

## **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

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**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 21 November 2018 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor M Larkin

**Deputy Chairperson:** Councillor D McAteer

**In attendance:** **(Committee Members)**

Councillor C Casey  
Councillor W Clarke  
Councillor G Craig  
Councillor L Devlin  
Councillor G Hanna  
Councillor K Loughran  
Councillor J Macauley  
Councillor M Ruane

**(Officials)**

Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Mr C McLoughlin	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms P McKeever	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

**P/106/2018: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received Councillors Harte and Murnin.

**P/107/2018: DECLARATIONS OF INTEREST**

Declarations of Interest received in respect of Item 9 - Planning Application LA07/2017/1455/F- Newry, Mourne and Down District Council - from Councillors Clarke and Devlin.

**P/108/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM**

- **Item 7-** LA07/2017/0603/O - Christopher Smith - Members present for the entire item and who could take part in the discussion/decision on this application were **Councillors Casey, Craig, Larkin, Loughran, McAteer, Macauley, Murnin and Ruane**
- **Item 8 -** LA07/2017/1704/O - Ms Claire Ferris - Members present for the entire item and who could take part in the discussion/decision on this application were **Councillors Casey, Craig, Larkin, Loughran, Macauley, McAteer and Ruane**

### **MINUTES FOR CONFIRMATION**

**P/109/2018:            MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 24 OCTOBER 2018**

Read:                    Minutes of Planning Committee Meeting held on Wednesday 24 October 2018. **(Copy circulated)**

**AGREED:**            **On the proposal of Councillor Ruane, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 24 October 2018 as a true and accurate record.**

### **FOR DISCUSSION/DECISION**

**P/110/2018:            ADDENDUM LIST**

Read:                    Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 21 November 2018. **(Copy circulated)**

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

- **Item 6 – LA07/2018/0085/0** – William Lindsay – single dwelling under CTY6 – lands opposite and to the south of 18 Ringdufferin Road, Rathcuingham, Toye, Downpatrick.  
**REFUSAL**  
**Removed at the request of Councillor Craig for full presentation at next Planning Committee Meeting.**
- **Item 12 – LA07/2018/0378/0** – Judith Boyle – erection of a dwelling and garage on a farm -200m south of 112 Monlough Road, Saintfield.  
**REFUSAL**  
**Removed at the request of Councillor Clarke for full presentation at the next Planning Committee Meeting.**
- **Item 13 – LA07/2018/0593/0** – Dr. Winston and Betty Shaw – erection of

dwelling – 24m behind 22 Mountview Road, Ballynahinch.

**REFUSAL**

**Agent requested this application be removed from the entire planning process.**

**AGREED: On the proposal of Councillor Craig, seconded by Councillor Hanna, it was agreed to approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 21 November 2018:-**

- **Item 9 - LA07/2017/1455/F** - Newry, Mourne and Down DC - proposed new bowling club pavilion to include main hall, toilets and changing facilities - adjacent to existing pavilion at Castle Park, Newcastle.

**APPROVAL**

- **Item 10 – LA07/2017/1485/F** – Mr J McCabe – amendments to the previous approval R/2014/0654/F for the conversion and extension of the existing barn to form a dwelling, with an additional extension now also proposed on lands approx. 250m SE of 60 Killyleagh Road, Downpatrick

**REFUSAL**

Councillor Devlin thanked Planning Officials for the work carried out on Planning Application LA07/2017/1455/F – NMDDC proposed new bowling club pavilion in Newcastle, saying that it would bring great benefit to the area.

**DEVELOPMENT MANAGEMENT –  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/111/2018: PLANNING APPLICATIONS FOR DETERMINATION**

(Councillors Clarke, Devlin and Hanna withdrew from the Meeting)

- (1) LA07/2017/0603/O - Christopher Smith  
(Audio recorded – YES)**

**Location:**

Site adjacent to No. 1 John Mitchel Street, Newry

**Proposal:**

Proposed 2 storey dwelling

**Conclusion and Recommendation from Planning Official:**

**REFUSAL**

**Speaking rights:**

Speaking rights not requested.

**Power-point presentation:**

Ms J McParland, 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.

Councillor Craig proposed and Councillor Macauley seconded to accept the officer's recommendation to refuse the application.

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

FOR:	6
AGAINST:	1
ABSTENTIONS:	0

**AGREED: On the proposal of Councillor Craig seconded by Councillor Macauley it was agreed to refuse planning application LA07/2017/0603/O – Mr Christopher Smith – as per the information and recommendation contained in the Case Officer report presented to Committee.**

**(2) LA07/2017/1704/O - Ms Clair Ferris  
(Audio recorded - YES)**

**Location:**

Between 16 & 20 Lough Road, Crossgar.

**Proposal:**

Proposed 2 no. dwellings on in-fill site under Policy CTY8

**Conclusion and Recommendation from Planning Official:**

**REFUSAL**

**Speaking rights:**

Mr G 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.

Ms McAlarney said this was the second time a planning application for this site had been before Committee. The first application had been for one dwelling which Committee had refused. However permission had subsequently been granted by the Planning Appeal Commission. The application now before Committee was for the erection of two dwellings on the site. Ms McAlarney continued, saying planning application LA07/2017/1704/O failed to meet the policy requirements of CTY8.

Discussion took place regarding the measurement of the frontage of the site and whether or not it would accommodate two dwellings. Ms McAlarney said the measurement from building to building was 66m which would allow 33m per proposed dwelling, which when compared to the existing neighbouring plots, one of which measured 40m and the other 90m was substantially smaller.

Mr Tumelty said this was an indicative plan to show that two dwellings could in fact be presented on the site. He said it was important to note that the garden of the dwelling in front, did not run the whole way to the road.

Mr McKay said Members should be mindful that the policy referred not only to frontage measurement but also related to the character of the existing frontages of neighbouring houses and although he accepted the proposed site could accommodate two dwellings in terms of measurement, it would still be contrary to policy in that it failed to take into account the overall character of the existing frontages of the neighbouring houses.

**AGREED: On the proposal of Councillor Ruane seconded by Councillor Larkin it was unanimously agreed to refuse planning application LA07/2017/1704/O – Ms Claire Ferris – as per the information and recommendation contained in the Case Officer report presented to Committee.**

(Councillors Clarke, Devlin and Hanna re-joined the Meeting)

(Mr C McLoughlin, Legal Advisor, Belfast City Council joined the Meeting)

**(3) LA07/2018/0250/F - Mr G Morgan  
(Audio recorded – YES)**

**Location:**

Lands 50m south of 30 Fofanny School Road, Fofannybane, Newry.

**Proposal:**

Dwelling and garage on a farm

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

**Speaking rights:**

Mr S Hawthorne, 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.

Discussion took place regarding the dwelling located at No. 30 Fofanny School Road, Ms McAlarney said to comply with policy CTY 10 a new dwelling should be visually linked or sited with an established group of buildings on the farm and that No. 30 was not part of the farm business.

Mr Hawthorne said an alternative location on the site could not be identified and he disputed the decision arrived at by Planning Officials that the proposed dwelling did not visually link with existing farm dwellings. He made reference to a photographic depiction he had provided as part of his submission which, he said provided evidence that demonstrated the proposed dwelling would visually link with the existing farm buildings.

Councillor Clarke proposed deferring the application to allow for a site visit to explore potential alternative sites.

Mr McKay said it had not been demonstrated by the agent that the proposed dwelling would visually link with the farm buildings or that it formed part of the farm holding.

Councillor Hanna seconded Councillor Clarke's proposal to defer the application to allow for a site visit.

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

FOR:	9
AGAINST:	1
ABSTENTIONS:	0

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2018/0250/F to allow for a site visit to take place in order to explore potential alternative sites.

**(4) LA07/2017/1299/F - Patrick Small  
(Audio recorded – YES)**

**Location:**

58m SE of 43 Upper Burren Road, Warrenpoint

**Proposal:**

Erection of dwelling on a farm

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

**Speaking rights:**

John Cole, 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 J McParland, 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.

Discussion took place regarding what constituted an active farming business. Ms McAlarney said policy stated a farm must be currently active and been established for a minimum of six years.

Mr Cole said although the farm had originally been let out in conacre, it was currently an active farm producing silage, and he said evidence provided substantiated that claim.

Ms McAlarney said while the farm had been let out in conacre, the applicant would have taken on the role of landlord and therefore this would contravene the policy.

Councillor McAteer asked the agent if he could provide a reason as to why the farm had not been active for the past six years.

Mr Cole replied that the applicant's father had passed away and his wife had made the decision to let the land out in conacre.

Councillor McAteer then asked for legal clarification on the issue of proving a farm had been active for six years.

Mr McLoughlin, Legal Advisor said he would have to revert back to the Committee on this.

Some discussion then took place on whether or not development opportunities had been sold off or transferred from the farm holding within ten years of the date of application. Mr Cole replied this was not the case and the applicant's mother was resident in the dwelling.

In response to a query from Councillor McAteer as to whether or not it was necessary to know who was resident in all farm dwelling applications, Mr McKay replied that the Committee must be guided by policy and it had been established that the farm business had not been active for the required six years so any other reasons for consideration were immaterial.

Councillor McAteer proposed and Councillor Devlin seconded to defer Planning Application LA07/2017/1299/F to await legal advice to ascertain whether the policy would allow for certain exceptions if a farm was not active for the required six years.

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

FOR:	3
AGAINST:	7
ABSTENTIONS:	0

The proposal was declared 'lost'.

Councillor Hanna then proposed to accept the Planning Officer's recommendation to issue a refusal in respect of Planning Application LA07/2017/1299/F, Councillor Macauley seconded this proposal.

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

FOR:	7
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared 'carried'.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed to refuse planning application LA07/2017/1299/F – Mr Patrick Small – as per the information and recommendation contained in the Case Officer report presented to Committee.**

**(5) LA07/2018/0537/F - James Donaldson and Roberta Heaney  
(Audio recorded – NO)**

**Location:**

35m east of 63 Ballinran Road (between No. 63 Ballinran Road and 4 Ballinran New Road)  
Kilkeel

**Proposal:**

proposed site for infill dwelling and domestic garage

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

**Speaking rights:**

Glynn 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:**

Ms J McParland, 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.

Ms McParland referred to a log cabin located at No. 4 Ballinran New Road saying this was an unauthorised building that was currently subject to active enforcement and as there was no evidence of a CLUD in the planning system, it could not be considered when assessing Planning Application LA07/2018/0537/F.

Mr Mitchell said No. 4 Ballinran New Road had been occupied since 2008 and a CLUD had recently been submitted to Planning Department and he had been notified of the reference number the day before the meeting.

Councillor Hanna proposed to defer Planning Application LA07/2018/0537/F for a period of three months to await the outcome of the CLUD.

Councillor Clarke seconded the proposal saying the applicant had acted in good faith and would not have been aware there was no planning permission on the log cabin at No. 4 Ballinran New Road and asked if Planning Officials could fast track the CLUD.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Clarke it was unanimously agreed to defer Planning Application LA07/2018/0537/F for a period of three months and to fast track the CLUD submission in respect of the log cabin at No. 4 Ballinran New Road.**

**It was also agreed that officers be delegated authority to impose any relevant conditions and issue the decision.**

**FOR NOTING**

**P/112/2018: HISTORIC ACTION SHEET**

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

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

**P/113/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT  
OCTOBER 2018**

Read: Planning Committee Performance Report October 2018. **(Copy circulated)**



**AGREED: It was agreed to note the Planning Committee Performance Report October 2018.**

**P/114/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives 2018-2019. **(Copy circulated)**

**AGREED: It was agreed to note the record of Meeting between Planning Officers and Public Representatives.**

**P/115/2018: APPEALS & DECISIONS**

Read: Report re: Appeals and Decisions – October 2018. **(Copy circulated)**

**AGREED: It was agreed to note the Appeals and Decisions October 2018.**

The Meeting concluded at 11.40am

For confirmation at the Planning Committee Meeting to be held on Wednesday 19 December 2018.

**Signed: \_\_\_\_\_ Chairperson**

**Signed: \_\_\_\_\_ Chief Executive**