

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minute of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 6 December 2017 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor G Craig

Deputy Chairperson: Councillor K Loughran

In attendance: (Committee Members)

Councillor W Clarke	Councillor M Ruane
Councillor L Devlin	Councillor D McAteer
Councillor M Larkin	Councillor M Murnin
Councillor J Macauley	
Councillor C Casey	

(Officials)

Mr A McKay	Chief Planning Officer
Mr M Kelly	Professional Technical Officer
Mr P Smyth	Professional Technical Officer
Ms L Coll	Legal Advisor
Ms E McParland	Democratic Services Manager
Ms P McKeever	Democratic Services Officer

Others in attendance: Mr R Laughlin, DFI, Roads
Mr S Milligan, DFI, Roads

P/145/2017: SITE VISIT – LA07/2015/0662 – Frank Clerkin, Kilbroney Road, Rostrevor

Councillors Murnin, Larkin, Clarke, Craig, Macauley, Devlin and McAteer all attended the site visit for planning application LA07/2015/0662

P/146/2017: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received for Councillor V Harte and Councillor G Hanna.

P/147/2017: DECLARATIONS OF INTEREST

Councillor McAteer advised he would not be taking part in the discussion / decision on planning Application Nos. LA07/2016/0058 and LA07/2016/0086 as he had previously been involved in both of these applications.

**P/148/2017: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE
PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM**

No declarations were received.

**P/149/2017: MINUTES OF PLANNING COMMITTEE MEETING
- WEDNESDAY 8 NOVEMBER 2017**

Read: Minutes of Planning Committee Meeting held on Wednesday 8 November 2017.
(Copy circulated)

P/2009/1336/F – J C Campbell

In response to a query from Councillor Murnin, Ms Coll stated that points 1 – 7 had been agreed by the Committee as a whole and the minute reflects this and Councillors are only required to comment on the accuracy of the minute.

AGREED: On the proposal of Councillor Ruane seconded by Councillor Macauley it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 8 November 2017 as a true and accurate record.

P/150/2017: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 6 December 2017. **(Copy circulated)**

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

Item 16 LA07/2017/0795/F - Mr Laurence Patterson - Replacement dwelling - Drumnaconnell House, 56 Ballynahinch Road, Drumnaconnell West, Saintfield

REFUSAL

(Removed from the Addendum List for presentation at next Planning Committee Meeting at request of Councillor J Macauley)

AGREED: On the proposal of Councillor McAteer seconded by Councillor Clarke it was agreed to approve the Officer recommendation, as per the Development Management Officer Report, in respect of the following Planning Applications on the Addendum List: -

- **Item 14 LA07/2017/0725/F - Mitch Murphy & Simone Curtis - 2 storey farm dwelling - Site 350 metres SW of 56 Coolderry Road, Crossmaglen **REFUSAL****
- **Item 19 LA07/2017/0868/F - Daniel King - Replacement dwelling for remains of existing structure located in an agricultural yard - 40m NW of 117 Concession Road, Crossmaglen **REFUSAL****

- **Item 25** LA07/2017/1290/F - Patrick Cunningham - Proposed replacement dwelling - 26 Levallyreagh Road, Rostrevor **REFUSAL**
- **Item 27** LA07/2017/1310/F - Mr & Mrs Peter McArdle - Erection of a dwelling and garage - Adjacent to and South of 98 Forkhill Road, Newry **REFUSAL**
- **Item 29** LA07/2017/1336/RM - Mr & Mrs P Smyth - Proposed dwelling and garage - 61B Sabbath Hill Road, Ballymartin **APPROVAL**
- **Item 34** P/2012/0568/0 - Paul McCourt - Site for dwelling with detached garage - 50 metres East of 34 Divernagh Road, Bessbrook **REFUSAL**

P/151/2017: APPLICATIONS FOR DETERMINATION

The following applications were then determined by the Committee:

(1) LA07/2015/0109/F – Kelly Brothers

Location:

Site to the rear and south east of Nos 7,8,9,10,11,12,12a & 14 Warren Hill and the rear and north east of Nos 2,4,4a & 6 Greenan Road, Newry

Proposal:

Housing development of 40 No. dwelling units (20 detached and 20 No semi-detached) with associated siteworks and parking

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Grainne O’Hagan, J L O’Hagan in objection to the application

Speaking rights:

Conor Hughes, Turley Associates in support of the application

Discussion took place in relation to road safety issues. Mr Laughlin outlined the history in relation to this site and the DFI’s input to date. He responded to questions relating to DFI’s responses as a statutory consultee.

Mr McKay stated that as indicated in the case officer report, DFI Roads Department had confirmed it was satisfied that the proposed new access would not prejudice road safety or significantly inconvenience the flow of traffic, as required under Policy AMP2 of PPS3. He also said that pre commencement conditions would be put in place as stated in the case officer report.

Ms Coll stated that the pre commencement conditions imposed would ensure that if the Applicant failed to meet all conditions, enforcement action could be taken.

Councillor Clarke proposed and Councillor Larkin seconded to defer the application by one month, to allow time to invite Mr Nicholson DFI Roads Department to the next Planning Committee Meeting in order to discuss his advice that DFI Roads had no objection to the proposal.

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

FOR: 4
AGAINST: 6

The proposal was declared lost.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Macauley it was agreed to issue an approval in respect of Planning Application LA07/2015/0109/F as per the Management Development Officer report, with pre – commencement conditions included.

(2) LA07/2016/0199/O – Liam and Siobhan Boylan

Location:

Land zoned for housing to the rear of Nos 68 to 132 Lower Dromore Road, Warrenpoint

Proposal:

15 new dwellings, 4750sq metres (1.1 acres) of native tree planting, landscaping, walls, new estate road and ancillary development including regarding, with access from The Woodlands (Drainage Assessment received)

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

Patrick Thornton, in objection to the application

Speaking rights:

Paul McKibben, in objection to the application

Speaking rights:

Councillor M Carr, in objection to the application

Speaking rights:

Brendan Quinn, Agent, in support of the application

Discussion took place and in response to concerns raised regarding safety issues and the steep gradient of the site Mr Laughlin DFI Roads stated that although he accepted there was a steep gradient, he was satisfied that the proposed application for 15 dwellings would be acceptable in terms of the current roads infrastructure and that the housing density was less than the minimum yield stipulated in the current area plan for zoning.

Councillor McAteer proposed and Councillor Macauley seconded that the application be deferred to allow for a site visit.

Councillor Ruane suggested that representatives from DFI Roads be invited to the site visit to answer any technical questions.

Mr McKay stated that it would be appropriate to invite representatives from DFI Roads to a site visit to answer any technical queries raised by Members and this was in accordance with

Planning Committee's Operating Protocol , a record of discussions would be taken.

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

For: 8
Against: 0
Abstentions: 2

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Macauley it was agreed to defer Planning Application LA07/2016/0199/O to allow for a site visit to take place, to which representatives from DFI Roads would be invited and a record of discussions would be taken.

(12.40 Councillor McAteer withdrew from the meeting table)

(3) P/2012/0058/O – Joseph Murphy

Location:

Adjacent to No 19 Betty's Hill Road, Ballyholland

Proposal:

Site for dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Colin O'Callaghan, Agent and DEA Councillor D McAteer, in support of the application

Councillor Murnin proposed and Councillor Devlin seconded that this application be deferred to allow for DFI Roads to look at sightline modification.

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

For: 2
Against: 7

The proposal was declared lost.

Councillor Larkin then proposed and Councillor Casey seconded to accept the Planning Officers recommendation. The proposal was put to a vote by a show of hands and voting was as follows:

For: 7
Against: 2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Casey it was agreed to issue a refusal in respect of Planning Application P/2012/0058/O as per the Management Development Officer report.

(4) P/2013/0086/F – Mr P Murphy

Location:

19A Betty's Hill Road, Ballyholland

Proposal:

Retention of dwelling as constructed (amendments to previously approved P/2006/0815/F)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

DEA Councillor D McAteer, in support of the application

AGREED: On the proposal of Councillor Larkin seconded by Councillor Casey it was agreed to issue a refusal in respect of Planning Application P/2013/0086/F as per the Management Development Officer report.

(13.35 Councillor McAteer rejoined the meeting table)

(5) LA07/2017/0289/F – Mr Gerard McGrath

Location:

Adjacent to 4 Saul Road, Downpatrick

Proposal:

New dwelling and vehicular access

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

David Burgess, Agent, and Mr Jim Wells, MLA in support of the application.

The Chairperson confirmed that all Members present at the meeting had attended the site meeting that had taken place in relation to this application.

Following discussion, the Chairperson stated that the main issue of concern was the dominant effect at the rear of the proposed dwelling.

The Chief Planning Officer stated that further discussions between the Agent / Applicant and Planning Department could take place regarding amendments to the proposed plans.

Councillor Clarke proposed and Councillor Murnin seconded to issue an approval in respect of Planning Application LA07/2017/0289/F contrary to officer recommendation on the basis that the proposed new dwelling was in keeping with other properties in the area.

Ms Coll stated that Members needed to be aware that in overturning the Officers recommendation, they were satisfied that all the reasons for refusal as stated in the Officer report had been addressed.

The Chairperson said that, as stated by Councillor Clarke in his proposal, the proposed dwelling was in keeping with other properties in the area and the issues of dominance and over-looking could be addressed.

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

FOR: 7
AGAINST: 2
ABSTENTIONS: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Clarke seconded by Councillor Murnin it was agreed to issue an approval in respect of Planning Application LA07/2017/0289/F contrary to officer recommendation on the basis that the proposed new dwelling was in keeping with other areas in the area

Planning Officers be delegated authority to impose any necessary conditions.

(12.30 – 14.30 – lunch)

(6) LA07/2017/0788/F – Conrad Haughian

Location:

12 Great Georges Street, Warrenpoint

Proposal:

Proposed town house to rear of apartments currently under construction with access through apartments to Great Georges Street.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Martin Bailie, Agent, in support of the application.

Councillor Larkin proposed and Councillor McAteer seconded to issue an approval in respect of Planning Application LA07/2017/0289/F on the basis that it was a town centre site and was in keeping with urban development.

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

FOR: 10
AGAINST: Nil
ABSTENTIONS: Nil

The proposal was declared carried

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2017/0289/F contrary to officer recommendation on the basis that it was a town centre site and was in keeping with urban development.

Planning Officers be delegated authority to impose any necessary conditions.

(7) LA07/2017/1026/F – Julianne Gribbon

Location:

100m North of 124a Carsonstown Road, Saintfield

Proposal:

Single storey dwelling, garage, carport and hydrotherapy pool

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gary Hunt, Agent, in support of the application

Councillor Devlin proposed and Councillor Larkin seconded to issue an approval contrary to officer recommendation on the basis that documentary evidence from Building Control confirmed that work had commenced on site in 2010.

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

FOR: 10
AGAINST: Nil
ABSTENTIONS Nil

The proposal was declared carried

AGREED: On the proposal of Councillor Devlin seconded by Councillor Larkin it was agreed to issue an approval contrary to officer recommendation on the basis that documentary evidence from Building Control confirmed that work had commenced on site in 2010.

(8) LA07/2017/1077/O – Mr Eamonn O'Rourke

Location:

Lands to the SE of 32 Dromara Road, Leitrim, Castlewellan

Proposal:

Dwelling on a farm including garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

John Cleland, Agent, in support of the application

AGREED: On the proposal of Councillor Clarke seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2017/1077/O to allow further discussions to take place between Agent / Applicant and Planning Officials with regard to the farm business ID and also for Planning Officials to liaise with NIEA with regard to development restrictions on the site due to the close proximity of Legananny Dolmen.

(9) LA07/2017/1084/F – Sean O'Neill

Location:

190 metres East of No.21 Longfield Road, Lislea, Newry

Proposal:

Farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Tony Mackle, Agent, in support of the application

AGREED: On the proposal of Councillor Larkin seconded by Councillor Loughran it was agreed to defer Planning Application LA07/2017/1084/F to allow further discussion between Agent / Applicant and Planning Officials to explore further potential sites on the farm.

Planning Officers be delegated authority to issue decision thereafter.

(10) LA07/2017/1138/F – Bernard Morgan

Location:

Adjacent to and immediately SE of No. 1 Newtown Court, Cloghogue, Newry

Proposal:

Erection of agriculture buildings

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: On the proposal of Councillor Macauley seconded by Councillor Devlin it was agreed to exclude the public and press from the Meeting during discussion on the following matter which related to exempt information by virtue of Paragraph 1 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual.

Speaking rights:

Collins & Collins, Agent, in support of the application

AGREED: On the proposal of Councillor Macauley seconded by Councillor Devlin it was agreed to come out of closed session.

When the Committee came out of closed session the Chairperson reported that a proposal by Councillor Casey and seconded by Councillor Larkin to approve the planning application, contrary to Officer recommendation had been defeated by 4 votes to 5, with one abstention, and the following decision had been agreed.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to issue a refusal in respect of Planning Application LA07/2017/1138/F as per the Management Development Officer Report.

(11) LA07/2017/1292/F – Mr & Mrs M Doran

Location:

Approximately 80 metres south of 37 Dundrum Road, Clough

Proposal:

Dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Mr and Mrs K Campbell, in support of the application.

AGREED: On the proposal of Councillor Murnin seconded by Councillor Clarke it was agreed to issue an approval in respect of Planning Application LA07/2017/1292 contrary to officer recommendation on the basis that documentary evidence submitted confirmed that work had commenced on site in 2014.

(12) LA07/2017/1322/O – Paul Hourican

Location:

Land 20 metres SE of 24a Oldtown Road, Annalong

Proposal:

Infill dwelling detached garage and associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Fletcher Architects, in support of the application

AGREED: On the proposal of Councillor Devlin seconded by Councillor McAteer it was agreed to defer Planning Application LA07/2017/1322/O and arrange a Members' site visit to assess the overall visual impact of the site.

FOR NOTING

P/152/2017: PLANNING COMMITTEE MEETING PERFORMANCE REPORT NOVEMBER 2017

Read: Planning Committee Performance Report November 2017. **(Copy circulated)**

AGREED: It was agreed to note the Planning Committee Performance Report November 2017.

P/151/2017: 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 Meetings between Planning Officers and Public Representatives.

P/153/2017: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – November 2017. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions November 2017.

The Meeting concluded at 4.55pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 10 January 2018.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**