

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 21 August 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor H Reilly

In attendance: **(Committee Members)**

Councillor G Bain
Councillor G Hanna
Councillor V Harte
Councillor C Mason
Councillor D McAteer
Councillor H McKee
Councillor M Ruane
Councillor J Trainor

(Officials)

Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr A Davidson	Senior Planning Officer
Ms A McAlarney	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/080/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Devlin and Clarke.

P/081/2019: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

**P/082/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

Declarations in relation to Para.25 of Planning Committee Operating Protocol – Members to be present for entire item:-

Item 6 - LA07/2019/0149/F – proposed dwelling – adjacent to 11 Saul Road, Downpatrick **REFUSAL** – all Councillors can take part in the discussion/decision on this application with the exception of **Cllrs Devlin, Harte, Ruane and Reilly**

Item 7 - LA07/2018/1975/0 – dwelling – to the rear of 15a Lisoid Road, Rossglass with access from Ballylig Road **REFUSAL** - all Councillors can take part in the discussion/decision on this application with the exception of **Cllrs Devlin, Harte, Ruane and Reilly**

MINUTES FOR CONFIRMATION

P/083/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 24 JULY 2019

Read: Minutes of Planning Committee Meeting held on Wednesday 24 July 2019. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 24 July 2019 as a true and accurate record.

FOR DISCUSSION/DECISION

P/084/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 21 August 2019. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer seconded by Councillor Ruane it was agreed to remove the following Planning Application from the addendum list:-

- **LA07/2019/0207/F** - erection of dwelling (change of house type from that approved under P/2013/0261/F) - 70M east of No. 53 Cullion Road, Mayobridge, Newry. **REFUSAL**

road junctions Catherine Street and Irish Street, Catherine Street and Plantation Street, Catherine Street and Shore Street/High Street, Cross Street and Church Hill/Frederick Street, Killyleagh. **APPROVAL**

- LA07/2019/0656/F - change of use of ground floor reception to Narnia themed audio/visual room - Kilbroney Reception Block - Kilbroney Forest, Rostrevor. **APPROVAL**
- LA07/2018/1025/F - Alteration and Extension (two storey side extension) to existing retail premises, all associated site works including demolition of section of market wall and existing trading stall structure - Newry Market, John Mitchel Place, Newry **APPROVAL**
- LA07/2019/0290/F – single storey rear extension (amended plans) – 62 Hennessy Park, Newry. **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/085/2019: PLANNING APPLICATIONS FOR DETERMINATION

AGREED: It was unanimously agreed to remove the following planning applications from the schedule:

- **LA07/2017/1182/F** – Strategic roadside service facility incorporating petrol station, shop and restaurant services, child play area, picnic area, car, coach, lorry parking, bunkering facilities, landscaping, access roads and associated highway and site construction / excavation works – Belfast Road, Newry. **REFUSAL**
Deferred to the September 2019 Planning Committee Meeting on the basis of legal advice.
- **LA07/2019/0019/F** - proposed agricultural building, hard standing and all associated site works - approx 150m NW of 5 Church Road, Crossgar. **REFUSAL**
Removed from the schedule at the request of Planning Officers.
- **LA07/2019/0008/F** - site for infill dwelling and garage - circa 70m east of No. 14a Ayalogue Road, Newry. **REFUSAL**
Deferred to the September 2019 Planning Committee Meeting at the request of Councillor Harte.

The following applications were then determined by the Committee:-

- (1) LA07/2019/0149/F
(Audio recorded - YES)**

(Councillors Harte, Reilly and Ruane withdrew from the Meeting).

Location:

Adjacent to 11 Saul Road, Downpatrick.

Proposal:
Proposed dwelling

Conclusion and Recommendation from Planning Official:
Refusal

Speaking Rights:
Michael Smith, 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 Annette 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:

- The agent considered the split-level style of the proposed dwelling was in keeping with neighbouring properties and the 2metre fence could be erected under permitted development.
- The images contained within the agent's presentation were artists impressions as opposed to actual photographs.
- Planning Officials had based their decision on scaled drawings and considered the proposal to be an over development of the site.
- Planning Officials said the focus for the Committee should be the proximity of the proposed building to the common boundary and the 2metre fence was a mitigating measure.
- Planning Officials considered the individual sites should not be compared as the site context was different for each one.
- Ms Largey said the decision for the Committee was to decide if they considered the application to be acceptable or if its impact to neighbouring properties would render it unacceptable.

Councillor Hanna proposed to accept the Officer's recommendation in respect of Planning Application LA07/2019/0149/F. Councillor Bain 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:	1
ABSTENTIONS:	1

The proposal was declared 'carried'.

Agreed: **On the proposal of Councillor Hanna, seconded by Councillor Bain it was agreed to issue a refusal in respect of Planning Application LA07/2019/0149/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

(2) **LA07/2018/1975/O**
(Audio recorded - YES)

Location:

To the rear of 15a Lisoid Road, Rossglass, with access from Ballylig Road

Proposal:

Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

Joanna Groves, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Planning Officials considered the proposed application only met one of the six criteria set out in Policy CTY2A and the critical issue for the Committee to decide was if the proposed application consolidated existing development or extended it.

Councillor Hanna proposed to accept the Officer's recommendation in respect of Planning Application LA07/2018/1975/O. 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:	6
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared 'carried'.

Agreed: On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to issue a refusal in respect of Planning Application LA07/2018/1975/O as per the information and recommendation contained in the Case Officer report presented to Committee.

(Councillors Harte, Reilly and Ruane re-joined the Meeting).

(3) **LA07/2018/1883/O**
(Audio recorded – YES)

Location:

25m west of No. 62 Drumgooland Road.

Proposal:

Farm dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colm Quinn, agent and David Campbell, applicant detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms Annette McAlarney, 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:

- The applicant was a full time dairy farmer.
- The farm had been left to the applicant following the death of Mrs Quinn in 2017.
- Planning Officials considered the applicant could not demonstrate the farm business had been active for at least six years.
- The agent advised that although the applicant had taken over the running of the farm in 2008, he was unable to claim single farm payments until after 2015 as the system in place prior to 2015 did not allow a tenant to claim single farm payments.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Reilly it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1888/F contrary to officer recommendation on the basis that it was an exceptional case, the applicant had committed his life to farming and he had demonstrated the farm was active.

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

(Break 11.05am – 11.20am)

**(5) LA07/2018/1586/RM
(Audio recorded – YES)**

Location:

Between No. 6 and No. 8 Sturgan Road, Camlough.

Proposal:

2 storey dwelling and detached garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr Feargal Ward, agent and Mr Patrick Allen, 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 Andrew Davidson, 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 said the only issue they had was the hip roof design of the proposed dwelling.
- The applicant said there were a mixture of different types of roofs in the area and there were five dwellings within a short distance from the application site with hip style roofs, however Mr Davidson said there were no houses in the immediate vicinity with hip roofs.

Councillor Reilly proposed to issue an approval in respect of Planning Application LA07/2018/1586/RM on the basis that the applicant had complied with relevant planning legislation and had demonstrated examples of houses with hip roofs in the area. 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:	6
AGAINST:	2
ABSTENTIONS:	2

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Reilly, seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2018/1586/RM contrary to Officer recommendation on the basis that the applicant had complied with the relevant planning legislation and had demonstrated examples of houses with hip roofs in the area.

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

(6) **LA07/2018/1913/O**
(Audio recorded – YES)

Location:

Between Nos. 33 and 37 Ballard Road, Lislea.

Proposal:

Infill site for 1 No. dwelling.

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 Andrew Davidson, 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.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to defer Planning Application LA07/2018/1913/O to allow for a site visit to take place so that Members could assess the site in more detail.

(7) **LA07/2019/0462/F**
(Audio recorded – YES)

Location:

118 Cullaville Road, Crossmaglen.

Proposal:

Erection of replacement dwelling house, ancillary works and landscaping.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, 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 Andrew Davidson, 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:

- The proposed replacement dwelling measured 5000sq ft in size, and included two large rear returns which Planning Officials considered would have a considerable visual impact in the area.
- Some amendments had been made to the original proposal, however, Planning Officials considered there were still areas of concern that needed to be addressed.
- The agent considered the finished ridge height of the proposed dwelling would only be 450mm higher than the building to be replaced.
- Planning Officials considered the proposed site was level with the road.
- The context of design in the immediate vicinity was all single storey dwellings.

Councillor McAteer proposed to accept the Officer's recommendation in respect of Planning Application LA07/2019/0462/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: 9
AGAINST: 1
ABSTENTIONS: 1

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2019/0462/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(8) **LA07/2018/0901/O**
(Audio recorded – YES)

Location:

74m south of No. 50 Castlewellan Road, Ballyaughian, Hilltown.

Proposal:

Proposed site for farm dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Stephen Hughes, 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 Mark Keane, 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 location of the proposed application to be unacceptable in planning terms.
- The agent considered the proposed site would afford better splays and would fall within the justification for clustering visually.
- There were three access points on the opposite side of the road, any of which Planning Officials, believed could be used.

Councillor McKee proposed to issue an approval in respect of Planning Application LA07/2018/0901/O on the basis that the proposed location would have better health and safety benefits due to the splays. The proposal was not seconded.

Councillor Hanna proposed to accept the Officer’s recommendation in respect of Planning Application LA07/2018/0901/O. Councillor Trainor 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 Hanna seconded by Councillor Trainor it was agreed to issue a refusal in respect of Planning Application LA07/2018/0901/O as per the information and recommendation contained in the Case Officer report presented to Committee.**

(9) LA07/2018/1807/F
(Audio recorded –YES)

Location:

55 Ballymaginagh Road, Castlewellan.

Proposal:

Replacement dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Tom Wilson, 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 Annette McAlarney 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 revised plans submitted were still unacceptable in planning terms.
- The agent said they had addressed many of the issues raised and the amended design was in keeping with other dwellings in the area.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1807/F contrary to Officer recommendation on the basis that it was a high quality replacement dwelling that would fit well within the area and it would be sited on the lower part of the site.

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

(10) **LA07/2019/0001/F**
(Audio recorded – NO)

Location:

12 Melrose Park, Killeel.

Proposal:

Proposed erection of first floor flat roof front dormer with 2 windows (amended plans).

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 Mark Keane, 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:

- The application was an amended proposal for a large box dormer to the rear of the dwelling.
- There were five other properties visible from Melrose Park with box dormers.

Councillor Reilly proposed to issue an approval in respect of Planning Application LA07/2019/0001/F on the basis that it did not detract from the scale and design of neighbouring houses. Councillor Hanna seconded the proposal.

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

FOR: 9
AGAINST: 1
ABSTENTIONS: 0

The proposal was declared 'carried'.

AGREED: On the proposal of Councillor Reilly seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2019/0001/F contrary to Officer recommendation on the basis that the scale and design did not detract from neighbouring houses.

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

FOR NOTING

P/086/2019: HISTORIC ACTION SHEET

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

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

P/087/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT – JULY 2019

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

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

P/088/2019: 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/089/2019: APPEALS & DECISIONS

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

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

The Meeting concluded at 12.55pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 18 September 2019.

Signed: _____ Chairperson

Signed: _____ Chief Executive