

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 16 December 2020 at 10.00am in Council Offices Monaghan Row Newry and via Microsoft Teams

Chairperson: Councillor R Burgess

In attendance: (Committee Members)

Councillor P Brown
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D McAteer
Councillor D Murphy
Councillor G O'Hare
Councillor G Stokes
Councillor J Tinnelly

(Officials)

Mr C Mallon	Director Enterprise Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer (via Teams)
Ms A McAlarney	Senior Planning Officer (via Teams)
Ms J McParland	Senior Planning Officer (via Teams)
Mr A Davidson	Senior Planning Officer (via Teams)
Mr F O Connor	Legal Advisor (via Teams)
Ms N Largey	Legal Advisor (via Teams)
Ms S Taggart (via Teams)	Democratic Services Manager
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer (via Teams)

Others: Mr J Killen DfI Roads

P/107/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from:
Councillor S Doran
Councillor J Trainor

P/108/2020: DECLARATIONS OF INTEREST

Councillors Tinnelly, Brown and McAteer declared an interest in Item 6: P/2013/0189/F – 100m West of no 15 Drumsesk Road Rostrevor BT34 3EG Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works. Add information received.

Councillor Harte declared an interest in Item 18 - Land to North of 78 Armagh Road Newry BT35 6PW South of towpath to Bessbrook River/Newry Canal and East of Damolly Retail Park 25 No. dwellings and 2 apartments (27 units in total) associated siteworks & drainage, with road access from Drumgullion Avenue. (Amended plans and proposal)

Mr F O Connor Legal Advisor declared an interest in Item 6: P/2013/0189/F – 100m West of no 15 Drumsesk Road Rostrevor BT34 3EG Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works. Add information received

P/109/2020: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

No declarations received in relation to Paragraph 25 of Planning Committee Operating Protocol.

MINUTES FOR CONFIRMATION

P/110/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 18 NOVEMBER 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 18 November 2020. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 18 November 2020 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/111/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 16 December 2020. **(Copy circulated).**

AGREED: **On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 16 December 2020:**

- **LA07/2019/1276/F** - Lands 38 metres South East of No.50 Kennard Villas Newry BT34 1LQ Residential development comprising 2 no. detached. 2no. semi-detached dwelling and 4no Apartments (total 8 units) associated communal space, landscaping and car parking. (amended scheme). **APPROVAL**
- **LA07/2020/0814/F** - 39 Ringhaddy Road Killinchy Replacement dwelling with stores and boathouse on ground floor. **APPROVAL**

AGREED: **On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to remove the following application listed on the addendum list for Wednesday 16 December 2020 as it was going to be presented to Committee:-**

- **LA07/2020/0910/F** - Lands at Down Business Park 46 Belfast Road Downpatrick Proposed Food Production Facility comprising approximately 18,000 sqm production floor space, warehouse storage area, associated parking and landscaping, site and access works. **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/112/2020: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

(1) P/2013/0189/F

Location:

100m West of No 15 Drumsesk Road Rostrevor BT34 3EG.

Proposal:

Sports complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works. Additional information received.

Conclusion and Recommendation from Planning Official:

Refusal

Note:

Councillors Brown, Tinnelly and McAteer withdrew from discussion/decision on this application.

Power-point presentation:

Jacqui McParland, Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**

In objection

Gavin Smyth, Clyde Shanks, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee.

In support:

A written submission in support of the application was received from Sinead Bradley MLA.

Malachy McCourt and Charlie Daly, St Bronagh's GAA Rostrevor, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Late information was received from consultees, Environmental Health and NIEA, which did not change the recommendation from Planning Department.
- Concerns the proposal will contribute to water deterioration in Carlingford Lough.
- Concerns regarding the protection of protected species.
- Issues regarding access onto a protected route.
- Why the application was not considered under Planning Policy 0S4.
- Does application address spectator numbers/car parking provision/need for the facility given other facilities that are located close by.
- Environmental impact – issues concerning sewage run off into watercourse/flood water back up.
- Habitats Regulations Assessment (HRA) cannot be completed.
- Impact on rural character: location of development is in an AONB; ribbon development already present; substantial land grading would be required; structure and height.

Ms Largey Legal Advisor referred to the legal requirements regarding Habitat assessments and said that under regulations planning permission cannot be granted unless you are satisfied the proposal will not have an adverse effect, and this was a very objective test.

Councillor Hanna proposed and Councillor Larkin seconded to hold a site visit on planning application P/2013/0189/F and in the interim the agent submit an engineering solution to address SES concerns.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, to hold a site visit on planning application P/2013/0189/F and in the interim the agent submit an engineering solution to address SES concerns.

(Councillors Brown, Tinnelly and McAteer re-joined the meeting).

(2) LA07/2018/1952/F**Location:**

21-23 Church Street Warrenpoint.

Proposal:

Demolition to the rear of existing public house with frontage to Church Street retained including construction of new extension to existing public house. Construction of 2 No retail units and 10 apartments over with pedestrian access off Kings Lane and all associated site works. Kings Lane to be stopped up with pedestrian access only. (Amended Proposal Description)

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Pat Rooney, Principal Planning Officer gave a power point presentation via Skype 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:
(via Teams)**

In objection:

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

In support:

Colin D'Alton, agent and Brian McGivern, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Adverse effect of proposal on property at Swallow Lodge.
- Concerns regarding fire safety; loss of natural light; noise nuisance; odour from bins; loss of privacy; no provision for a dedicated smoking area.
- Increase in antisocial behaviour if King's Lane is closed.
- Proposal of railed pedestrian access was not accepted by Planning.

Councillor McAteer proposed to issue an approval in respect of Planning Application LA07/2018/1952/F, as per the Officer recommendation on the basis that the development would be a planning gain and an improvement to the area and would widen Kings Lane, thereby making it a safer street for everyone, but that the wording of Condition No. 4 be changed to "a Stopping Up Order will be required to be in place prior to occupation of the premises or alternatively if this order is not granted a 1.1 high pedestrian rail is erected along the newly formed footpath to restrict any pedestrians access/egressing from the new development onto Kings Lane in accordance with the approved plans. Councillor Tinnelly seconded the proposal.

With regard to the change to Condition No.4, as proposed by Councillor McAteer, Mr McKay said he was unsure that Planning could accept this as a lawful condition but suggested changing the condition to read "to the time of occupation". He added a condition needs to be clear and enforceable and he stated that he was advising against the proposed change to Condition No. 4 as outlined by Councillor McAteer.

Mr J Killen DFI Roads referred to the suggestion by Councillor McAteer for a pedestrian railing to be erected and said pedestrians would still be stepping onto a live carriageway and DFI Roads would not see this as a safe option which was why a Stopping Up Order had to be in place before commencement.

Mr McKay said whilst he understood the view regarding the application being a planning gain to the area, he however pointed out there was a fundamental issue regarding road safety at this location and there was a requirement for a Stopping Up Order.

With regards the position to changing Condition No. 4, Mr McKay said this was not a condition Planning could apply.

Ms Largey Legal Advisor concurred with Mr McKay in that the proposal to change Condition 4, was not an enforceable condition and she advised the Committee to reconsider this proposal.

In light of the advice given, Councillor Tinnelly said he would withdraw seconding Councillor McAteer's proposal.

Councillor Hanna proposed and Councillor O'Hare seconded to issue an approval in respect of planning application LA07/2018/1952/F as per the information and recommendation contained in the Case Officer report presented to Committee, but subject to the wording of condition No. 4 being changed to "a Stopping Up Order will be required to be in place prior to occupation of the premises".

AGREED: On the proposal of Councillor Hanna, seconded by Councillor O'Hare, it was unanimously agreed to issue an approval in respect of planning application LA07/2018/1952/F as per the information and recommendation contained in the Case Officer report presented to Committee, but subject to the wording of condition No. 4 being changed to "a Stopping Up Order will be required to be in place prior to occupation of the premises".

(11.45am – the meeting adjourned)

11.55am – the meeting resumed)

(3) LA07/2019/0183/F

Location:

215 Moyad Road Kilkeel Newry.

Proposal:

Retention of extension to existing agricultural building for agricultural use, and manufacturing use associated with existing manufacturing business (Moyfab Engineering Ltd).

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Jacqui McParland, Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**

In support

Matthews Crothers, Agent presented in support of the application detailing and expanding upon a written statement that had been circulated to Committee Members

Issues raised:

- DFI Roads requested additional information which Planning Department do not believe is necessary in order to make a decision in this application.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/0183/F as per the information and recommendation contained in the Case Officer Report presented to Committee. Councillor Larkin seconded the proposal.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/0183/F as per the information and

recommendation contained in the Case Officer report presented to Committee.

(4) LA07/2020/0167/F

Location:

The Manse 17 Downpatrick Road Crossgar

Proposal:

New Manse and detached domestic garage (Amended proposal description).

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney, Senior Planning Officer gave a power point presentation via Skype 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:
(via Teams)**

In support:

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

Councillor Hanna proposed and Councillor Larkin seconded to hold a site visit on planning application LA07/2020/0167/F.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin, it was unanimously agreed to hold a site visit on this planning application.

(5) LA07/2020/0251/F

Location:

Land between 14 & 18 Woodvale Burrenwod Road Castlewellan.

Proposal:

Amended access to residential development previously approved under planning Ref LA07/2015/0103/F to include provision of new pedestrian road crossing at access point to residential development. (Amended description)

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Annette McAlarney, Senior Planning Officer gave a power point presentation via Skype 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:
(via Teams)**

In support:

Barry Fletcher, agent, and Tim Cousins, Traffic Consultant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- The Senior Planning Officer advised Planners were recommending the setting aside of a DfI requirement for traffic calming for the reasons outlined during the presentation.

Councillor McAteer proposed to issue an approval in respect of Planning Application LA07/2020/0251/F as per the information and recommendation contained in the Case Officer Report presented to Committee. Councillor Hanna seconded the proposal.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/0251/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(6) LA07/2020/0299/F

Location:

Adj. to 7 Annacloy Road North Dunnanelly Downpatrick.

Proposal:

Single storey dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Noted:

This application was removed from the agenda at the request of Councillor Trainor.

(7) LA07/2020/0450/O

Location:

SW 3 Slievenaman Road Kilcoo Newry BT34 5LF.

Proposal:

2 dwellings.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**

In support:

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

Issues raised:

- The view of Planning Department is the proposal is not a substantially built up frontage, and the structure does not sit in it's own right as a building nor has a roof therefore legally it is not a building.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/0450/O contrary to Officer recommendation, on the basis that the building referred to was one of 3 which made up the frontage and therefore complied with CTY8 and the house at No. 3 could benefit from a replacement application with a garage. Councillor Murphy seconded the proposal.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Murphy, it was agreed to issue an approval in respect of Planning Application LA07/2020/0450/O contrary to Officer recommendation, on the basis that the building referred to was one of 3 which made up the frontage and therefore complied with CTY8 and the house at No. 3 could benefit from a replacement application with a garage

Planning Officers to be delegated authority to impose any other relevant conditions.

(8) LA07/2020/0719/F

Location:

171 Rathfriland Road Dromara.

Proposal:

Off site Replacement Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**

In support:

Damien Broderick TSA Planning, and Jonathan Buckley MLA, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Stephen Spiers Agent, and Andrew and Claire Herron were available for questions.

Issues raised:

- Levels – substantial cut needed into the site which is not a sustainable approach.
- Change of residential curtilage to agricultural curtilage - part of the yard was reduced and grassed over for agricultural use.
- Reasons the proposal needs to be located outside the existing curtilage - these have not been demonstrated to justify the location of the proposal.

Mr McKay said the application was for an “off-site” replacement dwelling and it was not appropriate for the Committee to assess something that was not presented before them.

Ms Largey Legal Advisor said if there was a noise issue then it would be expected supporting evidence would be presented. With regard to homelessness, she cautioned the Committee this was not an approach that should be taken and that the Committee must apply the policy when considering this application.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed Planning Application LA07/2020/0719/F be referred back to the Planning Department to allow for more evidence to be presented to support the case for this application.

(1.30pm – the meeting adjourned)

(2.00pm – the meeting resumed)

(9) LA07/2020/0910/F**Location:**

Lands at Down Business Park 46 Belfast Road Downpatrick

Proposal:

Proposed Food Production Facility comprising approximately 18,000 sqm production floor space, warehouse storage area, associated parking and landscaping, site and access works.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms Annette McAlarney Senior Planning Officer gave a power point presentation via Teams 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.

Noted: This application was removed from the Addendum List and presented to Committee in the absence of outstanding consultation responses from NIEA and DFI Roads.

Ms McAlarney confirmed all outstanding responses had now been received with no objections and that the application be recommended for approval under delegated authority, with necessary conditions attached.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2020/0910/F, under delegated authority with necessary conditions attached.

(10) LA07/2020/1292/O

Location:

Lands located between Nos 2 & 10 Glasdrumman Road Ballynahinch

Proposal:

Erection of 2 detached infill dwellings and garages.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms Annette McAlarney Senior Planning Officer gave a power point presentation via Teams 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:

(via Teams)

In objection:

Mr Gordon Duff and Robert Wilson presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee

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:

- Glasdrumman Road extremely busy with both vehicle and pedestrian use.
- Existing hedgerow is a wildlife habitat.
- Two large entrances already exist into the proposal.
- Flooding issues
- Proposal will add/create ribbon development
- No built up frontage

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2020/1292/O as per the information and recommendation contained in the Case Officer Report presented to Committee. Councillor McAteer 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:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McAteer it was agreed to issue an approval in respect of Planning Application LA07/2020/1292/O as per the information and recommendation contained in the Case Officer Report presented to Committee.

(11) LAO7/2016/0631/F

Location:

Land to North of 78 Armagh Road Newry BT35 6PW South of towpath to Bessbrook River/Newry Canal and East of Damolly Retail Park.

Proposal:

25 No. dwellings and 2 apartments (27 units in total) associated siteworks & drainage, with road access from Drumgullion Avenue. (Amended plans and proposal).

Conclusion and Recommendation from Planning Official:

Approval

Note:

Councillor V Harte withdrew from discussion/decision on this application.

Power-point presentation:

Andrew Davidson Senior Planning Officer gave a power point presentation via Teams 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:

(via Teams)

In objection:

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

In support:

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

Issues raised:

- Concerns regarding a Right of Way to land at St Colman's College and vehicular access to College grounds.

(2.45pm – Councillor D Murphy left the meeting)

Ms Largey Legal Advisor concurred with the advice provided by Agent's client's solicitors, that a Public Right of Way does not provide for vehicular access and she added that what was being proposed was lawful.

AGREED: On the proposal of Councillor Hanna seconded by Councillor O Hare it was agreed to issue an approval in respect of Planning Application LAO7/2016/0631/F as per the information and recommendation contained in the Case Officer Report presented to Committee. Planning Officers to be delegated authority to impose any other relevant conditions.

(Councillor Harte re-joined the meeting)

(12) LA07/2020/0762/O

Location:

20 metres east of 23 Finnegans Road Jonesborough Newry

Proposal:

Outline Planning Permission for a dwelling house, waste water treatment system, new entrance to public road and associated site development works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Andrew Davidson Senior Planning Officer gave a power point presentation via Teams 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: (via Teams)

In support:

Shane McCoy Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Does a cluster exist and will the proposal integrate into the countryside?
- Status of the field – agriculture or playing field ?

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/0762/O, contrary to Officer recommendation on the basis that the application does comply with CTY8 and CTY2A; the development will be bounded on both sides; it will sit within a cluster; the cross roads and playing fields are focal points and it will have a visual entity within the countryside. Councillor O Hare seconded the proposal.

Mr McKay said the requirement for a cluster was that a building had to be associated with a focal point such as a social building or community building or at a crossroads and Planning Department's position was that the cluster was not located at the cross roads and therefore could not be considered as a focal point and this could not be relied on in terms of overturning the recommendation.

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

FOR:	4
AGAINST:	3
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor O Hare it was agreed to issue an approval in respect of Planning Application LA07/2020/0762/O, contrary to officer recommendation on the basis that that the application does comply with CTY8 and CTY2A; the development will be bounded on both sides; it will sit within a cluster; the cross roads and playing fields are focal points and it will have a visual entity within the countryside.

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

FOR NOTING

P/113/2020: UPDATED PLANNING CALL-IN PROTOCOL

Read: Report dated 16 December 2020 from Mr A McKay Chief Planning Officer regarding the Updated Planning Call-in Protocol.
(Copy circulated)

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to approve the amendments to the Planning Call-In Protocol as per Report dated 16 December 2020 from Mr A McKay Chief Planning Officer.

It was also agreed appointment of Chair of the Planning Call In Panel will be decided by the Panel on a meeting by meeting basis and the position of Chair of the Panel to be rotated.

P/114/2020: HISTORIC ACTION SHEET

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

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

P/115/2020: PLANNING COMMITTEE PERFORMANCE REPORT NOVEMBER 2020

Read: Planning Committee Performance Report for November 2020.
(Copy circulated)

AGREED: It was unanimously agreed to note the Planning Committee Report for November 2020.

P/116/2020: PLANNING APPEALS AND DECISIONS

Read: Planning Appeals and Decisions Report for November 2020.
(Copy circulated)

AGREED: It was unanimously agreed to note the Report on Planning Appeals and Decisions for November 2020.

The Chairperson wished everyone a happy Christmas and a safe new year.

The Meeting concluded at 3.20pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 13 January 2021.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**