centre with new access road, office building, retaining structures, drainage, concrete aprons, on lands adjacent to No. 40 Flying Horse Road, Downpatrick.  
**APPROVAL**
- **Item 15 – LA07/2016/1580/F** - Owen Miskelly – proposed vehicular entrance – 61 Ballylone Road, Ballynahinch.  
**REFUSAL**
- **Item 18 – LA07/2017/0184/0** – Mr P Stewart – dwelling and garage with associated site works on lands adjacent to 15 Drumkeeragh Road, Guinness, Ballynahinch.  
**REFUSAL**
- **Item 23 – R/2014/0689/F** – RGE Developments Ltd – housing development comprising 68 dwellings and garages with associated landscaping, with access from Downpatrick Road through approved Phase 1 housing site under ref: R/2009/1085/F (amended site plan received) – north of No. 9, 10, 11 Ashdale Gardens and 21a Downpatrick Road, and 100m north-west of No. 17 Crew Hill Gardens, Ardglass.  
**APPROVAL**
- **Item 26 – LA07/2016/1028/0** – Barry Higgins – single storey dwelling – 15m south of 23 Back Road, Annalong.  
**REFUSAL**
- **Item 27 – LA07/2016/1458/F** – Declan Quinn – depot for “End of Life Vehicle Authorised Treatment Facilities” under farm diversification scheme – 61 Annaghmare Road, Crossmaglen.  
**REFUSAL**
- **Item 31 – LA07/2017/0371/F** – Kieran and Briege King – retention of an existing caravan port at rear of dwelling – 56a Drumintee Road, Meigh, Newry.  
**REFUSAL**
- **Item 32 – LA07/2017/0470/F** – Frank Clark – erection of two storey granny flat extension and alterations to existing dwelling including front boundary wall – 40 Flagstaff Road, Newry.  
**REFUSAL**
- **Item 33 – LA07/2017/0615/0** – Raymond Rice – infill site for 2 dwellings – lands immediately north of 36 Flagstaff Road, Newry.  
**REFUSAL**

- **Item 34 – LA07/2017/0726/0** – Barry McDonnell – proposed dwelling and associated works – adjacent to and NW of 39 Church Road, Forkhill, Newry.  
**REFUSAL**
- **Item 36 – P/2013/0767/F** - Patrick McShane – erection of 2 dwellings with detached garages and re-align existing land in substitution to approval granted under P/2008/1042/0 – adjacent to and 30m east of No. 21b Warren Hill, Newry.  
**APPROVAL**

**P/097/2017: 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 6 – LA07/2016/0836/F** – Kings Castle Nursing Home – proposed single storey extension to accommodate 5 no single bedrooms at Kings Castle Nursing Home, Ardglass.  
**REFUSAL**  
(This application was withdrawn from the schedule on the advice of Senior Planners to consider new information submitted).
- **Item 7 – LA07/2016/0837/LBC** – Kings Castle Nursing Home – listed building consent (LBC) for a single storey extension to accommodate 5 no. single bedrooms at Kings Castle Nursing Home, Ardglass.  
**REFUSAL**  
(This application was withdrawn from the schedule on the advice of Senior Planners to consider new information submitted).
- **Item 19 – LA07/2017/0228/F** – Mr & Mrs Tate – dwelling and garage – lands immediately north of 37 Dromore Road, Ballynahinch.  
**REFUSAL**  
(This application was withdrawn from the schedule, following a request from Councillor Clarke, for Senior Planners to consider new information submitted).
- **Item 20 - 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 information received) - on lands within William Kirkwood & Sons Timber Yard 5-9 Newcastle Road, Castlewellan  
**APPROVAL**  
(This application is being withdrawn from the Schedule for discussion at the next Planning Committee Meeting as it was noted there would not be a quorum present at the meeting whenever this application would be discussed).

The following applications were then determined by the Committee:

**(1) LA07/2016/0691/F – Helm Housing Association**

**Location:**

Lands bounding Manse Road and to the west of numbers 1 Forde Close and 7, 9 and 11 Forde Way, Seaforde

**Proposal:**

10 semi detached dwellings and associated road, car parking and landscaping with access from Forde Cross

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

David Erskine, Radius Housing (formerly Helm Housing), presented in support of the Application.

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application as per the Development Management Officer Report.

**(2) LA07/2016/1403/F – Mr & Mrs D Graham**

**Location:**

20m NE of 44 Raleagh Road, Crossgar

**Proposal:**

Erection of dwelling and garage on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Ewart Davis, Agent, presented in support of the application.

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2016/1403/F to allow Planning Department to consider new information regarding a proposed new scheme layout.

Planning Officers be delegated authority to issue decision thereafter.

**(3) LA07/2017/0072/F – D Mahon**

**Location:**

On lands 15m south of No. 4 Austin Terrace, Newcastle Road, Seaforde

**Proposal:**

Car wash

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Speaking rights:**

Ewart Davis, 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 LA07/2017/0072/F, contrary to Officer recommendation, based on the following:

(a) The site does not fall within the townscape character area and therefore will not impact on townscape character.

(b) There will be no impact in terms of noise nuisance to neighbouring dwellings as noise has been addressed within the conditions.

Planning Officers being delegated authority to impose relevant conditions, including a condition that the site was to be used for a car wash only.

**(4) LA07/2017/0078/F – Mr D Mahon**

**Location:**

On lands 20m east of 223a Newcastle Road, Seaforde

**Proposal:**

Erection of 3 light industrial units

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Speaking rights:**

Ewart Davis, 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 principle, in respect of Planning Application LA07/2017/0078/F, contrary to Officer recommendation, with Planning Officers being delegated authority to impose relevant conditions to ensure there shall be no adverse impact to residential properties.

**(5) LA07/2016/1542/F – Alan Morgan**

**Location:**

50m east of 141 Newcastle Road, Drumeel, Castlewellan

**Proposal:**

Proposed barn conversion with extension to provide a 3 bedroom dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr Tom Wilson, Planner, presented in support of the Application.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Devlin it was agreed to issue a refusal in respect of Planning Application LA07/2016/1542/F, for the reasons outlined as per the Management Development Officer Report.

**(6) LA07/2016/1612/F – Robert Harte**

**Location:**

Approx 110m east of 83 Slievenaboley Road, Dromara, Dromore

**Proposal:**

Proposed agricultural shed

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr Robert Harte, Applicant, presented in support of the application.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2016/1612/F, to allow further discussion between Planning Officers and the applicant to identify a suitable alternative site.

Planning Department be delegated authority to issue decision thereafter.

**(7) LA07/2017/0010/O – Edgewater Ltd**

**Location:**

Lands to the north and south of Moss Road and north of Crossgar Road

**Proposal:**

Housing development 5 no. dwellings

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr Gerry Tumelty, Agent, presented in support of the Application.

**AGREED:** On the proposal of Councillor Devlin seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2017/0010/O for further discussion.

Planning Department be delegated authority to issue decision thereafter.

**(8) R/2012/0413/RM – Brackhill Ltd**

**Location:**

On lands to the rear of 28-54 Ballylough Road, Annsborough

**Proposal:**

Residential development comprising apartments, townhouses, semi-detached and detached dwellings and other associated works, on lands to the rear of 28-54 Ballylough Road, Annsborough

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Mr Alan Bennett, Agent and Michael Shields, developer, requested speaking rights in support of the application, but did not present.

**AGREED: On the proposal of Councillor Clarke seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application R/2012/0413/RM, as per the Development Management Officer Report.**

**(9) R/2014/0657/F – Bluebuild Developments Ltd**

**Location:**

The Mourne Observer, The Roundabout, Castlewellan Road, Newcastle and lands adjacent to No. 10 Burren Park

**Proposal:**

Proposed residential development comprising 11 No. dwellings (10 semi—detached and 1 bungalow) (amended proposal and landscaping details)

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Mr Seamus McMullan, presented on behalf of Ms Rosemary Dudson, in objection to 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, as per the Development Management Officer Report, subject to Planning Department imposing relevant conditions and carrying out the following:**

- (a) To re-engage with Rivers Agency regarding the drainage assessment which was carried out for this application, to ensure drainage issues raised by Councillor Devlin and Councillor Clarke, had been adequately addressed. The Chief Planning Officer to update Councillor Devlin and Councillor Clarke on progress regarding this issue.**



- (b) To investigate issues relating to a boundary wall at No. 10 Burren Park.
- (c) To carry out necessary consultations regarding a review of landscaping arrangements for amenity at No 9 Burren Park.
- (d) Conditions to be fulfilled prior to commencement of development.

**(10) LA07/2016/0054/O – Jane Quinn**

**Location:**

170 west of No. 9 Oldtown Road, Cullyhanna, Co. Armagh

**Proposal:**

Dwelling and detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**AGREED:** On the proposal of Councillor Macauley seconded by Councillor Devlin 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.

**Speaking rights:**

Ms Jane Quinn, Applicant, presented in support of the application.

DEA Councillor T Hearty, presented in support of the application.

**AGREED:** On the proposal of Councillor Ruane 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 Ruane it was agreed to issue an approval in respect of Planning Application LA07/2016/0054/O, contrary to Officer recommendation, on the basis that the applicant had previously secured planning permission for the site, and works had been carried out to provide sightlines and foundations.

**Planning Department be delegated authority to impose any necessary conditions, including a condition that the development must commence within 12 months from the date of approval, to the satisfaction of the Planning Department.**

(12.45pm – Councillor Clarke left the meeting)

(12.45pm – the meeting adjourned for lunch)

(1.45pm – the meeting resumed)

**(11) LA07/2016/0677/F – NI Electricity**

**Location:**

Approx 40 south east of 35 Ballymoyer Road, Co. Armagh and extending south east towards and east of 15 Cold Brae Road, Co. Armagh

**Proposal:**

11Kv overhead to facilitate connection to a wind turbine

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Michael Finnegan, Applicant, presented in support of the application.

**Noted:**

A written submission had been received from Amanda Lindsay, objecting to the planning application.

A written submission had been received from DEA Councillor Barra O'Muirí, objecting to the planning application.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed to issue an approval in respect of Planning Application LA07/2016/0677/F, as per the Development Management Officer Report.**

**(12) LA07/2017/0164/F – Patrick McQuillan**

**Location:**

100m NE of 4 Lurgancullenboy Road, Crossmaglen

**Proposal:**

Dwelling and garage on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr Seamus Murphy, Agent, presented in support of the application.

DEA Councillor T Hearty, presented in support of the application.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2017/0164/F to allow further discussion regarding an acceptable siting of the house to eliminate possible future opportunity for infill development.**

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

**(13)     LA07/2017/0172/F – SCS**

**Location:**

Lindsay's Hill approx. 60m SE of 53-55 North Street, Newry

**Proposal:**

Renewal of extant planning approval re: P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare's Avenue

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Mr Jim Flynn presented in objection to the application.

DEA Councillor Gary Stokes, presented in objection to the application.

DEA Councillor Liz Kimmins, presented in objection to the application.

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

Councillor Larkin proposed and Councillor Ruane seconded that the application be refused due to the proposal to place an access bridge over what was a significant historical part of Newry; creating an inappropriate underpass and destroying the historic district of Lindsay Hill, which was evidenced in documentary records provided by the objectors.

Ms Coll Legal Advisor, reminded Members of the need for sufficient documentary evidence to underpin reasons for overturning a decision recommended by Officers.

Subsequent to the advice given by Ms Coll, Councillor Larkin altered his proposal, with the agreement of the seconder, Councillor Ruane and the Committee, and it was then agreed:

**AGREED:     On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed Planning Officers be delegated responsibility for compiling reasons for refusal, 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.**

**(14)     P/2014/0782/F – Mr and Mrs Shane and Anne Garvey**

**Location:**

Beside 20 Aghmakane Road, Camlough

**Proposal:**

Conversion and reuse of existing building to dwelling with new rear extension (amended description)

**Conclusion and Recommendation from Planning Official:**

Refusal

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Macauley 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.

**Speaking rights:**

Ms Eimear Murphy, Planning Consultant, presented in support of the application.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Devlin 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 Hanna it was agreed to defer Planning Application P/2014/0782/F to allow for further discussion between Planning Department, Agent and Applicant.

Planning Department be delegated authority to issue decision thereafter.

**FOR DISCUSSION/DECISION**

**P/098/2017: PLANNING PERFORMANCE MANAGEMENT FRAMEWORK**

Read: Planning Performance Management Framework. **(Copy circulated)**

**AGREED:** It was agreed to note the Planning Performance Management Framework.

**P/099/2017: PLANNING COMMITTEE MEETING  
PERFORMANCE REPORT – JUNE 2017**

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

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

**P/100/2017: MEETINGS BETWEEN PLANNING OFFICERS  
AND PUBLIC REPRESENTATIVES**

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

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

**P/101/2017: APPEALS & DECISIONS**

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

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

There being no further business the Meeting concluded at 3.35 pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 16 August 2017.

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

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