

## **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 21 December 2016 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor W Clarke

**Vice Chair:** Councillor J Macauley

**In Attendance:** **(Committee Members)**

Cllr G Craig	Cllr G Hanna
Cllr V Harte	Cllr M Larkin
Cllr K Loughran	Cllr D McAteer
Cllr M Murnin	Cllr M Ruane

**(Officials)**

Mr C O'Rourke	Director of RTS
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms N Largy	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms L Dillon	Democratic Services Manager
Ms C McAteer	Democratic Services Officer

### **P/141/2016: APOLOGIES/CHAIRMAN'S REMARKS**

Apologies were received from:

Councillor L Devlin  
Councillor C Casey

### **P/142/2016: DECLARATIONS OF INTEREST**

**Councillor Murnin** declared an interest in planning application LA07/2016/0736/F and advised he would be withdrawing from the meeting during discussion/decision on this application.

**P/143/2016: MINUTES OF PLANNING COMMITTEE MEETING  
- WEDNESDAY 7 DECEMBER 2016**

Read: Minutes of Planning Committee Meeting held on Wednesday 7 December 2016. **(Copy circulated)**

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Ruane, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 7 December 2016 as a true and accurate record.

**P/144/2016: ADDENDUM LIST**

Read: Addendum list of planning applications with no representations received or requests for speaking rights – Wednesday 21 December 2016.  
**(Copy circulated)**

**AGREED:** On the proposal of Councillor McAteer seconded by Councillor Ruane, 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:

- **Item 5** – LA07/2015/0093/F – Maurice Walsh – change of use of existing shed from light industrial use for storage and distribution associated with oyster/mussel farming (retrospective) – 14a Belfast Road, Dundrum. **REFUSAL**
- **Item 7** – LA07/2015/0406/F – Mr N Kirkwood – a single 250kw wind turbine with a base height of 40m and a blade length of 22m – approx 687m NE of 7 Lisinaw Road, Derryboye. **REFUSAL**
- **Item 9** – LA07/2015/1230/F – Mr Ciaran O'Hare – dwelling to the rear of 125 Ballylough Road, Ballywillwill, Castlewellan. **REFUSAL**
- **Item 12** – R/2014/0444/F – Colin Jones – 4 No. dwelling (2 pairs of semis) with shared parking to the front – 14-18 Lisburn Road, Ballynahinch. **REFUSAL**
- **Item 17** – LA07/2015/0148/F – Owen Murphy – new vehicular access to existing dwelling – to the rear of 36 Chapel Road with access off Chapel Lane, Meigh. **REFUSAL**
- **Item 18** – LA07/2016/0296/F – Sean Markey – domestic garage/shed with loft – 76 Maytown Road, Bessbrook. **REFUSAL**
- **Item 23** – LA07/2016/0988/F – Gaye Ferris & Jim Hannan – change of use and alterations of redundant building and extension to form dwelling – opposite 9 Searce Lane, Jerrettspass, Newry. **REFUSAL**

- **Item 25** – LA07/2015/0369/F – Newry and Mourne District Council – Proposed redevelopment of the Warrenpoint Baths including refurbishment and extension of existing Adventure Centre, Community Function Room, Seaweed baths/spa, Coffee shop and external venue space, Public toilets and all associated site works – Warrenpoint Baths 35m NE of 6 Radharc na Mara, Warrenpoint. **APPROVAL**
- **Item 26** – LA07/2016/0500/F – Newry, Mourne and Down District Council – bridge on pedestrian path/mountain bike trail, over the Yellow Water river approx 1000m east of the Newtown Road, Rostrevor. **APPROVAL**

**P/145/2016: 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** – LA07/2015/0273/F – Drew Henry – conversion of existing outbuilding with alterations and extension to provide ancillary habitable accommodation (retrospective) linked to existing dwelling by means of extension approved under LA07/2015/0387/F (amended) – 51 Ardigon Road Killyleagh Downpatrick. **REFUSAL**  
**(Planning Department advised this application be withdrawn for further consideration)**
- **Item 8** - LA/07/2015/039/F- Mr & Mrs P McMillan – replacement dwelling and conversion of former mill to ancillary accommodation – site 45m E of 55 Rossglass Road Killough. **REFUSAL**  
**(Planning Department advised this application be withdrawn for further consideration)**
- **Item 10** – LA07/2015/0185/F – Joyce Graham – proposed dwelling and garage in substitution of planning approval R/2011/0001/F for a dwelling on a farm under Policy CTY10 – 70m SE of 1 Rowallane Close Saintfield. **REFUSAL**  
**(Planning Department advised this application be withdrawn for further consideration)**
- **Item 14** – LA07/2015/0402/F – Glyn Mitchell – proposed erection of a dwelling – opp and 25m E of 16 Chancellor's Hall Chancellor's Road Newry. **REFUSAL**  
**(Planning Department advised this application be withdrawn for further consideration as issues have arose which may have a potential impact on this application)**

- **Item 15 – LA07/2015/0669/F – Rodney Devine – agricultural shed (retrospective permission) – 150 metres south east of 3 Desert Road Mayobridge.  
(REFUSAL)  
(Planning Department advised this application had been withdrawn at the request of the Agent)**

The following applications were then determined by the Committee:-

**(1) LA07/2016/0736/F – Mr Noel Ritchie**

The Chairperson, Councillor W Clarke, said the Committee had agreed, on the proposal of Councillor Ruane seconded by Councillor Craig, that presentations regarding (Item 11) Planning Application LA07/2016/0736/F, would be heard 'in closed session' and that discussion/decision thereafter would be heard 'out of closed session'.

It was also agreed this application would be heard on the basis that the Applicant's presentation would be heard first, without the objectors being present in the Chamber, followed by the objectors presentation being heard, without the applicant being present in the Chamber.

**AGREED:** On the proposal of Councillor Macauley seconded by Councillor Hanna it was agreed to exclude the public and press from the Meeting during discussion on this matter which related to exempt information by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information).

**Location:**

To the rear 102 Drumsnade Road, Drumaness, BT24 8NJ

**Proposal:**

Retrospective application for retention of timber frame domestic dwelling on site of storage shed.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Noted:**

An addition to the Case Officer's report, which contained personal information, was forwarded to Members under separate cover.

**Speaking rights:**

Mr Noel Ritchie, applicant, and his wife, requested speaking rights in support of the application.

Mr Sean Ritchie and Angela Ritchie requested speaking rights in objection to the application.

(10.45am – Objectors left the meeting)

Mr Noel Ritchie, applicant, and his wife, presented in support of the application.

(11.00am – Applicants left the meeting)

(11.00am – Objectors re-joined the meeting)

Ms N Largy Legal Services, gave a summary of the presentation given by Mr Noel Ritchie and Mrs Attracta Ritchie in support of the application.

Mr Sean Ritchie and Ms Angela Ritchie presented in objection to the application.

(11.10am – Objectors left the meeting)

(11.10am – Applicants re-joined the meeting)

Ms Largy Legal Services, gave a summary of the presentation given by Mr Sean Ritchie and Ms Angela Ritchie in objection to the application.

(Objectors re-joined meeting)

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

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to issue a refusal in respect of Application LA07/2016/0736/F, for the reasons recommended, as per the Development Management Officer Report.**

**Abstentions 0**

## **(2) LA07/2015/0087/F – Martin Ward**

### **Location:**

Rockmount Convenience Complex 32 Rathfriland Road, Newry

### **Proposal:**

Varying of condition 3 of P/2010/0171/F which currently reads “The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, and deliveries of fuel and other goods, shall not occur outside the hours of 0700 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and no servicing or deliveries shall occur on Sundays” to read “The premises shall not be open for business outside the hours of 0700 to 2300 and servicing, deliveries of fuel and other goods, as well as the preparation for opening shall not occur outside the hours of 0600 and 1900 hours Monday to Friday, and 1000 hours and 1700 on Saturdays and not servicing or deliveries shall occur on Sundays.”

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

**Speaking rights:**

Mr David Cunningham presented on behalf of residents objecting to the application.  
Barney Dinsmore, Agent, presented in support of the application.  
A representative from Environmental Health Department was in attendance.

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Harte it was agreed to exclude the public and press from the Meeting during discussion on this matter which related to exempt information by virtue of Paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

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

Ms Largy explained that the Committee had gone into 'closed session' as she wanted to provide information to the Committee which may be exempt under Paragraph 5, information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

The Chairperson reported the following decision had been taken:

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed issue a refusal in respect of Application LA07/2015/0087/F, for the reasons recommended, as per the Development Management Officer Report.

**Abstentions 0**

**(3) LA07/2016/0523/F – Niaomh Morgan**

**Location:**

Adjacent to No. 13 Crieve Road, Newry, BT34 2JT

**Proposal:**

Dwelling house

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

**Speaking rights:**

Joe Lynam, Architect, presented in support of the application.

Councillor Craig proposed and Councillor Hanna seconded to issue a refusal in respect of Application LA07/2016/0523/F, for the reasons recommended, as per the Development Management Officer Report.

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

For	7
Against	3
Abstentions	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to issue a refusal in respect of Application LA07/2016/0523/F, for the reasons recommended, as per the Development Management Officer Report.

**(4) LA07/2015/0303/F – Arthur Kenny**

**AGREED:** On the proposal of Councillor Ruane seconded by Councillor Harte it was agreed to exclude the public and press from the Meeting during discussion on this matter which related to exempt information by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information).

**Location:**

45m south of No. 19 Aghadavoyle Road, Jonesborough, Co. Armagh

**Proposal:**

Erection of dwelling and garage on farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Stephen Hughes, Agent, presented in support of the application.

Councillor Hearty presented in support of the application.

**Noted:**

Agent's submission was circulated to Members under separate cover.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Macauley it was agreed to come 'out of closed session'.

When the Committee came out of closed session, the Chairperson advised that Councillor Larkin proposed and Councillor Loughran seconded to issue an approval in

respect of Application LA07/2015/0303/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances as on health and safety grounds it has been established there is no alternative site identified for the proposed development.

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

For	5
Against	3
Abstentions	2

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Loughran it was agreed to issue an approval in respect of Application LA07/2015/0303/F, contrary to Officer recommendation, on the basis that this application is deemed exceptional circumstances as on health and safety grounds it has been established there is no alternative site identified for the proposed development.

It was also agreed Planning Department be granted authority to impose any technical related conditions on Planning Application LA07/2015/0303/F which may be necessary.

- (5) LA07/2016/0226/F – Mark Devlin
- (6) LA07/2016/0227/F – Mark Devlin
- (7) LA07/2016/0228/F – Mark Devlin

**Location:**

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)

**Proposal:**

Erection of residential development comprising of 19 dwellings

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Request for speaking rights was received from Councillor Terry Hearty on behalf of objectors, objecting to the application.

Request for speaking rights was received from Michael Martin, Architect, in support of the application.

**AGREED:** It was unanimously agreed to defer Application LA07/2016/0226/F, LA07/2016/0227/F and LA07/2016/0228/F as an aspect of these applications related to social housing and therefore required further discussion between Planning Department and the applicant.



**(8) LA07/2016/1014/F – Seamus McKinley**

**Location:**

Adjacent to and North of 3 Cashel Road, Silverbridge and land immediately east of No. 2 Cashel Road

**Proposal:**

Erection of replacement dwelling and detached garage 30m north of No. 3 Cashel Road to be replaced off site on land immediately adjacent to and east of No. 2 Cashel Road, Silverbridge

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Martin Kearney Architect, presented in support of the application.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Macauley it was agreed to issue a refusal in respect of Application LA07/2016/1014/F, for the reasons recommended, as per the Development Management Officer Report.

**FOR DISCUSSION/DECISION**

**P/146/2016: DEPARTMENT FOR INFRASTRUCTURE**  
**- PLANNING APPLICATION: LA07/2015/0702/F**  
**- FARM SHED, NEWCASTLE ROAD, CASTLEWELLAN**

Read: Correspondence dated 1 December 2016 from Department for Infrastructure regarding Planning Application LA07/2015/0702/F which was granted approval by Council on 10 November 2016 and seeking clarification regarding the circumstances which led to the decision of granting approval in this case as it involves a new access on to a protected route. (Copy circulated)

It was noted that in granting approval for Planning Application LA07/2015/0702/F it was the view of the Committee that parking across a footpath would create a hazard for pedestrians and risk had been identified regarding large vehicles unloading along the edge of a road and it was therefore felt that both these risks were much greater than the risk of intensification on to a protected route hence the reason why the Committee granted approval for this application.

Ms Largy cautioned the Committee of the need to have demonstrable evidence when overturning decisions recommended by Planning Department and said such decisions should be supported by a report from the relevant expert as justification for departing from Policy.

**AGREED:** It was agreed the Council issue a response to the Department for Infrastructure providing clarity on a decision taken at the Planning Committee on 10 November 2016 to grant approval for Planning Application LA07/2015/0702/F, and advising that the decision was taken on the basis of risks identified with the parking of vehicles along a footway and vehicles unloading along the edge of a road as these were the main reasons for Council departing from Policy in this instance.

**P/147/2016: PLANNING REFORM IN NORTHERN IRELAND:  
PROGRESS ECONOMIC DEVELOPMENT AND FORWARD  
STRATEGY**

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**Read:** Email correspondence from Policy Forum for Northern Ireland giving details of a Seminar on Planning Reform in Northern Ireland: Progress Economic Development and Forward Strategy, to be held on Thursday 23 March 2017 in Belfast, at a cost of £210 plus vat. (Copy circulated)

**AGREED:** It was agreed to note the above Seminar details.

**FOR NOTING**

**P/148/2016: PLANNING COMMITTEE PERFORMANCE REPORT  
NOVEMBER 2016**

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**Read:** Planning Committee Performance Report for November 2016.  
(Copy circulated)

**AGREED:** It was agreed to note Planning Committee Performance Report for November 2016.

**P/149/2016: RECORD OF MEETINGS BETWEEN  
PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

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

**AGREED:** It was agreed to note report on Record of Meetings between Planning Officers and Public Representatives.

**P/150/2016: APPEALS AND DECISIONS  
- NOVEMBER 2016**

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**Read:** Report on Appeals and Decisions for November 2016.  
(Copy circulated)

**AGREED:** It was agreed to note Report on Appeals and Decisions for November 2016.

**P/151/2016: PLANNING APPEALS COMMISSION  
RE: REGIONALLY SIGNIFICANT PLANNING APPLICATIONS  
- SONI LIMITED (ENQUIRY: NORTH/SOUTH INTERCONNECTOR)**

**Read:** Correspondence dated 29 November 2016 from Planning Appeals Commission regarding regionally significant Planning Applications by SONI Limited:  
Proposed electricity sub-station on land to the rear of 152 Trewmount Road Turleenan Moy Co Tyrone and erection of 400-kilovolt overhead electrical transmission line from there to the town lands of Crossreagh and Crossbane Co Armagh with amendments to existing 275-kilovolt line – O/2009/0792/F  
And associated works including site levelling and preparation, new access points and access lanes, working and stringing area, guarding, fencing and related mitigation works – O/2013/0214/F. (Copy circulated)

**AGREED:** It was agreed to note correspondence dated 29 November 2016 from Planning Appeals Commission regarding regionally significant Planning Applications by SONI Limited regarding enquiry into the North South Interconnector, and to note the Council had previously made representations on this matter.

**P/152/2016 PLANNING COMMITTEE MEETINGS**

It was noted it had been previously agreed to hold the Planning Committee Meeting twice per month until December after which this arrangement would be reviewed.

**AGREED:** On the proposal of Councillor Craig seconded by Councillor Ruane it was agreed to continue with the current arrangement of holding the Planning Committee twice per month.

The Chairperson, Councillor Clarke, wished everyone a happy Christmas and a peaceful New Year.

He also added his recognition for the work and co-operation of staff in managing the Planning Committee.

There being no further business the Meeting concluded at 1.45pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 18 January 2017.

Signed: ----- **Chairperson**

Signed: ----- **Chief Executive**