

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 24 August 2022 at 10.00am in Boardroom, Monaghan Row, Newry and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: (Committee Members)

Councillor R Burgess
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
Ms N Largey	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms L Dillon	Democratic Services Officer
Ms L Cummins	Democratic Services Officer (via Teams)
Ms P McKeever	Democratic Services Officer
Ms G McEwen	Senior Environmental Health Officer

P/072/2022: APOLOGIES AND CHAIRPERSON'S REMARKS

There were no apologies.

P/073/2022: DECLARATIONS OF INTEREST

There were no Declarations of Interest.

P/074/2022: 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.

There were no Declarations of Interest.

MINUTES FOR CONFIRMATION

P/075/2022: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 27 JULY 2022

Read: Minutes of Planning Committee Meeting held on Wednesday 27 July 2022. (Copy circulated)

AGREED: On the proposal of Councillor Reilly, seconded by Councillor O'Hare, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 27 July 2022 as a true and accurate record.

FOR DISCUSSION/DECISION

P/076/2022: 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 Hanna, 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:

- **LA07/2018/1565/F** - Erection of residential development comprising of 5 No. dwellings and 2 No. self contained flats and associated site works - Lands immediately North East of No. 15-17 The Square Newtownhamilton BT35 0AA.
APPROVAL
- **LA07/2020/1673/F** - Residential development consisting of 4no. detached dwellings - 43 Upper Damolly Road Newry **APPROVAL**
- **LA07/2021/1689/F** - Demolition of eastern wing of the existing nursing home building and replacement with a new, purpose-built nursing home building with ancillary laundry and plant building. Western wing of existing nursing home building to be retained for ancillary office and pottery use associated with the Mourne Grange care facility - Camphill Community Mourne Grange 169 Newry Road Kilkeel BT34 4EX.
APPROVAL
- **LA07/2021/1554/LBC** - Replacement of selected existing windows (original building) - Dan Rice Hall Drumaness Road Drumaness **CONSENT RECOMMENDED**
- **LA07/2022/0073/A** - 15 new way-finding directional signs to be erected / existing replaced as per attached drawings in Newry city centre core to include 13 finger directional poles and 2 totem poles with maps, 6 existing finger directional sign posts to be removed and 1 existing sign posts to be lowered - Newry City Centre Core area
APPROVAL
- **LA07/2022/0666/F** - New Play Park - 93m South of St Mochais GAC 119 Manse Road Crossgar **APPROVAL**
- **LA07/2022/0668/F** - Play Park - 7 Rann Road Downpatrick **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/077/2022: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2021/0987/F

Location:

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

Proposal:

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

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson advised Planning Application LA07/2021/0987/F had been removed from the agenda at the request of the Chief Planning Officer, to be considered at a Special Planning Committee Meeting scheduled for Thursday 8 September 2022.

(2) LA07/2019/1009/O

Location:

113 South Promenade Newcastle

Proposal:

Redevelopment of existing residential site - Residential development

Conclusion and Recommendation from Planning Official:

Approval

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.

Liz Farley, objector and Barry Hillen, agent were in attendance to answer any questions from Members.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/1009/O as per officer recommendation, Councillor Murphy seconded the proposal.

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

FOR: 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 Application LA07/2019/1009/O as per the information contained within the Case Officer report and presented to Committee.

(3) LA07/2020/1864/F

Location:

proposed barbers shop / hairdressers

Proposal:

Farm Dwelling

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.

John Cole, agent and Derek McConville, applicant were in attendance to answer any questions from Members.

Issues raised:

- Mr Rooney said the site was a high profile one within a unique conservation area. He said it would be a challenging site to develop but he agreed with Councillor Hanna it would be a positive conclusion for all if an appropriate design was submitted that met Planning requirements.
- Mr Cole said several amendments had already been made to the design in an attempt to meet Planning policy.
- Mr Rooney said further discussions could take place with the agent, applicant and planning to address design issues.

AGREED: On the proposal of Councillor Devlin seconded by Councillor Reilly, it was unanimously agreed to defer Planning Application LA07/2020/1864/F to allow for further discussions to take place with the agent, applicant and planning department.

(4) LA07/2022/0273/F

Location:

54 Market Street Downpatrick

Proposal:

Change of use application from existing shop (Use Class A1) to proposed Amusement Arcade

Conclusion and Recommendation from Planning Official:

Approval

The Chairperson advised Planning Application LA07/2022/0273/F had been removed from the agenda at the request of the Chief Planning Officer to consider a late objection received.

(5) LA07/2019/1748/F

Location:

Site on Upper Burren Road between No's 6 and 10 and extending to the rear of 22 and 26 Milltown Street and 4 Upper Burren Road Burren

Proposal:

Erection of 12 dwellings, with boundary walls, fences, landscaping and associated site works

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

Mr Pat Rooney, Principal Planning Officer gave a power point presentation on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In objection

Andy Stephens, Matrix Planning presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

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:

- Mr Stephens said residents were concerned the applicant would commence works on site without first ensuring the visibility splays were in place and although he acknowledged this would be a civil matter, he said it would be in breach of conditions set out by DfI Roads.
- Ms Largey said it was not unusual for site lines to be on third party lands, it was a pre-commencement condition that had to be achieved and was a civil matter between the applicant and the third-party landowners.
- Ms Largey said it was a requirement in legislation to ensure adjoining landowners were not prejudiced and had the opportunity to participate in the planning process, however, she said that was not an issue with this planning application.
- Mr Rooney acknowledged the adjacent factory was quite close to the boundary, however he said it was not heavy industry.

- Mr Rooney said there was a current application with the Planning Department to extend the factory operating hours to 24 hours per day, 7 days per week.
- Mr Rooney said appropriate noise mitigation measures would be implemented including double glazing and acoustic ventilation to all properties, plus an acoustic barrier at least 1.8m high along the boundary of the development.
- Ms McEwen said from an environmental health viewpoint, the proposed mitigating measures would be adequate to safeguard against noise nuisance disturbance to the occupants of the residential development.
- Ms McEwen said with regard to the planning application to extend factory operating hours, there would be an opportunity to impose further mitigating measures should Environmental Health Department consider it appropriate.
- Ms Largey confirmed council would not have any liability should there be any noise nuisance issues affecting future occupants of the development.
- Mr Rooney said Planning was satisfied the measures proposed by Environmental Health would protect the amenity of the existing houses and the proposed development.
- Mr Stephens said the legal easement referred to by Mr O'Callaghan referred to one house, not twelve houses.
- Mr Stephens said the rear amenity space of site 12 was significantly overlooked by the orientation of the neighbouring properties looking down on to it due to the 8m level difference and he said a greater level of precaution as recommended in Creating Places was needed for the future occupants.
- Mr Rooney said he was satisfied there was sufficient distance between the existing and proposed properties and he said the layout was satisfactory in terms of planning policy.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2019/1748/F as per officer recommendation, 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:	11
AGAINST:	0
ABSTENTIONS:	1

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 LA072019/1748/F as per the information contained within the Case Officer report and presented to Committee.**

(6) LA07/2021/1212/F

Location:

Lands immediately adjacent and north of No 61 Shore Road, Strangford.

Proposal:

Proposed Erection of 2nos camping pods and 2nos cabin units, washroom/laundry building, car parking, hard/soft landscaping and all associated site works.

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

Andy Stephens, Matrix Planning presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Mr McKay said a holiday park could incorporate a variety of accommodation types.
- Mr Stephens read aloud the definition of a holiday park contained within the Glossary of Terms in PPS16.
- Mr Stephens said the proposed development was set back 120m and contained within the side garden of No. 61 Shore Road, Strangford. He said the existing vegetation and rising topography would ensure it would be well integrated into the surrounding landscape.
- Mr Stephens said the scheme had been refined several times and he considered it had all the components to make it a high quality development.
- Mr Stephens said, if the current application was not a tourism provision, the applicant could build a larger development under permitted development.
- Mr McKay said it was the officers' view the proposal was incompatible with the AONB, however he accepted the proposal could not be reduced in size any further.

AGREED:

On the proposal of Councillor Reilly, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/1212/F contrary to officer recommendation on the basis that it would contribute to the economy of the area and would integrate well into the surrounding landscape.

Planning officers be delegated authority to impose any relevant conditions.

(Break 11.45 – 11.55)

(7) LA07/2022/0074/O**Location:**

Between 24 and 28 Lough Road Crossgar.

Proposal:

Infill site for 2 dwellings with domestic garages.

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

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:

- Mr Burgess said the applicant owned the land behind the application site and there would be an easement to allow access to that land should planning approval be granted.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor Larkin it was unanimously agreed to issue an approval in respect of Planning Application LA07/2022/0074/O contrary to officer recommendation on the basis that it conformed to CTY8, the plot frontages were similar in size to neighbouring plots and a sympathetic design would ensure the development would integrate into the surrounding area.

Planning officers be delegated authority to impose any relevant conditions.

(8) LA07/2022/0541/O**Location:**

Approx. 36m SW of 78 Belfast Road, Saintfield.

Proposal:

Dwelling and domestic 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

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:

- Mr McKay said Planning had assessed the application under both CTY2A and CTY8 and it had failed to meet both policy requirements.
- Mr Burgess said he did not intend for the application to be assessed under CTY8, rather CTY2A.
- Mr Burgess said the application site was located approximately 100m from the crossroads.
- Ms Largey said all 6 conditions set out in Policy CTY2A must be met in order to comply with planning policy.
- Councillor Larkin said he considered there was substantial development along Lessans Road to the West and along the Belfast Road to the North West up to the site.

- Mr McKay said he did not consider there was a cluster of houses at the crossroads as was required by policy and the PAC had regularly established that a cluster must be located at a focal point.
- Mr Burgess said the proposed site did not have to be at the focal point, but rather the cluster just had to be associated with the focal point.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2022/0541/O contrary to officer recommendation on the basis that there were more than 5 houses, there was an obvious cluster and the proposal would be in keeping with the character of the area. Councillor Larkin seconded the proposal saying he considered it complied with Policy CTY2A.

Councillor Devlin said she had concerns that to issue an approval could set a precedent in the countryside and she asked for a recorded vote.

The proposal was put to a recorded vote, the results of which were as follows (appended to Minutes)

FOR:	9
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Larkin, it was agreed to issue an approval in respect of Planning Application LA07/2022/0541/O on the basis that the application site was in a cluster, the proposal would be in keeping with the character of the area and it complied with Policy CTY2A.**

(9) 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 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 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 Rooney said the shed on site was part of No. 59 and the shed read as part of the hardstanding, so consequently the gap had been filled.

AGREED:

On the proposal of Councillor Byrne, seconded by Councillor Murphy it was unanimously agreed to defer Planning Application LA07/2021/1381/F for a site visit, so Members could assess the site in more detail.

(10) LA07/2022/0121/O**Location:**

Lands approx. 30m South-West of 108a Longstone Road Annalong.

Proposal:

Farm 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:In support

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

Issues raised:

- Eamon Quinn, the son of the farm owner was not present at the meeting, however, his sister Claire confirmed he was actively involved in the farm business with their father.
- Ms Largey said she agreed with the advice given by the Planning Officer in that Eamon was not part of the farm holding in 2011 when a portion of the land had been sold to him.
- Mr Pat Rooney said there was a requirement to be registered as part of the farm business, and Eamon had done this by registering retrospectively.
- Mr Pat Rooney said the onus was on the applicant to demonstrate the degree of involvement on the farm and control was needed in this regard.
- Ms Largey said it was important submissions were backed up by evidence and Members should be cautious when accepting verbal evidence, however she it was up to the Committee to decide what weight should be attached to the evidence submitted.
- Ms Largey said it was a general principle in case law that reliance on submissions should be backed up by hard evidence.
- Ms Quinn confirmed there was no money exchanged when the site was transferred to her brother Eamon in 2011.
- Mr Declan Rooney, agent said sworn affidavits could be provided by Eamon detailing his involvement in the farm, however he considered the P1 form submitted in 2011 and signed by Eamon evidenced his involvement in the farm.
- Mr Pat Rooney said it was accepted on the P1 form submitted in 2011 that Eamon was part of the farm holding, however there was no evidence supported at the time to support that statement.

- Mr Pat Rooney confirmed the land had been transferred legally to Eamon Quinn in 2017 to enable him to apply for a mortgage.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2022/0121/O contrary to officer recommendation on the basis that the evidence provided satisfied the conditions of CTY10. Councillor Hanna seconded the proposal saying whilst he accepted the land should have been legally transferred in 2011, he had no doubt that Eamon was the main worker on the farm and he considered the evidence provided was sufficient.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2022/0121/O contrary to officer recommendation on the basis that the evidence provided to Planning satisfied the conditions of CTY10.**

Planning Officers be delegated authority to impose any relevant conditions.

P/078/2022: **HISTORIC ACTION SHEET**

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

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

P/079/2022: **PLANNING COMMITTEE PERFORMANCE REPORT – JUNE 2022**

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

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

P/080/2022: **CURRENT APPEALS AND DECISIONS**

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

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

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

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

P/081/2022 **LDP: Progress Report - Quarterly Update**

Read: Report dated 24 August 2022 by Mr A McKay, Chief Planning Officer regarding the Local Development Plan: Progress Quarterly Update

On the proposal of Councillor Hanna, seconded by Councillor Devlin, 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/081/2022: LDP: Progress Report - Quarterly Update

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to note the quarterly update provided in the report dated 24 August 2022 from Mr A McKay, Chief Planning Officer regarding the Local Development Plan.

The meeting concluded at 1.15pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 21 September 2022.

Signed: _____ Chairperson

Signed: _____ Chief Executive