

## **NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

---

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 19 October 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  
Councillor A Lewis  
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 P Rooney Principal Planning Officer  
Mr A Hay Principal Planning Officer  
Mr F O'Connor Head of Legal Administration  
Mr M Oliver Planning Officer  
Ms S Taggart Democratic Services Manager (Acting)  
Ms L Dillon Democratic Services Officer  
Ms C McAteer Democratic Services Officer  
Ms P McKeever Democratic Services Officer

**P/092/2022: APOLOGIES AND CHAIRPERSON'S REMARKS**

No apologies were received.

The Chairperson extended his condolences on behalf of the Committee to Annette McAlarney, Senior Planning Officer on the recent sad passing of her father John McAlarney.

**P/093/2022: DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**P/094/2022: 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 - LA07/2021/1663/F – dwelling on a farm – site 125m SS west of 26 Curley Road, Newry – site visit held on 12 October attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare
- Item 8 – LA07/2021/2138/0 – proposed new dwelling with detached garage on an infill site – adjacent to and south of No. 14 Edentrumly Road Mayobridge - site visit held on 12 October attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare
- Item 9 – LA07/2022/0044/0 – Infill site for 2 dwellings and garages – between 10 and 14 Killeel Road, Hilltown - site visit held on 12 October attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and O'Hare

**MINUTES FOR CONFIRMATION**

**P/095/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 21 SEPTEMBER 2022**

Read: Minutes of Planning Committee Meeting held on Wednesday 21 September 2022. (Copy circulated)

**AGREED: On the proposal of Councillor Murphy, seconded by Councillor O'Hare, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 21 September 2022 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

**P/096/2022: ADDENDUM LIST**

There were no items on the Addendum List.

**LOCAL DEVELOPMENT PLAN (CLOSED SESSION)**

**Agreed: On the proposal of Councillor Devlin, seconded by Councillor McEvoy, it was agreed to exclude the public and press from the meeting during discussion on the following items:**

**P/097/2022: LDP: Planning Policy Review**

Read: Report dated 19 October 2022 by Mr A Hay, Principal Planning Officer regarding the Local Development Plan: Planning Policy Review – Education, Health and Community Facilities.

On the proposal of Councillor Devlin, seconded by Councillor Lewis, it was agreed to come out of closed session.

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

**P/097/2022: LDP: Planning Policy Review**

**AGREED:** On the proposal of Councillor Murphy, seconded by Councillor McAteer, it was agreed to note the LDP: Planning Policy Review provided in the report dated 19 October 2022 from Mr A Hay, Principal Planning Officer regarding the Local Development Plan.

**DEVELOPMENT MANAGEMENT -  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/098/2022: PLANNING APPLICATIONS FOR DETERMINATION**

(Councillors Burgess, Byrne, Hanna, Lewis and Reilly withdrew from the discussion/decision on this application)

**(1) LA07/2021/1663/F**

**Location:**

Site 125m South South West of 26 Curley Road, Newry, BT34 1NU

**Proposal:**

Dwelling on a farm

**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.

**Speaking rights:**

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

Mr John Harkness, agent was in attendance to answer any questions from Members.

**Issues raised:**

- Planning considered there were other potential sites that would comply with policy.
- Mr Harkness advised other potential sites were considered, however he said they raised concerns regarding ribbon development and the presence of a slurry pit.
- Mr Harkness said the visibility at the proposed site was good and there would be no need to remove existing hedges.

Councillor Larkin proposed to issue a refusal in respect of Planning Application LA07/2021/1663/F, as per Officer recommendation. 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: 6  
AGAINST: 1

ABSTENTIONS: 0

The proposal was carried.

**AGREED:** **On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue a refusal in respect of Planning Application LA07/2021/1663/F as per as per the information contained within the Case Officer report and presented to Committee.**

**(2) LA07/2021/2138/O**

(Councillors Burgess, Byrne, Hanna, Lewis and Reilly withdrew from the discussion/decision on this application)

**Location:**

Adjacent to and south of no.14 Edentrumly Road Mayobridge Newry Co Down BT34 2SG

**Proposal:**

Proposed new dwelling with detached garage on an infill site

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point Presentation:**

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

**Speaking rights:**

Mr Colin O'Callaghan, agent was in attendance to answer any questions from Members.

**Issues raised:**

- Mr O'Callaghan said the sheds and the paddock were all part of the same planning unit.
- Mr O'Callaghan said as far as he understood, the applicant was not the owner of the planning unit.
- Mr McKay said the planning status of the farm buildings was not the issue, rather the fact they did not have frontage and therefore contravened planning policy.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/2138/O contrary to Officer recommendation on the basis that he considered the sheds appeared to have road frontage, the paddock and sheds were one unit, the grassed area to the front was associated with the sheds and there was a continuous frontage of three or more buildings. 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: 6  
AGAINST: 0  
ABSTENTIONS: 1

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 LA07/2021/2138/O contrary to Officer recommendation on the basis that the sheds appeared to have road frontage, the paddock and sheds were one unit, the grassed area to the front was associated with the sheds and there was a continuous frontage of 3 or more buildings.

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

**(3) LA07/2022/0044/O**

(Councillors Burgess, Byrne, Hanna, Lewis and Reilly withdrew from the discussion/decision on this application)

**Location:**

Between 10 and 14 Kilkeel Road Hilltown

**Proposal:**

Infill site for 2 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.

**Speaking rights:**

Mr Martin Bailie, agent was in attendance to answer any questions from Members.

**Issues Raised:**

- Councillor O'Hare said there were at least two sites towards Hilltown that were the same size as the proposed application.
- Mr Rooney acknowledged there was a lot of development in the area but said the issue was the pattern of development in the immediate vicinity and he said Planning considered the immediate context was the basis on which the assessment should be made.
- Mr Rooney said Planning said the road frontage within the red line measured 110m, building to building measured 116m, the front of No. 14 measured 14m and the front of No 10 measured 60m. (He said all measurements were approximate).
- Mr Bailie said due to the wedge shape of No. 14, it appeared bigger and the measurement at the back of the site was approximately 25m.

Councillor O'Hare proposed to issue an approval in respect of Planning Application LA07/2022/0044/O contrary to Officer recommendation on the basis that there were as large and even larger sites on the Kilkeel Road, it integrated well into the surrounding area, it would not add to ribbon development and it would not detract from the natural beauty of the area. Councillor Larkin seconded the proposal.

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

|              |    |
|--------------|----|
| FOR:         | 6  |
| AGAINST:     | 1` |
| ABSTENTIONS: | 0  |

The proposal was declared carried.

**AGREED:** On the proposal of Councillor O'Hare, seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2022/0044/O contrary to Officer recommendation on the basis that there were as large and even larger sites on the Kilkeel Road, it integrated will into the surrounding area, it would not add to ribbon development and it would not detract from the natural beauty of the area.

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

(All Councillors re-joined the meeting)

**(4) P/2014/0120/F**

**Location:**

Vacant site fronting onto Glassdrumman Road Annalong adjacent/between no 2 Kelly's Brae and no 3 Mullartown Heights

**Proposal:**

Commercial village retail store with first floor apartments and associated car park (amended plans)

**Conclusion and Recommendation from Planning Official:**

Refusal

The Chairperson advised Planning Application P/2014/0120/F had been withdrawn from the planning process at the request of the applicant.

**(5) LA07/2017/1625/F**

**Location:**

Adjacent to 77 Leestone Road, Kilkeel, BT34 4NW

**Proposal:**

Self-catering accommodation for the tourism industry comprising 6 self-catering units, open space and car parking

**Conclusion and Recommendation from Planning Official:**

Approval

**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.

Abbie Kilgore, DAERA Marina Wildlife was in attendance via TEAMS.

**Issues raised:**

- Ms Kilgore said a study undertaken indicated the area was at high risk of coastal erosion and the impact of climate change and rising sea levels could not be ignored. She said rock armouring was in place along the Leestone Road and there was clear evidence of erosion happening in the area. Additionally, Ms Kilgore said the access road could potentially be a road that would not get sea defences in the future.
- Mr Rooney said Planning shared DAERA's concerns re. coastal erosion and climate change, however he said given the previous site history and previous approvals, on balance, an approval was appropriate, and he said it would not fetter any future applications in that area.
- Mr Rooney said the current planning application did not deal with future sea defences that might be needed, that would be the subject of a different planning permission.
- Ms Kilgore said concerns were raised in 2018 regarding the extension to the caravan park in 2018 and there was more evidence available now to support their significant concerns at the application to further extend the caravan park.

**AGREED:**

**On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2017/1625/F as per the information contained in the Case Officer's report and presented to the Committee.**

**(6) 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 withdrawn from the planning process at the request of the Planning Department.

**(7) LA07/2020/1895/F**

**Location:**

135 Newcastle Road, Kilkeel

**Proposal:**

Demolish Existing House and Office and Erect 4 Houses

**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

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

## **Issues raised:**

- Mr Starkey confirmed the only objection from Planning was the density of the proposed application, however, he said the three main roads into Kilkeel consisted of a variety of building types and densities.
- Mr Rooney said it was erroneous to use commercial and community buildings to justify the development type as corridors into any town would include buildings of this type.
- In response to a query from a Member asking for clarity on Refusal Reason 2, Mr Rooney replied that although Planning acknowledged the layout and amenity space were contained within the red line, he said the proposal did not reflect the character of the area along the Newcastle Road and was at odds with what was currently there, consequently, he said Planning considered it would not create a quality residential development.
- Mr Rooney said from a visual assessment perspective, it was important to maintain the character of the area and the proposal of four houses was excessive.
- Mr Starkey considered Planning had not identified where the established residential area was much less the general density of that established residential area, but had, instead selected two of the biggest properties to the left of the application site.
- Mr Starkey confirmed the site would be cleared and buildings thereon demolished before works would commence.
- Mr Starkey considered Policy LC1 did not apply as Kilkeel had a population of more than 5000 people.
- Mr Rooney said it was not appropriate to rely on the character of Sheemore Crescent when assessing the character of the area.

Councillor Murphy proposed to issue an approval in respect of Planning Application LA07/2020/1895/f contrary to Officer recommendation on the basis that he considered the proposal would add to the area and it was in the public interest to build houses. Councillor Hanna seconded the proposal saying the agent had addressed all concerns and he did not consider there to be any set design precedent in the area.

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

|              |    |
|--------------|----|
| FOR:         | 11 |
| AGAINST:     | 0  |
| ABSTENTIONS: | 0  |

The proposal was declared carried.

## **AGREED:**

**On the proposal of Councillor Murphy, seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2020/1895/F contrary to Officer recommendation on the basis that the proposal would add to the area, it was in the public interest to build houses and there was no set design precedent in the area.**

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



**(8) LA07/2021/1422/O**

**Location:**

Between 153 + 159 Derryboy Road Crossgar

**Proposal:**

Infill Site for 2 Dwellings

**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:**

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

**Issues raised:**

- In response to some discussion regarding the building to building measurements, Mr McKay said the policy had been misused over the years, the intention was never to concentrate solely on figures. He said the policy PPS was about controlling development in the countryside and that permission was granted by exception and the policy required professional evaluative judgement.
- Councillor Byrne said figures should not be included in the report if the application should not be assessed on figures.

**AGREED:**

**On the proposal of Councillor Hanna seconded by Councillor Murphy it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/1422/O contrary to Officer recommendation on the basis that it complied with CTY8.**

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

**(9) LA07/2021/2063/O**

**Location:**

61 Ballytrim Road Crossgar

**Proposal:**

Vary condition 2 (approved drawings and condition 4 (seek variation of condition to provide amendments to the access) of planning permission LA07/2020/0605/F for the replacement dwelling with landscaping, alterations of access point and other associated site works. We seek to vary condition 2 and 4 to replace drawing number 19-37-10 with new drawing number PD001

**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:**

Mr John Scally, 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 the replacement dwelling application had been approved on condition the scheme would not be significantly different to what was originally in place.
- Mr McKay said the current application was a very substantial stand-alone project and area of concern was the scale and context which, he said Planning considered was completely exaggerated.
- Mr Scally said the wall would consist of two stone pillars, each extending by 2m, with wooden gates and the wall would measure 1.5m in height and 160m in length.
- Mr McKay said the examples of walls in the area given by the agent were for much bigger older estates and were not comparable to the current planning application.
- Mr Scally said the wall would be constructed from stone from demolished buildings on the site.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/2063/F contrary to Officer recommendation on the basis that using the recycled stone would be very appropriate and would not impact the environment and additionally the access would be improved from a safety perspective. Councillor Larkin seconded the proposal saying stone walls in country areas were not offensive.

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

FOR: 8  
AGAINST: 3  
ABSTENTIONS: 0

The proposal was carried.

**AGREED:**

**On the proposal of Councillor Hanna, seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2021/2063/F contrary to Officer recommendation on the basis that recycled stone from the demolished buildings on site be used in its construction.**

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

**P/099/2022: HISTORIC ACTION SHEET**

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

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

**P/100/2022: PLANNING COMMITTEE PERFORMANCE REPORT – SEPTEMBER 2022**

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

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

**P/101/2022: CURRENT APPEALS AND DECISIONS**

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

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

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

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