

**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 26 August 2020 at 10.00am in Council Offices Monaghan Row Newry and via Skype**

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**Chairperson:** Councillor R Burgess

**In attendance: (Committee Members)**

Councillor P Brown  
Councillor S Doran  
Councillor G Hanna  
Councillor V Harte  
Councillor M Larkin  
Councillor D McAteer  
Councillor D Murphy  
Councillor G O'Hare  
Councillor J Trainor

**(Officials)**

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

**P/066/2020: APOLOGIES AND CHAIRPERSON'S REMARKS / SKYPE MEETING PROTOCOL**

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Apologies were received from Councillor G Stokes and Councillor J Tinnelly.

Read: Skype Meeting Protocol. **(Circulated)**

**AGREED: It was agreed to note the Skype Meeting Protocol.**

**P/067/2020: DECLARATIONS OF INTEREST**

Mr F O Connor Legal Advisor declared an interest in Planning Application LA07/2019/0261/F.

**P/068/2020:           DECLARATIONS IN ACCORDANCE WITH PLANNING  
COMMITTEE PROTOCOL PARA. 25  
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

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

- **Item 6 - LA07/2019/1302/F** – provision of a dwelling with associated parking and amendment to application R/2011/0794/F to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade Newcastle - **Councillors Brown, McAteer and Trainor did not take part in the discussion/decision on this application.**
- **Item 7 - LA07/2019/1362/O** - gap/infill site for dwelling and domestic garage - adjacent and immediately South of No. 64 The Heights Loughinisland – **Councillors Brown, McAteer and Trainor did not take part in the discussion/decision on this application.**
- **Item 8 - LA07/2019/1258/F** - retention of change of use for ground floor cafe unit with 2.No. treatment rooms and ancillary services - the application site is located at Ground floor unit, 12 Seaview, Warrenpoint - **Councillors Brown, McAteer and Trainor did not take part in the discussion/decision on this application.**
- **Item 9 - LA07/2018/0048/F** - demolition of existing barns and construction of new build self-catering holiday letting unit, in substitution for barn conversion approved under application LA07/2015/1030/F - 10M NW of 56 Levallyreagh Road, Ballyagholy, Rostrevor - **Cllrs. Brown, McAteer and Trainor did not take part in the discussion/decision on this application**
- **Item 10 - LA07/2019/1449/F** - proposed infill dwelling and detached garage under PP21 - site adjacent to, and 50m south of 29 Foughilletra Road Jonesborough – **Councillors Brown, McAteer and Trainor did not take part in the discussion/decision on this application.**
- **Item 11 - LA07/2019/1087/0** - replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar – **This application was withdrawn from the Agenda.**
- **Item 12 - LA07/2019/1134/0** - replacement dwelling - 90 Manse Road, Darraghcross, Crossgar BT24 7EQ - **This application was withdrawn from the Agenda.**

**MINUTES FOR CONFIRMATION**

**P/069/2020:           MINUTES OF PLANNING COMMITTEE MEETING HELD ON  
WEDNESDAY 29 JULY 2020**

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Read:                   Minutes of Planning Committee Meeting held on Wednesday 29 July 2020. **(Copy circulated)**

**AGREED:** On the proposal of Councillor Doran seconded by Councillor Trainor it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 1 July 2020 as a true and accurate record.

### **FOR DISCUSSION/DECISION**

**P/070/2020:** **ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 26 August 2020. **(Copy circulated).**

**AGREED:** On the proposal of Councillor Doran seconded by Councillor McAteer it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 26 August 2020:

- **LA07/2020/0579/F** – play park enclosed with low level fencing – play area at Mullagh Close Ballymartin Kilkeel. **APPROVAL**
- **LA07/2019/1843/F** – proposed play park and multi utility game unit (MUGA) pitch and associated site works (amended description and address) – 20m west and 50 SW of 24 Altmore Gardens Newry **APPROVAL.**

### **DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION**

**P/071/2020:** **PLANNING APPLICATIONS FOR DETERMINATION**

The following applications were determined by the Committee:-

**(1)** **LA07/2019/1302/F**

(Councillors Brown, McAteer, and Trainor withdrew from discussions/decision)

**Location:**

Rear of nos. 65-69 South Promenade Newcastle

**Proposal:**

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

**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 Skype)**

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

**Issues raised:**

- The issues raised by the Agent in regard to addressing sight lines matters, ie, preventing parking and removal of wall, was new information and did not form part of the formal application and have not been formally assessed by Planning Department.
- The level of usable amenity space is not sufficient for the proposal.
- Overlooking is an issue from the front of the property.
- The single storey style of the proposed property is not typical of the other properties nearby as they are of Victorian style.

**Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.**

**(2) LA07/2019/1362/O**

(Councillors Brown, McAteer and Trainor withdrew from discussions/decision)

**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

**Agreed: On the proposal of Councillor Hanna seconded by Councillor Doran it was agreed to defer Planning Application LA07/2019/1362/O as the Agent representative was unable to attend the meeting.**

**(3) LA07/2019/1258/F**

(Councillor Brown, McAteer and Trainor withdrew from discussions/decision).

**Location:**

Ground floor unit 12 Seaview Warrenpoint

**Proposal:**

Retention of change of use for ground floor café unit with 2 No. treatment rooms and ancillary services.

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Mark Keane, 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 Skype)**

Mr McKay said Councillor D McAteer and submitted a request to speak in support of the application.

In support:

Councillor McAteer presented in support of the application.

Julie McLarnon owner, explained she would be available to answer any queries regarding the application.

**Issues raised:**

No issues were raised.

**Agreed:**

**On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2019/1258/F, as per the information and recommendation contained in the Case Officer Report presented to Committee and Officers be delegated authority to impose relevant conditions.**

**(4) LA07/2018/0048/F**

(Councillor Brown, McAteer and Trainor withdrew from discussions/decision).

**Location:**

10m NW of 56 Levallyreagh Road Ballyagholy Rostrevor

**Proposal:**

Demolition of existing barns and construction of new build self-catering holiday letting unit, in substitution for barn conversion approved under application LA07/2015/1030/F

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mark Keane, 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 Skype)**

In support:

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

**Issues raised:**

- It has not been demonstrated that there are exceptional circumstances in this case to undertake a new build rather than a renovation.

Councillor Hanna proposed to issue a refusal in respect of Planning Application LA07/2018/0048/F, as per the information and recommendation contained in the Case Officer Report presented to Committee. 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:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**Agreed: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an refusal in respect of Planning Application LA07/2018/0048/F, as per the information and recommendation contained in the Case Officer Report presented to Committee.**

**(5) LA07/2019/1449/F**

(Councillor Brown, McAteer and Trainor withdrew from discussions/decision).

**Location:**

Site adjacent to, and 50m south of 29 Foughilletra Road Jonesborough

**Proposal:**

Proposed infill dwelling and detached garage under PP21

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Andrew Davidson, 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 Skype)**

In support:

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

**Issues raised:**

No issues.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2019/1449/F, contrary to Officer recommendation, as following a site visit, it appears No.25A does have frontage to the road and therefore constitutes an exception to Policy, and Officers be delegated authority to impose relevant conditions. Councillor Murphy seconded the proposal.

Mr McKay referred to protocol and said before Committee moved to a vote, it should be noted that the full extent of continuous and built up frontage needed to enclose the site did not exist.

He also reminded the Committee there was a well established position between the Planning Department and the Planning Appeals Commission whereby applications have previously been refused on this basis and that with regard to this application, he cautioned the Committee as they were in danger of straying into the realms of inconsistency.

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

FOR:	6
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

**Agreed: On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2019/1449/F, contrary to Officer recommendation, as following a site visit, it appears No.25A does have frontage to the road and therefore constitutes an exception to Policy, and Officers be delegated authority to impose relevant conditions.**

**(Councillor Brown, McAteer and Trainor re-joined the meeting)**

**(6) LA07/2019/1087/O**

**Location:**

Approximately 50m NE of 21 Drakes Bridge Road Crossgar

**Proposal:**

Replacement dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**AGREED: It was agreed to note Application LA07/2019/1087/O was withdrawn from the Agenda.**

**(7) LA07/2019/1134/O**

**Location:**

90 Manse Road Darraghcross Crossgar BT24 7EQ

**Proposal:**

Replacement dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**AGREED: It was agreed to note Application LA07/2019/1134/O was withdrawn from the Agenda.**

**(8) LA07/2019/1807/O**

**Location:**

55m North of 4 Leitrim Road Hilltown.

**Proposal:**

Site for farm dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mark Keane 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.

**Councillor Brown was absent during the Officer presentation in respect of Application LA07/2019/1807/O and therefore did not take part in discussions/decision.**

**Speaking rights:  
(via Skype)**

In support:

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

**Issues raised:**

- Comparisons of traffic and distances relating to a laneway and a public road.
- Visual linkage
- References to suburban and ribbon development



Mr McKay cautioned the Committee with regard to relying on photographs to assess visual linkage and said this could only be done on site.

Ms Largey Legal Advisor, said given the comments made by Councillor Larkin in relation to a similar application LA07/2019/1662/F being approved, Officers should be given time to look at the information raised in advance of any decision being made on this application.

**Agreed: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed that in view of comments from Ms N Largey Legal Advisor , that Application LA07/2019/1807/O be deferred to allow for a site visit to take place and review the issues raised in relation to Application LA07/2019/1662/F which had been granted an approval.**

(Councillor Brown re-joined the meeting)

**(9) LA07/2019/0261/F**

**Location:**

Sites 22 and 22a Spring Meadows Burren Road Warrenpoint BT34 3SU

**Proposal:**

2 dwellings with detached garages (amended plans)

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Jacqui McParland, 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 Skype)**

In objection:

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

In support:

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

**Issues raised:**

- Overlooking other dwellings – protection of privacy and the impact on Nos 24 and 26.
- Application seeks to develop 2 No. sites on an area that was originally earmarked for the development of 1 No. site.

**Agreed: On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to defer Application LA07/2019/0261/F for a site visit to take place to examine the concerns raised by objectors.**

**(10) LA07/2020/0467/F**

**Location:**

38 Lighthouse Road Ballyward Castlewellan

**Proposal:**

Replacement dwelling with retention of old dwelling as agricultural store

**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 Skype)**

In support:

Eoin Morgan Agent, and Noel Crean Applicant, presented in support of the application, detailing and expanding upon a powerpoint presentation and written statement that had been circulated to Committee Members.

Councillor McAteer proposed to issue an approval in respect of Application LA07/2020/0329, contrary to Officer recommendation, on the basis that Application site is within the existing curtilage and integrates well with existing landscape and buildings, and that Officers be delegated authority to impose relevant conditions. 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:	7
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared carried.

**Agreed: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to issue an approval in respect of Application LA07/2020/0329, contrary to Officer recommendation, on the basis that the Application site is within the existing curtilage and integrates well with existing landscape and buildings, and that Officers be delegated authority to impose relevant conditions**

**(11) LA07/2020/0329/O**

**Location:**

Approximately 60m south of 144 Loughinisland Road Downpatrick

**Proposal:**

Dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**AGREED: On the proposal of Councillor Trainor seconded by Councillor Brown it was agreed Application LA07/2019/1134/O be withdrawn from the Agenda.**

(12.45pm – the meeting adjourned)

(1.15pm – the meeting resumed)

**(12) LA07/2019/1136/F**

**Location:**

Land to the south of 35 Old Belfast Road and to the south and west of 3 Orchard Lane Downpatrick

**Proposal:**

6 detached dwellings, garages and ancillary works

**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 Skype)**

In objection:

Lisa Byers, Catherine Edwards and Councillor C Enright presented in objection to the application, detailing and expanding upon a powerpoint presentation and written statements that had been circulated to Committee Members.

In support:

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

Councillor Brown proposed Application LA07/2019/1136/F be deferred and that a site meeting be held. 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:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**Agreed: On the proposal of Councillor Brown seconded by Councillor Larkin it was agreed Application LA07/2019/1136/F be deferred for a site visit.**

**(13) LA07/2019/0638/F**

**Location:**

230m NE of 31 Church Road Forkhill

**Proposal:**

Change of house type to that approved under P/2006/1759/RM

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Andrew Davidson, 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.

(1.50pm – Councillor Brown left the meeting)

**Speaking rights:**

**(via Skype)**

In support:

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

Ms Largey said the relevant test was not whether or not the applicant believed they had commenced the planning approval but it was a matter for the Committee to be satisfied that commencement had in fact taken place.

Councillor Larkin proposed to issue an approval in respect of Application LA07/2019/0638/F, contrary to Officer recommendation, on the basis that the works carried out to sight splays, access, widening of the lane and fencing of the site, constitutes a material start and secures the planning approval going forward and Officers be delegated authority to impose relevant conditions. 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:	8
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

**Agreed: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Application LA07/2019/0638/F, contrary to Officer recommendation, on the basis that the works carried out to sight splays, access, widening of the lane and fencing of the site, constitutes a material start and secures the planning approval going forward, and that Officers be delegated authority to impose relevant conditions.**

**(14) LA07/2019/1346/F**

**Location:**

200m west of Shaughan Road Belleek

**Proposal:**

Change of house type under previous approval

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Andrew Davidson, 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 Skype)**

In support:

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

**Issues raised:**

- Access is not in compliance with previous approval conditions
- No commencement of development on site
- The lane does not have vehicular access

Ms Largey said that where construction has not been in accordance with the approved plans that permission cannot have been lawfully commenced. She suggested that a site visit might assist the Committee to determine this issue.

Councillor Hanna proposed to issue an approval in respect of Application LA07/2019/1346/F, contrary to Officer recommendation, on the basis that a material commencement of works had taken place on site at the correct location and that Officers be delegated authority to impose relevant conditions. 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:	6
AGAINST:	1
ABSTENTIONS:	2

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 Application LA07/2019/1346/F, contrary to Officer recommendation, on the basis that a material commencement of works had taken place on site and that and that Officers be delegated authority to impose relevant conditions.**

**FOR NOTING**

**P/072/2020: HISTORIC ACTION SHEET**

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

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

**P/073/2020: JULY 2020 PLANNING COMMITTEE PERFORMANCE REPORT**

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

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

**P/074/2020: CURRENT APPEALS AND DECISIONS**

Read: Current Appeals and Decisions Report **(Copy circulated)**

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

The Meeting concluded at 2.20pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 23 September 2020.

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

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