

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

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**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 05 April 2023 at 10.30am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.**

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**Chairperson:** Councillor D McAteer

**In attendance: (Committee Members)**

Councillor R Burgess  
Councillor P Byrne (Teams)  
Councillor L Devlin (Teams)  
Councillor G Hanna (Teams)  
Councillor V Harte  
Councillor M Larkin (Teams)  
Councillor D Murphy  
Councillor L McEvoy (Teams)  
Councillor G O'Hare

**(Officials)**

Mr C Mallon	Director of ERT
Mr A McKay	Chief Planning Officer
Mr Pat Rooney	Principal Planning Officer
Ms N Largey	Legal Advisor
Mr Peter Rooney	Legal Advisor
Ms A McAlarney	Senior Planning Officer (Teams)
Mr M Keane	Senior Planning Officer (Teams)
Ms P Manley	Senior Planning Officer (Teams)
Mr A Donaldson	Senior Planning Officer (Acting) (Teams)
Ms S Taggart	Democratic Services Manager (Acting)
Ms L Dillon	Democratic Services Officer
Ms L Cummins	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

**P/029/2023: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Lewis. Councillor Reilly was also not present at the meeting.

**P/030/2023: DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**P/031/2023: 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.**

- Item 8 - A site visit was held on 29 March 2023 - Cllrs Byrne, Harte, Larkin, Murphy, McAteer, McEvoy and O Hare, attended.

### **MINUTES FOR CONFIRMATION**

**P/032/2023: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 8 MARCH 2023**

Read: Minutes of Planning Committee Meeting held on Wednesday 8 March 2023. (Copy circulated)

**AGREED: On the proposal of Councillor Murphy, seconded by Councillor Burgess, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 8 March 2023 as a true and accurate record.**

### **FOR DISCUSSION/DECISION**

**P/033/2023: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 05 April 2023. (Copy circulated)

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

- **LA07/2020/0767/O** - Proposed Residential Housing Development- Lands at Bridle Loanan NW of Ridgefield Grove and NE of Woodlands, Warrenpoint. **APPROVAL**
- **LA07/2022/0030/F** - Approximately 265 metres west of No. 30 Levallyreagh Road Rostrevor - Erection of replacement dwelling and garage with associated ancillary site works. (Amended access proposals received)  
**APPROVAL**
- **LA07/2022/0579/F** - Proposed 30m telecommunications column, with 3 no. antennae, 2 no. radio dishes and 1 no. equipment cabinet. Proposal includes compound and associated ancillary works - On lands at Carrickbracken Business Park immediately west of 121 Camlough Road Camlough BT35 7JR.  
**APPROVAL**
- **LA07/2022/0292/F** - Demolish the current modular unused 110m2 community centre. Proposal to build a new traditional 170m2 community centre on the current playground and provide a small carpark on the old community centre ground -2 Oriel Drive Downpatrick.  
**APPROVAL**
- **LA07/2020/1738/LBC** - Installation of New Lightning Protection System - Newcastle Centre 10-14 Central Promenade Newcastle.  
**CONSENT**

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

**P/034/2023: PLANNING APPLICATIONS FOR DETERMINATION**

- (1) **LA07/2021/0987/F**

**Location:**

Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road

**Proposal:**

Section 54 application seeking planning permission to vary condition no. 17 of P/2013/0242/F

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

Mr McKay, Chief 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

A statement of objection from a principal objector was submitted and was placed before the Committee together with a note from their Roads Engineer.

In support

Tom Stokes (via Teams), Karen McShane, Brian McConville and Damien Broderick presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Aloysius Loughran and Jason Killen, DfI Roads were also in attendance.

Mr McKay, Chief Planning Officer, said this application was a Section 54 application to vary a condition attached to a previous granting of planning permission in 2019 for 200 houses. He said the current application sought to vary one of the conditions attached to that approval which related essentially to the timing of the formal stopping up and abandonment process. He said it was a very narrow issue that they were seeking to deal with in this application – essentially when and how the stopping up and abandonment of parts of Watson's Road would happen.

Mr McKay said this was initially scheduled to come before Committee in July 2022 but as a result of procedural and other difficulties it had been deferred on a number of occasions and this was the first real opportunity Committee had to consider this matter.

Mr McKay said the application was to come before Committee in July 2022 but was deferred to sort out procedural issues; it was to have been brought back to Committee in September 2022 but at that point the objector raised new grounds of objection, specifically that this application was a major application with additional procedures that would apply in such cases. The application was deferred in September to allow legal opinion to be sought and on receipt of that information, the parties were advised that upon review Planning concurred that it was a major application with requirements in relation to design and access statements and additionally pre application community consultation would have to be engaged. He said these matters were disputed by the applicant and what resulted from that was a major application to vary this condition with the required design and access statement submitted. However, what they did not have was a pre application community consultation process and the reasons for not having that were set out in Section 6 of the Case Officer report.

Mr McKay said specifically it was the view of the Planning Department that it would not have been the intention of the NI Assembly that in framing the legislation, that Section 54 applications to vary conditions would always be caught by the need for pre application community consultation. He said Planners were additionally satisfied that the community had quite a significant opportunity both at

the original application stage and subsequently with this application, to engage and comment on the application.

Mr McKay drew to Members attention a number of specific matters. He said Members had received written submissions from the principal objector who was unavailable to attend today and they would be relying on this submission. He said the Planning Department was content that the issues raised in these submissions had been addressed through the Case Officer report and through substantive responses to letters of objection received over the lifetime of the application.

Mr McKay said on behalf of this same objector, over recent weeks, Solicitors did query the Council's position in relation to the need for pre application community consultation and the response provided to them was that the Case Officer report and the report before Members today set out the Council's position in that regard. Mr McKay said he was mentioning this because it was a major application and the need for pre application community consultation did not feature as part of the most recent submission that was made by the objectors but nevertheless there was an objection made previously and Members needed to be aware of it.

Mr McKay said there was in addition, a further letter of objection submitted on behalf of the principal objector on 16<sup>th</sup> March 2023 raising further grounds of objection relating to the timing of the proposed works creating conflict on the developing road network that the applicant; that the applicant did not control all of the land needed to deliver the roads; that the proposed re-wording of the condition was inconsistent with approved lands and that the Council should not be pre-determining the stopping up process. In relation to this, Mr McKay said Planners were content that those objections did not raise any substantial new matters that had not already been considered during the course of the application and addressed through the planning process.

Mr McKay said the remainder of the report set out in some detail the nature of the objections received, the consultation responses and Planners consideration of those matters and consideration of Planning Policy and other considerations.

In conclusion Mr McKay said the principle for residential development on this site had been established for some time and the focus of this application was the timing of the stopping up and abandonment. He said what was proposed and was being recommended for approval was that there would be a phasing of this development and the proposed abandonment process by way of the new condition would tie in with that phasing and would not compromise the delivery of the scheme or give rise to any unacceptable impacts in terms of highway safety, road safety and any other matters raised. He said Planners had regard to the guidance including guidance from DfI; they had consulted widely and their view was that on the merits of this case it was appropriate for the condition to be varied as such that the statutory abandonment and stopping up process would be completed prior to the occupation of dwellings beyond phase 1, 2 and 3. He said this judgement had been reached on the facts of the case and for the reasons set out in the Case Officer report.

Mr McKay said there was a challenge raised in relation to a recent judicial review judgement, the McCann Judgement, in terms of whether the Planning Department had critically evaluated the evidence in line with its duty to do so. He said they were content they had evaluated all the relevant evidence that had come to light in this application, including that from the objectors and were recommending the application for approval but ultimately it was for Members to weigh up all of the relevant evidence at the meeting.

Tom Stokes, TSA Planning, addressed the Committee in support of the application with Brain McConville, Chairman of MJM Group; Karen McShane, Roads Engineer and Damian Broderick, Technical Director TSA, available to answer any queries Members might have.

Mr Stokes referred to the statement of objection submitted on behalf of a neighbouring landowner and house builder. He said this site had full planning permission and all that was before the Members at today's meeting was a simple request to vary the wording of one condition which was an entirely normal and lawful request under Section 54 of the Planning Act.

He said Members would be aware that the application was due to be presented before the Committee in the past; however, was withdrawn on several occasions by Planning Officers as they diligently addressed the various points of objection made. Planners had now recommended approval and DfI had offered no objections to the proposals. He said Roads Service in their response had confirmed they were content that the stopping up was done in line with the phasing plan already approved and conditioned accordingly within the permission.

Mr Stokes said the roadworks associated with the delivery of phases 1-3 remained identical to the original planning approval. As mentioned in the wording of the condition this was a legislative process and as such must be adhered to regardless of there being a planning condition or not and for this reason was not normally subject to being made a planning condition. He confirmed the requirements of this legislative process were currently being attended to by the applicant, but this was a separate process.

He referred to the recent submission from the objector which was largely predicated on their perception that there was an area of stopping up and abandonment within the first phase and he questioned how it could be claimed that they had stated that the only stopping up was at the end of phase 3 when the new road would tie into the old. He said the applicant had commenced the process and had agreed with DfI Roads the extent of the stopping up and abandonment necessary to inform this process which would be at the end of phase 3 – therefore the objector was incorrect in their assertion.

Mr Stokes said the objector cited that there should be an updated transport assessment. He said this was incorrect on a number of fronts, not least the fact that the permission was extant and within time and secondly that the Section 54 process considered only the condition at hand and not the principle of approved development.

Mr Stokes said the phasing of the development and the extent of all the road upgrades in stages to accommodate the new development and improvements to Watson's Road were unrelated to this condition. He said this solution was tied down to other conditions, namely No. 13 -15. The application before Committee did not alter these conditions but merely aligned the wording of this condition to better reflect the separate legislative process to deliver the already approved upgrades. He said it was that agreed phasing and upgrade approach that DfI Roads continued to accept and endorse.

Mr Stokes said by the time the stage of the stopping up process was near the legislative process would be complete. Ultimately this housing development would provide significant benefits across many fronts, not only improving road safety within and throughout the site but would finally allow for some much-needed new housing to be delivered for Newry City by a local businessman.

In response to a query from Councillor Larkin, Mr Loughran, DfI confirmed that they were content with the proposals.

Councillor Murphy proposed and Councillor Larkin seconded that, having read the Case Officer report and submissions from both the applicant and objectors, to agree to accept the Officer recommendation of approval.

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 Murphy , seconded by Councillor Larkin, it was agreed to accept the Officer recommendation of approval for planning application LA07/2021/0987/F - Section 54 application seeking planning permission to vary condition no. 17 of P/2013/0242/F - Lands at Watsons Road/Dorans Hill Newry including lands to the east of Watsons Road.

## **(2) LA07/2022/0299/O**

As Planning Application LA07/2022/0299/O was the subject of a site visit on 29 March 2023, in line with policy, no further speaking rights were permitted.

### **Location:**

Between 55 & 57 Drumalt Road Dorsey Newry (100m West of 55 & 60m South of 57).

### **Proposal:**

Proposed site 2 no. infill dwellings and garages.

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

Refusal

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

Mr Pat Rooney, Principal Planning Officer provided Members with a short recap on the power point presentation previously presented to Committee.

Mr Rooney advised Members the Case Officer had received a phone call from the owner of the shed/outbuilding to advise it was to be removed from the site which, he said would have implications for the applicant, however, Mr Rooney said, on re-visiting the site, the structures still remained on-site.

### **Speaking rights:**

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

### In support

Mark Tumilty, agent was in attendance to answer any queries from Members.

### **Issues raised:**

- Mr Rooney confirmed Members could make their decision based on what was on the ground at the time of the site visit.
- Mr Tumilty provided clarification regarding his reliance on the shed as a third building, saying, it was based on previous PAC decisions and he said, to this regard, the PAC was not interested in the type of structure or if it was permanent or not, if it was in situ, the PAC considered it qualified as a building.
- Mr Rooney referred to a similar previous PAC decision, that had determined a structure was not permanent as it was not attached to the ground.

- Mr Rooney said the phone call he had referred to from the owner of the shed suggested it was to be moved. He said the Committee had taken a more cautious approach previously when determining a similar application in Creggan, and he said he had concerns regarding the implication of planning policies going forward if the current application was to be approved.
- Mr Rooney said Planning considered the gap site could accommodate more than two dwellings and he said this was not just a mathematical exercise, but on the ground as well.
- Mr Rooney said the evidence of electricity and water supply in the shed did not deem it to be a permanent structure.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/0299/O contrary to Officer recommendation on the basis that he considered the shed was a permanent structure given it had its own electricity meter and water services and having been on site, he said it was a larger structure than he had originally perceived it to be, and he considered it complied with CTY 8. Councillor Murphy 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:	0

The proposal was carried.

**AGREED:**                    **On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2022/0299/O contrary to Officer recommendation on the basis that the shed was a permanent structure and it complied with CTY 8.**

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

Planning Applications LA07/2022/0210/F and LA07/2022/0226/F were considered together.

**(3)    LA07/2022/0210/F**

**Location:**

Ground floor unit 12 Seaview, Warrenpoint

**Proposal:**

Retention of existing outdoor customer seating area

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

Mr Pat Rooney, Principal 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

Mr Ciaran Rafferty, solicitor presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**(4) LA07/2022/0226/F**

**Location:**

Ground Floor, Unit 12, Seaview, Warrenpoint

**Proposal:**

This is a category 11 section 54 application. Previous approval for retention of change of use to ground floor cafe unit & 2 no treatment rooms and ancillary services, condition 03 restricted opening hours to Mon-Sat 10.00 to 18.00. This application seeks variation to opening hours to provide opportunity for ticketed events and private catering.

Proposed opening times:

Monday to Saturday open to general public 9am to 6pm,  
Monday to Saturday open for ticketed events 6pm to 10pm  
Sunday open to general public Midday to 4pm,  
Open for private guest breakfasts 9am to 11am,  
Open for ticketed events 4pm-9pm.

There are two holiday apartments on the floors above the cafe. The cafe owner would like to open on a Sunday morning to serve breakfasts to the guests staying in the holiday apartments - the cafe would not be open to the general public on Sunday morning.

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

Mr Pat Rooney, Principal 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

Mr Ciaran Rafferty, solicitor presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Ms Largey said there were two distinct issues: 1. Whether or not the planning conditions were enforceable and Planning advice was that they were and 2. Whether or not the planning applicant would comply with them, which she said, if they did not comply, they would put themselves at risk of prosecution.
- Mr Rooney said there were two aspects to the application 1. Variation to the conditions previously agreed, within the building and 2. Retention of seating area outside the building.
- Mr Rooney confirmed the proposed operating hours within the building were Monday – Saturday 9am – 10pm and Sunday 9am – 9pm; the outdoor operating hours would be Monday – Saturday 10am – 6pm and closed on Sundays.
- Mr Rafferty said marketing literature for the applicant demonstrated a breach of planning conditions and an enforcement case was pending; he said a return to the status quo of 2019 would be acceptable.
- Mr Rafferty advised an attempt to set up a meeting with the applicant and residents had failed.



- Mr Rafferty confirmed Navigator Financial Services operated from 12 Seaview from 2015 – 2018, after which the café opened without planning permission; retrospective planning was subsequently approved with conditions, and the operating hours followed those of Navigator Financial Services.
- Mr Rooney said access to the rear was through the building and the rear access was for emergency purposes only with no customer access.
- Mr Rooney advised fire safety concerns would be addressed under licensing arrangements.
- Mr Rooney said Planning makes a distinction between carparking for residential use and that of commercial use, and Planning considered there to be a sizeable amount of car parking along the seafront, and he said, given the scale of the proposed development, the existing car parking could cater for it.
- Mr Rafferty said the main areas of concern for residents were the increased operating hours and the development of the outdoor customer area which, he said, would lead to the deterioration of amenity for both residents and the public realm.
- Mr Rooney confirmed a condition of the approval was that no foods be cooked on site until an odour impact assessment was submitted and approved; the provision of an extraction system had been attached to current conditions.

**AGREED:**                    **On the proposal of Councillor Hanna, seconded by Councillor Larkin it was unanimously agreed to defer Planning Applications LA07/2022/0210/F and LA07/2022/0226/F for a site visit by Members and, also, to allow time to get more input from Environmental Health with regard to potential environmental health implications.**

**(5)    LA07/2022/0537/F**

**Location:**

55 Windmill Road Kilkeel, Newry

**Conclusion and Recommendation from Planning Official:**

Approval

**Proposal:**

Proposed demolition of the existing dwelling and garage, to facilitate construction of a replacement 2 no. storey detached dwelling and attached garage and all associated site and access works

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

Mr Pat Rooney, Principal 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

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

### In support

Mr Damien Broderick - TSA Planning (Agent), and Mr Ian Hill, applicant.

### **Issues raised:**

- Mr Rooney said the policy for a replacement dwelling stated the replacement should not have a greater visual impact than the building it was replacing, however, he said context and topography must be considered in each application and whilst he accepted the proposed footprint was greater than the existing dwelling, he said it was not excessive. Mr Rooney said the measurement to the ridge of the proposed dwelling was 8m as opposed to the current dwelling which was 6m to the ridge.
- Mr Rooney accepted the dwelling at No. 57 Windmill Road, referred to by Mr Beamish had been considered by Planning when determining the application, however, he said weight had not been attached to it.
- Mr Rooney said the impact of the proposed application in terms of distances, overlooking, dominance etc had been assessed and he did not accept the claim by Mr Beamish there were inaccuracies in Planning's handling of the application.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/0537/F as per Officer recommendation, Councillor Murphy seconded the proposal. 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 carried.

**AGREED:**                    **On the proposal of Councillor Larkin, seconded by Councillor Murphy it was unanimously agreed to issue an approval in respect of Planning Application LA07/2022/0537/F as per the information contained within the Case Officer report and presented to Committee.**

(Councillor Hanna left the meeting)

### **(6)    LA07/2022/1061/F**

#### **Location:**

250m North East of 10 Clontafleece Road Newry

#### **Proposal:**

Replacement dwelling & retention of existing dwelling to be used as domestic storage

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

Refusal

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

Mr Pat Rooney, Principal 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 David Mounstephen, Mr Micah Jones, agent, Mr Jonny and Ms Catriona Tohill, applicants (Teams), presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Mr Rooney acknowledged the example referred to by Mr Mounstephen of a dwelling close by had been approved by Planning, however, he considered it was not comparable to the proposed application as it was sited on lower ground and closer to the dwelling to be replaced.
- Mr Mounstephen considered the dwelling close by that had been approved was very similar to the proposed application in terms of siting.
- Mr Mounstephen said the visual impact of the proposed application was only apparent when at the site; there was a limited view of it when approaching from the west, and none when approaching from the east, due to screening.
- Mr Mounstephen said the existing building to be replaced had historical merit and the applicants were keen to retain it for ancillary storage and garage accommodation. He said it would be restored and any restrictions imposed by Planning would be implemented.
- Mr Rooney said Planning was open to modern day design, however he considered the proposed application did not measure up in that, even accepting the existing building was a vernacular structure, traditional design, particularly on sloping sites were based on houses stepping up the hill, and had there been an attempt to incorporate the existing building into the proposal, the proposed replacement building would have been sited gable end on to the existing building, thereby working with the contours rather than cutting across the contours.
- Mr Mounstephen said the approach to cut across the contours was to avoid digging into the hill.
- Mr Mounstephen said the dwelling close by that had been approved was more elevated, was located higher on the site in relation to the road, and the ridge height was 1100mm higher than the proposed application.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/1061/F contrary to Officer recommendation on the basis that he considered it fitted well on the site and it was a modern interpretation of a rural design, and although he acknowledged concerns by Planning regarding the siting, the dwelling close by, referred to by the agent, had set a precedent. Councillor Murphy seconded the proposal.

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

FOR:	9
AGAINST:	1
ABSTENTIONS:	0

The proposal was carried.

**AGREED:**                    **On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2022/1061/F contrary to Officer recommendation on the basis that the proposed design fitted well on the site and was a modern interpretation of a rural design.**

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

(Cllrs. Burgess and Byrne left the meeting)

**(7) LA07/2022/1179/O**

**Location:**

Lands approximately 8m south-east of no.143 Tullyah Road, Whitecross

**Proposal:**

Erection of dwelling and detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

Mr Anthony McKay, Principal 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 Colin O'Callaghan, agent presented in support of the application, detailing, and expanding upon a written statement that had been circulated to Committee Members.

**AGREED:**

**On the proposal of Councillor Larkin seconded by Councillor Murphy it was unanimously agreed to defer Planning Application LA07/2022/1179/O for a site visit so Members could assess the site in more detail.**

**(8) LA07/2022/1532/F**

**Location:**

Approximately 150m NE of 11 Ardkeeragh Road Newry

**Proposal:**

Proposed dwelling on a farm

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

Mr Pat Rooney, Principal 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 Jason Martin, Planning Consultant presented in support of the application, detailing, and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Mr Rooney said the gable end and part of the southwest elevation would be the most prominent in terms of visibility.
- Mr Rooney said the glass main elevation was not a traditional rural fenestration pattern and he considered there was enough potential in other elevations to create a glass wall.

- Mr Martin referred to a dwelling on the Ballyduggan Road that had been approved, which he said had a similar fenestration on the gable end, and he considered, to replace the glazing with a chimney and white render, as suggested by Mr Rooney would ruin the design.
- Mr Martin said the form and shape of the building were traditional and was in keeping with the farm buildings that were clad and had large doors.
- Mr Rooney acknowledged the dwelling on the Ballyduggan Road referred to by Mr Martin was modern in design and materials used, but, he said, the key issue was the building was set back and screened by trees, so he considered the two sites were not comparable.
- Mr Rooney said changes to the window pattern would make a huge difference and it did not have to be a chimney.
- Mr Martin said the Case Officer had advised him to remove the glazing on the front, remove the garage and remove the central link corridor.
- Mr Martin said vertical emphasis would be provided by the mullions in the windows.
- Mr Martin said the full frontal elevation measured 76 sq m, 22.2sq m was void and that included the front door, 50 sq m was cladding.
- Mr Rooney said it was not a mathematical exercise, but rather how the building appeared. He said the front elevation was dominated by the glazing and the issue was design, he said traditional buildings had solid gable ends and windows were frequently omitted from solid gable ends. He said he believed an alternative design could be achieved without impacting on the overall design.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/1532/F contrary to Officer recommendation on the basis that he considered it was an exciting modern design and complemented the adjacent barns, the proposed linear construction was acceptable to the site and the countryside, and the glass was a very attractive design feature. Councillor Murphy 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 carried.

**AGREED:**                    **On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2022/1532/F contrary to Officer recommendation on the basis that it was an exciting modern design that complemented the adjacent barns, the proposed linear construction was acceptable to the site and the countryside, and the glass was a very attractive design feature.**

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

**(9)    LA07/2022/0800/O**

**Location:**

Lands approx. 35m south-west of 55 Maphoner Road, Mullaghbawn Newry

**Proposal:**

Proposed site for new detached dwelling & garage (infill development)

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

Refusal

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

Mr Pat Rooney, Principal 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 Patrick O'Reilly, agent 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 a lane exiting on to a road did not constitute a frontage, regardless of the 2m grass border on either side of the lane and he said it was important the Committee maintained an accepted and established planning line and it appeared the Committee disagreed with this principle on each and every occasion.
- Mr O'Reilly said it was evidently a driveway at No. 53, with curtilage from the dwelling to the road where there was a wall and gates erected.
- Mr O'Reilly said it was a unique case but said he considered it to be a genuine in-fill opportunity.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/0800/O on the basis that he considered the walled gated entrance, together with the driveway and maintained 2m grass border on either side constituted an infill opportunity and it complied with CTY 8. Councillor Murphy seconded the proposal.

**AGREED:**                    **On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval contrary to Officer recommendation on the basis that the walled gated entrance, together with the driveway and maintained 2m grass border on either side constituted an infill opportunity and it complied with CTY 8.**

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

**P/035/2023:**            **HISTORIC ACTION SHEET**

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

**AGREED:**                    **On the proposal of Councillor Murphy, seconded by Councillor Harte, it was agreed to note the Historic Action Sheet**

**P/036/2023:**            **PLANNING COMMITTEE PERFORMANCE REPORT**

**Noted:**                        **Noted the Planning Committee Performance Report was not available.**

**P/037/2023:**            **CURRENT APPEALS AND DECISIONS**

**Noted:**                        **Noted the current Current Appeals and Decisions Report was not available.**

The meeting concluded at 2.50 pm.

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

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