

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 10 April 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

Councillor C Casey
Councillor W Clarke
Councillor G Craig
Councillor G Hanna
Councillor V Harte
Councillor K Loughran
Councillor M Murnin
Councillor M Ruane

(Officials)

Mr L Hannaway	Chief Executive
Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/034/2019: BRIEFING SESSION

A briefing session took place prior to the meeting formally commencing to discuss Item 7 Planning Application LA07/2018/0758/O and Item 15 Planning Application LA07/2017/0078/F. Following legal advice, and in the absence of a quorum, it was agreed by Members to defer both of these planning applications and for them to be considered afresh when the new Planning Committee had been assembled after the May 2019 local elections.

It was also agreed to review the current list of deferred applications and decide on a suitable course of action to progress these.

AGREED: Following legal advice and in the absence of a quorum, it was unanimously agreed to defer Planning Applications LA07/2018/0758 and LA07/2017/0078/F and that they would be considered afresh when the new Planning Committee had been assembled after the May 2019 local elections.

It was also agreed to review the current list of deferred applications and decide on a suitable course of action to progress these.

P/035/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Devlin and Macauley.

P/036/2019: DECLARATIONS OF INTEREST

There were No Declarations of Interest received.

P/037/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

Declarations in relation to Para.19 of Planning Committee Operating Protocol – Members to be present for entire item.

- **Item 6** – P/2014/0427/0 – site for dwelling (amended plans) to the rear and south of 2 Berkley Grove, Warrenpoint – Members who were present and who could take part in the discussion/decision on this application were **Councillors Craig, Harte, Larkin, Loughran, McAteer, Macauley and Ruane.**
- **Item 10** – LA07/2018/00377/0 – replacement dwelling and garage – 20m east of 53 Beechview Road, Crossgar – Members who were present for the entire item and who could take part in the discussion/decision on this application were **Councillors Larkin, McAteer, Clarke, Craig, Hanna, Loughran, Macauley and Murnin.**

MINUTES FOR CONFIRMATION

P/038/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 13 MARCH 2019

Read: Minutes of Planning Committee Meeting held on Wednesday 13 March 2019. **(Copy circulated)**

AGREED: On the proposal of Councillor Craig seconded by Councillor Loughran it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 13 March 2019 as a true and accurate record.

FOR DISCUSSION/DECISION

P/039/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 April 2019. **(Copy circulated)**

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed to remove the following Planning Application from the Addendum List:-

Item 14 – LA07/2016/1606/F – proposed development of 8 x 2 storey dwellings and associated site works and alterations to an existing access off main street for 2 dwellings – Cumran Park, Clough, Downpatrick.

REFUSAL

Removed from the Addendum List at the request of Councillor Macauley, to be presented at the next available Planning Committee Meeting.

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was agreed approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 10 April 2019: -

- **Item 8** - LA07/2017/1067/F – proposed demolition of existing building in ATC and construction of 2 No. holiday let apartments (revised proposal description) **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/040/2019: PLANNING APPLICATIONS FOR DETERMINATION

**(1) P/2014/0427/O
(Audio recorded – YES)**

(Councillors Casey, Clarke, Hanna and Murnin withdrew from the meeting)

Location:

To the rear and south of 2 Berkley Grove, Warrenpoint.

Proposal:

Site for dwelling (amended plans).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

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

Speaking Rights:

DEA Councillor Carr presented in support of the application.

Power-point presentation:

Mr A McKay, Chief 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 issue of road safety would come under the remit of DFI Roads.
- The plot size within the ATC and that beyond the ATC would differ and as the search widened outside of the ATC area, the plot size would be reduced significantly.

- The ATC was a provision that was formally adopted within the Local Area Plan, and sound planning reasons would be required if Members decided to deviate from policy.
- The Members had had the benefit of a site visit.

Councillor Craig proposed to accept the Officer's recommendation to issue a refusal in respect of Planning Application P/2014/0427/O, 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: 4
 AGAINST: 1
 ABSTENTIONS: 1

The proposal was declared carried.

Agreed: On the proposal of Councillor Craig, seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application P/2014/0427/O as per the information and recommendation contained in the Case Officer report presented to Committee.

(2) **LA07/2017/1845/F**
(Audio recorded – YES)

(Councillors Casey, Clarke, Hanna and Murnin re-joined the meeting)

Location:

Between 4 and 8 Ballintogher Road, Saul, Downpatrick.

Proposal:

2 No. new dwellings and garages and associated site and access works.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Nicholas O'Neill, 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 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:

- Mr O'Neill stated the entire frontage of No. 4 Ballintogher Road should have been considered by Planning Officials when determining the application.
- Ms McAlarney stated that even taking the entire frontage of No. 4 Ballintogher Road into consideration, the application failed to comply with policy.
- Ms McAlarney stated the building to building measurement used by Planning Officials was a well established mechanism and widely accepted.
- Mr O'Neill said he considered Policy CTY8 referred to a gap site and not the measurement from building to building.

Councillor Murnin proposed to issue an approval contrary to officer recommendation. 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:	5
AGAINST:	5
ABSTENTIONS:	0

The Chairman used his casting vote in favour of the proposal to accept the Officer's recommendation to issue a refusal in respect of Planning Application LA07/2017/1845/O, Councillor Craig 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:	4
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Craig it was agreed to issue a refusal in respect of Planning Application LA07/2017/1845/O as per the information and recommendation contained in the Case Officer report presented to Committee.

**(3) LA07/2018/0377/O
(Audio recorded – YES)**

(Councillors Casey, Harte and Ruane withdrew from the meeting)

Location:

20m east of 53 Beechview Road, Crossgar.

Proposal:

Replacement dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Ewart Davis, agent in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Power-point presentation:

Ms 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:

- At a previous Planning Committee Meeting it had been agreed the Planning Department had allowed a Certificate of Lawful Development to be submitted in an effort to regularise the structure on site as it was unauthorised.
- It could not be demonstrated that the subject building had been in continuous use for five years as was required by the conditions of the CLUD.
- Planning Officials did not consider the subject building exhibited the characteristics of a dwelling which was a policy requirement for a replacement dwelling, although during discussion it was established that some Members accepted the building had formerly been a dwelling.
- An enforcement had been initiated by Planning Department following the submission of the planning application.
- The supporting letters submitted by the agent all referred to a mobile home as opposed to a dwelling.
- The agent said he was of the opinion that if a building was inhabited for more than five years it would be exempt from enforcement.

Councillor Murnin proposed to issue an approval in respect of Planning Application LA07/2018/0377/O contrary to Officer recommendation on the basis that he believed it had been a former dwelling and had the characteristics of a dwelling. Councillor McAteer seconded the proposal based on the wording of the policy.

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

FOR:	5
AGAINST:	2
ABSTENTIONS	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Murnin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2018/0377/O contrary to Officer recommendation on the basis that the building had been a former dwelling and the interpretation of the wording of planning policy.

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

(Councillor Murnin left the Meeting 11.45)

(Break 11.45 – 12.00)

(Councillors Casey, Harte and Ruane re-joined the meeting)

**(4) LA07/2018/0748/F
(Audio recorded – YES)**

Location:

Lands approximately 15m NW of Ballymote Shopping Centre, Killough Road, Downpatrick.

Proposal:

Proposed unmanned petrol filling station with associated plant room and alteration to existing parking and pedestrian crossing (amended plans and supporting information received).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Kieran Burns, GM Design Associates, Sean Kennedy, Nicholl Fuels and Nicholas McCrickard, Ballymote Community Project Ltd presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms A McAlarney, Senior Planning Officer gave a powerpoint 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:

- A public consultation conducted on 12 June 2018 had indicated local community support for the proposed application.
- Planning Officials considered the proposed application offended policy with regard to the loss of open space.
- The recently constructed parking spaces at the site were unauthorised.
- The site would have a substantial area of landscaping once completed and there would be increased landscaping on view for the twelve bungalows directly behind the centre.
- No objections had been received from Environmental Health.
- Legal advice was that open land was protected, whether zoned or un-zoned.
- Legal advice was that the Committee needed to focus on the exception to the policy i.e. if there would be substantial community benefit if the application was approved.
- The site would be a 24 hour unmanned amenity that would be continually monitored by CCTV.
- The security system would include a monitored invisible beam signal and the facility could be shut down remotely by a Control Centre.
- There would be a direct link to the PSNI / Medical Services that could be activated if required.
- Payment for fuel could be paid by either debit / credit card with a minimum transaction of £10.00.
- The provision of the amenity would complete the service provision at the site and would secure the sustainability of the Ballymote Centre.

AGREED:

On the proposal of Councillor Clarke, seconded by Councillor Craig it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0748/F contrary to Officer recommendation on the basis that the development would have significant community benefit which would outweigh the loss of open space and would secure the sustainability of local businesses and jobs.

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

**(5) LA07/2018/1562/F
(Audio recorded – YES)**

Location:

To the rear of 29a Coney Island, Ardglass.

Proposal:

Demolish existing garage and replace it with a new domestic attached garage, living room and bedroom.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Brendan Starkey, O'Toole & Starkey, agents, in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms A McAlarney, Senior Planning Officer gave a powerpoint 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:

- In line with planning protocol, the late information received had not been considered.
- The proposed development would result in the sole private amenity space of No. 29 Coney Island being overlooked.
- The agent advised he could make amendments to the drawings that would be acceptable in planning terms.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Craig it was unanimously agreed to defer Planning Application LA07/2018/1562/F to allow further discussions to take place between Planning Officials / agent / applicant regarding revised drawings that would be acceptable in planning terms.

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

**(6) LA07/2018/1663/F
(Audio recorded – YES)**

Location:

Between 153 and 157 Strangford Road, Downpatrick.

Proposal:

Proposed dwelling on infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, 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 A 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 gap site was too small to accommodate two dwellings and too big to accommodate one dwelling.
- Using the building to building measurement, the average plot size was 52m, and the application site measured 86m.
- Planning Officials considered the three neighbouring properties, No. 151, No. 153 and No. 157 when determining the average plot size.
- The Agent was of the opinion there were six units along the Strangford Road which included a new dwelling site and a building site that should be considered within the gap site.
- The width of the site field measured 47m.

Councillor McAteer proposed to issue an approval in respect of Planning Application LA07/2018/1663/F contrary to Officer recommendation on the basis that he considered the proposed application to be an infill site, that the road frontage should be taken into consideration and that the gap site should be considered in its entirety. Councillor Loughran seconded the proposal.

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

FOR:	2
AGAINST:	5
ABSTENTIONS:	1

The proposal was declared lost.

Councillor Hanna proposed to accept the Officer's recommendation and issue a refusal in respect of Planning Application LA07/2018/1663/F. 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:	7
AGAINST:	2
ABSTENTIONS:	0

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 LA07/2018/1663/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(Lunch 1.20pm – 2.05pm)

**(9) LA07/2018/0582/F
(Audio recorded – NO)**

(Councillor Clarke left the meeting).

Location:

30m South of No. 32 Oldtown Lane, Annalong.

Proposal:

Proposed change of use of existing vernacular barn to a dwelling house with extension.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Mr A McKay, Chief 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:

- Some Members considered the subject building to be of local importance, whilst Planning Officials did not agree this to be the case.
- The Agent referred to a supporting letter received from the Kingdom of Mourne Military History Society.
- Planning Officials had issues with prominence and the scale of the proposed design.
- The Agent advised he could amend the design to make it acceptable in planning terms.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2018/0582/F contrary to Officer recommendation on the basis that he considered the building to be locally important and the fact that this was supported by a letter submitted by the Kingdom of Mourne Military History Society. Councillor Hanna also said the construction of indigenous dry stone walling to the rear and side of the site would enhance the site and that as the Agent had stated, an amended design could be reached following further discussions with Planning Department. Councillor Loughran seconded the proposal.

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

FOR:	5
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Loughran it was agreed to issue an approval in respect of Planning Application LA07/2018/0582/F on the basis that the subject building was locally important.

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

(12) **LA07/2018/0339/O**
(Audio recorded – YES)

Location:

160m SW of 128 Head Road, Kilkeel.

Proposal:

Site for replacement dwelling and detached garage with minor access alteration.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Mr A McKay Chief 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 there were various issues with the proposed application in that it did not have the characteristics of a dwelling, it was located within a floodplain, visibility access was not up to an acceptable standard and therefore it did not represent a replacement dwelling opportunity.
- Some Members considered the building to have the characteristics of a dwelling.
- Policy dictated that a Flood Risk Assessment would require to be conducted.
- Curtilage and access issues could be addressed if the application was deferred.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Ruane it was unanimously agreed to defer Planning Application LA07/2018/0339/O on the basis it was an exceptional case and further discussions regarding issues surrounding flood risk, access and siting to be undertaken by Planning Officials and the Agent.

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

(Councillor Murnin re-joined the meeting).

(13) **LA07/2018/0936/F**
(Audio recorded – YES)

Location:

39 Church Street, Rostrevor.

Proposal:

Proposed flat roof, side extension to ground floor restaurant with terrace above.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Mr A McKay Chief 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 site was located within a conservation area and the design was not appropriate to the locality, additionally failure to provide private car parking were all critical issues that needed to be addressed.
- The existing building was not listed with NIEA and the proposed design did not introduce any new materials.
- Planning Officials considered a minimum of twelve car parking spaces should be included in the proposed application, however it was a matter for the Committee to decide.
- The agent had conducted a car parking survey that had indicated there was sufficient public road car parking available in the locality.
- Difficult for businesses to provide private car parking spaces in most towns and villages.
- The steps leading to the terrace were at the front of the building and were accessed from the main footpath.
- The terraced area of the proposed plans had already been reduced and the agent considered it was an integral part of the design, providing an outside seating area and would attract more visitors.

Councillor Ruane proposed and Councillor Loughran seconded to issue an approval in respect of Planning Application LA07/2018/0936/F contrary to Officer recommendation on the basis that it was very difficult for businesses in towns / villages to provide private car parking. Councillor Ruane also said he had concerns regarding the stairs leading to the terrace and this element of the design should be discussed further with Planning Officials.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Ruane, seconded by Councillor Loughran it was agreed to issue an approval in respect of Planning Application LA07/2018/0936/F contrary to Officer recommendation on the basis that it was very difficult for businesses in towns / villages to provide private car parking. Additionally, it was also agreed the design of the stairs to the terrace be further discussed between Planning Officials' and the Agent.

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

(14) **LA07/2018/0785/F**
(Audio recorded – YES)

Location:

Approx. 50m NW of 78 Upper Dromore Road, Warrenpoint.

Proposal:

Proposed dwelling and detached garage (infill site).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Tony O'Hare, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr A McKay, Chief 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 proposed application was not reflective of the surrounding plots and therefore did not represent an infill opportunity.
- There was a clearly defined gap and as the neighbouring plot was only at foundation stage, the building to building measurement had not been considered appropriate by Planning Officials.

AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2018/0785/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(15) **LA07/2018/0825/F**
(Audio recorded – YES)

Location:

Approx. 70m directly south of 36 Finnard Road, Rathfriland.

Proposal:

Replacement dwelling and detached garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Maxwell, agent had requested speaking rights and submitted a presentation, however he was not present at the Meeting and had requested, in his absence that the Committee consider his submission.

Power-point presentation:

Mr A McKay, Chief 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:

- Discussion regarding whether the subject building resembled a former dwelling.

Councillor Ruane proposed to accept the Officer's recommendation and issue a refusal in respect of Planning Application LA07/2018/0825/F. Councillor Hanna 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:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Ruane seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2018/0825/F as per the information and recommendation contained in the Case Officer report presented to Committee.

**(16) LA07/2015/0825/F
(Audio recorded – YES)**

Location:

Lands between 79 and 81 Drumalane Road, Newry.

Proposal:

Erection of housing development (2 detached and 10 semi-detached) (amended description)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Aidan Cole, Agent and Michael Graham, Director WYG Planning presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Prior to delivering the power point presentation on the application, Mr A Davidson advised the Committee there were inaccuracies, conflicts and missing information with the proposal as currently submitted and there would need to be re – consultation with DFI Roads to address the two conflicting road layouts that had been formerly approved by the Department.

Mr A Davidson, then 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 requested a deferral on the application to allow for further discussions to take place with Planning Officials regarding a scheme that would be acceptable in planning terms.

AGREED: On the proposal of Councillor Craig seconded by Councillor Ruane it was unanimously agreed to defer Planning Application LA07/2015/0825/F to allow for further discussions to take place with Planning Officials regarding a scheme that would be acceptable in planning terms.

**(17) LA07/2018/1825/F
(Audio recorded – YES)**

Location:

No. 25 Ballyvally Road, Ballyvally, Mayobridge.

Proposal:

Proposed erection of replacement dwelling and detached dwelling, new landscaping and associated site works (existing dwelling to be retained as a domestic store).

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, agent and Larry McPolin, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr A McKay, Chief 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 permission had been granted in 2008 for a replacement dwelling, and at that time an outbuilding was to be demolished to make way for a garage, however the garage had not been constructed and the house was not sited on its approved position.
- There were road safety issues and visual impact concerns that had to be considered.
- The Agent advised the trees would be retained and the existing access would be shared with No. 18 Ballyvally Road.
- Planning Officials, based on the information submitted, did not consider that the building subject of the planning application had previously been a dwelling.
- Some Members considered the building subject of the planning application had the characteristics of a former dwelling.

Councillor McAteer proposed to issue an approval in respect of Planning Application LA07/2018/1825/F on the basis that the subject building had the characteristics of a former dwelling. Councillor McAteer said he was content with the existing access at No. 18 Ballyvally and that the applicant had indicated he would incorporate the existing old stone work into the proposed plan. Councillor Murnin seconded the proposal.

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

FOR: 8
AGAINST: 1
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2018/1825/F contrary to Officer recommendation on the basis that the subject building had characteristics of a former dwelling and that the existing old stone work would be incorporated into the proposed plan.

FOR NOTING

P/041/2019: HISTORIC ACTION SHEET

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

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

P/042/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT MARCH 2019

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

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

P/043/2019: 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/044/2019: APPEALS & DECISIONS

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

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

P/045/2019: REGISTER OF CONTACTS Q JANUARY – MARCH 2019

Read: Register of Contacts Quarter January to March 2019. (Copy circulated).

AGREED: It was agreed to note the above report.

The Meeting concluded at 4.40pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 29 May 2019.

Signed: _____ Chairperson

Signed: _____ Chief Executive