

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 11 March 2020 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Deputy Chairperson: Councillor H Reilly

In attendance: **(Committee Members)**

Councillor L Devlin
Councillor G Hanna
Councillor V Harte
Councillor C Mason
Councillor D McAteer
Councillor H McKee

(Officials)

Mr A McKay	Chief Planning Officer
Mr A Davidson	Senior Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Mr D Fitzsimon	Planning Consultant
Mr F O Connor	Legal Advisor
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

P/024/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from:

Councillor P Brown
Councillor J Trainor
Councillor W Clarke
Councillor M Ruane

P/025/2020: DECLARATIONS OF INTEREST

No declarations of interest.

P/026/2020: 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/027/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 12 FEBRUARY 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 12 February 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 12 February 2020 as a true and accurate record.

FOR DISCUSSION/DECISION

P/028/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 11 March 2020. **(Copy circulated).**

AGREED: On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to remove the following Planning Application from the addendum list for presentation at the April 2020 Planning Committee Meeting:

- LA07/2019/0850/F – erection of a house and the demolition of existing house – 10 Meeting House Lane, Kilkeel.

AGREED: On the proposal of Councillor McKee seconded by Councillor Devlin it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 11 March 2020: -

- **LA07/2019/1189/F** – temporary mobile home – land 25m east of 113 Ballagh Road, Newcastle **REFUSAL**
- **LA07/2018/1612/F** - erection of 1 No. storage and distribution warehouse with associated office, to include all site and access works - lands at Loughway Business Park, approx 50m east and south of Unit 9a Loughway Business Park, Newry. **APPROVAL**
- **LA07/2020/0058/F** - This is a section 54 application seeking planning permission to develop land without complying with conditions 03,04,05 and 09 of the previous planning permission LA07/2019/1245/F (seeking removal of conditions) - Approximately 75m SW of 58 Derrymore Road Newry **APPROVAL**
- **LA07/2017/0918/F** - proposed extensions and alterations to existing nursing home to create an additional 38 bedrooms including alterations to existing chapel and convent and all

ancillary site works including a total of 41 number spaces. Please note all buildings are listed. (Additional Information received 18/12/2019) (Amended plans received 03/02/2020) - 1 Home Avenue Newry Co. Down **APPROVAL**

- **LA07/2017/0938/LBC** - Proposed extensions and alterations to existing nursing home to create an additional 38 new bedrooms including alterations to existing chapel and convent and all ancillary site works including an additional 41 car park spaces at Kilmorey Care, 1 Home Avenue, Newry, Co. Down, BT34 2DL (Amended plans/additional info received) **CONSENT**
- **LA07/2017/0963/LBC** - refurbishment works to reinstate existing laundry building - Our Mother of Mercy 1 Home Avenue, Newry **CONSENT**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/029/2020: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

- (1) **LA07/2016/0821/F**
(Audio recorded -YES)

Location:

24 Ringhaddy Road, Killinchy

Proposal:

Change of house type to that previously approved under R/2012/0323/F

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Annette 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.

Speaking rights:

In objection

Murray Bell, Bell Architects and David Storey, Concerned Ringhaddy Area Residents, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support

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

Issues raised:

- Dwelling will cause significant unintegrated cut into the landscape.

- Site has been left open and exposed due to removal of vegetation and therefore fails the integration test.
- Elevations are missing and windows have been left out of elevations.
- Finished floor levels are not the same as had been provided in initial details provided in the previous application.
- Concerns that missing vegetation has not been referred to, in particular along northern and western boundaries.
- 1.5m retaining wall is considered by objectors as not appropriate in a rural context.
- Site area and levels remains unchanged – revised dwelling is still modest in size and there have been no objections from statutory consultees.

Ms Largey said it was important to give clarification regarding the Applicant raising the issue of complaints to the Ombudsman. She said Council did not have a copy of the Ombudsman report on the said complaints but had correspondence from DFI. She said 8 no. applications had been under complaint, one with a finding of maladministration in respect of which DFI correspondence was provided. Does refer to some issues in the processing of application, but does not find it was granted in error. She said the Council had an application from 2012 which granted permission for a new dwelling and she said this decision remained extant as does the decision from 2005 that was found to have constituted maladministration, and that the Ombudsman recognises it would not be feasible to revisit these applications. She advised that the Committee should have regard to the fact these decisions remain extant and none were challenged by judicial review."

Councillor McAteer proposed to issue an approval in respect of Planning Application LA07/2016/0821/F, as per the information and recommendation contained in the Case Officer Report presented to Committee. Councillor McKee seconded the proposal.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

Agreed: On the proposal of Councillor McAteer seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2016/0821/F, as per the information and recommendation contained in the Case Officer Report presented to Committee.

It was also agreed Officer be delegated authority to impose relevant conditions in terms of the provision of adequate landscaping.

**(2) LA07/2019/1087/O
(Audio recorded -YES)**

Location:

Approximately 50m NE of 21 Drakes Bridge Road, Crossgar

Proposal:

Replacement dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney, 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:

In support

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

Issues raised:

- The building has four intact walls; a roof; a door; no windows
- Building is part of a farm holding – the farm has lay dormant for a long period of time
- Building exhibits characteristics as required by policy and has the fabric of a building similar to what the Council have granted approval for in the past.

Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was unanimously agreed to defer Planning Application LA07/2019/1087/O in order for a site visit to take and allow a better visual of the building and site.

**(3) LA07/2019/1134/O
(Audio recorded -YES)**

Location:

90 Manse Road, Darraghcross, Crossgar

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney, 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

In support

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

Issues raised:

- Site clearly has 2 No. buildings.
- Building and adjacent property meet criteria
- Requirement that buildings remain attached but must also be kept vernacular.
- Building is openly visible from the road.

Agreed: On the proposal of Councillor Reilly seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2019/1134/O in order for a site visit to take place.

(4) LA07/2019/1644/F (Audio recorded -YES)

Location:

Lands at and located to the west of 24 Crabtree Road, Ballynahinch

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette 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.

Speaking Rights:

In support

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

Issues raised:

- Odour Assessment is not based on actual readings but based on modelling and assumption.
- An enlarged curtilage to accommodate a dwelling could be considered by Planning Department

Councillor Hanna proposed to defer Planning Application LA07/2019/1644/F to allow further discussion between Planning Officials, Applicant and Agent regarding the possibility of an enlarged curtilage to the rear of the existing building and that Planning Officers be delegated to issue a decision thereafter. 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: 7
AGAINST: 0
ABSTENTIONS: 0

Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2019/1644/F to allow further discussion between Planning Officials, Applicant and Agent regarding the possibility of an enlarged curtilage to the rear of the existing building.

Planning Officers be delegated authority to issue a decision thereafter.

(11.40am – the Meeting adjourned)

(11.55am – the Meeting resumed)

**(5) LA07/2019/1455/F
(Audio recorded - YES)**

Location:

30m SE of 8 Outlacken Road, Belleeks, Newry

Proposal:

New access to dwelling in substitution to that approved under planning ref LA07/2018/0118/F

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Andrew 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.

Speaking rights:

In support

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

Issues raised:

- Appears to be a conflict between position of house on previously approved drawings and the drawings presented for the current application.
- A full detailed planting scheme has not been provided.
- No valid planning reasons to support that this application should be considered as an exception.
- A new application would be required to reposition the dwelling.
- The proposed new access would portray a lack of restraint.
- No evidence to support that the original approved means of access is no longer available.

Agreed: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2019/1455/F in order

for further evidence to be submitted, in particular with regard to the availability of the approved means of access. This evidence must be provided within a time limit of 8 weeks.

**(6) LA07/2019/1449/F
(Audio recorded -YES)**

Location:

Site adjacent to and 50m south of 29 Foughilletra Road, Jonesborough

Proposal:

Proposed infill dwelling and detached garage under PPS21

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Andrew 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.

Speaking Rights:

In support

Barney Dinsmore, agent was available to present in support of the application.

Issues raised:

- Measurements of gap site.

Agreed: On the proposal of Councillor Larkin seconded by Councillor Harte it was agreed to defer Planning Application LA07/2019/1449/F in order for a site visit to take place .

**(7) LA07/2018/0048/F
(Audio recorded – NO)**

Location:

Lands 10m NW of 56 Levelleyreagh Road, Rostrevor

Proposal:

Demolition of existing barns and construction of new self-build self-catering holiday letting unit, in substitution of previously approved conversion LA07/2015/1030/F

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

In support

Colin O'Callaghan, agent was available to present in support of the application.

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:

- Application has been handled inconsistently in comparison to similar applications.
- Cost of refurbishment should be a material consideration.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to defer Planning Application LA07/2018/0048/F in order for a site visit to take place.

**(8) LA07/2019/1551/0
(Audio recorded – YES)**

Location:

Immediately east of 15 Mill Road, Hilltown, Newry

Proposal:

Proposed 1 ½ storey dwelling and garage

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:In support

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

Issues raised:

- Containers and mobiles do not constitute a building or permanent structure and are deemed unlawful in the absence of a Certificate of Lawful Use or Development (CLUD).
- Lack of clarification regarding ownership of the farm business.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2019/1551/O to allow for further investigation regarding the status of the structures currently on site and clarification on ownership of the farm under which the application has been made.

This application to be presented back to the Planning Committee in due course.

FOR NOTING

P/030/2020: HISTORIC ACTION SHEET

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

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

P/031/2020: PLANNING COMMITTEE MEETING PERFORMANCE REPORT - FEBRUARY 2020

Read: Planning Committee Performance Report February 2020. **(Copy circulated)**

AGREED: It was agreed to note the Planning Committee Performance Report for January 2020.

P/032/2020: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES

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

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

P/033/2020: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – February 2020. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions for January 2020.

The Meeting concluded at 12.55pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 3 June 2020.

Signed: _____ Chairperson

Signed: _____ Chief Executive