

## **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 1 June 2022 at 10.00am in Boardroom, Monaghan Row, Newry and via Microsoft Teams.**

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**Chairperson:** Councillor D McAteer

**In attendance: (Committee Members)**

Councillor P Byrne  
Councillor L Devlin  
Councillor G Hanna  
Councillor C Enright  
Councillor V Harte  
Councillor M Larkin  
Councillor D Murphy  
Councillor H McKee  
Councillor G O'Hare

**(Officials)**

Mr C Mallon	Director of ERT
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer (via Teams)
Mr A Hay	Principal Planning Officer
Mr M McQuiston	Senior Planning Officer
Ms A McAlarney	Senior Planning Officer
Mr M Keane	Senior Planning Officer
Ms N Largey	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

**P/054/2022: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Burgess and Councillor McEvoy.

Councillor McAteer welcomed Ms Largey back following the sad passing of her mother.

**P/055/2022: DECLARATIONS OF INTEREST**

Councillor McKee declared an interest in Item 8 – LA07/2021/0394/F.

**P/056/2022: 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.**

- Item 7 – LA07/2021/1318/0 – site visit held on 18-05-2022 attended by Councillors Byrne, Harte, Larkin, Murphy, McAteer and O’Hare
- Item 12 – LA07/2021/1252/0 - presented at Planning Committee in January 2022 – Councillor Byrne was not a Committee Member at that time – all other Committee Members were present.

**MINUTES FOR CONFIRMATION**

**P/057/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 11 MAY 2022**

Read: Minutes of Planning Committee Meeting held on Wednesday 11 May 2022.  
(Copy circulated)

**AGREED: On the proposal of Councillor Byrne, seconded by Councillor Murphy, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 11 May 2022 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

**P/058/2022: ADDENDUM LIST**

There were no applications on the addendum list for the Planning Committee Meeting on 1 June 2022

**LOCAL DEVELOPMENT PLAN (CLOSED SESSION)**

**AGREED: On the proposal of Councillor Murphy, seconded by Councillor O’Hare, it was agreed to exclude the public and press from the meeting during discussion on the following item:**

On the proposal of Councillor Murphy, seconded by Councillor O’Hare, it was agreed to come out of closed session.

When the Committee came out of closed session, the Chairperson advised the following had been agreed:

**P/059/2022: LDP: Planning Policy Review – Coastal Development**

Read: Report dated 1 June 2022 by Mr A McKay, Chief Planning Officer regarding the Local Development Plan: Planning Policy Review – Coastal Development

**AGREED: On the proposal of Councillor Harte, seconded by Councillor Devlin the following was agreed:**

- **The proposed draft planning policies for inclusion within the draft Plan Strategy, and**
- **Authorise the development Plan Team to amend the proposed draft planning policies as necessary (i.e. subject of further consultation engagement, sustainability appraisal, and any change to overarching regional policy) and report back to Members any substantive changes to proposed policy wording or direction.**

**DEVELOPMENT MANAGEMENT -  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/060/2022: PLANNING APPLICATIONS FOR DETERMINATION**

The Chairperson advised the following amendments had been made to the agenda:

**Item 9 – LA07/2019/1009/O** – removed from the agenda at the request of Councillor Devlin and to be re-presented at the next Committee Meeting.

**Item 10 – LA07/2019/1748/F** – removed from the agenda at the request of Planners

**Item 13 – LA07/2021/1664/O** – removed from the agenda at the request of Councillor Hanna and to be re-presented at the next Committee Meeting

**(1) LA07/2019/1318/O**

(Councillors Enright, Devlin, Hanna and McKee withdrew from discussion/decision on this application).

**Location:**

Site between 11 and 13 Tullydonnell Road, Silverbridge, Newry

**Proposal:**

Infill Dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

Mr A McKay, Chief Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

**Speaking rights:**

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

Ms Margaret Smith, agent was in attendance to answer any questions from Members.

**Issues Raised:**

- Ms Smith clarified the three buildings they were relying on to comply with policy for a gap site were the shed, the white building (no. 11) and the red brick two-storey building.

- Ms Smith said although there had always been gate access between No. 11 and the sheds, in order to accommodate larger farming equipment, a new access had been instated.
- Councillor Byrne said having visited the site he considered there to be road frontage and said there was ambiguity in the policy regarding what constituted a laneway and a driveway.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2019/1318/O contrary to Officer recommendation on the basis that having been on site he was satisfied there were three or more buildings with road frontage, it integrated well into the surrounding area, it complied with policies CTY 13, CTY 14, NH6 and was an exception to Policy CTY 8. Councillor Murphy seconded the proposal.

Mr McKay said Members had identified several frontages, however he considered these to be access laneways to Tullydonnell Road, none of which represented a continuously built-up frontage as required by policy and said this had been evident at the site visit. Mr McKay asked for clarity from the proposers in relation to their conclusion that a substantial and continuously built up frontage as required by CTY8 was present.

Councillor Larkin said, having been on site, he was satisfied there was a continuously built up frontage.

Mr McKay said he, too had been on site and it remained Planning Department's position there were a series of access lanes only on to the Tullydonnell Road which, he said did not constitute a continuously built up frontage.

Councillor McAteer said in the past, laneways with wide entrances had been accepted by the Committee as having frontages and, having been on site he considered the sheds had frontage in relation to the dwelling house. He said he was content there was frontage and it was visually linked.

Councillor Byrne said he considered No. 13 and the sheds between No. 13 and No. 11 had road frontage and he said the argument was around No. 11 with differing opinions by Planning and Members. Councillor Byrne referred to page 3 of the Officers report relating to previous examples considered to have road frontage and said the report indicated that limited weight had been attached to those examples and he said even if limited weight was attached to the current proposal in relation to road frontage, he considered it was visually linked and therefore he was content with the proposal that had been put forward.

Mr McKay said, for the record, he believed Members may have been misdirecting themselves in relation to the facts around the interpretation of the policy.

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

FOR:	6
AGAINST:	0
ABSTENTIONS:	0

**AGREED:** **On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2021/1318/O contrary to Officer recommendation on the basis that three or more buildings had road frontage, it integrated well into the surrounding area, complied with policies CTY 13, CTY 14, NH6 and was an exception to Policy CTY 8.**

**Planning officers be delegated authority to impose any relevant conditions.**

(All councillors re-joined the meeting)

**(2) LA07/2021/0394/F**

(Councillor McKee withdrew from the meeting for this application)

**Location:**

Lands to the rear of Saintfield Community Centre and to the south of 8-11 Windmill Grange with access onto Belfast Road

**Proposal:**

Change of use of lands to Public Park (used in conjunction with Saintfield Community Centre)

**Conclusion and Recommendation from Planning Official:**

Approval

**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 objection

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

In Support

Saintfield Development Association, Barbara Graham, Ian Mack and Martyn Todd presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues Raised:**

- Ms McAlarney advised the windmill stump located to the east of the site was a scheduled monument and a licence would be required to work on it.
- Ms McAlarney advised, as outlined in the Case Officer's report, the concerns raised by the objectors had been addressed.
- Ms McAlarney said she considered there would not be a detrimental impact on neighbouring private amenity space and any concerns regarding antisocial behaviour would be dealt with by the operators.
- Ms McAlarney said the plans relating to the application were all available on the planning portal and included detailed specifications for benching, signage and fencing.
- In terms of additional planting, Ms McAlarney said the mature trees on site were to be retained along with additional various planting. An 8ft fence was to be erected along the boundary with Windmill Grange which would be in addition to the existing fencing already in place to the rear of the properties.
- Mr Russell said he had been unable to access to planning portal and had been excluded from the planning process.
- Mr Russell said Saintfield Development Association had refused to meet with the objectors and they were unaware of how the planning system worked.
- Mr McKay said Officers had just tested the public facing portal and had accessed it without any issue and he was not aware of any objectors contacting Planning for the duration of the application saying they could not see the documentation.

- Ms McAlarney said the access to the park would be via the community centre, she could not confirm the opening hours of the park as this would be a management issue with the operators.
- Ms McAlarney confirmed CCTV was not part of the proposal.
- Mr McKay said outside events would usually require a licence from Council.
- Mr Todd confirmed, following a consultation from residents it had been decided there would be no events, no playparks and no concerts and he said all residents had been notified of this on 30 October 2020.
- Mr Todd said there would free open access to the park for all people of the area while the community centre was open, and the park would only be open during daylight hours.
- Mr Todd said as a gesture of good will, it had been decided to erect a fence 2m from the existing fences to allow the four residents of Windmill Grange access to the rear of their properties for maintenance.
- Mr Todd said the residents did not have a legal right of access to the park from the rear of their properties.
- Mr Todd confirmed during negotiations he personally knocked on the doors of the six boundary neighbours and by March 2020, they were all aware of the proposed plans. Three of the six neighbours engaged in the negotiating process and the remaining three requested a public meeting, however as it was during Covid, it was decided one to one meetings were more preferable.
- Ms McAlarney said overlooking was not an issue.
- Mr Todd said he had not seen the objection petition but said there were very many messages of support received.
- Mr Todd said an A1 size copy of the plans had been posted in a disused shop in Saintfield for two weeks.

Councillor Hanna proposed and Councillor Byrne seconded to accept the officer recommendation and issue an approval in respect of this planning application and that conditions be delegated to officers.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor Byrne it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0394/F as per the information contained within the Case Officer report and presented to Committee.**

**(3) LA07/2021/1219/O**

**Location:**

Lands 215 SE of 40 Quarter Road Annalong

**Proposal:**

Site for 5 units of self-catering accommodation

## **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:**

Mr Brendan Quinn, agent and Ms Myrtle Haugh, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

### **Issues Raised:**

- Mr Keane said the correct policy test for such proposals was Policy TSM5 of PPS16, which did not specify the distance a site should be from an existing tourist amenity, only that it should be 'close' and he said although Carrick Little Lane could be considered close, it was not a tourist amenity. Councillor Hanna referred to Silent Valley as an amenity site, whereby Mr Keane said his was some 4 miles from the site. Councillor Hanna did not agree Silent Valley was 4 miles from the site.
- Mr McKay said Members had discretion to interpret the policy as they saw fit, however, he urged them to consider the policy in its entirety and to be mindful of the wording in question – 'at or close to'.
- Ms Largey said all policies must be viewed within the context for which they were provided and although she acknowledged the policy did not define 'close', she recommended Members took on board the advice from Planning.
- Mr Quinn referred to a previous application for glamping pods that had been approved and said more consistency was needed by Planning in their recommendations.
- Mr Keane confirmed a letter of support had been received from the Council's Head of Product Development and Visitor Experience that outlined if the application was approved, it would showcase the destination and encourage visitors to stay within the local area.
- Mr Keane said Planning did not consult with Tourism NI as the outcome would not change and although he acknowledged the site was located within a tourism hotspot, he said the policy test of TSM 5 had to be applied.
- Mr Keane advised objections had been received from 89, 91, 93 and 109 Mill Road, which raised a number of issues.
- Ms Haugh said her business was growing year on year and she considered it was beneficial to the local community and added value to the area.
- Councillor Hanna, in referring to Kribben Cottages asked would a precedent not already have been set, and if the proposed application was sympathetic to the character of the area would this not be deemed acceptable to Planning. Mr Keane said historically Kribben Cottages had been approved as a youth hostel, and significant weight had been given to the previous site history at Kribben Cottages, however the proposed application was assessed against PPS16 and although Planning considered it to be located within a tourist hotspot, he said it was not located at or close to an existing tourism amenity.
- Mr Quinn said the applicant was unable to purchase a site any closer to Kribben Cottages to expand her business and he was not aware of any other planning applications in the area for self-catering accommodation.
- Mr Quinn said an application for glamping pods had been approved under TSM 6 in 2020 and Carrick Little Laneway, the carparks and the café had been accepted as tourism amenities.
- Ms Largey said the test was to determine if the proposed development was close to tourist amenities.





### **Power-point Presentation:**

Mr Mark 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:**

Mr Brendan Quinn, agent and Sean and Denise Sloan, applicants presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

### **Issues Raised:**

- Mr McKay said there was no requirement for DfI Roads to be in attendance at the meeting, as they had acknowledged their previous responses were incorrect and Planning Department was unable to attach enforceable conditions that would compel the applicant to use the new access proposed without the existing access being closed up.
- Mr McKay said Planning Officers were not content to accept that common sense would prevail and only the new access would be used.
- Mr Keane talked through the timeline from January 2022 detailing consultations with DfI
- Mr Quinn confirmed it was not within his gift to close up the existing lane.
- Ms Largey said although the Council could not be directly claimed against, in the event of an accident, there would be a reputational risk to Council. She said it was a bit unclear and an explanation from DfI would be useful.
- Mr McKay said DfI was objecting to the intensification of the lane; there were two lanes, one of which was considered to be substandard.
- Mr McKay said DfI had no issue with the new access subject to the closure of the substandard lane.
- Mr McKay said the current application could not be compared to an application in Sheeptown referred to by the agent as they were totally different, and he said the current application had been brought back to the Committee for direction.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1252/O contrary to Officer recommendation on the basis that the new proposed access would achieve the necessary visibility splays and would comply with DCAN 15. Councillor Hanna seconded the proposal, saying common sense would prevail and the safest access would be used by those accessing and exiting the property.

The proposal was put to a vote by way of a show of hands 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 Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1252/O contrary to Officer recommendation on the basis that the new proposed access would achieve the necessary visibility splays, would comply with DCAN 15 and the safest access would be used by those accessing and exiting the property.**

(Lunch 1.30pm – 2.00pm)

**(5) LA07/2021/0983/F**

(All councillors present re-joined the meeting)

**Location:**

Castlewellan Forest Park, Castlewellan

**Proposal:**

Restoration of the Grade B1 Listed Grange Courtyard Building and reconstruction of bomb damaged block. Internal demolitions and new interventions such as staircases, lift, toilets. Replacement of existing windows and new windows. New landscape within the Grange Courtyard. New drainage system to the Grange. Restoration of the entrance gates on the Castle Avenue. New pedestrian path from entrance gates to existing car park.

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

Ms Annette 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.

**AGREED:**

**On the proposal of Councillor Hanna seconded by Councillor O'Hare it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0983/F as per the information contained within the Case Officer report and presented to Committee.**

**Planning officers be delegated authority to impose any relevant conditions.**

**(6) LA07/2021/0988/LBC**

**Location:**

Castlewellan Forest Park, Castlewellan

**Proposal:**

Restoration of the Grade B1 Listed Grange Courtyard Building and reconstruction of bomb damaged block. Internal demolitions and new interventions such as staircases, lift, toilets. Replacement of existing windows and new windows. New landscape within the Grange Courtyard. New drainage system to the Grange. Restoration of the entrance gates on the Castle Avenue. New pedestrian path from entrance gates to existing car park

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

Ms Annette 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.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor O'Hare it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0988/LBC as per the information contained within the Case Officer report and presented to the Committee.

Planning officers be delegated authority to impose any relevant conditions.

**FOR NOTING**

**P/061/2022:** **JUDGEMENT- APPLICATION BY GORDON DUFF (RE. GLASSDRUMMAN ROAD, BALLYNAHINCH) FOR JUDICIAL REVIEW PLANNING APPLICATION LA07/2020/1292/O – TWO INFILL DWELLINGS ON LANDS BETWEEN NOS. 2 AND 10 GLASSDRUMMAN ROAD BALLYNAHINCH**

Ms Largey advised the Committee Planning Application LA07/2020/1292/O had been successfully defended in the High Court by Council and she proposed to arrange for a barrister to attend a future Planning Workshop, which, she said would be very beneficial for Members.

**P/062/2022:** **HISTORIC ACTION SHEET**

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

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

The meeting concluded at 2.00 pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 29 June 2022.

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

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