

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 24 October 2018 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 W Clarke
Councillor L Devlin
Councillor K Loughran
Councillor J Macauley

(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
Ms N Largey	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms P McKeever	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/094/2018: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Hanna, Councillor Harte, Councillor Craig, Councillor Murnin and Councillor Ruane.

P/095/2018: DECLARATIONS OF INTEREST

Councillor Devlin and Councillor Clarke declared an interest in Item No. 7 LA07/2017/1455/F.

P/096/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

There were no declarations received.

MINUTES FOR CONFIRMATION

P/097/2018: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 26 SEPTEMBER 2018

Read: Minutes of Planning Committee Meeting held on Wednesday 26 September 2018. **(Copy circulated)**

AGREED: **On the proposal of Councillor Macauley, seconded by Councillor Loughran, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 26 September 2018 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/098/2018: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 24 October 2018. **(Copy circulated)**

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

- **Item 7 – 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
Removed due to declarations of interest having been received from Councillors Devlin and Clarke, therefore quorum not present to vote.
- **Item 8 – LA07/2018/0894/F** Dundrum Cross Community Playgroup Retrospective application for Dundrum Cross community Playgroup Facility (temporary permission) (amended description)- Dundrum Methodist Church 7-9 Manse Road, Dundrum,
APPROVAL
Removed at the request of Councillor Murnin to allow objectors to make representations.
- **Item 11 – LA07/2017/1485/F** – Mr J McCabe – conversion and extension of barn previously approved under R/2014/0654/F with additional extension to form new domestic dwelling on lands approx. 250m SE of 60 Killyleagh Road, Downpatrick.
REFUSAL
Removed at the request of Councillor McAteer for full presentation at the next Committee Meeting.
- **Item 15 – LA07/2018/0537/0** – James Donaldson and Roberta Heaney – proposed site for infill dwelling and domestic garage – 35m east of 63 Ballinran Road (between No. 63 Ballinran Road and 4 Ballinran Newy Road, Kilkeel.
REFUSAL
Removed at the request of Councillor Macauley for full presentation at the next Committee Meeting.

Councillor Clarke referred to Item 8 – LA07/2018/0894/F saying that objectors should be made aware of the protocol surrounding speaking rights and a mechanism should be put in

place for informing members of the public of the process to follow regarding requesting speaking rights at Planning Committee Meetings as they would not have an agent to represent them. This matter was referred to Planning Officials for action.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Loughran, it was agreed to approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 24 October 2018:-

- **Item 6 – LA07/2017/1136/F** – Newry, Mourne and Down District Council - New car and coach park to provide approximately 52 no. additional car parking spaces and to accommodate relocation of coach parking from the existing car park. Replace existing coach parking in existing car park with car parking to provide 32 no. additional car spaces. Total additional car parking spaces proposed: 84 no. new car & coach park finishes: retaining walls; ashfelt hard standing with white lining indicating parking spaces. Approximately 8m deep strip of land times the full width of the new car park will be planted west of the new car park to provide screen planting – land approximately 32m NE of the Courtyard Buildings, Slieve Gullion Forest Park, 89 Drumintee Road, Killeavey, Newry.

APPROVAL

- **Item 18 - LA07/2018/0679/0** - Michael D O'Hare - site for dwelling - immediately to rear of 27 and 29 Dublin Road, Newry.

REFUSAL

DEVELOPMENT MANAGEMENT – PLANNING APPLICATIONS FOR DETERMINATION

P/099/2018: **PLANNING APPLICATIONS FOR DETERMINATION**

AGREED: On the advice of the Chief Planning Officer it was unanimously agreed to withdraw the following planning applications from the schedule:

- **Item 14 – LA07/2017/1299/F** - Removed from the schedule at the request of Councillor McAteer due to medical circumstances; to be presented at next Committee Meeting.

The following applications were then determined by the Committee:-

**(1) LA07/2016/0758/0 – Mr and Mrs Hickland
(Audio recorded – YES)**

Location:

Lands approximately 50m south of 56 Crawfordstown Road, Drumaness

Proposal:

New dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Andy Stephens, 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.

Mr McKay said he had visited the site and was of the opinion that it did not appear as a visual entity within the landscape and failed to have a focal point. However he said all applications had to be considered on merit and if Members were in any doubt it would be advisable to arrange a site visit so they could assess the site in a wider context.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Loughran it was agreed to defer Planning Application LA07/2016/0758/O to allow for a site visit to take place.

**(2) LA07/2017/1694/RM – Mr R Hutton
(Audio recorded - YES)**

Location:

Adjacent to junction of Vianstown Road and Bishopsbrae Road, Downpatrick

Proposal:

Replacement dwelling (off site)

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 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 the design of the proposed replacement was inappropriate for the site and its locality and did not visually integrate into the surrounding landscape, furthermore as the site was located in an AONB, the proposed application was not sympathetic to the character of the area.

Discussion took place on the design of the proposed application and Councillor Devlin proposed to defer the application to allow for discussions to take place between the agent / applicant and planning officers regarding an amended design that would be acceptable in planning terms. Councillor Macauley seconded the proposal.

AGREED: On the proposal of Councillor Devlin seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2017/1694/RM for one month to allow discussions to take place between the agent /applicant and planning officials regarding an amended design that would be acceptable in planning terms.

(Break 11.00am – 11.10am)

**(3) LA07/2018/0658/RM – Mrs N Little
(Audio recorded – YES)**

Location:

Lands located between 58 and 60 Drumgooland Road, Loughinisland

Proposal:

Proposed infill dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Andy Stephens, 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.

Mr Stephens referred to the site location map with the previous outline approval on this site saying planning officials had not attached a siting condition by shading a section of the accompanying stamped map and therefore he considered the dwelling could be sited anywhere within the red line of the application site. He continued, saying plot frontage analysis conducted indicated the site could accommodate two houses and it was the intention of the applicant to submit a further application for a second dwelling.

Ms McAlarney said the absence of a siting condition did not mean the application was flawed and the decision for the Committee was to determine if the siting of the proposed dwelling and garage was appropriate and if it respected planning policy in terms of plot frontage, not whether the site could accommodate two dwellings.

Ms Largey said the Committee should not stray into the realm of assessing an application that may or may not come before Committee, stressing Committee must deal with the application now in front of it.

Councillor Clarke proposed to overturn the Officer recommendation and approve planning application LA07/2018/0658/RM – Mrs N Little saying he would be content with the proposed siting of the dwelling and that all design related conditions be delegated to planning officials. The proposal was not seconded.

Councillor Larkin proposed to accept the Planning Officers recommendation to refuse this application, Councillor Loughran seconded this 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: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Loughran it was agreed to refuse planning application LA07/2018/0658/RM – Mrs N Little – as per the information and recommendation contained in the Case Officer report presented to Committee.

**(4) LA07/2018/0661/0 – Eileen and Dermot O’Hare
(Audio recorded – YES)**

Location:

Between 17a and 17b Hilltown Road, Mayobridge

Proposal:

Erection of dwelling and domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Young, 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 said the proposal was not a valid infill option as there was no gap in the existing built up frontage.

Mr Young disputed this and said he considered there to be 10m of frontage on the site.

Councillor McAteer said it was difficult to determine site lines and boundaries from the photographs contained in the report and he proposed a site visit to assess the site in more detail. Councillor Devlin seconded the proposal.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Devlin it was unanimously agreed planning application LA07/2018/0661/0 – Eileen and Dermot O’Hare be deferred to allow a site visit to take place in order for Committee to assess the site in more detail.

**(5) LA07/2018/0694/0 – E F McClorey
(Audio recorded – YES)**

Location:

Adjacent and immediately east of No. 2 Islandmoyle Road, Cabra, Newry

Proposal:

2 No. dwellings with domestic garages on gap/infill site (amended site address)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Young, 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 the site frontage of the proposed dwellings and Ms McParland said the gap which measured 95m could accommodate up to three dwellings with similar frontage to neighbouring properties and that if more than two dwellings could be accommodated on the site, then it would be contrary to policy.

Mr Young said the gap measurement from building to building was 95m, however he considered the measurement of the site frontage to be 64m which would only accommodate two dwellings and be in line with planning policy.

Ms McParland said if two dwellings were built on the site, there would still be a gap that was currently the garden of No. 6 Islandmoyle Road.

Councillor Clarke proposed to accept the officer's recommendation to issue a refusal in respect of planning application LA07/2018/0694/O – E F McClorey, 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:	2
AGAINST:	3
ABSTENTIONS:	1

The proposal was declared lost.

Councillor McAteer proposed to issue an approval in respect of planning application LA07/2018/0694/O contrary to officer recommendation on the basis that the curtilage of No. 6 Islandmoyle Road was the garden and not part of an open field.

Councillor Larkin advised Councillor McAteer he would have to address the three reasons for refusal as stated in the case officer report.

Councillor McAteer replied as follows:

Refusal Reason 1: Councillor McAteer said he considered the site to be a gap site and therefore this negated the reasons outlined for refusal within the case officer report.

Refusal Reason 2: Councillor McAteer said ribbon development was already present along Islandmoyle Road.

Refusal Reason 3: Councillor McAteer said he considered the proposed development would respect the traditional pattern of existing neighbouring dwellings in the area and would not erode the rural character of the countryside.

Mr McKay advised Members they needed to give careful consideration in determining how a gap site was measured and he reminded them that all previous applications determined by the Committee had used the measurement from building to building and not from building to the edge of the neighbouring garden, as was the case in this application.

Ms Largey said the Councillor had given reasons for granting approval contrary to the officer recommendation and that whilst Planning Officers were right to state consistency was important when Members were making a decision, they did not have to be straight jacketed as long as all reasons for refusal were addressed. However she said it was important to give consistency to the public and to agents.

Councillor Devlin seconded Councillor McAteer's proposal.

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

FOR:	3
AGAINST:	2
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Devlin it was agreed to issue an approval in respect of Planning Application LA07/2018/0661/O – E F McClorey contrary to the information and recommendation contained in the Case Officer report presented to Committee on the basis that the proposed site could only accommodate two dwellings and not three as outlined in the case officer report and also that officers then be delegated authority to impose any relevant conditions

(6) LA07/2017/1671/F – Mr and Mrs McConnell
(Audio recorded – YES)

Location:

50m east of No. 77 Ballynahinch Road, Saintfield

Proposal:

Farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gary Thompson, 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 a steel frame for an agricultural shed located on the site.

Councillor Macauley asked if a certificate of lawful development had been granted for the shed and Ms McAlarney confirmed that it had.

In response to queries from Members regarding whether the steel frame could be accepted as an agricultural building, Mr McKay replied there was no evidence of preparatory ground work having been carried out and he did not consider the steel frame to be an acceptable building. He continued, saying once the building was complete the application could then be considered on its merits.

Councillor McAteer asked for legal advice on whether the steel frame could be considered as a building.

Ms Largey said this was a judgement call for the Committee to make and they should take all circumstances into consideration.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Macauley it was unanimously agreed to defer Planning Application LA07/2017/1671/F for a period of 6 months to allow for completion of the agricultural building and that officers then be delegated authority to impose any relevant conditions and issue the decision.

FOR NOTING**P/100/2018: VISITS TO PLANNING COMMITTEE MEETINGS BY DEPARTMENTAL STAFF**

Read: Letter dated 3 October 2018 from DFi advising Departmental staff would be visiting Planning Committee Meetings between October 2018 and January 2019. The main purpose of the visits was to gain a broad understanding of the planning decision making processes of Councils as part of the Department's on-going oversight role of the planning system.

Councillor Larkin advised 2 Departmental staff were present and welcomed them to the meeting.

AGREED: It was unanimously agreed to note the above correspondence.

P/101/2018: HISTORIC ACTION SHEET

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

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

P/102/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT SEPTEMBER 2018

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

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

P/103/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

Read: Record of Meetings between Planning Officers and Public Representatives 2017-2018. **(Copy circulated)**

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

P/104/2018: APPEALS & DECISIONS

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

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

P/105/2018: REGISTER OF CONTACTS Q2 JULY – SEPTEMBER 2018

Read: Report detailing Register of Contacts Q2 July-September 2018. **(Copy circulated)**

AGREED: It was agreed to note the Register of Contacts Q2 July-September 2018.

The Meeting concluded at 12.20pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 21 November 2018.

Signed: _____ Chairperson

Signed: _____ Chief Executive