

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 13 December 2023 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

Councillor P Byrne	Councillor C Enright
Councillor A Finnegan	Councillor G Hanna
Councillor C King	Councillor D McAteer
Councillor S Murphy	Councillor J Tinnelly
Councillor M Larkin	

Officials in attendance: Mr C Mallon, Director Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director of Regeneration
Mr Pat Rooney, Principal Planning Officer
Mr Peter Rooney, Legal Advisor
Mr M Keane, Senior Planning Officer
Ms P Manley, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Ms C Halliday, Planning Assistant
Mr R Daly, Planning Assistant
Ms S Taggart, Democratic Services Manager
Ms L Cummins, Democratic Services Officer
Ms F Branagh, Democratic Services Officer

P/083/2023: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received for Councillors Campbell and Rice.

P/084/2023: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/085/2023: DECLARATIONS OF INTEREST IN ACCORDANCE
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

**Declarations of Interest in relation to Para.25 of Planning Committee Operating
Protocol – Members to be present for entire item.**

There were no declarations.

MINUTES FOR CONFIRMATION

P/086/2023: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 15 NOVEMBER 2023

Read: Minutes of Planning Committee Meeting held on Wednesday 15 November 2023. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Finegan, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 15 November 2023 as a true and accurate record.

FOR DISCUSSION/DECISION

P/087/2023: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 18 October 2023. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 13 December 2023:

- **LA07/2020/1774/F** - Lands adjacent and North West of 1 Bryansford Village, Ballyhafry, Newcastle - Proposed extension to existing caravan park (Bryansford Caravan Park) comprising 74 static sites, amenity building, children's play area and playing field, landscaping, new access, entrance feature walls and associated ancillary infrastructure. (Amended proposal)
APPROVAL
- **LA07/2022/0086/O** - Lands approximately 20m South of Unit 2A Loughway Business Park, Newry, BT35 6QH. Proposed site for business/industrial/storage units (Use Classes B1/B2/B3/B4)
APPROVAL
- **LA07/2022/1757/F** – 5 Ballymaderfy Road, Kilkeel - Erect replacement dwelling and detached garage.
APPROVAL
- **LA07/2022/0282/O** - 41 Moss Road Ballynahinch - Proposed Site 3no. 2 Storey Detached Dwellings and Garages
APPROVAL
- **LA07/2023/3229/F** - 55 Windmill Street, Ballynahinch - Internal refurbishment as well as alterations to main entrance. Roof replacement and additional car parking.
APPROVAL
- **R/2014/0471/F** - Approx 180m North of 11 Moneylane Rd, Dundrum - Proposed 250kw wind turbine with hub height of 40m

**REFUSAL
DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

P/088/2023: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/0682/F

Location:

Lands adjacent to Dufferin Avenue approx. 300m north of 9 Castleward Road Strangford

Proposal:

Glamping Village, comprising 6no self-catering sleeping Pods, 1no managers/reception POD, 1no Sauna Pod, visitor car-parking, outdoor amenity spaces and associated landscaping works.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Pat Rooney gave a power point presentation on the application, with supporting information including a site location plan. He confirmed no objections were received when the application was published, aside from communication from DAERA Marine and Fisheries Division. He noted their concerns regarding potential coastal erosion and concerns regarding flooding of the access road to the property. He noted all concerns were addressed, and all mitigating factors considered prior to approval being given to this application.

Speaking rights:

In Objection

Ms Abigail Kilmore spoke on behalf of DAERA Marine and Fisheries Division. She referenced the access road being located within a flood boundary, and discussed the impact of coastal erosion on the access road to the site. She highlighted the Northern Ireland Historical Shoreline Analysis Survey, and it's estimation of erosion rates per year. She recommended consideration be given to alternate access roads, and coastal flood defences.

Councillor Hanna clarified that the issue under discussion was regarding the access road, and a discussion ensued regarding alternative access, sea defences and the permission that needed to be sought if these were to be a condition put on the application. Councillor Hanna further clarified that if permission was granted, and the business then ceased to trade, that the land would be reverted to previous. This was clarified by Mr Pat Rooney as part of the application.

After extensive debate and discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Tinnelly it was agreed to issue an approval in respect of planning application LA07/2022/0682/F

supporting officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2020/1889/F

Location:

Land 71m south west of 61 Killough Road, Tullycarnan, Ardglass

Proposal:

Proposed site for up to 6 No 4star glamping pods, with new access onto Killough Road, new landscaping, pathways, parking area and ancillary structure to service pods.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney spoke to the application and outlined the reasons for refusal against all relevant planning policies. He referenced several photographs from the application site, alongside a site location map, that detailed the proposed access to the site, alongside the proposed car parking facilities, which the planning department determined would have a detrimental impact on the environment. He also referenced the proposed relocation of hedges and the inability of the site to integrate with the area due to this.

Speaking rights:

In objection:

Mr Ryan Clarke, Agent, spoke in support of the application and outlined the applicant's arguments against the reasons already presented for refusal. He presented some alternate images in relation to the perspective of the photographer of the site, and referenced a letter sent to Council from Dr P Brown MLA, which outlined his support for the application. He referred to the economic impact to the community that the site would bring, with all associated benefits.

Following an extensive discussion and debate regarding site integration, visual and economic impact, the proposal was put to a vote and voting was as follows:

FOR:	7
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to issue a refusal in respect of planning application LA07/2020/1889/F supporting officer recommendation contained in the Case Officer Report.

(3) LA07/2022/1809/F

Location:

Between 10 and 10A Islandmoyle Road, Islandmoyle, Cabra

Proposal:

Proposed dwelling and garage on infill site

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Pat Rooney gave a power-point presentation and spoke to the application, and outlined the reasons for refusal, against which planning policies the application was judged. He made use of pictures and maps of the proposed site and detailed the reasons for refusal.

Speaking rights:

In support:

Mr Declan Rooney, Agent, spoke in support of the application. He made use of a power point that showed images of the proposed site and detailed the applicant's response to the reasons outlined for the refusal of the application. He spoke in depth around the gap frontage and the application of the relevant policies.

Discussions followed both presentations, and Councillor Byrne queried the application of certain policies against which the application was judged. Mr Peter Rooney also commented on the application of the policies, and how they were to be applied strictly.

Following further discussions relating to existing buildings on site, the proposal was put to a vote and voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Tinnelly, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2022/1809/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(4) LA07/2023/2939/O

Location:

32 Cabra Road, Islandmoyle, Rathfriland

Proposal:

Infill Dwelling

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Mr Pat Rooney gave a presentation detailing the site of the application, and the reasons for refusal, and showed images of the application site and related planning policies, against which the application was considered.

Speaking rights:

In support:

Mr Colin Dalton, Agent, made use of images that highlighted his and the applicant's counter arguments for the reason for refusal. He highlighted specific images that he believed were supportive of the arguments to allow the application to be approved.

Following a discussion around the position of an existing garden and any impact upon this, the proposal was put to a vote and voting was as follows:

FOR:	9
AGAINST:	1
ABSTENTIONS:	0

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 planning application LA07/2023/2939/O contrary to officer recommendation contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(5) LA07/2022/1269/F

Location:

20 Newry Road, Hilltown, Newry, BT24 5TG

Proposal:

Proposed Agricultural storage shed for storage of agricultural machinery and farm implements

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Mr Keane presented the application showing relevant positions of existing buildings, the location of the farm and the proposed site of the new building. He outlined the issues around land ownership of the applicant, and the distance between the existing farm and the proposed new building. He referenced the planning policies that the application was judged against and outlined the reasons for refusal of the application.

Speaking rights:

In support:

Mr Cormac McKay, Agent, spoke in support of the application, and outlined the benefits to the applicant of this building being in the proposed location. He discussed issues around land ownership, and referenced supporting documents already submitted outlining the land owner's support of the application.

Following a discussion around the implications of a refusal to the running of the farm, the impact on the applicant in terms of travel time between locations and the reasons for refusal, the proposal was put to a vote and the voting was as follows:

FOR:	10
AGAINST:	0
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 LA07/2022/1269/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(6) LA07/2022/1811/F

Location:

Lands Between 21 and 29 Newtown Road, Newtown, Rostrevor, Down, BT34 3BZ

Proposal:

Proposed 2no. infill dwellings with associated garages.

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Mr Keane outlined the planning department's reasons for refusal and made reference to a discussion already had with the agent regarding the definition of a gap site. He made reference to the design of the proposed build in not keeping with theme of the area. Mr Keane also outlined which planning policies the planning department judged the application against, and which were used to make the recommendation for refusal.

Speaking rights:

In support:

Mr Jim Maneely, Agent, outlined the arguments against the planning department's decision. He referenced field boundaries, and existing angled boundaries on the street. This was followed by a lengthy discussion regarding plot widths, the style of nearby builds, and roof designs in keeping with the area.

Following this lengthy discussion, the proposal was put to a vote 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 Larkin it was agreed to issue an approval in respect of planning application LA07/2022/1811/F contrary to officer recommendation as contained in the Case Officer's Report.

Planning Officers be delegated authority to impose any relevant conditions.

(12:55 – the meeting was adjourned)

(13:35 – the meeting did then resume)

(7) LA07/2021/1479/F

Location:

Lands immediately opposite No.3 Newtown Road, Bellek, Newry

Proposal:

Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Ms Fitzpatrick spoke to the application, outlining the planning policies that the application was judged against and outlined the reasons for the refusal decision. She referenced the 9 objections to the planning application, including one from the existing local shop. She mentioned Bellek as being a fourth-tier settlement, and outlined the planning reasons for refusal, specifically as a nearby filling station catered for the local community.

Speaking rights:

In support:

Colin O' Callaghan, Agent, spoke to the application, and outlined his reasons for believing that permission should be granted, rather than refused. He referenced the potential investment and the creation of local jobs within this application. He argued that planning officers had not followed procedure in suggesting other sites for the application. Donna Lyle, Senior Planning Consultant was present to answer any questions regarding the application. She spoke of the detailed needs analysis that was carried out, which outlined the potential spend that could be kept within the locale.

There followed a lengthy discussion regarding the spend projections as outlined by Ms Lyle, and the impact on the local community relating to the accessibility of fuel. This was followed

by a further lengthy discussion regarding the objections to the application, and the Mr O' Callaghan made reference to the fact he was also acting as agent to one of the objectors in relation to a new application to demolish the existing shop.

Mr Peter Rooney cautioned Members that the objection was still lodged against the existing planning application, and any other potential planning applications could not be considered until they appear before the committee.

Councillors Byrne and McAteer spoke to acknowledge the issue they felt was inappropriate that the Agent was speaking to two separate applications, and was sharing information that had not been presented to the committee before now.

It was agreed to go into closed session to receive legal advice at this stage of the meeting.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to exclude the public and press from the meeting during discussions relating to LA07/2021/1479/F which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local /Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Byrne, seconded by Councillor D Murphy it was agreed the Committee come out of closed session.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Byrne it was agreed to defer Planning Application LA07/2021/1479/F for further legal clarification, to allow the applicant to provide new information for the Committee to consider relating to retail, and for a site visit.

Councillors McAteer and Enright left the meeting at this stage – 14.45.

(8) **LA07/2023/2284/F**

Location:

Between 71 & 73 Newtown Road, Sturgan, Camlough, Armagh, BT35 7JJ

Proposal:

2no. infill dwellings and associated garages

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Ms Fitzpatrick outlined the reasons for the planning department's decision to refuse the application, and detailed the planning policies that the application was judged against.

Speaking rights:

In support:

Mr Barney Dinsmore, Agent, spoke to the application, outlining the reasons he felt that the application should have been approved. There then followed a discussion around issues such as frontage of the application and surrounding area, and the tree boundaries.

Following discussions, the proposal was put to a vote and voting was as follows:

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

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 planning application LA07/2023/2284/F contrary to officer recommendation, as contained in the Case Officer Report.**

Planning Officers be delegated authority to impose any relevant conditions.

(9) **LA07/2023/2325/O**

Location:

Lands approximately 30m SE of 31 Ballynamona Road, Newry

Proposal:

Erection of dwelling and garage

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Ms Fitzpatrick spoke to the application and outlined the application history. She referenced the fact there were no objections from residents or departments, but the application was outside the settlement site, in an area of outstanding natural beauty. She outlined the infill application, and against which policies the application was judged.

Speaking rights:

In support:

Mr Colin O' Callaghan, Agent, spoke in support of the application, and put forth arguments against the decisions outlined previously for the reasons for refusal of the application. He referenced the gap measures, frontage, and the proposed design in keeping with the area, and invited Members to the site to see the pattern of development.

There followed a discussion around existing buildings on site, and reasons why they were or were not included when decisions were made regarding refusal of the application.

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

FOR: 7
AGAINST: 1
ABSTENTIONS: 0

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 planning application LA07/2023/2325/O contrary to officer recommendation, as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

P/089/2023: HISTORIC ACTION SHEET

Read: Historic Action Sheet. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Finnegan it was agreed to note the Historic Action Sheet.

There being no further business the meeting ended at 15:10

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**