

**NEWRY, MOURNE & DOWN DISTRICT COUNCIL**

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**Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 29 June 2022 at 10.00am in Boardroom, Monaghan Row, Newry and via Microsoft Teams.**

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**Chairperson:** Councillor D McAteer (via Teams)

**In attendance: (Committee Members)**

Councillor P Byrne  
Councillor L Devlin  
Councillor G Hanna  
Councillor A Lewis  
Councillor M Larkin  
Councillor D Murphy  
Councillor L McEvoy  
Councillor H Reilly

**(Officials)**

Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Ms N Largey	Legal Advisor
Mr F O Connor	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer

**P/063/2022: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from:

Councillor V Harte  
Councillor G O Hare

The Chair welcomed Councillor Lewis and Councillor Reilly as the two new members to the Planning Committee.

**P/064/2022: DECLARATIONS OF INTEREST**

No declarations of interest.

**P/065/2022: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

No declarations of interest.

## **MINUTES FOR CONFIRMATION**

### **P/066/2022: MINUTES OF PLANNING COMMITTEE MEETING - WEDNESDAY 01 JUNE 2022**

Read: Minutes of Planning Committee Meeting held on Wednesday 01 June 2022.  
(Copy circulated)

**AGREED: On the proposal of Councillor Hanna seconded by Councillor Byrne it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 01 June 2022 as a true and accurate record.**

## **FOR DISCUSSION/DECISION**

### **P/067/2022: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 29 June 2022.  
**(Copy circulated).**

The Chair advised that Item 12, LA07/2021/1187/F had been added to the addendum list with a recommendation for approval.

**AGREED: On the proposal of Councillor Larkin seconded by Councillor Devlin it was agreed to approve the Officer recommendation in respect of the following application listed on the addendum list for Wednesday 29 June 2022:**

- **LA07/2021/1187/F** – Proposed erection of Battery Energy storage facility, lighting and closed-circuit television columns, new site boundary fencing, construction of private service laneway, ancillary development works and additional landscaping – Lands located approximately 85 metres north of No 68 Cloughanramer Road Newry City Co Down.

## **LOCAL DEVELOPMENT PLAN (CLOSED SESSION)**

**AGREED: On the proposal of Councillor Devlin seconded by Councillor Larkin it was agreed to exclude the public and press from the meeting during discussion on the following item:**

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

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

### **P/068/2022: LDP: Revised Timetable**

Read: Report dated 29 June 2022 by Mr A McKay, Chief Planning Officer regarding progress on the preparation of the Local Development Plan and to agree a revised timetable. **(Circulated)**

**AGREED:** On the proposal of Councillor Murphy seconded by Councillor Larkin the following was agreed:

- To note the content of the above report
- To approve the draft revised Timetable
- Following Council approval, the Planning Department liaises with the PAC and other key stakeholders prior to submitting the revised Timetable to Department for Infrastructure for its agreement.
- Following agreement of the revised Timetable by the Department for Infrastructure, that it be made available and published in accordance with Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

**DEVELOPMENT MANAGEMENT -  
PLANNING APPLICATIONS FOR DETERMINATION**

**P/069/2022: PLANNING APPLICATIONS FOR DETERMINATION**

**(1) LA07/2019/0868/F**

**Location:**

107 Camlough Road Newry BT35 7EE

**Proposal:**

Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works

**Conclusion and Recommendation from Planning Official:**

Approval

**AGREED:** It was agreed to note this application had been removed from the schedule at the request of Planning Department.

**(2) LA07/2021/1009/O**

**Location:**

Residential development at 113 South Promenade Newcastle.

**Proposal:**

Redevelopment of existing residential site.

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

Mr P 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

Liz Farley presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

#### In Support

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

#### **Issues Raised:**

- Concerns regarding lack of parking, footway provision, access problems by public transport along Kings Road.
- Residents had not been informed by Planning Department regarding the application.
- According to objectors there has never been vehicular access from the proposed site.

(10.52am – Cllr Lewis left the meeting)

(10.55am – Cllr Lewis re-joined the meeting)

**AGREED:        On the proposal of Councillor Devlin seconded by Councillor Reilly it was agreed to defer Planning Application LA07/2021/1009/O to allow a site visit to take place and that representatives from Dfi Roads be requested to be in attendance**

**It was also agreed Planning Department seek clarification regarding the possible withdrawal of the Translink bus service from Kings Street due to the ongoing parking issues along this route.**

### **(3)    LA07/2021/2010/O**

#### **Location:**

Approx 100m west of 42 Crawfordstown Road Downpatrick

#### **Proposal:**

Farm dwelling and garage

#### **Conclusion and Recommendation from Planning Official:**

Refusal

#### **Power-point Presentation:**

Mr A McKay, Senior 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 Gerry Tumilty, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Ms Largey said the application did not comply with Policy as it requires the farm business to be active and established along with other criteria and that if the Committee were of the view to overturn the decision, that in her view such a decision would fall within the category of an irrational decision and concerned this would be unlawful and while the Committee is exceptionally allowed to depart from policy she did not believe this case would meet the exceptionality test.

**Issues Raised:**

- Clarity on the period during which the farm was not active – DEARA advice refers to the impact of covid on the day to day running of a farm, ie, difficult to maintain the farm business alone as the sharing of equipment between neighbours/families was not allowed – this highlights the difficulties for someone who is vulnerable and shielding and given the DAERA advice during Covid leniency should be given in this case.
- There is no evidence that supports this was an active and established farm over 6 years.
- The Planning approval should have been open for a longer period within which plans could have been submitted.
- The applicant was not in a position to submit a renewal prior to September 2021 due to the unique situation regarding Covid.
- Exemptions were provided to the public during Covid by other statutory agencies, ie, MOTs, driving licence applications.

**AGREED:            On the proposal of Councillor Byrne seconded by Councillor Hanna it was agreed Planning Department to reconsider Planning Application LA07/2021/O and report back via the Planning Committee in due course.**

(11.50am – The meeting adjourned)

(12noon – The meeting resumed)

**(4)    LA07/2021/1050/F****Location:**

The Pines 10 Rostrevor Road Warrenpoint Co Down

**Proposal:**

Proposed, part single, part 2 storey dwelling located in the side garden of an existing dwelling, associated site works, including a proposed vehicular entrance the site boundary at the rear laneway and a proposed pedestrian gate at the Rostrevor Road site boundary.

**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. Mr Rooney outlined a number of objections to the proposal which the Planning Department shared. He emphasised the Planning Department's concerns with the proposal and the basis for its recommendation for refusal, including:

- The applications site's location on a high-profile site in Warrenpoint and within a designated protected area within the statutory plan, an Area of Townscape Character;
- The proposed sub-division of the existing large curtilage would be contrary to planning policies which have been formulated in the public interest and are intended to protect such sites from inappropriate development;
- Inappropriate design of the proposed dwelling;
- Application site cannot be regarded as a gap site;
- Road safety concerns due to the proposed use of a sub-standard vehicular access - DfI Roads had recommended refusal on this basis.

### **Speaking rights:**

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

### **Issues Raised:**

- DfI Roads suggested closing an access as initially specified sightlines could not be achieved.
- Intensification guideline is only being breached by 0.8% - this is a guideline not a policy
- Main issue of concern by Planning is sub-division of the curtilage and the impact on townscape character.
- The area already contains an eclectic range of properties therefore the proposal will not be impacting in terms of the built form of the area.

Councillor Murphy proposed to issue an approval in respect of Planning Application LA07/2021/1050/F contrary to Officer recommendation on the basis that intensification shows only a slight breach of the guidance, regarding sub-division and density it appears as a gap site, and matches with adjacent buildings and would only be conjecture to say this is setting a precedent, and the design of the area already contains a mixture of designs and the proposal will not detract from the character of the area. The proposal was seconded by Councillor Hanna on the basis the application will not upset the balance along this route as the proposed building fits in with the variety of buildings in the area.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

**AGREED:**                    **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1050/F contrary to Officer recommendation, on the basis that intensification shows only a slight breach of the guidance; to address sub-division and density it appears as a gap site and matches with adjacent buildings therefore is not setting a precedent; the design of the area already contains a mixture of designs and the proposal will not detract from the character of the area; the application will not upset the balance along this route as the proposed building fits in with the variety of buildings in the area.**

**Planning Department to be granted authority to impose relevant conditions.**

### **(5)    LA07/2021/1664/O**

#### **Location:**

Between 8 and 12 Ballykeel Road Ballymartin Kilkeel BT34 4PL

#### **Proposal:**

Proposed site for infill dwelling and domestic garage.

#### **Conclusion and Recommendation from Planning Official:**



**AGREED:                    It was unanimously agreed to note the Report on Planning Appeals and Decisions.**

The meeting concluded at 1.10 pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 27 July 2022.

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

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