

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 21 June 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig

Deputy Chairperson: Councillor K Loughran

In attendance: (Committee Members)

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

(Officials)

Mr C O Rourke	Director of Regulatory Technical Services
Mr A Wilkinson	Interim Director of RTS
Mr A McKay	Area Planning Manager
Ms L O Hare	Senior Planning Officer
Mr A Donaldson	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

P/079/2017: APOLOGIES / CHAIRMAN'S REMARKS

The following apology was received:

Councillor C Casey

P/080/2017: QUORUM

LA07/2015/0714/F – Mr and Mrs Byrne

LA07/2016/0821/F – C Canning

AGREED: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to hold a Special Planning Committee Meeting to discuss the following Planning Applications, as these Applications had previously been the subject of site meetings and a quorum was not present to allow these Applications to be considered at today's meeting:

- **Item 5 - LA07/2015/0714/F – Mr & Mrs Byrne – proposed farm dwelling – 180m NW of existing farm buildings adjoining 28 Ballyclander Road Downpatrick.**
- **Item 10 - LA07/2016/0821/F – C Canning – change of house type to that previously approved under R/2012/0323/F (further amended plan received: clarification re finishes and levels) – 24 Ringhaddy Road Killinchy.**

P/081/2017: DECLARATIONS OF INTEREST

Councillor L Devlin declared an interest in Planning Application LA07/2016/1196/F – McGrady Contracts.

**P/082/2017: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 24 MAY 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 24 May 2017.
(Copy circulated)

AGREED: **On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 24 May 2017 as a true and accurate record.**

P/083/2017: ADDENDUM LIST

Read: Addendum List of Planning Applications with no Representations received or requests for speaking rights – Wednesday 24 May 2017. **(Copy circulated)**

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

- **Item 15 – LA07/2016/1542/F – Alan Morgan - proposed barn conversion with extension to provide a 3 bedroom dwelling (amended plans) – 50m East of 141 Newcastle Road, Drumeel, Castlewellan.
REFUSAL
(Removed from the Addendum List at the request of Councillor Clarke for presentation to Committee in due course)**
- **Item 21 – R/2014/0657/F - Bluebuild Developments Ltd – residential development comprising of 11 no. dwellings (10 semi-detached and 1 bungalow) –The Mourne Observer The Roundabout Castlewellan Road Newcastle and lands adjacent to No 10 Burren Park.
APPROVAL
(Removed from the Addendum List at the request of Councillor Devlin for presentation to Committee in due course)**

- **Item 30 – LA07/2017/0172/F** – SCS – Renewal of Extant Planning Approval Ref. P/2011/0340/F for residential development of 14 units (of social housing) with new access road from St Clare’s Avenue – Lindsay’s Hill approx.. 60 metres South East of 53-55 North Street, Newry, BT34 1DD.
APPROVAL
(Removed from the Addendum List for presentation to Committee in due course)
- **Item 31 LA07/2017/0490/F** – Sean Matthews – Erection of dwelling and garage due to special circumstances – land to the rear and 25m east of No.20 Letrim Road Hilltown.
REFUSAL
(Removed from the Addendum List at the request of Councillor J Macauley for presentation to the Planning Committee Meeting to be held in September 2017)

AGREED: It was unanimously 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 21 June 2017:

- **Item 12 – LA07/2016/1196/F** – McGrady Contracts – residential development comprising a total of 34 units (30 No semi-detached dwellings (15 No pairs), 1 No detached dwelling, and 1 terrace of 3 dwellings), including associated site works, ancillary developments and landscaping, on lands to the south east of Mountain View (off Burrenwood Road), Castlewellan.
APPROVAL
- **Item 13 – LA07/2016/1284/F** – Michael Braniff – extension to the existing caravan park for static and touring pitches, new shower/amenity building and associated landscaping/amenity areas, at Coney Island Caravan Park, Ardglass.
APPROVAL
- **Item 17 – LA07/2017/0111/F** – Ballynahinch Community Centre – replacement of existing all weather pitch & 3 metre chain link fence to new muga pitch with associate drainage works. The erection of new 3 metre high sports fence, 5 metre high sports fence at roadside, with 2 number access gates. Location: Ballynahinch Community Centre, 55 Windmill Street, Ballynahinch.
APPROVAL
- **Item 20 – LA07/2017/0634/F** – Newry, Mourne and Down District Council – replacement of existing all weather pitch, to new synthetic pitch with associated drainage works, including the erection of new 3 metre high sports fence, 4.2 metre high sports fence behind goals, with 2 number pedestrian gates 1 number vehicular access gages, on lands at Saintfield Hockey Club, Comber Street, Saintfield.
APPROVAL

- **Item 23 – LA07/2015/0345/F** – Crossmaglen Rangers GAC – proposed terracing for spectators & floodlighting of sports field – rear of 7 Dundalk Road, Crossmaglen.
APPROVAL
- **Item 25 – LA07/2015/1123/LBC** – Quayside Properties Ltd – demolition of remaining parts of buildings for health and safety reasons – 2-3 Sugarhouse Quay Lisdrumgullion Newry.
REFUSAL
(Removed from Schedule as this Application had been withdrawn from the last Planning Committee Meeting – no requests for speaking rights received)
- **Item 28 – LA07/2016/1694/0** – Bernard Hannaway – site for replacement dwelling with detached garage – 90m SE of 53 Ballintemple Road Newry.
REFUSAL
- **Item 32 – P/2011/0802/F** – Mr K Agnew – Erection of wind turbine with a tower height of 40 metres and a rotor diameter of 29 metres (extending to a total height of 56 metres to tip) with a maximum output not exceeding 225kW, associated transformer/control room building (at 230 metres to north-west of turbine, connected by underground cable), site works and access provision. Access via existing agricultural laneway, off Drummond Road, from a point 50 metres west of No.6 Drummond Road with extended section to serve turbine. Revised proposal date received 3 February 2014 showing an amended siting with accompanying Shadow Flicker Assessment and Amended Noise Impact Assessment – Lands approximately 550 metres south-east of No. 9 Drummond Road Newry.
REFUSAL
(Removed from Schedule - no requests for speaking rights received)
- **Item 35 – P/2010/0968/F** – Seamus Donnelly – change of use of building from storage to class A1: shops (to include retention of amendments to building approved under planning ref: P/2005/2425/F) – 236 Dublin Road, Newry.
REFUSAL
- **Item 36 – P/2013/0581/F** – Seamus Donnelly – Day Spa and hair salon – Unit 4 Donnelly's Service Station, 236 Dublin Road, Newry.
REFUSAL
- **Item 38 – P/2012/0921/F** – Bernadette Heaney – 1 No. 100kw wind turbine with a hub height of 30m (amended plans) – 220m SE of 26 Shaughan Road, Newtownhamilton.
REFUSAL

P/084/2017: 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 – LA07/2016/0185/F** – Joyce Graham – proposed dwelling and garage in substitution of Planning Approval R/2011/0001/F (located at Old Belfast Road Saintfield) for a dwelling on a farm under Policy CTY10 – 70m south east of 1 Rowallane Close Saintfield.
REFUSAL
(Removed from Schedule as there have been recent developments on site which require further investigation by Planning)

- **Item 9 – LA07/2017/0131/O** – Mr & Mrs McKeown – dwelling on a farm under PP CTY 10 of PPS 21 – opposite 67 and adjacent to 62 Rocks Chapel Road Crossgar.
REFUSAL
(Removed from Schedule as had been included in error)

- **Item 18 – LA07/2016/0175/F** - Owen Miskelly – proposed change of design and new garage block to dwelling previously approved under ref: R/2005/1517/RM with development having commenced (amended site address) – 250m South East of No. 19 Nutgrove Road Annadorn Downpatrick.
REFUSAL
(Removed from Schedule as Application had been withdrawn prior to the last Planning Committee Meeting, at the request of the Applicant/Agent)

- **Item 19 – LA07/2017/0240/F** – Father B Brown – conversion of stone building to dwelling with extensions – 110m SE of No. 29 Ballymaginthy Road Castlewellan.
REFUSAL
(Removed from Schedule to allow further discussion between Planning and Agent)

The following applications were then determined by the Committee:

(1) LA07/2016/1421/O – Mr M Galloway

Location:

South of No. 80 St Patrick's Road, Raholp, Downpatrick

Proposal:

Dwelling and garage

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 Murnin it was agreed to issue an approval in respect of Planning Application LA07/2016/1421/O, contrary to Officer recommendation, and that Planning Officers be delegated authority to impose relevant conditions to

restrict the footprint of any proposed dwelling on this site, should this application be considered for full approval at a future stage.

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

(2) LA07/2016/1442/O – Mr & Mrs Joseph Doran

Location:

64a Tannaghmore Road, Loughinisland

Proposal:

Replacement dwelling and double 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 Murnin it was agreed to defer Planning Application LA07/2016/1442/O, to allow for further discussion to take place between the Agent/Applicant and Planning regarding the relocation of the proposed dwelling within the approved curtilage, and to re-examine the scale/size of the proposed dwelling.

Planning Officers to be delegated authority to issue decision thereafter and to impose any necessary conditions.

(3) LA07/2016/0895/F – Mr & Mrs Barry McCartan

Location:

Adjacent to and south-east of 72 Bannanstown Road, Castlewella

Proposal:

Erection of farm dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Marcus Bingham, Agent, presented in support of the application.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2016/0895/F to allow further discussion between Agent and Planning on the basis that the siting now proposed may address the reasons for refusal.

Planning Officers be delegated authority to issue decision thereafter if the decision was an approval; the matter to revert back to Planning Committee to consider should the recommendation be a refusal.

(4) LA07/2016/1537/O – P & T Miskelly

Location:

Site adjacent to 35 Darragh Cross Road, Darragh Cross, Downpatrick

Proposal:

Erection of two detached dwelling houses and associated works

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Kieran Dempsey, Architect, 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 LA07/2016/1537/O, for the reasons recommended as per the Development Management Officer Report.

AGREED: It was agreed at the request of Councillor Devlin that in future, the Planning Department indicate on the Management Development Officer Report if an application has been previously tabled at a Planning Committee Meeting, or has been the subject of a site visit.

(5) LA07/2017/0033/O – John Tumelty

Location:

Between 18 and 20 Commons Road and 24 Commons Road Ballykinler.

Proposal:

Erection of a single dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Fred Moore presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed to issue a refusal in respect of Planning Application LA07/2017/0033/O, for the reasons recommended as per the Development Management Officer Report.

(6) LA07/2015/0402/F – O’Hagan Construction Ltd

Location:

Opposite and 25m East of No. 16 Chancellors Hall, Chancellors Road, Newry

Proposal:

Proposed erection of a dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Richard O’Toole, Planning Consultant, and Mr Glyn Mitchell presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Devlin it was agreed to issue a refusal in respect of Planning Application LA07/2015/0402/F, for the reasons recommended as per the Development Management Officer Report.

(12.30pm – Councillor M Ruane left the meeting)

(12.30pm – Councillor L Devlin left the meeting)

(7) LA07/2015/0144/F – Frank Newell

Location:

Approximately 130m south/south west of No. 338 Newry Road, Kilkeel

Proposal:

Erection of dwelling for guest house accommodation (with demolition of existing dwelling at No. 338 Newry Road) with access via existing laneway to No. 338 Newry Road

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, 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 LA07/2015/0144/F to allow for further discussion.

Planning Officers be delegated authority to issue decision thereafter.

(12.50pm – Councillor M Ruane left the meeting)

(12.50pm – Councillor L Devlin left the meeting)

(8) LA07/2016/0325/F - L Jay Properties

Location:

Site adjacent to and north of number 42 Carquillan, Hilltown, Newry, BT34 5UG

Proposal:

Erection of 18 number dwellings consisting of 4 No. single storey detached and 12 No. 2 storey semi-detached dwellings and associated site works

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Shereen Lyness-Feenan and Andy McGivern, local residents, presented in objection to the application.

Speaking rights:

Colin Stewart, Architect, presented in support of the application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2016/0325/F, subject to conditions 1 – 17 as per the Management Development Officer Report.

(1.30pm – The meeting adjourned)

(2.10pm – The meeting resumed)

(2.10pm – Councillor D McAteer joined the meeting)

(9) LA07/2016/1568/O – David Downey

Location:

Immediately opposite and west of 75 Foughiletra Road, Meigh, Newry

Proposal:

Site for “off-site” replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Tony Mackle, Agent, presented in support of the application.

Councillor Larkin proposed and Councillor Ruane seconded to issue an approval in respect of Planning Application LA07/2016/1568/O, contrary to Officer recommendation, on the basis that the applicants preferred site provides better siting for a replacement dwelling compared to the site suggested by Planning Department, provides increase in amenity benefits and integrates due to mature vegetation. Planning Officials be delegated authority to impose any necessary conditions.

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

For: 7
Against: 4
Abstentions 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue an approval in respect of Planning Application LA07/2016/1568/O, contrary to Officer recommendation, on the basis that the applicants preferred site provides better siting for a replacement dwelling compared to the site suggested by Planning Department, provides increase in amenity benefits and integrates due to mature vegetation.

Planning Officials be delegated authority to impose any necessary conditions.

(10) LA07/2017/0117/O – Martin and Christina McCullough

Location:

Approximately 60m SE of No. 29 Convent Road, Cabra

Proposal:

Erection of one and half storey dwelling and detached domestic double garage

Conclusion and Recommendation from Planning Official:

Refusal

Noted:

Letters of support for the application were received from Colin McGrath MLA and Councillor John Trainor

AGREED: On the proposal of Councillor Macaulay seconded by Councillor Murnin 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 (Northern Ireland) 2014 – information relating any individual.

Speaking rights:

Mr McKay Agent, presented in support of the application.

Mr & Mrs McCullough presented in support of the application.

AGREED: On the proposal of Councillor Ruane 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 Clarke seconded by Councillor Devlin it was agreed that given the mitigating circumstances of this case, Planning Application LA07/2017/0117/O be deferred and Planning Officials and Applicant/Agent explore other options for an off-site dwelling to be suitably sited as part of this farm.

Planning Department be delegated authority to issue decision thereafter and impose any necessary conditions.

(11) P/2011/1034/LBC – Ms J Hughes

(12) P/2011/1038/F – Ms Jackie Hughes

(P/2011/1034/LBC

Location:

Lands adjacent to No.42 Dundalk Street Newtownhamilton.

Proposal:

Retention of rear extension and alterations (with internal modifications) to existing listed public house to include off-licence sales (with separate access to rear) and new toilets on ground floor; keg store, kitchen and ancillary storage in basement; conversion of first floor to provide liveable accommodation; external smoking area at ground floor level; internal and external circulation including disabled access provision; and with demolition of existing rear out-shot. Application being considered in conjunction with accompanying application for full planning permission, under File Ref: P/2011/1038/F.

Conclusion and Recommendation from Planning Official:

Refusal

P/2011/1038/F

Location:

Lands adjacent to No.42 Dundalk Street Newtownhamilton.

Proposal:

Retention of rear extension and alterations (with internal modifications) to existing listed Public house to include off-licence sales (with separate access to rear) and new toilets on Ground floor; keg store, kitchen and ancillary storage in basement; conversion of first floor to Provide liveable accommodation; external smoking area at ground floor level; internal and external external circulation including disabled access provision; and with demolition of existing rear out-shot. Application being considered in conjunction with accompanying application for Listed Building Consent, under File Ref: P/2011/1034/F.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Barry Owens, Consulting presented in support of the application.

Ms J Hughes Applicant, presented in support of the application.

A request for speaking rights was received from DEA Councillor Barra O'Muirí.
(Councillor O Muiri was present at the meeting but did not present)

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application P/2011/1034/LBC and Planning Application P/2011/1038/F, contrary to Officer recommendation, on the basis that it is the view of the Planning Committee that the Applicant has restored the building to it's former condition which has brought benefit to both the building and surrounding area.

(13) P/2012/0712/F – Brendan Carragher

Location:

24 New Road, Silverbridge, Newry

Proposal:

Extension to tyre depot

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application P/2012/0712/F on the basis that the granting of a CLUD (Certificate of Lawful Use Development) would indicate the Planning Department accepts that a substantial business operates on this site; the business is necessary for the rural farming community in this area; the business contributes to employment and economic development in the area; levelling of the site will lessen any impact on the countryside thus providing integration.

Planning Department be delegated authority to impose any necessary conditions.

FOR DISCUSSION/DECISION

P/085/2017: THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NI) 2017

Read: The Planning (Environmental Impact Assessment Regulations (NI) 2017.
(Copy circulated)

AGREED: It was agreed to note the Planning (Environmental Impact Assessment Regulations (NI) 2017.

**P/086/2017: PLANNING COMMITTEE MEETING
PERFORMANCE REPORT**

Read: Planning Committee Performance Report. (Copy circulated)

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

**P/087/2017: 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 meetings between Planning Officers and Public Representatives.

P/088/2017: APPEALS & DECISIONS

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

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

**P/089/2017: NEWRY MOURNE DOWN
LOCAL DEVELOPMENT PLAN**

Read: Newry, Mourne & Down Local Development Plan – Draft Timetable.
(Copy circulated)

AGREED: It was agreed to note the Newry Mourne & Down Local Development Plan Draft Timetable.

**P/090/2017: PLANNING APPLICATIONS
SPECIAL CIRCUMSTANCES**

Discussion took place regarding the tabling of planning applications which involved matters relating to special circumstances and medical grounds.

AGREED: It was unanimously agreed that in future when the Committee are considering Planning Applications involving special circumstances and medical grounds, that applicants must be advised that any such application cannot be presented to Committee without the submission of a detailed medical specialist report.

(4.05pm – Councillor L Devlin left the meeting)

**P/091/2017: NEWRY MOURNE DOWN
LOCAL DEVELOPMENT PLAN
LDP SUSTAINABILITY APPRAISAL**

Read: Newry Mourne & Down Local Development Plan: Options for undertaking the LDP Sustainability Appraisal, incorporating Strategic Environmental Assessment.
(Copy enclosed)

Noted: It was agreed at the Strategic Policy & Resources Committee Meeting held on 15 June 2017 to select Option 3, although Option 5 had been recommended by Officers.

It was noted that Option 3 would involve considerably more in terms of costs than Option 5.

The Minutes of the Strategic Policy & Resources Committee Meeting held on Thursday 15 June 2017 would be tabled for consideration at the Council Meeting to be held on Monday 3 July 2017.

AGREED: It was agreed to note the Newry Mourne & Down Local Development Plan LDP Sustainability Appraisal.

The Chairperson, Councillor Craig, extended his appreciation to Mr Canice O Rourke Director of Regulatory & Technical Services, for his help and wise counsel and his contribution to the Planning Committee and he wished him well in his retirement.

There being no further business the Meeting concluded at 4.10pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 19 July 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**