

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 20 September 2023 at 10.00am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D Murphy

In attendance: (Committee Members)

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

(Officials)

Mr J McGilly	Assistant Director of Regeneration
Mr Pat Rooney	Principal Planning Officer
Mr Peter Rooney	Legal Advisor
Ms A McAlarney	Senior Planning Officer
Ms M Fitzpatrick	Senior Planning Officer
Ms P Manley	Senior Planning Officer
Ms C Moane	Development Management HTPO
Ms F Murray	Planning Officer
Ms S Taggart	Democratic Services Manager
Ms L Dillon	Democratic Services Officer
Ms L Cummins	Democratic Services Officer

P/063/2023: APOLOGIES AND CHAIRPERSON'S REMARKS

The following apology was received:

- Councillor S Murphy

P/064/2023: DECLARATIONS OF INTEREST

No declarations of interest.

P/065/2023: 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.

No declarations.

The Chairperson reminded those Councillors who were not in attendance at site visits, to be mindful of this when deciding to take part in any voting process in relation to these applications.

MINUTES FOR CONFIRMATION

P/066/2023: MINUTES OF PLANNING COMMITTEE MEETING WEDNESDAY 23 AUGUST 2023

Read: Minutes of Planning Committee Meeting held on Wednesday 23 August 2023.
(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 23 August 2023 as a true and accurate record.

FOR DISCUSSION/DECISION

P/067/2023: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 20 September 2023.
(Copy circulated)

Councillor Tinnelly referred to Planning Application LA07/2023/2525/F queried the position of the red line within the application with regard to Mary Street.

Officers gave an assurance that the position of the red line would be rectified in due course in relation to the area at Mary Street, which had been omitted from the Application but which would be included in the overall scheme.

AGREED: On the proposal of Councillor Tinnelly, seconded by Councillor Larkin, it was agreed to approve the Officer recommendation in respect of the following application listed on the Addendum List for Wednesday 20 September 2023:

- **LA07/2023/2525/F** - Environmental improvements comprising the installation of new natural stone footpaths, improvements to existing uncontrolled crossing points, refurbishment of existing street lighting, like for like replacement of existing damaged pedestrian guard rails, installation of cycle stands and all associated works - Lands adjacent to 3-28 The Square, 1-38 Bridge Street, 1-34 Church Street, 2 Church Street, 4-8 Mary Street, Rostrevor

APPROVAL

- **LA07/2022/1335/F** - Erection of residential development and associated site works (revised scheme for 12 no. apartments (in 2 blocks) with demolition of existing dwelling on site known as 35 Rathfriland Road, Newry - 35 Rathfriland Road, Newry.

APPROVAL

- **LA07/2022/1025/F** - Attached duplex apartment in side garden of existing end terrace dwelling - 31 Hillfoot Crescent Ballynahinch.

REFUSAL

With regard to the presentation to Committee of Planning Applications LA07/2020/0276/F; LA07/2022/0296/F and LA07/2023/1936/F, Mr Rooney provided a background briefing in relation to these applications.

He said NI Water had been in discussion with Planning Department with regard to capacity issues identified within the sewerage network over the past 2 year period throughout the NMD Council area, and across all Council areas, with capacity issues identified in the NMD area in Cranfield, Killeel, Magheragh, Dundrum, Downpatrick, Ballynahinch, Saintfield and Annesborough where NI Water state the network is operating significantly above design capacity increasing the risk of out of sewer flooding and potential pollution to the local environment.

He said NI Water state that for all developments constrained by a waste water capacity, there is always a potential solution, either strategic or localised, and is therefore the responsibility of the applicant to engage with NI Water to reach a feasible solution – this may take the form of a preliminary drainage enquiry, or the submission of a Waste Water Impact Assessment ahead of the submission of a formal planning application. He explained applicants who complete a Waste Water Assessment and pay the requisite fee, receive a site specific solution engineering report within 3 months with the final solution design agreed between NI Water and the developer, and Planning Department therefore take this into consideration in dealing with such applications.

He then gave details on Planning Department determinations based on the following:

- NI Water consultation responses on applications where this is an issue, an approval will be recommended where applications are like for like, where there has been an extant previous approved development on the site where NI Water has given a positive response, or where the development will offer a reduced backlog on the sewer network, ie, a replacement application or a lesser proposal.
- An approval will also be recommended where there is an immediate or reasonable prospect of an agreed solution based on early engagement by the applicant through the submission of a preliminary drainage enquiry or waste water impact assessment.
- A refusal is recommended where the applicant has initiated an engagement through either method but where there is no immediate or reasonable prospect of an agreed solution, or where a solution is under consideration but not finalised and NI Water therefore take a precautionary approach.
- A recommendation to refuse an application where capacity have been identified with a specific proposal and where the applicant is not engaged directly with it in seeking to identify a solution, and responsibility lies with the applicant where they do not meaningfully engage.

Mr Rooney said with regard to the 3 above applications brought to the Committee today and for which Planning recommend approval contrary to the view of NI Water in its consultation response, NI Water have confirmed the applicants have positively engaged and while the solution is not immediately achievable there is the prospect of a solution and therefore in these circumstances

while NI Water recommend refusal, the Planning Department propose to recommend approval of these applications, subject to a negative planning condition in 2 parts, stating:

- The development that is hereby approved shall not commence on site until full details of foul and sewerage drainage arrangements to service the development including a programme of implementation of the works, have been submitted to and approved in writing by the Council in consultation with NI Water, and secondly;
- No part of the development is hereby permitted to be occupied until the drainage arrangements agreed by NI Water and as required by Planning condition, has been fully constructed and implemented by the developer.

He said Planning Department believe this to be a balanced approach ensuring the protection of the environment.

Finally he added that within the current Scheme of Delegation, all applications recommended for approval, contrary to views of a statutory agency, must be brought to the Committee for presentation, and Committee approval be sought that where such circumstances arise and Planning will recommend approval contrary to NI Water, but with negative conditions, that those applications go onto the Addendum List with no presentation given, but should a Committee Member have concerns they may seek a presentation to be given.

Members were in unanimous agreement that, going forward, all such applications should be included on the Addendum List without formal presentation to Committee.

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, and include on the addendum list for Wednesday 20 September 2023:

- **LA07/2023/0276/F** - Demolition of existing buildings and erection of 10 houses - Lands at 4 Donaghaguy Road Warrenpoint, BT34 3RZ.
APPROVAL
- **LA07/2022/0296/F** - Proposed residential development comprising 92 residential dwellings (comprising 70 houses; 20 apartments and 2 bungalows), access/right turn lane, open space, landscaping and other ancillary site works (Amended Proposal) - Lands approx 80m east of No.15 Martins Lane (Parochial House) and 30M west of Nos 1-20 Demense Carnagat Road Newry.
APPROVAL
- **LA07/2023/1936/F** - Proposed change of use of an existing vacant retail unit to form a fast food restaurant and takeaway at ground floor level with 3 bedroom house of multiple occupancy (HMO) residential accommodation at first floor level - 27 Monaghan Street, Newry.
APPROVAL

AGREED: It was unanimously agreed that, going forward, all such applications should be included on the Addendum List without formal presentation to Committee.

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

P/068/2023: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/1179/F

Location:

Lands approximately 8m southeast of No.143 Tullyah Road, Whitecross.

Proposal:

Erection of dwelling and detached garage

Conclusion and Recommendation from Planning Official:

REFUSAL

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer explained this application had been presented to Committee during the 2022/2023 term of Council, and deferred for a site visit which had now taken place. He said it had been brought back to Committee for full presentation as we were now in the 2023-2024 term of Council. He gave a PowerPoint 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.

Note: Cllrs Enright; Finnegan; Larkin; King; D Murphy; Tinnelly attended site visit.

Note: Councillor McAteer indicated he would withdraw from discussion and decision on this application.

Speaking rights:

In support

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

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/1179/F, contrary to Officer recommendation, on the basis that having visited the site and seen the substantial size of the shed to the rear and side of the dwelling, it does present an infill opportunity; it is a confined site and will not lead to a ribbon development in the area and that officers be delegated to impose any necessary conditions. Councillor Finnegan seconded the proposal.

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

FOR: 6
AGAINST: 0

ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Finnegan it was agreed to issue an approval in respect of planning application LA07/2022/1179/F, contrary to officer recommendation, on the basis that having seen the site and the significant size of the shed, it presents an infill opportunity; it is a confined site and will not contribute to ribbon development in the area.

Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2022/0819/F

Location:

7 Courtney Hill Newry

Proposal:

Proposed rear extension

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr M Keane Senior Planning Officer explained this application had been presented to Committee in August 2023 and was deferred for a site visit which had since taken place. He provided Members with a short recap on the PowerPoint presentation previously presented to Committee.

Note: Cllrs Enright; Finnegan; Larkin; King; D Murphy; Tinnelly attended site visit.

Note: Councillor McAteer indicated he would withdraw from discussion and decision on this application.

Speaking rights:

In support

In line with the updated Operating Protocol, no further speaking rights were permitted on this application.

Mr J Cole Agent, was in attendance to provide clarification if required.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/0819/F, contrary to Officer recommendation, on the basis that having visited the site and seen the numerous other extensions in the area, including the extension next door to the site, and having listened to the counter arguments by the agent in relation to the path of the sun, he was content this extension is acceptable. Councillor Enright seconded the proposal.

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

FOR: 6
AGAINST: 0
ABSTENTIONS: 0

The proposal was carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Enright it was agreed to issue an approval in respect of Planning Application LA07/2022/0819/F, contrary to Officer recommendation, on the basis that having visited the site and seen the numerous other extensions in the area, including the extension next door to the site, and having listened to the counter arguments by the agent in relation to the path of the sun, this extension is acceptable.

DEVELOPMENT MANAGEMENT - PLANNING APPLICATIONS FOR DETERMINATION

(3) LA07/2022/1326/F

Location:

19 Cherry Hill, Rostrevor, BT34 3BD.

Proposal:

Proposed alterations to existing dwelling including attic conversion, single storey front and rear extensions with associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr M Keane 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.

Speaking rights:

In support

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

Councillor McAteer proposed to issue a refusal in respect of Planning Application

LA07/2022/1326/F, as per the information contained within the Case Officer report and presented to Committee. Councillor Larkin seconded the proposal.

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

FOR: 11
AGAINST: 0
ABSTENTIONS: 0

The proposal was carried.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2022/1326/F, as per the information contained within the Case Officer report and presented to Committee.

(4) LA07/2022/1714/F

Location:

Lands 71m SW of No.52 Ribadoo Road, Ballyward, Castlewellan

Proposal:

New dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

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.

Speaking rights:

In support

Mr Mark Hanvey Agent, presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Councillor D Murphy proposed to defer Planning Application LA07/2022/1714/F for a site visit. Councillor Hanna seconded the proposal.

The Committee voted unanimously in support of the proposal and it was declared carried.

AGREED: On the proposal of Councillor D Murphy seconded by Councillor Hanna, it was agreed to defer Planning Application LA07/2022/1714/F for a site visit.

The meeting concluded at 11.40 pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**