

## 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 29 August 2018 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 C Casey  
Councillor G Craig  
Councillor G Hanna  
Councillor J Macauley  
Councillor K Loughran  
Councillor M Murnin  
Councillor M Ruane

**(Officials)**

Ms M Ward	Director- Enterprise, Regeneration & Tourism
Mr A McKay	Chief 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
Mrs E McParland	Democratic Services Manager

**P/074/2018: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillors Clarke, Devlin and Harte.

**P/075/2018: DECLARATIONS OF INTEREST**

There were no Declarations of Interest received.

**P/076/2018: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 19 – MEMBER TO BE PRESENT FOR ENTIRE ITEM**

- **Item number 6 – LA07/2017/0821/O – Mr C Kane – Magherahamlet Road, Ballynahinch –Councillor Casey was not in attendance for the first presentation on 7 February 2018** and did not therefore take part in the discussion/decision on this application - Councillor Clarke was not present at the meeting.

- **Item number 15 – LA07/2017/1721/F – Millvale Services – Councillors Larkin was not in attendance for the first presentation on 9 May 2018** and did not therefore take part in the discussion/decision on this application - Councillor Harte was not present at the meeting.

### **MINUTES FOR CONFIRMATION**

**P/077/2018:            MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 1 AUGUST 2018**

Read:                    Minutes of Planning Committee Meeting held on Wednesday 1 August 2018. **(Copy circulated)**

**AGREED:            On the proposal of Councillor Hanna, seconded by Councillor Murnin it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 1 August 2018 as a true and accurate record.**

### **FOR DISCUSSION/DECISION**

**P/078/2018:            ADDENDUM LIST**

Read:                    Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 29 August 2018. **(Copy circulated)**

**AGREED:            On the proposal of Councillor Hanna, seconded by Councillor Craig it was agreed to approve the Officer recommendation in respect of the following Application listed on the Addendum List for Wednesday 29 August 2018:-**

- **Item 18 – LA07/2018/0693/F – Newry, Mourne and Down District Council – New community centre and extended car park – Land approximately 11m NE of 11 Kittys Road, Kilkeel. **APPROVAL****

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

**P/079/2018:            PLANNING APPLICATIONS FOR DETERMINATION**

**AGREED:            On the advise of the Chief Planning Officer it was unanimously agreed to withdraw the following planning applications from the schedule:-**

- **Item 10 – LA07/2018/0348/F** Mark McNally – proposed dwelling and double garage – site between 66 and 68 The Craig Road, Downpatrick – **removed from the planning process by the agent.**
- **Item 12 – LA07/2018/0401/0 –** Mr and Mrs Colm Cunningham – proposed site for infill dwelling and domestic garage (amended address)

- 60m south of No. 24 School Road, Ballymartin, Killeel – **removed from the schedule at the request of Councillor Hanna for presentation at the next Planning Committee Meeting**
- **Item 13 – LA07/2017/0449/F** – Mr Tony Cunningham - Proposed 2 No. Dwellings (further amendments since previous letter of 30 April 2018) - Vacant ground between Dromore Heights and Cloughmore View and East of No. 4 Dromore Heights, Upper Dromore Road, Warrenpoint – **removed from the schedule at the request of Councillor McAteer for presentation at the next Planning Committee Meeting.**
- **Item 17 – LA07/2018/0536/F** - Casey Supermarket Ltd. - Proposed change of use from B4 class units to provide 4 No. 2 bedroom apartments along with ancillary and associated works - 8 Newry Road, Crossmaglen – **removed from the schedule at the request of the Planning Department in order to allow the agent to provide information/plans to address the consultation response from the Environmental Health Department.**

The following applications were determined by the Committee:-

(10.25am – Councillor Casey withdrew from the meeting)

**(1) LA07/2017/0821/0821/O – Mr C Kane**

**Location:**

123 Magherahamlet Road, Moneywabane, Ballynahinch

**Proposal:**

Proposed off site replacement dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Sam Hawthorne, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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. She advised Members that the Agent had included additional information along with his speaking rights submission which had not been assessed by Planning Officials and therefore did not form the basis of the recommendation that had been reached by Planning Officials.

Discussion took place regarding the receipt of the late information and Ms Largey advised it was a decision for the Committee, according to its planning protocol, whether to consider the late information.

Mr McKay referred to the late information received which related to a proposed planning application for an additional two poultry sheds and said this was a critical issue that needed careful consideration. He continued, saying it was important that the Agent and Applicant were aware that the proposed planning application for the two additional poultry sheds was a much wider issue than the planning application before the Committee today and would potentially require an environmental statement.

Councillor Murnin proposed and Councillor Hanna seconded to defer Planning Application LA07/2017/0821/O to allow for further discussions to take place between the Agent/Applicant and Planning Officials.

**AGREED:**                    **On the proposal of Councillor Murnin, seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2017/0821/O to allow for further discussions to take place with Agent / Applicant and Planning Officials before coming back to Committee.**

(Councillor Casey re-joined the meeting 10.55am)

**(2)    LA07/2017/1704/O – Ms Claire Ferris**

**Location:**

Between 16 and 20 Lough Road, Crossgar

**Proposal:**

Proposed 2 no. dwellings on in-fill site under Policy CTY8

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Gerry Tumelty, agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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 regarding whether the infill site could accommodate 2 dwellings and Mr Tumelty said the total site frontage measured 66m which would allow 33m per dwelling. He said this would have a similar frontage as the neighbouring No. 16 Lough Road.

Ms McAlarney said the recommendation arising from the PAC had been for one dwelling.

Mr McKay said that more than one dwelling would contribute to ribbon development and the issue for the Committee was to decide if the gap size was capable of accommodating two dwellings whilst maintaining the prevailing character of the surrounding area.

Mr Tumelty asked for clarity on whether Planning Officials measured from building to building or measured the frontage when determining the suitability of an in fill site.

Ms McAlarney replied that Planning Officials always considered the measurement from building to building, however neighbouring plots would have to be respected and, in this case, it did not respect the existing pattern of development. Additionally, she said, two letters of objection had been received.

Councillor Hanna proposed that a site visit be made in order for the Committee to assess the proposed in fill site in more detail. Councillor Craig 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: 2**  
**ABSTENTIONS: 1**

**The proposal was declared 'carried'.**

**AGREED: On the proposal of Councillor Hanna, seconded by Councillor Craig it was agreed to defer Planning Application LA07/2017/1704/O for a site visit to take place in order that Members could assess the site in more detail.**

**(3) LA07/2018/0220/F – Mr and Mrs H Coulter**

**Location:**

50m SE of 7 Old Saintfield Road, Creevcarnonan, Crossgar

**Proposal:**

Proposed 2 no. infill dwellings, detached garages and site works

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

David Donaldson, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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 advised Members the Agent had submitted revised plans showing a reduction in height of the proposed dwellings, along with his speaking rights submission, however, Planning Officials had not had time to consider these revised plans when determining their recommendation.

Councillor Craig said he accepted the front of the site was narrow, however he said the site fanned out towards the rear and would lend itself to accommodating two dwellings.

Ms McAlarney replied that whilst she agreed the site did splay towards the rear, Policy CTY8 required the existing development pattern along the frontage in terms of size, scale, siting and plot size be respected and the principle of two infill dwellings had not been accepted on this site. She continued, saying that two letters of objection had been received in relation to Planning Application LA07/2018/0220/F.

Councillor Murnin proposed and Councillor McAteer seconded to accept the Officer's recommendation to issue a refusal in respect of Planning Application LA07/2018/0220/F.

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 Murnin, seconded by Councillor McAteer it was agreed to issue a refusal in respect of Planning Application LA07/2018/0220/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

(Break 11.35 – 11.45)

**(4) LA07/2018/0246/O – Mr Michael McConvey**

**Location:**

Opposite 45 Sheepland Road, Ardglass

**Proposal:**

Proposed dwelling and garage on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Gerry Tumelty, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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 Murnin asked for clarity on Policy CTY1 and CTY10, Sustainable Development in the Countryside.

Ms Largey replied that planning permission would only be permitted every ten years and with regard to Planning Application LA07/2018/0246/O, it would not be eligible for consideration until March 2019.

**AGREED: On the proposal of Councillor Craig, seconded by Councillor Hanna it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2018/0246/O on the basis that a farm dwelling had been approved within the stipulated 10 year period.**

**(5) LA07/2018/0360/O – Forest Park Developments**

**Location:**

Immediately NW of 4 Sawmill Road, Castlewellan

**Proposal:**

Infill dwelling

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

Refusal

### **Speaking rights:**

Eoin Morgan, Agent, presented in support of the application detailing and expanding upon his written submission that had been circulated to Committee Members.

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 surrounding the access to the site with the Agent saying that although it had the appearance of a lane, historically it had once been a road.

Ms McAlarney agreed that at one time the access had been a road, however it would no longer be viewed as such as it just provided access to the builders compound, was gated and didn't go beyond that point.

Councillor Ruane said the builders compound in its current state was an eyesore and if planning permission was refused, would continue to be so.

Mr McKay said it was important that Members adhered to the policy and that removing an eyesore was not a consideration under the policy.

Councillor Craig proposed and Councillor Hanna seconded to accept the Officer's recommendation to issue a refusal in respect of Planning Application LA07/2018/0360/O on the basis that there was not a substantial and continuously built up frontage.

The proposal was put to a vote and voting was as follows:-

<b>FOR:</b>	<b>5</b>
<b>AGAINST:</b>	<b>4</b>
<b>ABSTENTIONS:</b>	<b>0</b>

The proposal was declared 'carried'.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor ?? it was agreed to issue a refusal in respect of Planning Application LA07/2018/0360/O on the basis that there was not a substantial and continuously built up frontage.**

## **(6) LA07/2017/0603/O – Christopher Smith**

### **Location:**

Site adjacent to No. 1 John Mitchell Place, Newry

### **Proposal:**

Proposed 2 storey dwelling

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

Refusal

**Speaking rights:**

Brendan Stareky, Planning Consultant, presented in support of the application detailing and expanding upon a written submission from Neil Mullen that had been circulated to Committee Members.

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.

Discussion took place regarding the exact location of the site and whether it could accommodate the proposed 2 storey dwelling.

Councillor McAteer proposed that a site visit be made in order for the Committee to assess the proposed site in more detail. Councillor Casey seconded the proposal.

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

<b>FOR:</b>	<b>7</b>
<b>AGAINST:</b>	<b>2</b>
<b>ABSTENTIONS:</b>	<b>0</b>

**The proposal was declared 'carried'.**

**AGREED: On the proposal of Councillor McAteer seconded by Councillor Casey it was agreed to defer Planning Application LA07/2017/0603/O for a site visit to take place in order that Members could assess the site in more detail.**

**(7) LA07/2017/1721/F – Millvale Services**

(Councillor Larkin withdrew from the meeting for discussion on this application and the Deputy Chairperson, Councillor McAteer assumed the Chair in the absence of the Chairperson).

**Location:**

147m SE of 21 Millvale Road, Bessbrook

**Proposal:**

Proposed parking for neighbouring Millvale Service Station

**Conclusion and Recommendation from Planning Official:**

Refusal

**Speaking rights:**

Jimmy McAdam, Agent, Douglas Black and Paula Morrow-McDermot were present to support the application..

**Speaking rights:**

DEA Councillor David Taylor, was present in support of the application.



Mr A Davidson, Senior Planning Officer, said Members needed to be aware that the conditions attached to the planning approval for the supermarket granted in 2006 had not been properly adhered to, in that the supermarket was 100 sq mtrs larger than permitted; the 3 retail units on the site had not been constructed in accordance with planning approval and were approximately 50m larger than permitted; there had been an unauthorised change of use in one of the retail units and instead of the 9 car parking spaces that had been approved, there were a total of 24.

Mr Davidson advised that an Enforcement Team were currently investigating these recent findings. A parking report had been submitted on 21 June 2018 which was currently being considered by Planning Department. Mr Davidson continued, advising Members that in addition to considering this recent information, the recommendation for refusal with regard to Planning Application LA07/2017/1721/F should be upheld for the 5 refusal reasons outlined in the Officer's report.

Mr McAdam said he was unaware of any of the recent information that had been highlighted by Mr Davidson and he and the applicant had attended the meeting to address the health and safety issues as agreed in the recommendations from the Planning Committee Meeting on 9 May 2018.

Councillor Ruane said the Committee would not be in a position to come to a decision today.

**AGREED: On the proposal of Councillor Ruane seconded by Councillor Craig it was unanimously agreed to defer Planning Application LA07/2017/1721/F to allow Planning Officers time to consider the information supplied by the agent and also agreed that Planning Officers liaise with the agent and applicant at the very earliest opportunity on enforcement issues raised at the Planning Meeting, in relation to the previous planning approval granted for a supermarket and retail units on the site.**

(Councillor Larkin returned to the Chair – 1.05 pm).

**(8) LA07/2018/0398/O – Mr Shea McAnulty**

**Location:**

Lands between No. 5 and No. 5A Cons Lane, Newry

**Proposal:**

Proposed new dwelling and detached garage

**Conclusion:**

Refusal

**Speaking rights:**

Damian Morris, agent, presented in support of the application

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Murnin 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 Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual.

**On the proposal of Councillor Murnin, seconded by Councillor Loughran, it was agreed to come out of closed session.**

When the Committee was out of closed session the Chairperson reported the following decision had been taken:

**AGREED: On the proposal of Councillor Murnin seconded by Councillor Loughran it was agreed by 7 votes to 2, to defer planning application LA07/2018/0398/O to allow for further discussions to take place between Planning Officials, Agent and Applicant.**

#### **FOR NOTING**

**P/080/2018: HISTORIC ACTION SHEET**

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

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

**P/081/2018: JULY 2018 PLANNING COMMITTEE PERFORMANCE REPORT**

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

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

**P/082/20178: RECORD OF MEETINGS BETWEEN PLANNING OFFICERS AND PUBLIC REPRESENTATIVES**

Read: Record of meetings between Planning Officers and public representatives. **(Copy circulated)**

**AGREED: It was unanimously agreed to note the record of meetings between Planning Officials and public representatives.**

**P/083/2018: JULY 2018 APPEALS AND DECISIONS**

Read: July 2018 appeals and decisions. **(Copy circulated)**

**AGREED: It was unanimously agreed to note the July 2018 appeals and decisions.**

The Meeting concluded at 1.40pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 26 September 2018.

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

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