

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Ref: PL / DM

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 29 March 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor W Clarke (10.00am – 12.10pm)
Councillor J Macauley (12.10pm – 4.50pm)

In attendance: (Committee Members)

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

(Officials)

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

P/051/2017: APOLOGIES / CHAIRMAN'S REMARKS

The following apologies were received:

- Councillor L Devlin, Chairperson
- Mr C O'Rourke, Director of Regulatory Technical Services

P/052/2017: DECLARATIONS OF INTEREST

Councillor C Casey declared an interest in Application No P/2013/0632/F and Application No P/2014/0286/F – Carncastle Properties.

Councillor V Harte declared an interest in Application No P/2013/0632/F and Application No P/2014/0286/F – Carncastle Properties.

**P/053/2017: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 15 MARCH 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 15 March 2017.
(Copy circulated)

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 15 March 2017 as a true and accurate record.

P/054/2017: ADDENDUM LIST

Read: Addendum List of Planning Applications with no Representations received or requests for speaking rights – Wednesday 29 March 2017. **(Copy circulated)**

Removals from Addendum List

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

- **Item 6 – LA07/2016/0130/F** – Niall and Frances Deery – dwelling house – land adjacent to 10 Ballydonnell Road, Tyrella, Downpatrick. **REFUSAL (Removed from the Addendum List as the Application has been formally withdrawn from the planning process).**
- **Item 24 – LA07/2016/1654/F** – Mr & Mrs Patrick Carr – proposed infill dwelling and domestic garage – 40m NW of 8 Trasna Road, Ballintemple, Killeavy, Newry. **REFUSAL (Removed from the Addendum List as the Application has been formally withdrawn from the planning process).**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer 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 29 March 2017: -

- **Item 5 – LA07/2015/0510/F** – Tollymore United FC – erection of new 2 storey sports hub and demolition of existing single storey pavilion – Donard Park, Newcastle.
APPROVAL
- **Item 8 – LA07/2016/0740/A** – Rachael McKibben – flat plate sign to front elevation, painted sign to gable elevation – 30 Main Street, Saintfield Park, Saintfield.
REFUSAL
- **Item 9 – LA07/2016/0874/F** – Cedar Integrated Primary School – erection of security fence to partial perimeter of school grounds – Cedar Integrated Primary School, 29 Kilmore Road, Crossgar.
REFUSAL

- **Item 12 – LA07/2016/1381/0** – Mr & Mrs Reilly – proposed infill site for detached dwelling and garage – lands between 115 and 117 Shore Road, Kilclief.
APPROVAL
- **Item 14 – LA07/2016/1582/LBC** – Down County Museum – temporary erection of a 1900's army hut from Ballykinler to the courtyard in Down County Museum in Downpatrick – The Mall, English Street, Downpatrick.
CONSENT
- **Item 15 – LA07/2017/0202/F** – Down County Museum – reconstruction of circa 1900's period hut – Down County Museum, The Mall, English Street, Downpatrick.
APPROVAL
- **Item 16 – R/2015/0068/F** – John Crea – erection of single wind turbine on 30m hub, associated access and 2 no. Electricity cabinets. (Amended red line received) – approximately 365 metres north west of 53 Castleward Road, Downpatrick.
REFUSAL
- **Item 22 – LA07/2016/0501/F** – Newry, Mourne and Down District Council – road crossing approximately 185m north west of entrance to Victoria Locks Fathom Line, Newry.
APPROVAL
- **Item 25 – LA07/2016/1659/F** – Newry, Mourne and Down District Council – new modular building community centre. Accommodation to include; main hall, offices, kitchen, toilets, store, changing rooms – lands to the rear of nos 45-51 Drumalane Park, Newry.
APPROVAL

P/055/2017: APPLICATIONS FOR DETERMINATION

The following applications were then determined by the Committee: -

(1) LA07/2016/0699/F – Colin Kane

Location:

Land at 123 Magherahamlet Road, Ballynahinch

Proposal:

Proposed 2 No. broiler poultry sheds with 4 No. feed bins, 2 No. gas tanks, office and changing building (to contain in total 74,000 broilers)

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Mr Patrick Clarke presented in objection to the application.

Mr Jim Wells MLA presented in objection to the application.

Mr Gavin McGill presented in support of the application.

Councillor Craig proposed and Councillor McAteer seconded to issue an approval in respect of Application No LA07/2016/0699/F, subject to conditions 1 – 7 as per the Management Development Officer Report, and subject to the inclusion of a condition that a 10 metre buffer zone/shelter belt planted out with native trees must be provided.

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

For:	10
Against:	1
Abstentions:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Craig seconded by Councillor McAteer it was agreed to issue an approval in respect of Application No LA07/2016/0699/F, subject to conditions 1 – 7, as per the Management Development Officer Report, and subject to the inclusion of a condition that a 10 metre buffer zone/shelter belt planted out with native trees must be provided.

(2) LA07/2016/1211/F – Dermot Quinn

Location:

Adjacent to 11 Cuttyshane Road, Killyleagh

Proposal:

Proposed stable block, tack room and fodder store to replace existing wooden stables

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Mr Dermott Quinn Applicant, presented in support of the application.

AGREED: On the proposal of Councillor Craig seconded by Councillor Murnin it was agreed to defer Application LA07/2016/1211/F to allow further negotiations between Planning Department, Agent and Applicant, regarding the scale of the proposed development, and that Planning Officers be delegated authority to issue decision thereafter.

(3) LA07/2016/1359/F – Mr C Ward

Location:

6 Magheratimpany Road, Ballynahinch

Proposal:

Proposed off site replacement dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Raymond McPeake, Planning Consultant, presented in support of the application.

Councillor Murnin proposed and Councillor McAteer seconded to issue a refusal in respect of Application LA07/2016/1359/F, as per the Development Management Officer Report.

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

For: 3
Against: 8
Abstentions: 0

The proposal was declared lost.

Councillor Larkin proposed and Councillor Ruane seconded to defer Application LA07/2016/1359/F to allow discussion between the Planning Department, Applicant and Agent in order to reach a solution, and Planning Officers be delegated authority to issue decision thereafter.

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

For: 8
Against: 3
Abstentions: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Ruane it was agreed to defer Application LA07/2016/1359/F to allow discussion between the Planning Department, Applicant and Agent in order to reach a solution regarding an acceptable site, and Planning Officers be delegated authority to issue decision thereafter.

(4) LA07/2016/1479/F – Ciaran O’Hare

Location:

Adjacent to 125 Ballylough Road, Ballywillwill, Castlewellan

Proposal:

Proposed dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Colin O’Callaghan, agent, presented in support of the application.

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to defer Application LA07/2016/1479/F to allow Planning Department to meet with the Applicant and Agent to discuss a reduced size development and Planning Officers be delegated authority to issue decision thereafter.

(5) LA07/2015/0896/O – Aileen Quinn

Location:

150m NW of 12 Old Town Road, Cullyhanna

Proposal:

Dwelling and detached garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Stephen O’Kane, presented in support of the application.

DEA Councillor T Hearty presented in support of the application.

Councillor Larkin proposed and Councillor Casey seconded to defer Application LA07/2015/0896/O to allow further discussion between Planning Department and the Applicant to establish if there are other suitable development opportunities on the farm other than Site B, and which would not be in close proximity to farm buildings.

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

For: 11

Against: 0

Abstentions: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Casey it was agreed to defer Application LA07/2015/0896/O to allow further discussion between Planning Department and the Applicant to establish if there are other suitable development opportunities on the farm other than Site B, and which would not be in close proximity to farm buildings.

(12.10pm – Councillor W Clarke left the meeting)

(12.10pm – Councillor J Macauley chaired the meeting from this point onwards)

(6) LA07/2016/0107/F – Aidan Strain

Location:

40 Maphoner Road, Mullaghbawn, Newry

Proposal:

Single storey side extension to be used as a sun-lounge and detached garage to rear

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Seamus Murphy Agent presented in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Hanna it was agreed to defer Application LA07/2016/0107/F and that the description be changed to reflect changes to the boundary in order to allow this application to be re-advertised correctly and go through the planning process.

(7) LA07/2016/1718/F – Thomas McKenna

Location:

Site between No. 69 and 71 Cullaville Road, Crossmaglen

Proposal:

New dwelling house and garage on infill site

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Seamus Murphy Agent presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murnin it was agreed to defer Application LA07/2016/1718/F to establish if new access arrangements can be explored and that Planning Officers be delegated authority to issue decision thereafter.

(8) LA07/2016/0307/O – Paul Ward Shelbourne Motors Ltd

Location:

Cluain Mhuire, Armagh Road, Newry. Existing entrance opposite 132 Armagh Road, Glasdrummond, Newry

Proposal:

Erection of a new multi-franchise car showroom to include a car workshop and 3 adjoining showrooms. Grounds of building to make provision for vehicle display areas and customer parking.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Seamus Fay Agent, presented in support of the Application.

Caroline Willis, Shelbourne Motors Ltd presented in support of the Application.

Mr McKay Chief Planning Officer and Ms Largy Legal Advisor, explained that the two main issues concerning this proposal related to a Local Development Plan and a protected route and cautioned Members to exercise caution when issuing a decision on this application which may be a major departure from Policy.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Murnin it was agreed to issue an approval in respect of Application LA07/2016/0307/O, contrary Officer recommendation, on the basis that:

- Issues regarding intensification of access onto the proposed route can be addressed
- Applicant is prepared to carry out works regarding reconfiguration of the road, at their own expense.
- This development will have significant impact in terms of economic growth for the area and will benefit the community in terms of employment.
- The new information presented regarding franchise is significant to this application.

(1.30pm – Councillor Casey left the meeting)

(1.30pm – Meeting adjourned)

(2.10pm – Meeting resumed)

(9) LA07/2016/1156/F – Ruairi McKeown

Location:

Lands approximately 70m north of No. 11 Carrowbane Road, Belleek, Newry

Proposal:

Erection of dwelling and detached garage with associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Colin O’Callaghan Agent, presented in support of the application.

AGREED: On the proposal of Councillor Craig seconded by Councillor Larkin it was agreed to issue an approval in respect of Application LA07/2016/1156/F, contrary to Officer recommendation, on the basis that the proposed development is rounding off a cluster and that Planning Officers be delegated authority to include suitable conditions on this application to address any impact in relation to views of the Fort.

(10) LA07/2016/0429/F – Mr & Mrs D McAneany

Location:

50 metres north of 43 Clontigora Road, Killeen

Proposal:

Proposed new dwelling and garage to change from that approved under reference number P/2007/0374/RM

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin O’Callaghan, Agent presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Harte it was agreed to issue an approval in respect of Application LA07/2016/0429/F,

contrary to Officer recommendation, on the basis that work has been carried out on this site in compliance with the original recommendation and sightlines are in place. Planning Officers be delegated to include any necessary conditions.

(11) P/2013/0242/F – Lotus Group and KPMG
(new owner/applicant is Mr Brian McConville)

Location:

Lands at Watson Road/Dorans Hill, Newry

Proposal:

Proposed residential housing development of 200 No. units comprising 61 detached, 126 semi-detached, 13 townhouses (some with garages) improvements and widening of existing Watsons Road and Dorans Hill, introduction of new roundabout and distributor road, planting of acoustic barrier along distributor road, proposed landscaping, open space, car parking, site and access works

Conclusion and Recommendation from Planning Official:

Approval

Noted:

The Agent, Colin O'Callaghan, has provided written confirmation that the new applicant/owner is Mr Brian McConville of MJM Group.

Speaking rights:

Mr Paddy Martin Representative for residents groups, presented in objection to the application.

Mr Colin O'Callaghan Agent, presented in support of the application.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to defer application P/2013/0242/F to allow the applicant, agent and Planning Service to meet with Transport NI, and political representatives if necessary, to discuss the possibility of the applicant making a financial contribution towards costs for road improvement works to facilitate this proposed application, ie, pedestrian access, road widening and installation of a roundabout at Martin's Lane/Doran's Hill junction (above Barcroft).

(3.20pm – Councillor C Casey rejoined the meeting)

(3.25pm – Councillor V Harte left the meeting)

(3.25pm – Councillor C Casey left the meeting)

(12) P/2013/0632/F – Carncastle Properties, 24 Main Street, Hilltown

Location:

Lands adjacent to 20 and 25 Mullach Alainn, Carnagat Road, Newry

Proposal:

Retrospective application for the relocation of dwelling numbers 31,33,35 and 37 of the original approved application P/2009/0278/F and external rear return and area of open space (amended plans and description)

Conclusion and Recommendation from Planning Official:

Approval

(13) P/2014/0286/F – Carncastle Properties, 24 Main Street, Hilltown

Location:

Lands adjacent to 20 and 25 Mullach Alainn, Carnagat Road, Newry

Proposal:

Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space. Retrospective permission for the relocation of dwelling numbers 22,24,26,27,28,29,30,32,34 and 36 of the original application P/2009/0278/F and external changes to gardens and driveways and area of open space (amended plans and description)

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Ms Bridget Smyth, Private Residents Association Mullach Alainn, presented in objection to the application.

AGREED: On the proposal of Councillor Murnin, seconded by Councillor Larkin it was agreed to issue an Approval in respect of Application P/2013/0623/F, subject to Conditions 1-12 and to issue an Approval in respect of Application P/2014/0286/F, subject to Conditions 1-12, as per the Development Management Officer Reports.

The above decisions are subject to the inclusion of a Condition for the provision of a 2 metre high brick wall to be provided across the entire length of the top of the open space, and the entire length of the bottom of the open space, to close these areas off and that a locked gate to be provided at the top end of the open space for access purposes. Planning Officials be delegated authority to agree access arrangements to the open space for the relevant authorities regarding servicing works to utilities.

It was also agreed the condition regarding pre-occupancy must be retained and all other conditions must be implemented.

(4.10pm – Councillor C Casey rejoined the meeting)

(4.10pm – Councillor V Harte rejoined the meeting)

(14) P/2015/0191/O – D O’Hare

Location:

20 metres north east of 61 Tullyframe Road, Attical, Kilkeel

Proposal:

Site for dwelling and detached garage with new access onto public road

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:

A request for speaking rights has been received from Brendan Quinn, Agent, in support of the application.

AGREED: On the proposal of Councillor Casey seconded by Councillor Hanna it was agreed to issue an approval in respect of Application P/2015/0191/O, contrary to Officer recommendation, on the basis that the dwellings at No.61 and No.63 and the garage at No.61, form a line of three buildings which constitutes a substantial and continuously built up frontage as required by the exception clause in Policy CTY 8.

Planning Officers be delegated authority to include any necessary conditions.

(15) LA07/2015/0443/O – Martin McConville

Location:

25m SE of 16 Wrack Road, Ballymartin, Kilkeel

Proposal:

Site for dwelling and detached garage

Conclusion and Recommendation from Planning Official:
Refusal

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to exclude the public and press from the Meeting during discussion on this Planning Application 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).

(4.15pm – Members of the public and press left the Meeting. Councillor B Quinn remained in the Public Gallery)

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

When the Committee came out of closed session the Chairperson reported the following decision had been agreed:

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to defer Application LA07/2015/0443/O and await further evidence from professional medical experts regarding frequency of caring needs.

Planning Officers be delegated authority to issue decision thereafter.

FOR DISCUSSION/DECISION

P/056/2017: LOCAL DEVELOPMENT PLAN

- **PREPARATORY STUDIES – PAPER 10**
- **OPEN SPACE, RECREATION & LEISURE**

Read: Local Development Plan Preparatory Studies – Paper 10 re: Open Space, Recreation & Leisure. **(Copy enclosed)**

AGREED: It was agreed to note Local Development Plan Preparatory Studies Paper 10 regarding Open Space, Recreation & Leisure.

P/057/2017: LOCAL DEVELOPMENT PLAN

- **PREPARATORY STUDIES – PAPER 12**
- **PART 1 – COUNTRYSIDE – LANDSCAPE CHARACTER ASSESSMENT**

Read: Local Development Plan Preparatory Studies – Paper 12 re: Part 1 – Countryside – Landscape Character Assessment **(Copy enclosed)**

AGREED: It was agreed to note the Local Development Plan Preparatory Studies Paper 12 – Part 1 – Countryside – Landscape Character Assessment.

P/058/2017: REVIEW: DATES FOR FUTURE PLANNING COMMITTEE MEETINGS - JUNE – APRIL 2017

Read: Dates for future Planning Committee Meetings from June – April 2017. (Copy enclosed)

AGREED: It was unanimously agreed that Planning Committee Meetings will take place once every 4 weeks, with the next meeting being held on Wednesday 26 April 2017. This arrangement will be reviewed at the Planning Committee Meeting to be held on Wednesday 26 April 2017.

It was noted there would not be a meeting of the Planning Committee on Wednesday 12 April 2017.

P/059/2017: DEPARTMENT FOR INFRASTRUCTURE

- **NOTICE OF OPINION – RM/2014/0091/RM**
- **NOTICE OF OPINION – RM/2013/0544/RM**

Read: Correspondence dated 1 March 2017 from the Department for Infrastructure regarding Notice of Opinion for Planning Application RM/2014/0091/RM. (Copy enclosed)

Read: Correspondence dated 1 March 2017 from the Department for Infrastructure regarding Notice of Opinion for Planning Application RM/2013/0544/RM. (Copy enclosed)

AGREED: It was unanimously agreed to accept the decision for Consent as issued by the Department for Infrastructure regarding Planning Application RM/2014/0091/RM, subject to clarifying that the line of the 'ring road' route would not be compromised by any of the approved housing.

There being no further business the meeting concluded at 4.50pm.

For adoption at the Planning Committee Meeting to be held on Wednesday 26 April 2017.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**