

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 11 December 2019 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 P Brown
Councillor W Clarke
Councillor V Harte
Councillor G Hanna
Councillor C Mason
Councillor D McAteer
Councillor H McKee
Councillor M Ruane

(Officials)

Mr C Mallon	Director, Enterprise, Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Mr F O Connor	Legal Advisor
Ms L Coll	Legal Advisor
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

(Others)

Mr E Loughrey Inaltus Town Planning

P/124/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Devlin.

P/125/2019: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

**P/126/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

Declarations in relation to Para.25 of Planning Committee Operating Protocol –
Members to be present for entire item:-

- Item 6 - LA07/2017/0542/F - retail park with ancillary coffee shop/restaurant units at Carnbane Industrial Estate, Newry - **Councillors Ruane, Harte, Larkin and McAteer** previously declared an interest and would not take part in the discussion/decision on this application.
- Item 7 - LA07/2016/1074 - Community Treatment and Care Centre - **Councillors Brown, Devlin, Reilly and Trainor** would not take part in the discussion/decision on this application.
- Item 9 - LA07/2018/1614/0 - dwelling on a farm at Island Road, Atticall - **Councillors Brown, Clarke, Devlin, Harte and Trainor** would not take part in the discussion/decision on this application.
- Item 10 - LA07/2019/0512/0 - proposed infill dwelling and detached garage - between 151 and 149 Dunmore Road, Ballynahinch - **Councillors Brown, Devlin, Mason and Trainor** would not take part in the discussion/decision on this application.
- Item 11 - LA07/20191130/0 - end of terrace dwelling adjacent to 33 Dunwellan Park, Newcastle - **Councillors Brown and Trainor** would not take part in the discussion/decision on this application.

MINUTES FOR CONFIRMATION

**P/127/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 13 NOVEMBER 2019**

Read: Minutes of Planning Committee Meeting held on Wednesday 13
November 2019. **(Copy circulated)**

**AGREED: On the proposal of Councillor Hanna, seconded by
Councillor Clarke, it was agreed to adopt the Minutes of
the Planning Committee Meeting held on Wednesday 13
November 2019 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/128/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations
received or requests for speaking rights – Wednesday 11 December
2019. **(Copy circulated).**

Mr McKay asked that Planning Application LA07/2019/0773/0 be removed from the Addendum List as there had been a commitment to meet with the applicant and agent and to date this meeting had not taken place.

AGREED: **On the proposal of Councillor Trainor seconded by Councillor Clarke it was agreed to remove the following Planning Application from the addendum list, to allow for a meeting to take place with planners, applicant and agent:-**

- LA07/2019/0773/0 – dwelling – to rear of 71 Church Street, Downpatrick. **REFUSAL**

AGREED: **On the proposal of Councillor Trainor seconded by Councillor Clarke it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 11 December 2019: -**

- LA07/2019/0622/A – 1 No. wall fixed illuminated sign (retention) – Riverside RP Church, Basin Walk, Newry BT35 6HU. **APPROVAL**
- LA07/2019/1027/F – single storey rear extension to dwelling – external lift with complementary steps to front of dwelling – 4 Riverside Road, Ballynahinch. **REFUSAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/129/2019: PLANNING APPLICATIONS FOR DETERMINATION

(Councillors Harte, Larkin, McAteer and Ruane withdrew from the Meeting, Councillor Reilly assumed the Chair).

The following applications were determined by the Committee:-

(1) LA07/2017/0542/F
(Audio recorded - YES)

Location:

Former HM Revenue Customs House and Clearance Station, Carnbane Way, Carnbane Industrial Estate, Newry.

Proposal:

Retail park with ancillary coffee shop/restaurant units (supporting statement April 2019)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

In objection:

Andy Stephens, Glyn Roberts and Eamonn Connolly presented in opposition to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support:

Laurence Breen, Martin Kelly, Stephen Shaw QC and Mike Prentice presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr 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.

Ms Largey clarified that DfI Strategic Planning had advised Planning Application LA07/2017/0542/F was to be considered by the Committee, whereupon it would be referred back to DfI to decide whether or not to call it in. Should DfI decide to call it in, the Committee would have no further involvement in the decision making process, however, if they declined to call it in, it would be returned to Committee and a further pre determination meeting, followed by a final hearing would have to be carried out.

Issues raised:

- Mr Rooney said the Impact Assessment submitted by the applicant had failed to satisfy the requirements of Planning.
- Mr Roberts said the proposal would take 30% of the trade away from the city centre.
- Mr Roberts advised that N.Ireland has twice the UK average of shop vacancies across the UK.
- Mr Roberts considered the Bridgewater development at Banbridge had resulted in significant loss to Banbridge town centre.
- Mr Loughrey, Inaltus Town Planning considered the proposal would result in significant job displacement.
- Planning acknowledged there was still a substantial amount of undeveloped employment lands in Newry.
- Mr Stephens considered the proposal was at a competitive advantage to Newry city centre and the town centre first approach needed to be respected.
- Mr Kelly said the Economic Assessment Report conducted took account of job displacement and there would be 1000 new jobs after displacement.
- Mr Rooney said the applicant had failed to demonstrate the need for the proposed development.
- The identities of the end users could not be divulged due to signed confidentiality agreements.
- Ms Largey said the request for information from Planning had not been forthcoming, even on a confidential basis, and it was up to the Committee to weigh up all the evidence in determining the application.

- The applicant considered it would not be viable to split the development over a number of sites as the end users worked together in clusters and large units were required to compete with the online market.
- Of the 60+ city centre sites considered, none were suitable, available or viable.
- The proposal would include bus links to take people into Newry city centre to mitigate against a potential loss to city centre trading.
- The applicant said shoppers were bypassing Newry due to congestion and going to Banbridge.
- The original application P/2009/0163/F was for mixed use, which included 70 light industrial / business units, however this had been on stilts to allow for car parking beneath the units and this design was no longer acceptable to the end users.
- Regarding confidentiality as to the identity of the end users, Mr Stephens said whilst he accepted verbal evidence could be used, there would be prejudice if the evidence was not submitted in this regard.
- Mr Shaw said the lack of written evidence did not mean the evidence did not exist, and it was up to the Committee to attach whatever weight they deemed appropriate.
- Ms Largey reiterated the issue for the Committee was to attach weight to the whatever evidence was before them. She acknowledged she would usually advise the Committee to request documentary evidence and said that Officers had asked for documentary evidence but this had not been forthcoming and the issue regarding confidentiality had just been raised by the applicant today, she said balance was required when making their determination.
- Mr Stephens said there was no evidence to substantiate the claim made by the applicant that RoI shoppers were by-passing Newry.

Councillor Clarke proposed to accept the Officer's recommendation on the basis that Council had a vision for a vibrant Newry City Centre regeneration with a lot of planned development and he considered the application was premature. Additionally, Councillor Clarke said it was important to adhere to the city centre first approach in terms of development and he said local city centre businesses would be decimated if the proposed development was to proceed.

Councillor Hanna seconded the proposal.

Councillor Reilly asked for a recorded vote, saying he had some concerns. Ms Largey advised that it was not customary to have recorded votes at Planning Committee Meetings, however it was up to the Committee to decide if they wished to have a recorded vote.

Councillor Reilly asked the Committee if anyone wished to propose a recorded vote be taken, this was declined by all Members.

Councillor Clarke's proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	4
AGAINST:	2

ABSTENTIONS: 1

The proposal was declared carried.

Agreed: On the proposal of Councillor Clarke seconded by Councillor Reilly it was agreed to issue a refusal in respect of Planning Application LA07/2017/0542/F as per the information and recommendation contained in the Case Officer report presented to Committee.

Ms Largey reminded the Committee Planning Application LA07/2017/0542/F would be referred to DFI and the Committee would be updated in due course.

(Break 12.15 - 12.25)

**(2) LA07/2016/1074/RM
(Audio recorded -YES)**

(Councillors Brown, Reilly and Trainor withdrew from the Meeting)

Location:

Lands at Abbey Way/Courtney Hill, Newry

Proposal:

Development of a Community Treatment and Care Centre

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:

In support

Eamon O'Hare, Karen McShane, Jim Kerr and David Mountstephen presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mr Pat Rooney, 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:

- In response to a query regarding the provision of a slip road at the access point, Ms McShane advised they had considered two options:
 1. A slip lane parallel to existing access, however, this would not be feasible as the slip lane would not be long enough to run parallel to existing access.

2. A second entrance, however there was no evidence there would be a queue of traffic as there would be no barrier into the carpark and additionally, they considered this option would cause confusion to drivers.

- With regard to the provision of a slip road, DfI advised a Safety Audit would be required to be carried out which would identify need.
- DfI welcomed the increased radii of 10m, however they had concerns regarding public transport, pedestrian access and reduced car parking.
- Applicant advised there was no proposal for a roundabout, however it was proposed to widen the rear access, fit an automatic sliding gate, allow for a turning point and a set down lay by within the site.
- In response to various concerns from Members including safety and traffic calming measures Mr McKay referred to Page 155 of the Case Officer Report which outlined a number of draft planning conditions which, he said would be included in all matters to be resolved at a later date.
- The applicant advised the Committee they had conducted a Road Safety Audit but said this could be updated as required and they were content to work alongside Officers' in relation to the travel plan and public transport.
- Mr McKay advised that a Road Safety Audit would reveal all further works that would be necessary and all conditions included in the Audit would have to be fulfilled.
- Ms Largey advised a Planning Agreement could be drawn up which would allow for more detail to be included and would require the applicant to carry out the recommendations outlined in the Transport Assessment and Road Safety Audit. Ms Largey said the benefit of having a Planning Agreement was that it was flexible in that any requirements arising from the Road Safety Audit could be added to the agreement.

Councillor Clarke proposed to accept the Officer's recommendation in principle, with conditions delegated, and said it was necessary that public transport was included in the proposal.

Mr McKay advised DfI had accepted a reduced level of parking spaces on the basis that a bus service was provided.

Agreed: On the proposal of Councillor Clarke seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2016/1074/RM 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 to cover all the issues raised by Members at the meeting or to enter into a planning agreement if it was considered necessary to do so to ensure all the conditions raised by Members were adequately addressed.

(Lunch 1.25pm – 2.10pm)

**(3) LA07/2019/0645/F
(Audio recorded – YES)**

Location:

Delamont outdoor education centre 88 Downpatrick Road Killyleagh.

Proposal:

Reconstruction of existing vehicle turning circle and replacement section of 1200 high stock proof fencing and construction of new boat slipway for the exclusive use of the Education Authority.

Conclusion and Recommendation from Planning Official:

Approval

Ms Largey asked the Committee if they were to agree to the proposal, that they considered removing the words 'for the exclusive use of the Education Authority' as to retain them could be potentially unlawful.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/0645/F subject to removing the words 'for the exclusive use of the Education Authority' from the proposal.

(Councillors Brown, Clarke, Harte and Trainor withdrew from the Meeting)

**(4) LA07/2018/1614/O
(Audio recorded – YES)**

Location:

50m south of No. 24 Island Road, Atticall, Kilkeel.

Proposal:

Dwelling on a farm.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

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

Power-point presentation:

Mr 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.

Councillor Larkin proposed to issue an approval contrary to Officer recommendation on the basis that the proposed dwelling would be visually linked and cluster with the farm buildings, would not be prominent in the landscape, would have established boundaries and be sympathetic to the surrounding countryside.

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

FOR:	6
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2018/1614/O contrary to Officer recommendation on the basis that the proposed dwelling would be visually linked and cluster with the farm buildings, it would not be prominent in the landscape, would have established boundaries and would be sympathetic to the surrounding countryside.**

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

(5) LA07/2019/0512/O
(Audio recorded – YES)

(Councillor Clarke rejoined the Meeting, Councillor Mason withdrew from the Meeting)

Location:

between 151 and 149 Dunmore Road, Ballynahinch

Proposal:

proposed infill dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Aodhan and Louise Murray, applicants, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Ms 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.

Councillor Larkin said he had attended the site visit and was content the application was an infill opportunity and proposed to issue an approval contrary to Officer recommendation with conditions attached.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor McKee it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/0512/0 on the basis that the application represented an infill opportunity.**

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

**(6) LA07/2019/1130/0
(Audio recorded – YES)**

(Councillor Mason rejoined the Meeting)

Location:

Site adjacent to 33 Dunwellan Park, Newcastle.

Proposal:

New end of terrace dwelling with associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Nicholas O'Neill, 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 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.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Reilly it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2019/1130/O as per the information and recommendation contained in the Case Officer report presented to Committee.

**(7) LA07/2019/1142/O
(Audio recorded – YES)**

Location:
Side garden at 75 Station Road, Saintfield.

Proposal:
Proposed gat site for 1 no. dwelling.

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:
Gary and Colette McCandless, applicants presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:
Ms 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.

AGREED: On the proposal of Councillor Reilly seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2019/1142/O for a site visit to take place to allow Members to assess the site in more detail.

**(8) LA07/2019/1231/O
(Audio recorded – YES)**

Location:
80m South of 22 Drumgooland Road, Downpatrick.

Proposal:
Dwelling and garage on a farm under Policy CTY 10 of PPS21.

Conclusion and Recommendation from Planning Official:
Refusal

Speaking rights:

Gerry Tumelty, 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 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.

Issues raised:

- The only objection to the application was the proposed location.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to defer Planning Application LA07/2019/1231/O for a site visit to take place to allow Members to assess the site in more detail.**

(9) LA07/2019/1234/O
(Audio recorded – YES)

Location:

Adjacent and south of 22 Rocks Chapel Road, Crossgar.

Proposal:

Dwelling and garage on an infill site under Policy CTY 8 of PPS21.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, 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 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.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2019/1234/O for a site visit to take place to allow Members to assess the site in more detail.**

(10) LA07/2019/1257/F

(Audio recorded – YES)

Location:

87 Seaview, Killough.

Proposal:

Two storey extension to side of dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gerry Tumelty, 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 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.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to defer Planning Application LA07/2019/1257/F for a site visit to take place to allow Members to assess the site in more detail.**

FOR DISCUSSION/DECISION

P/130/2019: MINUTES OF LOCAL DEVELOPMENT PLAN STEERING GROUP

Read: Minutes of Local Development Plan Steering Group Meeting held on 20 November 2019. (copy circulated)

Agreed: **On the proposal of Councillor Hanna, seconded by Councillor Reilly the Minutes of the Local Development Plan Steering Group were agreed.**

P/131/2019: LOCAL DEVELOPMENT PLAN STEERING GROUP TERMS OF REFERENCE: AMENDMENT

Read: Local Development Plan Steering Group Terms of Reference: Amendment. (copy circulated)

Agreed: **On the proposal of Councillor Larkin seconded by Councillor Clarke it was agreed to note the content of**

the report and agree the amendments to the ToR as detailed in report.

P/132/2019: RESPONSE TO LISBURN AND CASTLEREAGH CITY COUNCIL LOCAL DEVELOPMENT PLAN 2032 DRAFT PLAN STRATEGY

Read: Response to Lisburn and Castlereagh City Council Local Development Plan 2032 Draft Plan Strategy. (copy circulated)

Agreed: **On the proposal of Councillor McAteer seconded by Councillor Trainor it was agreed to note the content of the report and agree the representation response to Lisburn and Castlerreagh City Council’s Local development Plan – Draft Plan Strategy.**

FOR NOTING

P/133/2019: LOCAL DEVELOPMENT PLAN STEERING GROUP PROGRAMME

Read: Local Development Plan Steering Group: Programme (October 2019 – October 2020). (Copy circulated).

P/134/2019: HISTORIC ACTION SHEET

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

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

P/135/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT – NOVEMBER 2019

Read: Planning Committee Performance Report November 2019. **(Copy circulated)**

AGREED: **It was agreed to note the Planning Committee Performance Report November 2019.**

P/136/2019: 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/137/2019: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – November 2019. **(Copy circulated)**

AGREED: It was agreed to note the Appeals and Decisions November 2019.

The Meeting concluded at 3.20 pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 8 January 2020.

Signed: _____ Chairperson

Signed: _____ Chief Executive