

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 13 November 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 L Devlin
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
Ms A McAlarney	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Mr F O Connor	Legal Advisor
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

**P/111/2019: PLANNING APPLICATION – LA07/2017/0542/F –
RETAIL PARK AT CARNBANE INDUSTRIAL ESTATE,
NEWRY**

Prior to the Meeting formally commencing, Ms Largey advised that Planning Application LA07/2017/0542/F had been withdrawn from the Agenda as DfI had advised they were making a direction in relation to this application and had placed a 'pause' on the application in order to consider all documentation pertaining to it.

P/112/2019: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Trainor.

P/113/2019: DECLARATIONS OF INTEREST

Councillor Hanna declared an interest in Planning Application LA07/2015/0244/F – lands adjacent to No. 62 Newry Road, Warrenpoint stating he sat on the board of the Warrenpoint Harbour Authority.

P/114/2019: 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:-

No declarations were made.

MINUTES FOR CONFIRMATION

P/115/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 16 OCTOBER 2019

Read: Minutes of Planning Committee Meeting held on Wednesday 16 October 2019. **(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 16 October 2019 as a true and accurate record.

FOR DISCUSSION/DECISION

P/116/2019: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 16 October 2019. **(Copy circulated).**

AGREED: On the proposal of Councillor Clarke seconded by Councillor Devlin it was agreed to remove the following Planning Application from the addendum list, for full presentation at the next Committee Meeting, as requested by Councillor Brown:-

- **LA07/2019/0645/F – Delamont outdoor education centre 88 Downpatrick Road Killyleagh – 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 **APPROVAL**

AGREED: **On the proposal of Councillor Clarke 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 13 November 2019: -**

- **LA07/2019/0445/0** – site for 1 dwelling and garage – 69m SW of 71 Dunmore Road, Spa, Ballynahinch. **APPROVAL**
- **LA07/2015/0244/F** - Lands adjacent to No 62 Newry Road Warrenpoint and the Gilbert Ash Complex Newry Road Warrenpoint incorporating the Narrowwater Business Park This application is for the change of use from the current zoning as 'Employment Land' to 'Port Operational Land' to bring it in line with the rest of the Harbour Estate. All activity on the site will be for the carrying out the statutory function of the port under the Warrenpoint Harbour Authority Order 2002 (Amended plans received). **APPROVAL**
- **LA07/2019/0574/F** – Environmental Improvement Scheme – from Killard Road south of Benderg Park site is bordered on the south side by section of Rocks Road and to the east by Ballyhornan Beach, Ballyhornan Environmental Improvement Scheme. **APPROVAL**

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

P/117/2019: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

- (1) **LA07/2019/0399/O**
(Audio recorded - YES)

Location:

Between No. 86 Crabtree Road and 4 Cumber Road, Drumaness

Proposal:

Proposed dwelling on infill site

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:

- Planning Officials considered the vacant stable block located to the rear of No. 86 Crabtree Road to represent accompanying development to the rear and therefore the application contravened Policy CTY8.
- The agent said the disused stable block served no purpose, it had been vandalised and it was the intention of the applicant to remove it.
- The agent advised that DfI Roads had indicated the current access with existing splays were acceptable.
- Planning Officials considered the proposed dwelling did not respect the existing pattern of development in respect of plot size.
- The agent said he considered the proposed site to be a gap site within a continuous built up frontage and complied with Policy CTY8.
- There was no preservation order on the mature trees that were located adjacent to the entrance.

Agreed:

On the proposal of Councillor Hanna seconded by Councillor McKee it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/0399/O contrary to Officer recommendation on the basis that it was a gap site opportunity with continuous built up frontage and complied with policy.

It was also agreed Officers be delegated authority to impose any relevant conditions which should include the retention of the mature trees, house size and splays and the removal of the derelict buildings to the rear of the property.

**(2) LA07/2019/0456/O
(Audio recorded - Yes)**

Location:

Land 10m west of 8A Tyrella Road, Clough, Downpatrick

Proposal:

Infill dwelling, garage and associated site works.

Conclusion and Recommendation from Planning Official:

Approval

Speaking Rights:

In objection

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

In support

Barry Fletcher, 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:

- 4 objections had been received and the issues raised by objectors had been addressed in the Case Officer report.
- The frontage of the proposed site measured 30m and increased in size towards the back of the site.
- The application was for outline planning permission and Ms McAlarney advised conditions could be imposed regarding siting to ensure no impact on residential amenity.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/0456/O as per Officer recommendation, 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:	9
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared carried.

Agreed: **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2019/0456/O as per the information and recommendation contained in the Case Officer report presented to Committee.**

**(3) LA07/2019/0978/F
(Audio recorded – Yes)**

Location:

77 Ballynahinch Road, Saintfield.

Proposal:

Erection of replacement dwelling and retention of existing structure as loose box.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Gary Thompson, 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 Anette 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:

- Planning Officials accepted there was a restrictive curtilage and were content to allow for an offsite replacement, however the proposed site was not acceptable due to its proximity to a protected windmill stump.
- Ms McAlarney had been to the site and considered there to be alternative sites, however as these were not within the existing red line outlined on the map presented to the Committee, a new application would have to be submitted.
- The agent considered the proposed siting to be unsuitable in terms of health and safety and not conducive to good practice. He also said the windmill stump would be better protected if it was taken into the curtilage of the proposed dwelling.

Ms Largey asked that it be put on record the Committee benefitted from legal advice on every application that was brought before it and in reference to a comment made during discussions, she said it was untrue to suggest any Member would be vicariously liable for any accident or incidents that might occur as a result of the negligence or actions by any third party.

Councillor McAteer proposed to accept the Officer’s recommendation and issue a refusal, Councillor Clarke seconded the proposal.

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

FOR:	8
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor McAteer, seconded by Councillor Clarke it was agreed to issue a refusal in respect of Planning Application LA07/2019/0978/F as per the information and recommendation

contained in the Case Officer report presented to Committee.

(Break 11.35 – 11.50).

**(4) LA07/2019/1130/O
(Audio recorded – YES)**

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.

Issues Raised:

- One letter of objection had been received, objecting on behalf of 14 different addresses.
- The proposal was for a new end of terrace dwelling connected to, and not an extension of, No. 33 Dunwellan Gardens.

Councillor Clarke proposed to defer Planning Application LA07/2019/1130/O to allow for a site visit to take place. Councillor Hanna seconded the proposal.

AGREED:

On the proposal of Councillor Clarke, seconded by Councillor Hanna it was defer Planning Application LA07/2019/1130/O to allow for a site visit to take place, so that Members could assess the site in more detail.

**(5) LA07/2018/1801/O
(Audio recorded – YES)**

Location:

Site directly adjacent to and directly south of No. 67 Sturgan Brae Road, Camlough Newry.

Proposal:

Replacement dwelling and garage.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Brian Fearon, agent, Annette Elmore and Lorna Cunningham, applicants presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

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:

- Planning Officials considered the proposed application did not represent a replacement dwelling opportunity as the former building once in situ had been demolished more than twenty years ago and it could not be established how or why the building had been destroyed.
- The applicant advised the original building had been her grandparents home and had been in existence for over ninety years.
- The building had been vested from the owners by NIE for a hydro power route project and at some stage during this time had been destroyed.
- The applicant confirmed willingness to accept any conditions imposed in terms of scale, siting and design, should planning permission be granted.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Reilly it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/1801/O contrary to Officer recommendation on the basis that there was irrefutable evidence that a house existed on the site and there was a replacement opportunity and the applicants had been disadvantaged as a result of actions taken by the government.

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

(6) **LA07/2018/1453/F**
(Audio recorded – YES)

Location:

25 Lower Knockbarragh Road, Rostrevor

Proposal:

Proposed replacement dwelling

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.

Issues raised:

- The site history including conditions of a previous Outline permission were outlined, including house type and underbuild (0.45m) restriction.
- The agent considered it would not be possible to achieve a depth of 0.45m without relocating the proposed dwelling.
- The siting indicated is an issue whereby the replacement dwelling needs relocated closer to the existing building.
- Mr Keane acknowledged that although it was a sloping site, the retaining walls to the rear of the development would be 5m high, which Planning considered, was unacceptable.
- The extent of engineering operations with retaining structures around the entire building was concerning and indicative that the current scheme was not appropriate.
- The agent advised it would not be possible to reduce the depth of the underbuilding at the back without installing retaining walls to the front of the dwelling.

Councillor Hanna proposed to accept the Officer's recommendation to issue a refusal, Councillor Reilly seconded the proposal.

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

FOR:	6
AGAINST:	4
ABSTENTIONS:	1

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to issue a refusal in respect of Planning Application LA07/2018/1453/F as per the information and recommendation contained in the Case Officer report presented to Committee.

FOR DISCUSSION/DECISION

P/118/2019: PLANNING ENFORCEMENT STRATEGY

Read: Report dated 13 November 2019 from Fearghal O'Connor, Legal Advisor recommending adoption of the draft Planning Enforcement Strategy. (Copy circulated).

AGREED: On the proposal of Councillor Ruane, seconded by Councillor McKee, it was agreed to adopt the Planning Enforcement Strategy.

FOR NOTING

P/119/2019: LOCAL DEVELOPMENT PLAN STEERING GROUP PROGRAMME

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

P/120/2019: HISTORIC ACTION SHEET

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

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

P/121/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT – OCTOBER 2019

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

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

P/122/2019: 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/123/2019: APPEALS & DECISIONS

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

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

The Meeting concluded at 12.45pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 11 December 2019.

Signed: _____ Chairperson

Signed: _____ Chief Executive