

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 3 June 2020 at 10.00am in Newry Leisure Centre and via Skype

Chairperson: Councillor R Burgess

Deputy Chairperson: Councillor J Tinnelly

In attendance: (Committee Members)

Councillor P Brown
Councillor S Doran
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D McAteer
Councillor D Murphy
Councillor G O'Hare
Councillor G Stokes

(Officials)

Ms M Ward	Chief Executive
Mr C Mallon	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr M Keane	Senior Planning Officer
Mr F O Connor	Legal Advisor
Ms N Largey	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

P/034/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

Councillor Burgess welcomed all to the meeting and acknowledged it was his first meeting as Chairman of the Planning Committee. He thanked Councillors Larkin and Reilly for their commitment during their term as Chair and Deputy Chair respectively.

Apologies were received from:

Councillor J Trainor

P/035/2020: DECLARATIONS OF INTEREST

Councillor Burgess expressed an interest in Item 6 - R/2015/0126/F – 127 dwellings – Lands at 56/60 Lisburn Road, Ballynahinch, stating he had been involved in discussions with the developer.

Councillor Stokes expressed an interest in Item 17 – LA07/2016/0438/F – retrospective change of use from approved industrial unit to gymnastic facilities – site of No. 26 Derryboy Road, Carnbane Industrial Estate, Newry, stating he had lobbied in favour of this development 2 years previously.

P/036/2020: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

There were no declarations in relation to Paragraph 25 of Planning Committee Operating Protocol – Members to be present for entire item.

MINUTES FOR CONFIRMATION

P/037/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 11 MARCH 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 11 March 2020. **(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 11 March 2020 as a true and accurate record.

FOR DISCUSSION/DECISION

P/038/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 3 June 2020. **(Copy circulated).**

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 3 June 2020: -

- **Item 6 - R/2015/0126/F** - erection of 127 dwellings comprising detached, semi detached and townhouse dwellings, garages and other associated site works - Lands at 56 and 60 Lisburn Road, Ballynahinch **APPROVAL**
- **Item 7 - LA07/2019/1371/F** - extension to existing reinforcement factory with provision of 80 car parking spaces - 62 Aughlisnafin Road Castlewellan. **APPROVAL**
- **Item 14 - LA07/2019/0796/O** - proposed housing development - lands between Knocknagoney Heights and The Demesne, Carnagat Road, Newry **APPROVAL**

- **Item 16 - LA07/2018/1529/F** - proposed residential development comprising 74 dwelling units - junction of Derrybeg Lane and Craigmere Way, approximately 135m SW of 12 Craigmere Way Bessbrook Newry **APPROVAL**
- **Item 17 - LA07/2016/0438/F** - retrospective change of use from approved industrial unit to gymnastic facilities aged plus 5 years: site at No. 2G Derryboy Road, Carnbane Industrial Estate Newry Co Down BT35 6QH **APPROVAL**
- **Item 18 - LA07/2018/1939/F** - retention of house (with basement accessible from outside only) as constructed under planning permission P/2006/1849/RM - 80 metres North West of 37 Cregganduff Road Cullyhanna Newry BT35 0NA **APPROVAL**
- **Item 20 – LA07/2019/1563/F** – renewal of P/2010/0873/F – proposed replacement of existing garage and store with new garage and apartment over- to the rear of No. 51 Seaview, Warrenpoint **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/039/2020: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

(1) LA07/2019/1837/F

Location:

21 Blacks Lane Glassdrumman Ballynahinch

Proposal:

Agricultural shed

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Anthony 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.

Speaking rights: (Via Skype)

In support

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

Issues raised:

- There were no farm buildings at the site only the dwelling house and garage.
- The proposed siting of the agricultural shed would be 5.5 metres below the level of the ground on which the dwelling house was sited and therefore would be almost invisible from the public road.
- The proposed siting of the agricultural shed was in an established farmyard that had been in operation for 7 years.
- The applicant was a sheep farmer and required an agricultural shed for the purposes of animal husbandry.

- Planning Officials accepted the farm was established and active.

Agreed: On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1837/F, contrary to officer recommendation on the basis that it complied with planning policy CTY12. as per the information contained in the Case Officer Report presented to Committee.

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

(2) LA07/2019/1633/LBC & LA07/2019/1635/F

Mr McKay advised that both LA07/2019/1633/LBC and LA07/2019/1635/F would be considered together as one was a listed building consent and the other was full planning application at the same site.

Location:

10 The Green, Irish Street, Downpatrick

Proposal:

Change of use from dwelling to extended doctor's surgery

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr 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.

Speaking rights: (via Skype)

In support

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

Issues raised:

- The proposal was contrary to the SPPS and Policy HOU 3 of the Ards and Down Area Plan 2015, in that the existing dwelling was located within a protected housing area and therefore change of use would not be permitted.
- Ms Largey advised the Committee could deviate from the Ards and Down Area Plan in exceptional circumstances providing there were acceptable material considerations for doing so.
- The exterior of the building would remain unchanged.
- Although the doctor's surgery was located within the housing zone, its use as a GP surgery predated the Ards & Down Area Plan 2015.
- There were no parking issues.

- The proposed extension would allow for expanded medical services and would also facilitate social distancing if required.

Agreed: On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to issue an approval in respect of Planning Applications LA07/2019/1633/LBC and LA07/2019/1635/F contrary to officer recommendation on the basis that enhanced medical services would be provided that would benefit the wider community.

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

(3) LA07/2019/1418/F

Location:

48 Liscalgot Road, Crossmaglen

Proposal:

Farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Pat Rooney, Principal 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.

**Speaking rights
(via Skype)**

In support

Barney McKeivitt, agent and Joseph Harvey, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Members.

Issues raised:

- The farm business was located at 2 sites, Liscalgot Road and Drummuckavall Road.
- Planning permission had previously been refused at Drummuckavall Road; the agent considered the current proposed siting at Liscalgot Road made best use of farm lands and it would integrate well into the surrounding countryside.
- Mr Rooney did not accept the stone structure located on the site constituted a building, in planning terms.
- Mr McKeivitt advised the structure was multi purpose in that the applicant used it for storing hay and silage and for testing calves.
- Mr Rooney accepted that while the photographic evidence provided showed a wooden pallet being used as a blocking structure could indicate the structure was being used for farming purposes, this did not make it a building.
- The structure did not have a roof, however it was pointed out that a silage pit does not have a roof and it would be recognised as a farm building.

- Ms Largey advised the Committee, the issue for them to determine was whether they considered the structure to be a building, and not the purpose for which it was currently being used. She said it might be useful to have a site visit.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2019/1418/F contrary to Officer recommendation on the basis that he considered the structure on site had the characteristics of a farm building and he considered the initial opinion of Planning that it was not being used for farming activities had altered during the course of discussions.

Councillor Hanna seconded the proposal saying he was satisfied the structure had once been a building with a roof.

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

FOR:	10
AGAINST:	1
ABSTENTIONS	0

Agreed: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2019/1418/F contrary to officer recommendation, on the basis that the structure had the characteristics of a farm building and the initial opinion of Planning that it was not being used for farming activities had altered during the course of discussions.

**(4) LA07/2020/0133/F
(Audio recorded -YES)**

Location:

130 Camlough Road, Newry.

Proposal:

Vehicular access to existing dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Pat Rooney, Principal 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.

**Speaking Rights:
(via Skype)**

In support

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

DEA Councillor Taylor spoke in support of the application.

Issues raised:

- The speed limit on the Camlough Road at the location of the site was 40mph.
- DFI Roads did not have any objections to the proposed application.
- There was no photographic evidence presented showing historical vehicular access.
- Safety issue with the current arrangement of the applicants having to park vehicles on the opposite side of the road and cross the busy Camlough Road.
- It was a matter for the Committee to decide how much weight to attach to the safety concerns of the occupants of the house.
- Ms Largey advised the Committee it was important to refer to the DFI Roads report when determining the application.

Agreed: On the proposal of Councillor McAteer seconded by Councillor Tinnelly it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/0133/F contrary to officer recommendation on the basis that the health and safety of the residents and other road users was of paramount importance, the speed limit was 40mph and DFI Roads did not have any objections to the proposed application.

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

(5) LA07/2019/0850/F**Location:**

10 Meeting House Lane, Kilkeel

Proposal:

Erection of house and the demolition of existing house

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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.

**Speaking rights:
(via Skype)**In support

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

Issues raised:

- The proposed site was within the development limits of the town.
- Planning Officials considered the proposed application site was too tight and restrictive and failed to respect the existing context of the area.
- Mr Starkey said there was a lack of uniformity or distinguishable pattern of development and the proposal would not detract from the character of the area.

- Mr Starkey considered the private amenity space of 67 sq metres was greater than neighbouring properties and met planning requirements.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/0850/F on the basis that as the site was located close to the main street it would typically be restrictive, the agent had demonstrated ample garden area and he accepted there was no particular pattern of housing at the location.

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:	9
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 an approval in respect of Planning Application LA07/2019/0850/F contrary to officer recommendation, on the basis that as the site was located close to the main street it would typically be restrictive, the agent had demonstrated ample garden area and he accepted there was no particular pattern of housing at the location

(6) LA07/2019/1117/F

Location:

Chapel Road / Church View, Bessbrook

Proposal:

4 detached dwellings

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Pat Rooney, Principal 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.

**Speaking Rights:
(via Skype)**

In objection

Paula Moan presented in objection to the application detailing and expanding upon a written statement that had been circulated to Committee Members.

In support

Feargal Ward, agent and Sam McKee, Turley Associates on behalf of applicant presented in support of the application detailing and expanding upon a written statement that had been circulated to Committee Members .

Issues raised:

- The proposal was for 4 chalet type dwellings with the living accommodation located in the roof space.
- Planning considered it was reasonable to expect a mix of house designs within the location.
- The site was linear with no provision for a garage and amenity spaces to the side of the site.
- An ecological report found the site to be of low level ecological value and if required, fencing could be designed to allow free passage of hedgehogs between foraging areas and other habitats.
- Planning considered the separations distances of 20 metres from the rear of Camlough Park and 15 – 18 metres from the rear of Church View to be acceptable.
- DFI Roads did not have any objections to the scheme.
- Agent advised they would be happy to consent to permitted development rights with regard to the addition of garages.

Agreed: On the proposal of Councillor Stokes seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1117/F as per the information and recommendation contained in the Case Officer Report presented to Committee.

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

(7) LA07/2019/1258/F

Location:

Ground floor unit 12 Seaview, Warrenpoint

Proposal:

Retention of change of use for ground floor café with two treatment rooms and ancillary services.

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:

In objection

Colm McGuinness presented in objection to the application detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

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:

- No. 12 Seaview was within the town boundary whilst No. 13 was outside the town boundary.
- The privacy of the objector who resided at No. 11 Seaview would be impeded with the proposed application.
- Mr McGuinness requested that a site visit take place to the Committee could assess the site in more detail.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2019/1258/F in order for a site visit to take place.

FOR AGREEMENT

P/040/2020: AGREEMENT ON CALL-IN PANEL MEMBERSHIP FOR 6 MONTHS JUNE – DECEMBER 2020

AGREED: It was unanimously agreed that Councillors Burgess, McAteer and Larkin would sit on the Call-In Panel for the period June – November 2020.

FOR NOTING

P/041/2020: HISTORIC ACTION SHEET

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

AGREED: It was unanimously agreed to note the Planning Historic Action Sheet.

P/042/2020: PLANNING COMMITTEE MEETING PERFORMANCE REPORT MARCH - MAY 2020

Read: Planning Committee Performance Report March - May 2020. **(Copy circulated)**

AGREED: It was agreed to note the Planning Committee Performance Report for March - May 2020.

P/043/2020: DATES OF PLANNING COMMITTEE MEETINGS JUNE 2020 – MAY 2021

Read: Dates of Planning Committee Meetings June 2020 – May 2021 for information. **(Copy circulated)**

AGREED: Noted.

The Meeting concluded at 13.25pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 1 July 2020.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**