

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

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**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 08 March 2023 at 10.00am 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 (Teams)  
Councillor P Byrne  
Councillor G Hanna  
Councillor V Harte  
Councillor M Larkin  
Councillor A Lewis (Teams)  
Councillor D Murphy  
Councillor L McEvoy  
Councillor G O'Hare  
Councillor H Reilly

**(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
Ms P McKeever	Democratic Services Officer

**P/020/2023: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Devlin.

**P/021/2023: DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**P/022/2023:            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 6 LA07/2022/1069/F– all Councillors were present for discussion/decision at the Planning Meeting held on 8 February 2023

**MINUTES FOR CONFIRMATION**

**P/023/2023:            MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 8 FEBRUARY 2023**

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

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

**FOR DISCUSSION/DECISION**

**P/024/2023:            ADDENDUM LIST**

Read:                    Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 08 March 2023. (Copy circulated)

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

- **Item 12 - LA07/2022/1076/F** - Proposed Battery Energy Storage System (BESS) 150MWh (75MW/2hrs), new Access and ancillary Development - Lands approx. 200m South East of No 12 Crabtree Road Ballynahinch to be added to the addendum list **APPROVAL**
- **Item 19 - LA07/2022/0704/F** - Erection of a dormer style farm dwelling and detached garage - Lands approx. 190m north of No 14 Old Road Crossmaglen Newry BT35 9AL, to be removed from the Addendum List at the request of Cllr M Murphy.

**It was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 08 March 2023:**

- **LA07/2022/1565/F** - Provision of a sprayed concrete skate skateboard facility consisting of ramps and ridges. Also including a pump track constructed from crushed aggregate. The track is constructed at variable heights between 0.3 and 1.3m in height. the proposal is to connect in the pump track and skate parks with the existing stone path around the site - Dunleath Park Downpatrick. **APPROVAL**
- **LA07/2022/1181/F** - Paving works (granite sett paving and resin bound surfacing) Replacement of wooden slats on existing seats Engraving of letters on existing seats Wrapping existing service boxes with vinyl artwork (content to be confirmed by Council) - The Square Mary Street Rostrevor BT34 3GU **APPROVAL**
- **LA07/2022/1076/F** - Proposed Battery Energy Storage System (BESS) 150MWh (75MW/2hrs), new Access and ancillary Development - Lands approx. 200m South East of No 12 Crabtree Road Ballynahinch **APPROVAL**
- **LA07/2020/1082/F** - The application site starts at the national border between Northern Ireland and the Republic of Ireland (Easting 311753; Northing 319462) and extends up to/includes the Victoria Lock Amenity Site (Easting 310808; Northing 320817) - Construction of two isolated portions (75m & a 130m) of a shared walking and cycling greenway from/to the national border between Northern Ireland and the Republic of Ireland to/from the existing car-park and amenity site at Victoria Lock along the Carlingford Lough Coast - incorporating a c. 5.0m wide greenway corridor to include: a 2-3m shared pedestrian and cyclist path; a 0.5- 1.0m wide grass verge / buffer area to provide suitable boundary fencing (where required), areas of 1 in 3 sloped earthworks and drainage (where required), a vehicle safety barrier along the R183 Fathom Line, directional signage for greenway users, all associated vegetation clearance, and within the Victoria Lock Amenity Site the construction of bicycle parking spaces, trail head signage, and an uncontrolled pedestrian crossing of the car-park access road **APPROVAL**

**DEVELOPMENT MANAGEMENT -  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/025/2023: PLANNING APPLICATIONS FOR DETERMINATION**

**(1) LA07/2022/1069/F**

**Location:**

80-82 Market Street Downpatrick.

**Proposal:**

Change of use of the former bank (Class A2) to an amusement arcade/adult gaming centre facility and alterations to shop front

**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 line with the Operating Protocol no further speaking rights were permitted on this application

Observing

Daniel Forde / Diane Thompson MBT Planning (via Teams)

In objection

Philip Campbell, Downpatrick Town Committee,(via Teams) Andy Stephens, Planning Consultant were available to answer any queries from Members.

**Issues raised:**

- Mr McKay reminded Members the purpose of the discussion on the application was to provide the PAC with Council’s viewpoint, however, ultimately the PAC would decide the outcome.
- Mr McKay advised Members that as agreed at the Planning Committee Meeting on 8 February 2022, Planning had identified the numbers of businesses operating in the Downpatrick area of an entertainment/amusement/gambling nature and it was outlined on page 22 of their meeting pack.
- Mr McKay said he was aware of buildings that had planning permission for entertainment/amusement/gambling nature that had not been activated; one on Scotch Street had lapsed and a further one had closed. He said there was no upper / lower limit on the number that would be considered acceptable and given the use was towards the town centre, in planning terms, the application was acceptable.
- Councillor Byrne said what was outlined in DCAN 1 was in complete contrast to the information given by Mr McKay.
- Mr McKay said a judgement call would have to be made, he said he did not think the number of these types of businesses in Downpatrick town centre was excessive compared to other similar sized towns and he said they were a feature among High Streets and town centres.
- Councillor McAteer said paragraphs 3 and 4 of DCAN 1 gave no clear definition and asked for clarity from Planning.
- Mr McKay said it was guidance only and allowed for widespread discretion, and Members had the freedom to decide the effect they considered such a proposal would have on the character and appearance of the area.
- Ms Largey said the issue for Members to consider was what impact such a proposal would have on the character and to ensure they were not making a moral judgement.

Councillor Hanna proposed to accept the Officers recommendation and issue an approval in respect of Planning Application LA07/2022/1069/F, Councillor Larkin seconded the proposal.

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

FOR:	4
AGAINST:	5
ABSTENTIONS:	0

The proposal was lost.

Councillor Murphy proposed to issue a refusal in respect of Planning Application LA07/2022/1069/F contrary to Officer recommendation on the basis that he considered there would be a negative impact

on the town and traders and the proposal did not comply with DCAN 1. Councillor Harte 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: 4  
ABSTENTIONS: 1

The proposal was carried.

**AGREED:** On the proposal of Councillor Murphy, seconded by Councillor Harte it was agreed to issue a refusal in respect of Planning Application LA07/2022/1069/F contrary to Officer recommendation on the basis that it would result in having a negative impact on the town and traders and it did not comply with DCAN 1.

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

**(2) LA07/2022/0151/O**

**Location:**

94 Teconnaught Road Kilmore Downpatrick.

**Proposal:**

Replacement dwelling and detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

Mr Anthony 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 support

Mr Sam Hawthorne, 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 confirmed the existing dwelling was a non-listed vernacular building and had characteristics the HED would deem to be of importance.
- Mr McKay confirmed that in order to utilise the existing access and achieve the required visibility, it might well entail demolishing the long stone shed currently on the site, however he said Officers were open to a revised and safer access that could see the original dwelling

being upgraded together with the enclosing group of outbuildings, but he said that was not what was being proposed .

- Mr McKay said the proposed replacement dwelling would be located off-site and would require a new access and, as per policy the vernacular building would be demolished.
- Ms Largey said there were two questions Members had to consider in their determination: 1. Did the building make an important contribution thereby giving due weight to the statutory consultee's findings and 2. Can the building be made structurally sound, and, she said the economics of doing so should not be considered.
- Councillor Hanna said the agent had provided evidence to indicate the only feasible option was a replacement dwelling.
- Mr McKay said examples of the group of buildings were very well sought after in certain locations and everything should be done to retain them.
- Mr Hawthorne said there was no intention to demolish any of the buildings but that general safety would be enhanced by creating a new access to the proposed replacement dwelling.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2022/0151/O saying having taken on board the advice and given the agents engineers report, he considered there would be substantial defects in the building and it would not be cost effective to bring it up to an acceptable standard. He said whilst he acknowledged the viewpoint of the HED, a new dwelling with appropriate conditions could be constructed with a new access, and only minimal distance from existing dwelling. Councillor Reilly 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: 2  
ABSTENTIONS: 2

The proposal was carried.

**AGREED:** **On the proposal of Councillor Hanna seconded by Councillor Reilly it was agreed to issue an approval in respect of Planning Application LA07/2022/0151/O contrary to Officer recommendation on the basis that it would not be feasible to bring the existing dwelling up to an acceptable standard as outlined in the report by Savage Associates Engineers and presented to the Committee by Mr Sam Hawthorne, agent.**

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

(Break 11.00 – 11.15)

**(3) LA07/2021/2127/O**

**Location:**

32 Old Road Wateresk Dundrum BT33 0QQ

**Proposal:**

Dwelling on a farm. Site to the South of the sheds & outbuildings

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

Mr Anthony 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 support

Mr John Harkness, 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 buildings could not be clustered with farm buildings that were not within the applicant's ownership.
- Mr McKay confirmed statutory consultees had not raised any objections.
- Mr Harkness said the applicant's main farm buildings were off-site, located at Clough and he had been unable to secure planning permission at that location.
- Mr McKay said the onus was on the applicant to demonstrate there were no viable alternative sites within his ownership and, he said, Planning was not satisfied this was not the case.
- Mr Harkness said alternative sites had been looked at, but due to expense and health and safety issues this had not been feasible.

Councillor Larkin proposed to accept the Officers recommendation and issue a refusal in respect of Planning Application LA07/2021/2127/O. Councillor Byrne 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:	4

The proposal was carried.

**AGREED:**                    **On the proposal of Councillor Larkin, seconded by Councillor Byrne it was agreed to issue a refusal in respect of Planning Application LA07/2021/2127/O as per the information contained within the Case Officer report and presented to Committee.**

**(4)    LA07/2022/0243/O**

**Location:**

Lands approximately 50m south of 14 Sandy Brae, Attical

**Proposal:**

Erection of two dwellings (gap site)

**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 Colin O'Callaghan, agent, Mr Conor Fegan BL and Mr Cathal Sloan, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Mr Rooney advised Sandy Brae was a private lane and it had not been adopted by DfI Roads.
- Mr Rooney said there were two separate laneways, both lanes were of equal status, and the PAC was in agreement the laneway to the NE, was a laneway in its own right and it broke the frontage.
- Ms Largey said although it was a planning judgement for the Committee, it was important Members gave significant weight to the advice from the PAC.
- Mr Rooney said it was important Members considered the Commissioner's findings as a whole and to note it had agreed with Plannings determination.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2022/0243/O contrary of Officer recommendation on the basis that he considered there was a continuous built-up frontage and it satisfied CTY 8. Councillor Larkin seconded the proposal.

Ms Largey reminded Members there were three areas they had to consider: 1. Whether or not there was a continuous built-up frontage, 2. If it represents a small gap-site and if so, 3. If that gap provided an important visual break in the countryside.

In response, Councillor Hanna said he considered it provided an infill opportunity for two dwellings, there was a substantial built up frontage, it was a gap-site, the rural character had already been lost with so many houses having been built and the proposal would not compromise the character of the area.

**AGREED:**

**On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2022/0243/O contrary to Officer recommendation on the basis that it provided an infill opportunity for two dwellings, it was a gap-site and the proposal would not compromise the character of the area.**

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



The Chairperson advised that Planning Applications LA07/2021/0589/F, LA07/2021/0550/LBC and LA072021/0592/DCA would be heard together.

**(5) LA07/2021/0589/F**

**Location:**

Lands at the former St Clare's Primary School and Convent High Street Newry

**Conclusion and Recommendation from Planning Official:**

Approval

**(6) LA07/2021/0550/LBC**

**Location:**

Chapel building at the former convent of Poor Clare's High Street Newry

**Proposal:**

Restoration/refurbishment works to listed chapel building (grade B2) to facilitate conversion to a community hub facility with all associated works -

**Conclusion and Recommendation from Planning Official:**

Consent Approved

**(7) LA07/2021/0592/DCA**

**Location:**

Lands at the former St Clare's Primary School and Convent High Street Newry

**Conclusion and Recommendation from Planning Official:**

Consent Approved

**Power-point Presentation:**

Mr Anthony 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 support

Representatives from Clonrose Developments – Tom Stokes, TSA Planning, Robyn Nicholl, TSA Planning, Stephen Davy, Clonrose Developments, (applicant), Barry Gray, architect and Jon Anderson, Choice Housing.

**AGREED:**

**On the proposal of Councillor Hanna, seconded by Councillor Larkin it was unanimously agreed to issue an approval in respect of Planning Applications LA07/2021/0589/F, LA07/2021/0550/LBC and LA07/2021/0592/DCA as per the recommendation contained within the Officers report and presented to Committee.**

**(8) LA07/2022/0299/O**

**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 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 Tumilty, agent and Mr Eugene McCreesh, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Mr Tumilty confirmed the confirmed the commercial yard on the site belonged with the dwelling.
- Mr Rooney said the shed was not considered a building for the purposes of policy, the issue was the method of construction, and it could easily be moved as it did not rest on a firm foundation.
- Mr Tumilty said under CTY 8, and according to the PAC there was no requirement for it to be a permanent structure or to have foundations.
- Mr Rooney confirmed the site was not within the AONB
- Mr Rooney said planning policy was often silent on a number of issues and there was an element of judgement to be made, however, he said Planning did not consider the building to be acceptable for the purposes of policy.
- Mr Tumilty said the shed had been located on site for 8 – 9 years.

Councillor Hanna proposed to accept the Officers recommendation and issue a refusal in respect of Planning Application LA07/2022/0299/O. Councillor Lewis seconded the proposal.

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

FOR:	3
AGAINST:	6
ABSTENTIONS:	1

The proposal was lost.

Councillor Larkin proposed to defer Planning Application LA07/2022/0299/O for a site visit. 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 agreed to defer Planning Application LA07/2022/0299/O for a site visit, so Members could assess the site in more detail.**

**(9)    LA07/2022/0692/F**

**Location:**

24 Carrivekeeney Road Newry Co. Down

**Proposal:**

Proposed replacement dwelling and garage

**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 John Feehan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Mr Feehan said the applicant had ensured the rear extensions were made more subservient as had been requested by Planning.
- Mr Rooney said Planning Department had sought a reduction in the proposal in line with the outline condition, which, he said the agent had failed to comply with.
- Mr Rooney said the agent should have been clear it would not be possible to deliver the house within the red line without carrying out excavations.
- Mr Rooney said there had been two submissions by the agent and the set of drawings he was referring to, showed the excavations and embankment regrading outside the red line and he said the agent did not take any of that regrading off his amended plans. Mr Rooney said it was a procedural matter.
- Mr Feehan agreed the grading was outside the red line on the amended plans, but said the applicant wanted the application to be assessed as a full application and his understanding, when he was asked to move the red line, was that the house would have to be built within that line.
- Mr Rooney referred to an email that had been sent from Planning to the applicant advising him that Planning could not consider proposals outside the red line.
- Mr McKay said the officers had taken cognisance of the outline application and he said, what had been received was significantly more than that originally approved.
- Mr McKay said the proposal was a bigger scheme that strayed beyond the red line and, he said the applicant could, if he wished, expand the red line to give the same scheme and reapply, however there was no guarantee of outcome.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor McAteer it was unanimously agreed to defer Planning Application LA07/2022/0692/F to allow for Planning Officers/ agent / applicant to discuss potential solutions to make for a more acceptable scheme.

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

**(10) LA07/2021/1143/O**

**Location:**

40m north-east of no. 6 Dundalk Road Newtownhamilton.

**Proposal:**

Site for dwelling and detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

Mr Anthony 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 support

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

**Issues raised:**

- Ms Largey said the question for Members was to decide if they considered the two farm buildings outlined in the drawings were part of the farm. She said ownership wasn't determinative of the issue, but it was illustrative of whether they formed part of the farm.
- Mr Quinn said the land was owned by Moira Murray and farmed by her brother Joseph Quinn, who claimed farm subsidies for the land
- Mr Quinn said DAERA did not outline farm buildings in yellow on maps.
- Mr Quinn confirmed the farm in question was part of the original farm holding.
- Mr Quinn said Moira Murray owned the land and when required helped her brother Joseph in farming related issues.
- Ms Largey suggested a site visit and to defer for one month to allow time for officers to prepare a report outlining the areas of concern, this would give time for the applicant to provide the information that had previously been requested.
- Councillor Byrne said he did not consider a site visit would be of any advantage, he said he was very familiar with the area, and he was satisfied it was owned by Moira Murray, farmed by her brother and the two farm buildings were on the farm holding.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1143/O contrary to Officer recommendation on the basis that he considered the two farm buildings were located on the farm holding, the application site clustered with the farm buildings and the application complied with CTY 10. Councillor Byrne 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 Byrne it was agreed to issue an approval in respect of Planning Application LA07/2021/1143/O contrary to Officer recommendation on the basis that the two farm buildings formed part of the farm holding, the application site clustered with the farm buildings and the application complied with CTY 10.

**P/026/2023:** **HISTORIC ACTION SHEET**

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

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

**P/027/2023:** **PLANNING COMMITTEE PERFORMANCE REPORT**

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

**P/028/2023:** **CURRENT APPEALS AND DECISIONS**

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

The meeting concluded at 13.50pm.

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

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