

## **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 6 June 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 K Loughran
Councillor W Clarke	Councillor J Macauley
Councillor G Craig	Councillor M Murnin
Councillor L Devlin	Councillor M Ruane
Councillor G Hanna	

**(Officials)**

Ms M Ward	Director- Enterprise, Regeneration & Tourism
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms L Coll	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

In advance of official committee business, the Chairperson said he wished to recognise the hard work and commitment shown by the Chair and Deputy Chair of the Planning Committee for the 2017/2018 term.

**P/045/2018: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Harte

**P/046/2018: DECLARATIONS OF INTEREST**

No Declarations of Interest were received.

**P/047/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM**

- **Item12 – LA07/2016/1632/O – Jason Fegan – Councillors Harte and Loughran** were absent for the first presentation on 8 November 2017 and **Councillor McAteer** left the meeting prior to this application being presented; they cannot therefore take part in the discussion/decision on this application.

**P/048/2018: MINUTES OF PLANNING COMMITTEE MEETING HELD ON  
WEDNESDAY 11 APRIL 2018**

Read: Minutes of Planning Committee Meeting held on Wednesday 9 May 2018. **(Copy circulated)**

**AGREED: On the proposal of Councillor Craig, seconded by Councillor Hanna it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 9 May 2018 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

**P/049/2018: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 6 June 2018 **(Copy circulated)**

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

- **Item 8 – LA07/2017/1380/O** – Robert Blair – dwelling and garage – 26m west of No.45 Manse Road, Crossgar.  
**REFUSAL – removed from the addendum list at the request of Councillor Macauley for presentation at next available Committee Meeting. Councillor Murnin advised the applicant had requested to meet with Planning Officials and if there failed to be a satisfactory resolution, the applicant would withdraw the application completely.**
- **Item 10 – LA07/2018/0042/F** – Ciaran O’Higgins – farm dwelling and garage adjacent to No. 46 Bann Road, Castlewellan.  
**REFUSAL – removed from the addendum list at the request of Councillor Devlin for presentation at next available Committee Meeting.**
- **Item 11 – LA07/2016/1564/F** – John McAleavey – Laneway Lodge Riding Centre – proposed conversion of existing hay loft into tourist accommodation – 6 Leitrim Road, Hilltown, Newry  
**REFUSAL – removed from the addendum list at the request of Councillor McAteer and Councillor Hanna to allow time for a full report to be submitted by Agent / Applicant and presented to the next available Committee Meeting.**

- **Item 14 – LA07/2018/0197/O** – Martin McAvoy – 2 new dwellings within an infill site – lands 21m to the east of No. 4 Carmeen Road, Hilltown, Newry.  
**REFUSAL – removed from the addendum list at the request of Councillor Casey for full presentation at the next Committee Meeting.**

**AGREED:** On the proposal of Councillor Hanna seconded by Councillor Casey it was agreed to approve the Officer recommendation in respect of the following Applications listed on the Addendum List for Wednesday 6 June 2018

- **Item 6 – LA07/2017/0115/F** – Newry, Mourne and Down District Council – Environmental improvement works/scheme to include resurfacing, street lighting, car parking/loading bays and rationalizing of street furniture, on lands along Irish Street (14-65) and at the start of John Street (No. 6-8). Downpatrick.  
**APPROVAL**
- **Item 7 – LA07/2018/0452/F** – Newry, Mourne and Down District Council – off site replacement changing rooms and toilet pavilion with associated works – 120m east of Household Recycling Centre, Bann Road, Castlewellan.  
**APPROVAL**
- **Item 17 – LA07-2018/0408/O** – John Cranny – replacement dwelling – 52m east of 17 Moneymore Road, Newry. **REFUSAL**

**P/050/2018: PLANNING APPLICATIONS FOR DETERMINATION**

The following applications were then determined by the Committee:-

**(1) LA07/2017/1773/F Carole Trueman**

**Location:**

No. 17 Church Street, Downpatrick

**Proposal:**

Change of use to 6 No self-contained dwelling units with alterations

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Gerry Tumelty, agent, presented in objection to the application detailing and expanding upon his written submission that had been circulated to Committee Members.

Ms A McAlarney Senior Planning Officer, gave a power-point presentation on the application, with supporting information including a site location plan; existing and proposed floor plans and photographs from various critical views of the site.

Councillor Murnin said he was familiar with the site and that as it was located in Downpatrick town centre, it would quickly become an eyesore should it fall into disrepair. He asked about public parking provision convenient to the building that could be used by future occupants.

Ms McAlarney replied that parking provision had not been included with the application. She continued, saying, good planning practice would require that car parking should be visually linked with the site, which was not the case with this application.

Councillor Hanna raised the issue of refuse bins and asked if there was a communal area at the site for the housing of refuse bins. Ms McAlarney replied that the site was very restricted and the application did not have provision for refuse bins or cycle stands.

Councillor Clarke enquired as to the parking requirements for a city as opposed to a town and said the lack of parking provision would always be an issue with this building.

Ms McAlarney replied that car parking provision would not be a requirement for a similar application in a city location as, per planning guidance, it would be deemed an inner urban location and consequently the same parking requirement did not apply. She said as Downpatrick was a town, a level of parking would be required. She said on street parking during the day was limited to 60 minutes and from 6pm onwards there was free parking. In referring to parking for the adjacent Chinese restaurant, she said the parking requirement for restaurants and dwellings was not comparable in planning terms.

Ms McAlarney continued, saying the Committee should be mindful of setting a dangerous precedent in overlooking the lack of car parking provision in a town centre development.

Mr Tumelty advised that the building previously operated as a social club with a membership of in excess of 50 members and that it had been empty for the last 5 years. The proposed plan for the building would be to provide much needed affordable accommodation within the town centre. He referred to 3 apartments located close by in Scotch Street that did not have any car parking provision and said there were 104 car parking spaces at 3 different locations within walking distance of the site. He said statistics from local letting agents would indicate the main demands of the housing market in Downpatrick were for single low income occupiers who did not have access to a vehicle and the development would help to address this shortage in the housing market.

The client, Ms Trueman said there was provision for both refuse bins and cycle stands at the back of the building and previously this area had been subject to

vandalism. She continued, saying it would be a great opportunity for local development in the town centre and would enhance the area.

Ms McAlarney once again cautioned against setting a dangerous precedent with the lack of car parking provision and said that the information presented at the meeting today by the agent had not previously been made available to Planning Officials.

Councillor McAteer said consideration should be given to people relocating to town centres and the regeneration of town centres should be encouraged. He referred to the 4 flats located at 15 Church Street and asked what parking provision was in place for them, Ms McAlarney replied that this was an historical approval and assumed the occupants of 15 Church Street used on street parking.

Ms Coll reiterated Ms McAlarney's earlier caution and said the application was contrary to planning policy and there was no guarantee the future occupants would not be car owners.

In response to a query from Councillor Hanna as to how the building was accessed from the back, Mr Tumelty replied that it was a pedestrian access only.

Councillor Murnin proposed to overturn the officer recommendation to refuse Planning Application LA07/2017/1773/F on the basis that documentary evidence supported the need for single occupancy housing in Downpatrick, any parking concerns could be addressed by the 104 car parking spaces within walking distance of the application site as well as on street parking, additionally the provision of public transport in the area was an asset.

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was unanimously agreed to issue an approval in respect of Planning Application LA07/2017/1773/F contrary to officer recommendation on the basis that documentary evidence supported the need for single occupancy housing in Downpatrick and any parking concerns could be addressed by the 104 car parking spaces within walking distance of the application site as well as on street parking.**

**(2) LA07/2016/1632/O – Jason Fegan**

(Councillors McAteer and Loughran withdrew from the meeting – 10.45 am)

**Location:**

Lands 45m NW of No. 12 Upper Knockbarragh, Warrenpoint

**Proposal:**

Proposed farm dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Colin D’Alton, agent presented in objection to the application detailing and expanding upon his written submission that had been circulated to Committee Members.

**Speaking rights:**

Jason Fegan, applicant, in support of the application.

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; lands available on the farm holding and Policy CTY8 Infill Assessment.

Discussion took place regarding whether the application could be considered against Policy CTY8 (infill); the agent said he had carried out a site analysis and believed the application could potentially come under this policy, however Ms McParland said Planning officials having assessed the site said it would be contrary to Policy CTY8 in that it was not a small infill gap but would be capable of accommodating 3 houses.

Councillor Casey proposed and Councillor Ruane seconded to carry out a site visit in order to assess the site in more detail.

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 Casey seconded by Councillor Ruane it was agreed to defer Planning Application LA07/2016/1632/O to allow for a site visit to take place in order that Members could assess the site in more detail.**

(Councillors McAteer and Loughran re-joined the Meeting – 11.00 am)

**(3) LA07/2017/1030/O – Michael Tinnelly**

**Location:**

200m east of No. 25 Greenpark Road, Rostrevor

**Proposal:**

Site for 100 bedroom hotel and spa

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Mr M Graham of White Young Green and Mr A Bunbury of Park Hood Landscape Architects in support of the application.

Ms McParland advised the Committee that detailed drawings, specifically photomontages or wireframes had been requested on 5 separate occasions, (21 September 2017, 6 December 2017, 26 February 2018 and 21 May 2018) by the Statutory Consultee the Historic Environment Division. These drawings would allow an assessment of the impact of the development on the setting of neighbouring protected sites, however they had not yet been made available to Planning Officials. She continued, saying that Planning Authority along with Statutory Consultees had utilised significant resources and at this stage the initial planning fee had been exhausted. She said Planning recognised that tourism was a significant factor in the area and whilst they were very keen to see appropriate development on the site, they would need the additional requested information submitted to them in a timely manner.

In response to a query from the Chairperson as to when the Landscape Visual Assessment had been received, Ms McParland replied this was submitted at the speaking rights stage i.e. 1 week before the Committee Meeting, but that the full photomontages had still not been received.

Ms Coll said the Committee should act with caution regarding the late information that had been received, that it would be unsafe to consider information that had not been consulted on and the advice of the Statutory Consultees should be taken on board.

Councillor Clarke proposed deferring the application to allow time for all outstanding information to be received.

Councillor Craig said that as due process had not been followed, Planning Officers' had been unable to consider the application, consequently the Officers' recommendation of refusal should be upheld.

Councillor McAteer said the development of a hotel in Rostrevor should be encouraged and it would be more appropriate to defer the application.

Councillor Ruane seconded Councillors Clarke's proposal to defer the application to allow time for all outstanding information to be received. Councillor Murnin agreed that the development of a hotel in this area should be encouraged but the outstanding information required would need to be provided in a timely manner. He asked if Planning Officials would have the ability to incur an extra fee to this application. Ms McParland replied this would not be possible and although Planning Officials agreed that the tourism aspect of this application was important, the business resource element would have to be considered. She said the only option was to issue a refusal and the applicant to resubmit when all documentation was in order. Councillor Murnin referred to Section 65 (he referred to wrong section – it should be section 76?) of the Statutory of Planning Act 2011 and asked if this would

apply to the application, Ms McParland said it wouldn't and that this would have to be explored when the new plan strategy was progressed.

Ms Coll advised the Committee that a policy framework could be put in place to allow for S76 agreements to be entered into.

The Chairperson advised the agent that should he still wish to present to the Committee, the late information would not be considered; he said an alternative option would be to request a deferral.

Mr Graham said he would be content to defer the application. He said he had only been appointed by the applicant 10 days previously in the role of Planning Consultant and he would liaise with the agent to ensure all outstanding documentation was submitted.

The Chairperson said that on receipt of all outstanding information to Planning Officials, he would be satisfied to delegate the Application to Planning Officials. Mr Bunbury replied that as it was such a major development he would be happy to liaise with Planning Officials throughout the process to ensure that all was in order.

Councillor Devlin said if, on receipt of all the outstanding information, the recommendation was still a refusal, the application should come back to Committee for consideration, however if it was recommended for approval she would be satisfied that Planning Officials be granted authority to delegate any relevant conditions.

**AGREED: On the proposal of Councillor Clarke, seconded by Councillor Ruane it was unanimously agreed to defer Planning Application LA07/2017/1030/O to allow time for the Agent / Planning Consultants to meet with Planning Officials to determine all outstanding information that is required in order to progress the application to a conclusion. The decision to be taken back to council again.**

(Break 11.25am – 11.35am)

**(5) LA07/2018/0395/O – Mr and Mrs B Duffy**

**Location:**

Field SE of 23 Cloghinny Road, Forkhill

**Proposal:**

Infill site for proposed dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

John Harkness, Milligan, Reside and Larkin Ltd presented in objection to the



application detailing and expanding upon his written submission that had been circulated to Committee Members.

Mr 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.

Discussion took place regarding the proposed site and Councillor Murnin asked if it could be assessed against Policy CTY2A (cluster) Mr Davidson said the application would be contrary to this policy.

Councillor McAteer asked if it could be assessed against Policy CTY 8 (infill) as it had frontage on to the access lane, Mr Davidson replied that in order to comply with Policy CTY 8, the site would need to have actual road frontage.

**AGREED: On the proposal of Councillor Craig seconded by Councillor Hanna it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2018/0395/O as per the information and recommendation in the Case Officer report presented to Committee.**

#### **FOR NOTING**

**P/051/2018: HISTORIC ACTION SHEET**

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

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

**P/052/2018: PLANNING COMMITTEE MEETING PERFORMANCE REPORT MAY 2018**

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

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

**P/053/2018: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

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

**AGREED: It was unanimously agreed to note the Record of Meetings between Planning Officers and Public Representatives 2017 – 2018.**

**P/054/2018: MAY 2018 APPEALS & DECISIONS**

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

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

**P/055/2018: FOR INFORMATION – SCHEDULE OF DATES FOR PLANNING COMMITTEE MEETINGS FROM JUNE 2018 TO APRIL 2019**

**AGREED: It was unanimously agreed to approve the schedule of dates for Planning Committee Meetings from June 2018 – April 2019.**

The Chairperson asked that a letter of condolence be sent to Ms Eileen McParland on the recent death of her father, Mr Jim McCart, who was a Member of Newry & Mourne District Council from 1973-2001.

The Chairperson also asked that a letter of condolence be sent to Mr Anthony McKay on the recent death of his uncle.

The Meeting concluded at 12.00 noon.

For confirmation at the Planning Committee Meeting to be held on Wednesday 6 June 2018.

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

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