

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 16 November 2022 at 10.00am in the Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**
Councillor R Burgess (via Teams)
Councillor P Byrne
Councillor L Devlin
Councillor Hanna
Councillor V Harte
Councillor M Larkin (via Teams)
Councillor A Lewis
Councillor D Murphy
Councillor G O'Hare
Councillor H Reilly

(Officials)

Mr C Mallon	Director of ERT
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Mr F O'Connor	Head of Legal Administration
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/102/2022: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor McEvoy.

The Chairperson extended condolences to Councillor Hanna on the recent sad passing of his father Kenny.

P/103/2022: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

P/104/2022: 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.

- **Items 6, 7 and 8** – Merchants Quay, Newry - Applications were initially presented at the Planning Committee Meeting on 15 December 2021 - Councillors Devlin, Hanna, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare were in attendance

Councillor Devlin referred to Item 9 - LA07/2019/1087/O and asked if, as it had been the subject of a site visit in 2020, would it not be included along with Items 6, 7 and 8. Mr McKay said given the passage of time and a change in the Committee Members it had been decided to treat it as a new application.

MINUTES FOR CONFIRMATION

P/105/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 19 OCTOBER 2022

Read: Minutes of Planning Committee Meeting held on Wednesday 19 October 2022. (Copy circulated)

AGREED: On the proposal of Councillor Murphy, seconded by Councillor Hanna, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 19 October 2022 as a true and accurate record.

FOR DISCUSSION/DECISION

P/106/2022: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 16 November 2022. (Copy circulated)

AGREED: On the proposal of Councillor Devlin, seconded by Councillor Hanna, it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 16 November 2022:

- **LA07/2022/0780/F** - Change of use from an existing warehouse to provide a heritage centre, cafe and a multi-use leisure space - Building B Saintfield Community Centre 29 Belfast Road Saintfield
APPROVAL
- **LA07/2022/1212/A** - Wooden Waymarker posts to be installed at various points within Rostrevor - 11 no. locations within Rostrevor
APPROVAL

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/107/2022: PLANNING APPLICATIONS FOR DETERMINATION

Planning Applications LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC were considered together.

(1) LA07/2020/0485/F

Location:

Nos. 46 /47 /49 /50 /51 /52 /53 & 54 Merchants Quay Newry together with Nos 9 /11 /13 /15 & 17 Cornmarket Newry

Proposal:

Major city centre mixed use development scheme comprising of circa 864 m of office space

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 Barry Owens, agent and Ms Karen McShane, Transport Consultant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Jason Killen, DfI Roads was in attendance to answer any queries from Members.

(2) LA07/2020/0486/DCA

Location:

Nos 46/49/50/51/52/53 & 54 Merchants Quay Newry

Proposal:

Conservation area consent application for demolition of the former car sales showroom/garage located at Nos 49-54 Merchants Quay and the premises located at No. 46 Merchants Quay, Newry (all designated within Newry Conservation Area)

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 Barry Owens, agent and Ms Karen McShane, Transport Consultant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Jason Killen, DfI Roads was in attendance to answer any queries from Members.

(3) LA07/2020/0487/LBC**Location:**

47 Merchants Quay, Newry

Proposal:

Proposed LBC application for a material change of use of listed building

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 Barry Owens, agent and Ms Karen McShane, Transport Consultant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Jason Killen, DfI Roads was in attendance to answer any queries from Members.

Issues Raised:

- Councillor Hanna asked if it was an aspiration or a requirement to provide parking spaces, in response Mr Rooney said it was a requirement of policy to provide adequate parking spaces, the amount of which was a matter for debate, but he said parking provision was relevant in this application.
- The agent advised there were in excess of 800 parking spaces within 350 metres walking distance of the site, 250 of which, according to car parking surveys undertaken, were available between 12 noon and 2.00pm - the busiest time of day.
- Mr Owens said the peak demand for residential car parking typically was evening and night time.
- Ms McShane said four car parking surveys undertaken had all demonstrated adequate parking availability and a car club scheme would also be provided.
- Ms McShane said the proposed development was sustainable, it would be situated across from Newry Bus Station and therefore would encourage more people to use public transport.
- Ms McShane said on-street car parking was subject to 'pay and display' between the hours of 8.00am and 6.00pm after which parking was free. She said the charge per hour was only 40 pence.
- Mr Killen said DfI Roads had concerns regarding congestion in the area, car parking charging and the possibility of some car parks being locked at night. He acknowledged

the retail and office element could be accommodated by the public car parking spaces, however he had concerns regarding public parking availability for the residential element of the development.

- Ms McShane said 4% of the spaces would be allocated to disabled parking.
- Mr Owens said it was important to promote the public transport network in the area, he said modern technology in the form of car parking apps assisted people who wished to use the public car parking spaces and he said the provision of 107 car parking spaces would take up 90% of the development site.
- Mr Rooney said NI Water had expressed strong concerns regarding the issuing of planning permissions with a negative condition attached.
- Ms McShane said they would be happy to provide the 62 car parking spaces as outlined in the original proposal, however, she said there were difficulties in that although the 62 spaces were not being used overnight, they were subject to existing planning permission for the existing development and she said she considered there was not a need for them.
- Ms McShane said there was a £5bn deficit in the sewage system in N. Ireland and it was a Central Government issue. She said in relation to the drainage issue that needed to be addressed, they were exploring compensatory measures e.g. combined sewers in the Newry area, testing the drains and where applicable, installing additional infrastructure to remove the rain water from the sewage system thereby freeing up capacity in the waste water treatment works.
- Ms McShane said by applying a condition prior to commencement of works, measures could be agreed with NI Water to allow the scheme to progress.
- In clarifying how a car pool club would work, Ms McShane said it would work the same way as a bike rental scheme. She said it was growing in popularity and that Derry and Strabane Council operated a car club for their staff. Ms McShane said it was an easy to use per hour rental system and they had been working with Enterprise Car Rental. She said it was steadily growing in N. Ireland and the UK and with regard to the proposed application, the usage would be monitored and add extra capacity if needed.
- Mr Rooney said Planning agreed with the need to reduce the use of cars in city centres and promote a more sustainable way of life, however, he said it was important to look at the current application and consider if it was feasible in terms of self-sufficiency and the concept of 'walk to work from home', as was the case in Belfast.
- Mr Rooney said significant weight was given as part of the planning assessment to the new concept the applicant was promoting, however, he said the issue for the Committee was to determine if the infrastructure existed to allow for the proposed application to proceed.
- Mr Rooney said a measured approach was needed and Planning were prepared to accept a reduced number of car parking spaces whilst acknowledging that public transport was the way forward.
- Mr Rooney acknowledged there were measures to decentralise jobs to different areas in the region which would inevitably increase the critical mass within Newry, however, he said he considered a balanced approach was still needed and it was important to factor in the loss of spaces to the public by the proposed application.
- Councillor Byrne said planning reports indicated an abundance of car parking spaces in Newry, even at the busiest times and he said it would be important to ascertain which car parks closed at night.
- Mr McKay said Planning were fully signed up to sustainable living and accepted the principle of development, but he said a reduced level of off-site parking was still required, such as had been done before in Newcastle and Newry. He said it was a bridging mechanism which, over time could be distinguished. Mr McKay said he did not dispute the abundance of parking, however, he said subsequent schemes could also avail of the public parking.
- Councillor Byrne said he acknowledged subsequent schemes would affect the number of parking spaces available, however he said, car parking surveys carried out prior to

subsequent schemes would reflect the availability of car parking spaces at that time and consequently inform future decisions.

Councillor Hanna proposed to issue an approval in respect of Planning Applications LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC contrary to Officer recommendation on the basis that he considered it was the way forward in terms of sustainable living, it was within an urban area as characterised by the types of buildings proposed and there were 817 car parking spaces available within 350 yards. Councillor Hanna said two conditions should be attached – 1. A car club to be included in the proposal and 2. The sewage disposal method to be addressed as per Planning recommendation. Councillor Murphy seconded the proposal.

Mr O'Connor said he was aware not all Members had been present at previous discussions on these applications and he said it was important Members taking part in the voting process should be satisfied they were fully apprised of all the facts and background of the application.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Applications LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC contrary to Officer recommendation on the basis that the proposed applications would provide sustainable living, it was within an urban area and there was ample parking provision in Newry.**

It was agreed to attach conditions to ensure that a car club was included in the scheme and the sewage disposal method was addressed as per Planning recommendation.

(Break 11.22 – 11.30)

(4) LA07/2019/1087/O

Location:

Approx. 50m NE of 21 Drakes Bridge Road, Crossgar

Proposal:

Replacement dwelling and 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 Gerry Tumelty, agent and Mr McKeown presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Mr Tumelty read out a sworn statutory declaration by Martin Gill that recalled his visits to the site and recollections of the building having been occupied as a dwelling unit.
- Planning had received a letter, that did not object to or support the application but that stated a family had lived close to the site for a number of generations and the small outbuilding had been used as a calf house and store and had never been a dwelling.
- Mr O'Connor said Members should exercise caution when considering both letters and he said it would have been better to have people in the chamber to give evidence.
- Mr McKay said in determining if a building had ever been inhabited, Planning policy always referred to the existence of chimneys, however, he said it was a judgement call for the Committee to make.
- Mr Tumelty said from the inside of the building it was apparent there had once been a window but at some stage it had been blocked up.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/1087/O contrary to Officer recommendation on the basis that he accepted there was sufficient evidence to support the building had formerly been a dwelling and it was sustainable development in the countryside. Councillor Devlin seconded the proposal saying she was satisfied on seeing photographs and on hearing the sworn declaration it had once been a dwelling.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to issue an approval in respect of Planning Application LA07/2019/1087/O contrary to Officer recommendation on the basis that the building had formerly been a dwelling and it contributed to sustainable living in the countryside.

Planning Officers be delegated authority to impose any relevant conditions.

(5) LA07/2020/1588/F

Location:

Former St. Patrick's Primary School site, Ardglass Road Downpatrick

Proposal:

Development of petrol filling station, 1no. retail unit, 1no. hot food unit, ATM and jet wash with associated access, car parking, landscaping and site works

Conclusion and Recommendation from Planning Official:

Approval

The Chairperson advised Planning Application LA07/2020/1588/F had been removed from the schedule as the representative from the objectors had been unable to attend the meeting.

(6) LA07/2020/1651/F

Location:

75m north of 18 Ballinasack Road, Mullaghbawn, Newry

Proposal:

Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description)

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson advised Planning Application LA07/2020/1651/F had been removed from the schedule at the request of Councillor Murphy, and to be presented at a future Planning Committee Meeting.

(7) LA07/2021/1549/F

Location:

Unit 11 Milltown Industrial Estate Warrenpoint

Proposal:

Application under section 54 for amendment of condition 03C of planning approval LA07/2018/0244/F as follows: Manufacturing operating hours extended from 7.00 - 23.00 hours Monday to Friday to 24 Hour production, 7 days per week

Conclusion and Recommendation from Planning Official:

Approval

The Chairperson advised Planning Application LA07/2021/1549/F removed from the schedule as the representative from the objectors had been unable to attend the meeting.

(8) LA07/2021/1869/F

Location:

between Nos 43 and 45 Donagh Grove Donaghaguy Road Warrenpoint

Proposal:

Proposed infill dwelling

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:

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

Issues raised:

- Mr Cole said there was a mixture of triple detached, semi-detached and detached properties in the development.
- Mr Cole said DfI Roads were content with both the access to the proposed dwelling and the parking for the existing dwelling.

Councillor Murphy proposed to issue an approval in respect of Planning Application LA07/2021/1869/F, contrary to Officer recommendation on the basis that he considered the applicant had made a reasonable case, the proposed site was adequate in size, there were a variety of house types in the development thus ensuring the proposed application would not be out of character in the area and it was a good opportunity to build a home. Councillor Hanna 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:	2
ABSTENTIONS:	0

The proposal was carried.

AGREED:

On the proposal of Councillor Murphy, seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1869/F contrary to Officer recommendation on the basis that the proposed site was adequate in size, there was a variety of house types in the development and it was a good opportunity to build a home.

(9) LA07/2021/1935/F

Location:

10 Dunbrae Chancellors Road Newry

Proposal:

Construction of a storey-and-a-half detached dwelling within the curtilage of the side garden of 10 Dunbrae

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:

Mr Pat McVarnock, architect and Mr Barney McKeivitt, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Mr McKeivitt said the removal of the hedgerows on the site had resulted in an increase in the size of the rear amenity space thereby accounting for the discrepancy between what appeared on the Case Officer report and the Agent's report.
- Mr Rooney said Planning had worked with the measurements detailed on the drawings received.
- Mr McKeivitt said there were other examples in the development of extensions that had been built, that had resulted in dramatically reducing the garden space.
- Mr McVarnock said the proposal could not be reduced any further – it was a 78 square metre two- bedroom house.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor O'Hare it was unanimously agreed to defer Planning Application LA07/2021/1935/F for a site visit, so Members could assess the site in more detail.**

Mr McKeivitt to submit the addresses of the examples he referred to where extensions had been built.

(10) 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

The Chairperson advised Planning Application LA07/2022/0210/F removed from the schedule as the representative from the objectors had been unable to attend the meeting.

(11) LA07/2022/0226/F**Location:**

Ground floor unit 12 Seaview Warrenpoint

Proposal:

This is a category 11 section 54 application

Conclusion and Recommendation from Planning Official:

Approval

The Chairperson advised Planning Application LA07/2022/0226/F removed from the schedule as the representative from the objectors had been unable to attend the meeting.

(12) LA07/2022/0467/O

Location:

Lands to infill gap Creggan West Road Between no1 and no3 Creggan West Road Whitecross Co. Armagh

Proposal:

2 no building sites

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:

Mr John Collins, Collins & Collins, agent 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 water treatment plant located to the SW of No. 1 Creggan West Road would not have been constructed as a building, but rather, it was a metal container / cabinet put there to meet the needs of NI Water.
- Mr Rooney said he was not aware of any previous application cases where similar containers / cabinets were relied upon as buildings to fulfil planning policy requirements.
- Councillor Byrne said the metal shed had foundations, and two doors and if it was located within the garden it would be considered a building.
- Mr McKay said planning policy in the countryside was a restrictive policy with permission granted by exception and the drive was towards restriction and sustainability in the countryside.

Councillor Hanna proposed to accept the Officers recommendation in respect of Planning Application LA07/2022/0467/O. Councillor O'Hare seconded the proposal.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	1

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor O'Hare it was agreed to issue a refusal in respect of Planning Application LA07/2022/0467 as per the information contained within the Case Officer report and presented to Committee.**

P/108/2022: VERBAL UPDATE ON IMPLEMENTATION OF NEW PLANNING IT SYSTEM

Mr McKay advised the new Planning IT system was going live on 5 December 2022 and the existing system would cease on Friday 18 November and re-open on Monday 21 November as a read-only system. He said the transition to the new system would take a few weeks which would result in new applications not being uploaded to the system for the next few weeks.

Mr McKay said some disruption was to be expected, however he said the December Committee Meeting should not be affected.

P/109/2022: HISTORIC ACTION SHEET

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

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

P/110/2022: PLANNING COMMITTEE PERFORMANCE REPORT – SEPTEMBER 2022

Read: Planning Committee Performance Report – October 2022. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning Committee Performance Report

P/111/2022: CURRENT APPEALS AND DECISIONS

Read: Current Appeals and Decisions. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Current Appeals and Decisions.

The meeting concluded at 1.00pm.

Signed: _____ Chairperson

Signed: _____ Chief Executive