

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 12 February 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 P Brown
Councillor W Clarke
Councillor L Devlin
Councillor V Harte
Councillor G Hanna
Councillor C Mason
Councillor D McAteer
Councillor H McKee
Councillor M Ruane
Councillor J Trainor

(Officials)

Mr C Mallon	Director Enterprise Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr A Hay	Principal 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 G McEwan	Environmental Health Officer
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

P/011/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

No apologies.

P/012/2020: DECLARATIONS OF INTEREST

No declarations of interest.

P/013/2020: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

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

- Item 7 - LA07/2019/1069/0 - site for dwelling and garage lands approx. 20m NE of 31A Quarter Road, Glasdrumman, Annalong - **Councillors Brown, Devlin, Mason, Reilly and Ruane** did not take part in the discussion/decision on this application.

(Councillor McAteer explained that although he did not attend the Site Meeting he did however receive an update from the Planning Officer on site on the issues discussed and he indicated he would remain present in the Meeting during discussion/decision on this Application.)

- Item 8 - LA07/2019/1221/F - proposed guest house tourist accommodation and associated site works land 10m NW of 180 Tullybrannigan Road, Newcastle – **this application was withdrawn from the agenda.**

MINUTES FOR CONFIRMATION

P/014/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 8 JANUARY 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 8 January 2020. **(Copy circulated)**

AGREED: On the proposal of Councillor Ruane seconded by Councillor McAteer it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 8 January 2020 as a true and accurate record.

FOR DISCUSSION/DECISION

P/015/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 12 February 2020. **(Copy circulated).**

AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin it was agreed to approve the Officer recommendation in respect of the following application listed on the Addendum List for Wednesday 12 February 2020:

- LA07/2019/0943/F - proposed manufacturing facility welfare & office facilities, associated site works including: yard storage areas, boundary fencing, 2 No. vehicular & pedestrian access entrances - Lands approximately 150m North East of MJM Group Unit 01 Derryboy Road Carnbane Business Park Newry BT35 6QH
APPROVAL

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/016/2020: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

**(1) LA07/2019/1302/F
(Audio recorded -YES)**

Location:

To the rear of Nos. 65-69 South Promenade Newcastle

Proposal:

Provision of dwelling with associated parking and amendment of application R/2011/0794/F to remove parking area for apartments and replace with a shared amenity space.

Conclusion and Recommendation from Planning Official:

Refusal

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.

Representatives from Dfi Roads were in attendance to answer queries from Members.

Speaking rights:

In objection

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

In support

Eoin Morgan, agent, and Roseanne Ireland, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised

Concerns regarding parking along the road and potential for causing accidents.

Agreed: On the proposal of Councillor Clarke seconded by Councillor McAteer it was unanimously agreed to defer Planning Application LA07/2019/1302/F to allow a site visit to take place, and report back to the Planning Committee in due course.

**(2) LA07/2019/1362/O
(Audio recorded -YES)**

Location:

Adjacent and immediately south of No. 64 The Heights, Loughinisland

Proposal:

Gap/infill site for dwelling and domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms 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

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

Issues raised:

- Increased the site area
- Applicant intends to demolish nearby buildings
- Infill can be integrated

Agreed: On the proposal of Councillor Larkin seconded by Councillor Trainor it was unanimously agreed to defer Planning Application LA07/2019/1362/O to allow a site visit to take place, and report back to the Planning Committee in due course.

**(3) LA07/2019/1537/F
(Audio recorded -YES)**

Location:

23 South Promenade Newcastle

Proposal:

Proposed conversion of existing vacant house to 2 no. apartments, rebuilding of rear return plus new garage and workshop/stores in rear garden

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms 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.

Representatives from Dfi Roads were in attendance to answer queries from Members.

Speaking rightsIn support

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

Issues raised:

- If the building was previously multiple occupancy then historically parking may have been provided along the road.
- Intensification of use of lane.
- Deficient in sightline width.

Agreed: On the proposal of Councillor Hanna seconded by Councillor Clarke it was unanimously agreed to issue an Approval in respect of Planning Application LA07/2019/1537/F, contrary to Officer recommendation, on the basis that most of the parking required at this building can be accommodated 'on street' or at the Car Park located nearby, and that the proposed apartments will not cause any intensification of traffic in the area.

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

**(4) LA07/2019/1640/F
(Audio recorded -YES)**

Location:

31 Central Promenade Newcastle

Proposal:

Change of use from a florist shop to donut shop

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:In objection

David Elliott, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members

In support

Barry Hillen, agent and Matthew Toner, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Power-point presentation:

Mrs A 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:

- Covenant contained in Deeds of the privately owned apartments stipulates no selling of hot food and if the application is approved this will cause problems for private owners wishing to sell their apartments.
- Possible odour nuisance
- A high concentration of fast food outlets already exist in Newcastle.
- Possibility of potential for a fast food outlet opening in the premises in the future if this change of use was granted.

- Restricted opening and frying times.
- Planners do not believe there is a visual detrimental impact on the residential enmity of nearby residents in relation to the proposed extractor system at the back of the building.

Noted: Case Law in respect of Planning states Covenants are civil matters and are not material considerations within Planning.

Councillor Clarke proposed to issue an Approval in respect of Planning Application LA07/2019/1640/F as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor Devlin seconded the proposal.

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

FOR:	10
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared carried.

Agreed: On the proposal of Councillor Clarke seconded by Councillor Devlin it was agreed to issue an Approval in respect of Planning Application LA07/2019/1640/F as per the information and recommendation contained in the Case Officer report presented to Committee.

It was also agreed Officers be delegated authority to impose relevant conditions that are adequate enough to ensure no detriment to residents including the maintenance of the extractor system.

Noted: The owner of the proposed business is willing to meet with residents.

(12.29pm: Councillor H McKee left the meeting)

(12.30pm: Councillors Reilly, Brown, Devlin, Mason and Ruane withdrew from the meeting)

**(5) LA07/2019/1069/O
(Audio recorded - NO)**

Location:

Lands approx.. 20m NE of 31A Quarter Road, Glasdrumman, Annalong

Proposal:

Site for 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

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

Agreed: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an Approval in respect of Planning Application LA07/2019/1069/O contrary to Officer recommendation, on the basis that the site visit revealed the development of the site represented a rounding off opportunity of a cluster and would have no detrimental impact on the countryside and there was no potential for any further development.

(12.50pm: Councillors Reilly, Brown, Devlin, Mason and Ruane re-joined the meeting)

(12.50pm: Councillor Trainor left the meeting)

**(6) LA07/2018/0868/F
(Audio recorded -YES)**

Location:

Lands at and to the rear of St Anne's Close (15m SW of 6 St. Anne's Close) and to the rear of St. Anne's Court (7m W of 6 St. Anne's Court) Killough

Proposal:

Proposed demolition of 7 St Anne's Close and the erection of a residential development consisting of 47 No dwellings (44 semi-detached and 3 No townhouses), associated domestic garages, public open space and associated site works and landscaping, with access from St Anne's Close

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms A 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

Michael Graham, agent was available to present in support of the application.

Agreed: On the proposal of Councillor Clarke seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0868/0 as per the information and recommendation contained in the Case Officer report presented to Committee.

**(7) LA07/2015/0825/F
(Audio recorded – YES)**

Location:

Lands between 79 and 81 Drumalane Road Newry

Proposal:

Demolition of No.81 Drumalane Road and erection of 11 No. dwellings (3 No. detached and 8 No. semi-detached), access from Drumalane Road, landscaping and all associated site works (Amended proposal).

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:

In support

Michael Graham, agent was available to present in support of the application.

Power-point presentation:

Mr 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.

AGREED: On the proposal of Councillor Reilly seconded by Councillor Clarke it was agreed unanimously agreed to issue an approval in respect of Planning Application LA07/2015/0825/F as per the information and recommendation contained in the Case Officer report presented to Committee.

**(8) LA07/2019/1408/0
(Audio recorded – YES)**

Location:

Site to south of 19A Derrywilligan Road, Ranton's Cross Roads, Newry

Proposal:

Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking Rights:

In support

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

Councillor D Taylor presented in support of the application.

Power-point presentation:

Mr 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.

Issues raised:

- Land is seen as domestic ground not agricultural and does not extend into the countryside.
- A development exists to the north west of the site.
- The proposed development will provide completeness to the cluster already present and will distinguish the cross roads focal point.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Reilly it was agreed to issue an Approval in respect of Planning Application LA07/2019/1408/O, contrary to Officer recommendation, on the basis that a similar development took place on Carobane Road Belleeks, it was accepted the proposed development would provide a rounding off of the cluster already there and recent PAC decisions indicate the Committee do not have to slavishly follow Planning Policy.

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

EXEMPT INFORMATION ITEMS

AGREED: On the proposal of Councillor Ruane seconded by Councillor Devlin the following item is deemed to be restricted by virtue of Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

P/017/2020: AUDIO RECORDING OF PLANNING COMMITTEE MEETINGS

Read: Report dated 12 February 2020 from Mr F O'Connor, Legal Advisor, re: audio recording of Planning Committee Meetings. **(Copy circulated).**

AGREED: Councillor Clarke proposed and Councillor Devlin seconded to come out of closed session.

When the Committee was out of closed session the Chairman reported the following had been agreed:-

AGREED: On the proposal of Councillor Reilly seconded by Councillor Larkin it was agreed to amend the lawful basis currently relied upon by Council in the audio-recording of Planning Committee Meetings. The current practice is to seek the express consent of individuals and it was agreed this be replaced by relying upon the ground set out in Article 6 Article 6(1)(e) of the General Data Protection Regulations (GDPR), viz that "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller".

FOR NOTING

P/018/2020: PLANNING APPLICATION LA07/2018/0001/O - LIDL NEWCASTLE

Mr McKay gave an update on Planning Application LA07/2018/0001/O.

He said it had not been possible to have the application tabled at the meeting today as Planning Department had only been in receipt of a revised transport assessment submitted by the Applicant. He said following consultation on the revised transport assessment, the objectors have been notified and it is hoped this application will be tabled at the next Planning Committee Meeting to be held on Wednesday 11 March 2020.

LOCAL DEVELOPMENT PLAN

P/019/2020: MINUTES OF LOCAL DEVELOPMENT PLAN STEERING GROUP - 22 JANUARY 2020

Read: Minutes of Local Development Plan Steering Group Meeting held on 22 January 2020. **(Copy circulated)**

AGREED: **On the proposal of Councillor Ruane seconded by Councillor McAteer it was agreed to note the Minutes of the Local Development Plan Steering Group Meeting held on 22 January 2020.**

FOR NOTING

P/020/2020: HISTORIC ACTION SHEET

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

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

P/021/2020: PLANNING COMMITTEE MEETING PERFORMANCE REPORT - JANUARY 2020

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

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

P/022/2020: 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/023/2020: APPEALS & DECISIONS

Read: Report re: Appeals and Decisions – January 2020.

(Copy circulated)

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

The Meeting concluded at 1.15pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 11 March 2020.

Signed: _____ Chairperson

Signed: _____ Chief Executive