

## **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

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**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 16<sup>th</sup> January 2019 at 10.00am in the Boardroom, District Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor M Larkin

**Deputy Chairperson:** Councillor D McAteer

**In attendance:** **(Committee Members)**

Councillor Casey  
Councillor W Clarke  
Councillor Devlin  
Councillor G Craig  
Councillor G Hanna  
Councillor Harte  
Councillor K Loughran  
Councillor J Macauley  
Councillor M Murnin  
Councillor Ruane

**(Officials)**

Ms M Ward	Director, Enterprise, Regeneration & Tourism
Mr P Rooney	Principal Planning Officer
Ms A McAlarney	Senior Planning Officer
Ms J McParland	Senior Planning Officer
Mr A Davidson	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

**P/001/2019: APOLOGIES AND CHAIRPERSON'S REMARKS**

There were no apologies received.

**P/002/2019: DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

**P/003/2019: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM**

There were no Declarations in accordance with Planning Committee Protocol Para. 19 received.

## **MINUTES FOR CONFIRMATION**

### **P/004/2019: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 19 DECEMBER 2018**

Read: Minutes of Planning Committee Meeting held on Wednesday 19 December 2018. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor Craig it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 19 December 2018 as a true and accurate record.**

## **FOR DISCUSSION/DECISION**

### **P/005/2019: ADDENDUM LIST**

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

**AGREED:** **On the proposal of Councillor Clarke, seconded by Councillor Loughran, it was agreed to approve the Officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 16 January 2019:-**

- **Item 7** – LA07/2018/0264/F – extension to dwelling – 36 Demesne Heights, Downpatrick  
**REFUSAL**
- **Item 9** – LA07/2018/0482/F – proposed conversion of stone barn into a dwelling with associated works – 60m north of 67 Dechomet Road, Dromara.  
**REFUSAL**
- **Item 10** – LA07/2018/0507/0 – proposed dwelling on infill site – land NW of 69 and opposite 68 Rocks Chapel Road, Kilmore, Crossgar.  
**REFUSAL**
- **Item 12** – LA07/2018/1456/F – upgrade the existing public grassed area to install play park equipment on lands at Meadowside play park, Drumcloon Walk, Meadowlands, Downpatrick.  
**APPROVAL**
- **Item 13** – LA07/2018/1485/F – erection of 2.4 metre high paladin fence and gate – 83 Commons Road, Ballykinler.  
**APPROVAL**
- **Item 17** – LA07/2018/1533/F – proposed new village play area – former Forkhill Army base site – School Road, Forkhill, Newry.  
**APPROVAL**

**DEVELOPMENT MANAGEMENT –  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/006/2019: PLANNING APPLICATIONS FOR DETERMINATION**

The following applications were then determined by the Committee:-

**(1) LA07/2017/1603/0  
(Audio recorded – YES)**

**Location:**

Lands to the west of 34 and 61 Old Railway Close, Leitrim

**Proposal:**

Housing development comprising of 6 no. semi-detached dwellings to complete the Old Railway Close development

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking Rights:**

Mr J Cleland 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 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.

Councillor Craig referred to the fact the proposed site was located on a previously developed brownfield and asked for clarity on ownership and maintenance of the site and if the development lines could be re-drawn under the new Local Development Plan.

Ms McAlarney said the proposed development was outside the clearly identified settlement limit and it would be premature to comment on whether the settlement lines could be extended under a new area plan.

Councillor Clarke said there was a demand for housing in the Leitrim area, particularly for first time buyers and that the applicant had included social housing on past housing schemes he had been involved in.

Ms McAlarney said as the applicant was a private developer and not a registered Housing Association, the proposal could not be considered under Policy CTY 5 – Social and Affordable Housing.

Councillor McAteer referred to the boundary line of the site and asked if the Committee was to overturn the Officer's recommendation to issue an approval in respect of Planning Application LA07/2017/1603/0, could conditions be imposed to protect the integrity of the disused railway track. Councillor McAteer also referred to the brownfield site saying he understood the development of brownfield sites should be encouraged by Council.

Ms McAlarney said the disused railway tracks had been incorporated into the Local Development Plan so they would be protected. She continued, saying the development currently on the site had been developed prior to the Local Development Plan being introduced.

Mr Rooney said the site was in the countryside and the fact it was brownfield was not considered an exception within current planning policy PPS21 and consequently significant weight could not be attached to the application in terms of it being a brownfield site. He continued, saying the key issue was that the site was in a rural area and should be treated as such.

Councillor Craig said whilst he acknowledged the need for housing in the area, he proposed accepting the Officer's recommendation to issue a refusal on the basis that the development was outside the settlement limit of Leitrim. Councillor Hanna seconded the proposal.

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

FOR:	5
AGAINST:	6

The proposal was declared 'lost'.

Councillor Clarke proposed to defer Planning Application LA07/2017/1603/0 to allow time for more information to be submitted in terms of the potential for any zoned land within the settlement to be developed in view of the shortage of housing in the area and the demand for young families to remain in Leitrim. Councillor Murnin 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:	1
ABSTENTIONS:	2

The proposal was declared 'carried'.

**AGREED: On the proposal of Councillor Clarke seconded by Councillor Murnin it was agreed to defer Planning Application LA07/2017/1603/0 to allow time for more information to be submitted in terms of the potential for any zoned land within the settlement to be developed. It was agreed Planning Application LA07/2017/1603/0 be brought back to Committee.**

(Councillor Devlin joined the Meeting 10.40am)

**(2) LA07/2018/0444/F  
(Audio recorded – YES)**

**Location:**

5 Creevytenant Road, Ballynahinch

**Proposal:**

Proposed replacement dwelling and erection of detached garage

### **Conclusion and Recommendation from Planning Official:**

Refusal

#### **Speaking rights:**

Mr M Kee 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 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.

Ms McAlarney said whilst Planning would be prepared to accept an increase to the size of the original curtilage, the curtilage as presented in the application was too big and the proposed dwelling was not in keeping with the character of the neighbouring properties.

Mr Kee said he would be prepared to reduce the size and scale of the proposed dwelling along with reducing the size of the curtilage.

**Agreed: On the proposal of Councillor Craig, seconded by Councillor Clarke it was unanimously agreed to defer Planning Application LA07/2018/0444/F to allow the agent and Planners to agree on an acceptable curtilage and design.**

**It was also agreed that officers be delegated authority to impose any relevant conditions and issue the decision.**

(Break 11.05am – 11.20am)

**(3) LA07/2018/1193/0  
(Audio recorded – YES)**

#### **Location:**

Approx. 215m SW of 15 Ardglass Road, Backaderry, Castlewellan

#### **Proposal:**

Off Site replacement dwelling with detached garage

### **Conclusion and Recommendation from Planning Official:**

Refusal

#### **Speaking rights:**

Colin O'Callaghan and Seanin Hanna, 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 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.

Discussion took place on the positioning of the proposed dwelling and the original access which the agent said was no longer physically present and if it were to be reconstructed would fail to meet current access standards.

**Agreed: On the proposal of Councillor Clarke, seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2018/1193/O to allow for a site visit to take place in order to look at the site in more detail including the original access.**

**(4) LA07/2017/0932/O  
(Audio recorded – YES)**

**Location:**

Land immediately adjacent to /SW of 32 Dougan's Road, Kilkeel

**Proposal:**

4 no. holiday cottages including fully inclusive design (amended proposal and site address)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Ian Crockard agent, and DEA Councillor Reilly presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Power-point presentation:**

Ms J McParland, 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.

Ms McParland said a balance was needed between the Council's corporate aims and its planning aims and although she fully supported tourism development in the area, this could not be done to the detriment of the landscape. She continued saying there was plenty of opportunity for tourism development in the Mourne's in terms of the conversion of existing buildings. Ms McParland said policy allowed for expansion within the grounds of a holiday park or guesthouse but the proposed development was not within the curtilage of the neighbouring guest house and therefore it contravened planning policy.

Discussion took place among members. Councillor McAteer referred to Planning Policy PPS 16 and said the reference within the policy to a holiday park was open to interpretation and he would consider a holiday park to be a much bigger development than that proposed. He also referred to the agent's claim that originally the curtilage at No. 32 Dougan's Road extended into the application site.

Ms McParland replied saying the proposed development would open up the potential for ribbon development and additionally it did not meet the principle of the policy.

Ms Largey said the policy under which an application was assessed would have to be applied and it was important the Committee was consistent in its decision.

Councillor Hanna proposed and Councillor Macauley seconded to approve the application contrary to Officer recommendation on the basis that as a Committee, Members were encouraged to use common sense and do right by the area. Councillor Hanna said the

proposal would have a positive economic impact and would also support the Council's Tourism Strategy as this type of development was needed in the area. He added that with a sympathetic design scheme this development could be absorbed into the environment and the right design would address concerns of Planners; the roads infrastructure was good and if approval was granted, conditions could be imposed to ensure the houses were for holiday lets and tourism type activities only.

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

FOR:	5
AGAINST:	7
ABSTENTIONS:	0

The proposal was declared 'lost'.

Councillor McAteer proposed the application be deferred to allow investigations into whether the curtilage originally approved for No. 32 extended into the application site and if this would make a difference to the Officer recommendation.

There was no seconder to Councillor McAteer's proposal.

Councillor Ruane proposed and Councillor Larkin seconded to refuse the application for the reason recommended in the Case Officer report.

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

FOR:	6
AGAINST:	6

The Chairman used his casting vote in favour of the proposal.

**AGREED: On the proposal of Councillor Ruane seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2017/0932/O as per the information and recommendation contained in the Case Officer report presented to Committee.**

**(5) LA07/2017/1469/F  
(Audio recorded – NO)**

**Location:**

186 Killowen Road, Rostrevor

**Proposal:**

Change of house type to that approved under LA07/2016/1448/F (for replacement single storey dwelling, refurbished outbuilding for storage purposes and detached carport for 2 cars), replacement outbuilding and detached carport for 2 cars (amended plans)

**Conclusion and Recommendation from Planning Official:**

Approval

**Speaking rights:**

Bernadette Cousins, objecting to the application

**Speaking rights:**

Matthew Crothers, Planning Consultant; Robert Dunlop, agent, and Frank Judge, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Power-point presentation:**

Ms J McParland, 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.

Ms McParland said that in relation to the main house an increase of 200ml in the overall height of the building was proposed and she did not consider that this would have a significantly greater impact on the character of the area or on residential amenity than the dwelling originally approved. She acknowledged there was an enforcement file currently open and that works were still underway at the site. She drew Members attention to Condition No. 5 of the Case officer report and said this should read "Prior to commencement of development the applicant shall submit a copy of the consent to discharge for the proposed site, should be submitted to the Planning Department within 6 months of the date of the decision notice

Ms Cousins said there were no objections from neighbours to a replacement dwelling, however she said she disagreed with the site level evaluation figures given by the agent and that her property was completely overlooked by the proposed development.

Councillor Hanna said there was arrogance on the part of the applicant to continue building works in spite of an enforcement investigations beginning. Mr Judge said he had asked the Enforcement Officer if he was required to cease building works and he was told that building at the site could continue.

Mr Rooney said they were always mindful of the concerns raised by objectors but they took their decision in light of all the relevant conditions and they considered there would only be minimal changes made. He said the impact of the proposed building on existing residents was a matter of consideration by the Committee.

Councillor Devlin referred to the outbuilding that should have been retained and asked why it had been demolished.

Mr Crothers said it did not have a solid floor and it was structurally problematic and the replacement building would be a lot smaller.

Ms McParland said it was an agricultural outbuilding and in order to replace it, the applicant would have to establish active farming which he could not.

Councillor Hanna asked Ms Largey what the next steps would be in terms of Enforcement. Ms Largey replied that the Applicant could be served with a stop notice or invited to make an application in terms of the impact on the neighbours. She said it was a material consideration and it might be prudent to have a site visit, however ultimately it was up to the Committee to decide how to proceed.

(Councillor Murnin left the meeting 12.55 pm)



**Agreed:** On the proposal of Councillor Ruane seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2017/1469/F to allow for a site visit so that Members could assess the site in more detail and its impact on neighbouring properties.

(6) **LA07/2018/0504/F**  
**(Audio Recorded - YES)**

**Location:**

Adjacent and north of 21 Aghadavoyle Road, Jonesborough

**Proposal:**

Proposed dwelling and garage (in substitution of that approved under P/2007/0405/RM)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

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

**Power-point presentation:**

Mr A 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.

Discussion took place regarding whether works had commenced to the access and visibility splays prior to the expiry date of the 31 March 2010 as had been a condition of the planning approval P/2007/0405/RM. Mr Davidson said it was not clear from Google street view if these works had been carried out within the required timeframe. Mr Davidson also said the access had not been created according to conditions and it was in a slightly different position to that previously approved in 2008.

Mr Dinsmore said the applicant had followed advice as outlined in correspondence received from Planning Department and subsequently believed he had preserved his planning permission by ensuring the formation of the access and visibility splays prior to 31 March 2010. Additionally the applicant had provided an invoice dated prior to 31 March 2010 for excavation works carried out.

**AGREED:** On the proposal of Councillor Clarke seconded by Councillor Loughran it was unanimously agreed to issue an approval in respect of Planning Application LA07/2018/0504/F contrary to the information and recommendation contained in the Case Officer report presented to Committee on the basis that documentary evidence proved work had commenced at the site prior to 31 March 2010 and that the applicant had complied with advice as outlined in the letters he had received from Planning Department at that time. It was agreed to accept the amended design and that Planning Officers be delegated authority to impose any relevant conditions.

## **SECTION 60 APPEAL**

### **(7) LA07/2018/1074/F (Audio Recorded - NO – Closed Session)**

**Agreed:** On the proposal of Councillor Hanna seconded by Councillor Macauley it was agreed to exclude the public and press from the Meeting during discussion on the following matter which related to exempt information by virtue of Paragraph 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to an individual

**Location:**

Lands opposite No. 1 Ashgrove Avenue, Newry

**Proposal:**

Housing development comprising of 2 No. 4 bedroom houses and 26 No. 2 bedroom apartments.

**Conclusion and Recommendation from Planning Official:**

Refusal

Mr Rooney, Principal Planning Officer, advised the applicant had appealed this application to the Planning Appeals Commission under Section 60 and Planners now had to present a recommendation to Committee on the application.

**Power-point presentation:**

Mr P 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 application site, the area plan context and details of the layout and design of the proposed units. He outlined the Planning Department's concerns with the application and the basis for its recommendation, as provided in the case officer's report, as circulated.

**Agreed:** On the proposal of Councillor Craig seconded by Councillor McAteer it was unanimously agreed to accept the Case Officer recommendation to refuse planning application LA07/2018/1074/F as per the information and recommendation contained in the Case Officer report presented to Committee and that the view of Committee would be conveyed to the PAC

**Agreed:** On the proposal of Councillor McAteer seconded by Councillor Ruane it was agreed to come out of closed session.

## **FOR NOTING**

**P/007/2019: HISTORIC ACTION SHEET**

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

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

**P/008/2019: PLANNING COMMITTEE MEETING PERFORMANCE REPORT DECEMBER 2018**

Read: Planning Committee Performance Report December 2018. **(Copy circulated)**

**AGREED:** It was agreed to note the Planning Committee Performance Report December 2018.

**P/009/2019: MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

Read: Record of Meetings between Planning Officers and Public Representatives 2018-2019. **(Copy circulated)**

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

**P/010/2019: APPEALS & DECISIONS**

Read: Report re: Appeals and Decisions – December 2018. **(Copy circulated)**

**AGREED:** It was agreed to note the Appeals and Decisions December 2018.

**P/011/2019: REGISTER OF CONTACTS Q3 OCTOBER – DECEMBER 2018**

Read: Register of Contacts Q3 October – December 2018. **(Copy circulated)**

**AGREED:** It was agreed to note the Register of Contacts Q3 October – December 2018.

The Meeting concluded at 1.50pm.

For confirmation at the Planning Committee Meeting to be held on 13 February 2019.

**Signed:** \_\_\_\_\_ **Chairperson**

**Signed:** \_\_\_\_\_ **Chief Executive**