

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

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**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 21 September 2022 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  
Councillor L Devlin  
Councillor Hanna  
Councillor V Harte  
Councillor M Larkin  
Councillor D Murphy  
Councillor L McEvoy  
Councillor G O'Hare

**(Officials)**

Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr F O'Connor	Head of Legal Administration
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer
Ms P McKeever	Democratic Services Officer

**P/082/2022: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillors Byrne, Reilly and Lewis

**P/083/2022: DECLARATIONS OF INTEREST**

There were no Declarations of Interest.

**P/084/2022: 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 6 - LA07/2021/1381/F - site visit held on Tuesday 13 September 2022 attended by Councillors Devlin, Harte, Larkin, Murphy, McAteer and O'Hare

## **MINUTES FOR CONFIRMATION**

### **P/085/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 24 AUGUST 2022**

Read: Minutes of Planning Committee Meeting held on Wednesday 24 August 2022. (Copy circulated)

**AGREED: On the proposal of Councillor Hanna, seconded by Councillor Burgess, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 24 August 2022 as a true and accurate record.**

## **FOR DISCUSSION/DECISION**

### **P/086/2022: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 24 August 2022. **(Copy circulated).**

**AGREED: On the proposal of Councillor Devlin, seconded by Councillor Burgess, it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 24 August 2022:**

- **LA07/2021/0154/F** - Application to deepen existing operational quarry for the extraction of gritstone incorporating landscaping, native species planting and full site restoration - Approx. 250m east of 124 Crossgar Road, Saintfield **APPROVAL**
- **LA07/2022/0155/F** - Application is to place 2 x 20ft shipping containers on the beach to the north of Warrenpoint baths from May to September each year from 2022 - 2026 (inclusive) in order to facilitate swimmers for changing. These shipping container units are stand alone and do not require a water supply or electricity. - Warrenpoint Baths Seaview Warrenpoint BT34 3NH **APPROVAL (TEMPORARY)**
- **LA07/2021/1270/F** - Proposed extension to Monkshill Cemetery to include approximately 600 burial plots with circulation road, paths and small skip enclosure - 29 Monkshill Road Newry BT34 2FD **APPROVAL**
- **LA07/2020/0767/O** - Proposed Residential Housing Development - Lands at Bridle Loanan, NW of Ridgfield Grove and NE of Woodlands, Warrenpoint. **APPROVAL**

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

### **P/087/2022: PLANNING APPLICATIONS FOR DETERMINATION**

(Councillors Burgess, Hanna and McEvoy withdrew from the discussion/decision on this application).

- (1) **LA07/2021/1381/F**

**Location:**

Lands approximately 30m south of no. 59 Bavan Road Drumgath Mayobridge

**Proposal:**

Proposed erection of a rural infill detached dwelling house and additional landscaping

**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 Barney McKeivitt, agent was in attendance to answer any questions from Members.

**Issues raised:**

- Mr McKeivitt confirmed there was no planning permission for the shed, it had previously been the subject of an enforcement order but that was now closed and the shed was currently used to house vintage tractors and cars.
- Mr Rooney said Planning considered the shed occupied the gap site and had frontage to the road, irrespective of what it was being used for.
- Mr Rooney said two buildings would not reflect the settlement pattern on either side
- Mr McKeivitt said the shed had not been included within the red line as it did not have planning permission.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1381/F contrary to officer recommendation on the basis that as the shed had no status in Planning, it should be disregarded and therefore there was a gap site opportunity. Councillor Murphy seconded the proposal, saying he acknowledged it was on the edge of policy however, he said it was important to do what was fair and reasonable.

Mr O'Connor said as per previous applications, the shed was in place and should therefore be included as part of the assessment.

Mr McKay asked for clarification from Committee in that if proposing to overturn the officer recommendation, they were saying that the building did not exist and therefore it was being ignored and that it had no status. He said it appeared that the advice received from the Solicitor was not being taken account of and the Committee were in effect creating a new Policy that in certain circumstances the building that made the gap could be disregarded.

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

FOR:	4
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 LA07/2021/1381/F contrary to**

**officer recommendation on the basis that as the shed had no status in Planning, it should be disregarded and therefore there was a gap site opportunity.**

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

(Councillors Burgess, Hanna and McEvoy re-joined the meeting).

**(2) LA07/2022/0296/0**

**Location:**

Approx. 50m NW of 4 Mountain Road, Guinness, Ballynahinch

**Proposal:**

Dwelling and garage on a farm under Policy CTY10 of PPS21

**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

Gerry Tumelty, agent and Martin Carvill, applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

**Issues raised:**

- Planners had no issue with an entitlement to a farm dwelling – the issue was the level of prominence and in effect the location of the proposed dwelling in relation to the farm buildings. Area of outstanding natural beauty and when viewing this application from critical viewpoints there was a failure to provide suitable backdrop; it did not cluster effectively with the farm buildings and the works that would be required to achieve integration would be of such an extent that they themselves would potentially have a further detrimental impact onto the landscape – unduly prominent in the landscape.
- Planners did identify suitable alternative sites.
- Agent - there was a backdrop of mature trees and farm buildings – the land in questions was generally flat rising to a little knoll – intention was to remove part of that and level the ground immediately behind the fence and the wall and take access onto the road – the chosen position of the dwelling was the best location within the holding.
- Site was capable of taking integration using mature vegetation and the backdrop of farm buildings and as such was compliant with Policy.

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Devlin, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2022/0296/0 contrary to officer recommendation on the basis that the site complies with the requirements for a dwelling on a farm; it clustered with farm dwellings and there were no issues with integration.**

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

**conditions.**

**(3) LA07/2022/1206/F**

**Location:**

50m south of 12 Mountain Road Ballymadda Road Dromintee Co Armagh

**Proposal:**

Proposed off-site replacement dwelling and detached garage 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

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

**Issues Raised:**

- Planners – proposal was to replace a dwelling that was currently located within the settlement limit of Dromintee outside the settlement limit and in the countryside. The requirements of PPS21 for replacement dwellings did not apply with settlement limits so there was no Policy basis to consider this application.
- Planners considered the proposal blurred the distinction between the settlement limit of Dromintee and the open countryside.
- Agent – this application complied with SPPS and RDS Policy and rounds off and consolidated a development zone at no detriment to the area.

Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of planning application LA07/2021/1206/F contrary to officer recommendation on the basis that the application consolidated the rounding off of the development zone; the house would be read with the existing development and it would not detract or blur the existing development zone as the house to be replaced sat detached from the existing row of houses. In this case Policy could be set aside and a replacement given as it would not be detrimental to the AONB or to the rural setting and as such did not offend against the relevant policies.

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

FOR:	7
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:**

**On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1206/F contrary to officer recommendation on the basis that the application consolidated the rounding off of the development zone; the house would be**

**read with existing development and it would not detract or blur the existing development zone as the house to be replaced sat detached from the existing row of houses. In this case Policy could be set aside and a replacement given as it would not be detrimental to the AONB or to the rural setting and as such did not offend against the relevant policies.**

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

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

**Location:**

Dwelling on a farm

**Proposal:**

Site 125m south south west of 26 Curley Road, Newry BT34 1NU

**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

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:**

- Planners - farm was active and established and no opportunities had been sold off - application failed criteria C of the Policy – new building was visually linked or sited to cluster with established buildings on a farm unless there was an exception. Curley Road created a barrier between existing buildings on the farm and the proposed site would appear as an outlier.
- Agent – applicant was a full-time farmer – on site the proposed dwelling could be clearly seen with buildings on the existing farm and was therefore visually linked.
- Integration – ground to the north and east generally higher than the application site and the building itself would be almost invisible from the north, east and west and also from the Curley Road which was well planted with hedges and trees; it was a bendy road and the site cannot be seen much from the road.

Councillor Larkin proposed and Councillor Hanna seconded that a site visit be held on planning application LA07/2021/1663/F.

**AGREED:**

**On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was unanimously agreed to convene a site meeting on planning application LA07/2021/1663/F.**

**(5) LA07/2021/2138/0**

**Location:**

Adjacent to and south of No. 14 Edentrumly Road Mayobridge, Newry 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 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

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

**Issues raised:**

- Planners - the application site did not have a substantial and continuously built-up frontage which was a core requirement for an infill dwelling – instead there was a building to building gap between No. 14 and No. 18 of some 128m – not a small gap as would be a requirement of the Policy.
- Agent – case rested on whether an adjacent shed could be counted as one of the requisite 3 buildings required under CTY8 – the shed, its yard and paddock were all part of the one planning unit and therefore could be taken into account to fulfil the requirements of Policy.

Councillor Hanna proposed and Councillor Murphy seconded that a site visit be held on planning application LA07/2021/2138/0.

**AGREED:**

**On the proposal of Councillor Hanna, seconded by Councillor Murphy, it was unanimously agreed to convene a site meeting on planning application LA07/2021/2138/F.**

**(6) LA07/2021/1949/0**

**Location:**

Lands between 35 and 37 Rath Road, Warrenpoint

**Proposal:**

Proposed 2 No. detached dwellings and domestic garages on an infill site

**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

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

### Issues raised:

- Planning Department would accept there was a substantial and built-up frontage in this application but there was a gap that is not a small gap – 189m in length and the application site filled a part of that gap but not all of it – did not therefore fulfil the requirements of Policy.
- Another added element was that the northern part of the site was acknowledged as being in the flood plain and any proposal to site a house would be contrary to Policy FLD1 of PPS 15.
- Agent – applicant had gotten a flood risk assessment and this report would be submitted as soon as possible. Flood risk was only a small risk as only a very small part of the site was affected by flooding and as this was an outline application the houses could be sited outside the flood plain.
- Believe the proposal respected the existing pattern of development in the area.

Councillor McAteer proposed and Councillor Devlin seconded that a site visit be held on planning application LA 07/2021/1949/0.

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

FOR:	3
AGAINST:	6
ABSTENTIONS:	0

The proposal was declared lost.

Councillor Larkin proposed, and Councillor Hanna seconded, to accept the Officer recommendation to refuse this application.

The proposal was put to a vote and voting was as follows:-

FOR:	6
AGAINST:	1
ABSTENTIONS:	2

The proposal was declared carried.

### **AGREED:**

**On the proposal of Councillor Larkin seconded by Councillor Hanna, it was agreed it was agreed to issue a refusal in respect of Planning Application LA07/2021/1949/0 as per the information contained within the Case Officer report and presented to Committee.**

**(7) LA07/2022/0179/F**

### **Location:**

65A Ballagh Road Newcastle, BT33 0LA



**Proposal:**

New vehicular access onto Ballagh Road to serve dwelling at 65A Ballagh Road

**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

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

**Issues raised:**

- Planners - key issue was that the Ballagh Road at this location was a protected route – Policy context was to restrict the number of new accesses onto protected routes and control the level of use of existing accesses. There was no exception set out here for an access onto a protected route.
- The site in question – there was an existing access to the Ballagh Road that it shared with adjacent property – proposal was to create their own access thereby doubling the number of access points onto Ballagh Road. A like for like replacement up to a design standard would benefit everyone. Impact on AONB also a consideration.
- Agent – addressed the reasons for refusal. Proposed driveway extends exactly the same distance from the main road as that of the neighbouring properties therefore the scale was exactly the same as those in the surrounding context - it also met visual integration.
- Existing access onto the protected route was sub-standard and was an extremely dangerous access point with poor visibility splays in both directions. New proposed access point would achieve full access standards. DFI Roads were consulted and had no objection to this proposal.

Councillor Hanna proposed and Councillor Larkin seconded, to accept the officer recommendation and issue a refusal in respect of planning application LA07/2021/1664/0.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

**AGREED:**

**On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue a refusal in respect of Planning Application LA07/2022/0179/F as per the information contained within the Case Officer report and presented to Committee.**

**(8) LA07/2021/1268/F**

**Location:**

86 Killowen Old Road Rostrevor Newry BT34 3AE

**Proposal:**

Demolition of existing shed to facilitate off site replacement dwelling of former weavers cottage. The original 'weavers cottage' building to be retained with change of use to storage for adjacent existing textile workshop and erection of wastewater treatment system and all associated site works

**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. Steven Moon, Architect was in attendance via Teams.

**Issues raised:**

- Planners – outlined the history of the site. In 1980 an extension to the factory to provide a self-contained flat was approved – now proposed to replace this extension with an off-site replacement dwelling. The central issue to this application was the definition of the term dwelling in the context the agent wanted the application to be considered under CTY3 of PPS21 and the status of the structure to be replaced.
- Issues with the scale of the proposed dwelling which was to be located outside the established curtilage of the current site.
- Agent – application related to a dwelling that the applicant's family had lived in from the 1980s. Structure exhibited the essential characteristics of a dwelling. Planners had referred to the dwelling as a flat within a planning permission granted in 1980 and had taken the position that a flat was not a dwelling suitable for replacement under CYY3 – outlined why they disagreed with this position.
- In terms of visual impact, the dwelling was entirely screened from public view and could not be seen from the public road network or from any other critical viewpoint.
- Legal – referred to the definition of dwelling/dwelling house in submissions from both planners and agent and said further contributions/definitions could be added e.g. Property Order 1997 which did not specify types of dwelling or flats or detached or any definitions of that nature. Planning Policy was broad and potentially covered a wide canopy of different houses/buildings - where was the authority to restrict to a dwelling/building/house and to say that it could not be a flat – did not see a clear argument to justify either position. Urged Committee to look beyond the policy definition and consider other important aspects such as curtilage and scaling.

Councillor Larkin proposed and Councillor Hanna seconded to issue an approval in respect of planning application LA07/2021/1268/F on the basis that the application complied with CYY3 as it was obviously a dwelling that has been inhabited for decades. The proposed design size and style of the proposed replacement was acceptable as 260 sq.m was average and in some cases quite modest for a replacement dwelling and therefore complied with CTY13 and CTY14. The dwelling was screened from the public road network and respected the local varied styles in

the area and was sympathetic to the special character of the AONB. Also the existing curtilage was too small to replace with the development as proposed and was therefore acceptable.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Larkin seconded by Councillor Hanna, it was agreed to issue an approval in respect of Planning Application LA07/2021/1268/F contrary to officer recommendation on the basis that it complied with CYY3 as it was obviously a dwelling that has been inhabited for decades. The proposed design size and style of the replacement was acceptable as 260 sq.m was fairly average and in some cases quite modest for a replacement dwelling and therefore complied with CTY13 and CTY14. The dwelling was screened from the public road network and respected the local varied styles in the area and was sympathetic to the special character of the AONB. Also the existing curtilage was too small to replace with the development as proposed and was therefore acceptable.

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

#### **(9) LA07/2022/0044/0**

**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 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

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

**Issues raised:**

- Planners – there was a continuous and built-up frontage for the purpose of the relevant infill Policy CTY8 – the proposed layout did not reflect the scale, size and siting of the plot sizes in the area – gap appeared too large on the ground.

- Agent – site had been assessed as a mathematical exercise without giving the development pattern and site density the importance which the application required.

Councillor O'Hare proposed and Councillor Hanna seconded that a site visit be held on planning application LA07/2022/0044/0.

**AGREED:** **On the proposal of Councillor O'Hare, seconded by Councillor Hanna, it was unanimously agreed to convene a site meeting on planning application LA07/2022/0044/0.**

**P/088/2022: HISTORIC ACTION SHEET**

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

In response to a query from Councillor Murphy referencing an application on the historic action Sheet which was awaiting the outcome of legal advice, Mr McKay confirmed that legal advice had been received and further information had been sought from the agent. He said officers would endeavour to bring this application back to Committee as soon as possible.

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

**P/089/2022: PLANNING COMMITTEE PERFORMANCE REPORT – AUGUST 2022**

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

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

**P/090/2022: CURRENT APPEALS AND DECISIONS**

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

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

**P/091/2022: UPDATE: IMPLEMENTATION OF NEW PLANNING IT SYSTEM**

Mr McKay, Chief Planning Officer, gave a verbal update on the implementation of a new Planning IT System which would replace the existing Northern Ireland Planning Portal. He said it had been hoped the new system would go live on 17<sup>th</sup> October but there was a delay and now it was hoped it would be live by early November 2022. He advised he would keep the Committee updated.

In response to a query from Councillor Larkin, Mr McKay said the existing Planning Portal would be taken down some 3 weeks in advance of the new system being available to enable new applications to be put on. However the public would still be able to view applications on the old system during this time.

The meeting concluded at 1.30 pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 19 October 2022.

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

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