

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 05 May 2021 at 10.00am via Microsoft Teams

Chairperson: Councillor R Burgess

In attendance: **(Committee Members via Teams)**

Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor A Lewis
Councillor D McAteer
Councillor D Murphy
Councillor G O'Hare
Councillor G Stokes
Councillor J Trainor
Councillor J Tinnelly

(Officials)

Mr C Mallon	Director Enterprise Regeneration & Tourism (via Teams)
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer
Mr A Hay	Principal Planning Officer
Mr M McQuiston	Senior Planning Officer (via Teams)
Ms A McAlarney	Senior Planning Officer (via Teams)
Mr M Keane	Senior Planning Officer (via Teams)
Ms N Largey	Legal Advisor
Mr F O Connor	Legal Advisor
Ms S Taggart	Democratic Services Manager (via Teams)
Ms C McAteer	Democratic Services Officer (via Teams)
Ms L Dillon	Democratic Services Officer (via Teams)

P/044/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from:

Councillor S Doran
Councillor P Brown

P/045/2021: DECLARATIONS OF INTEREST

No declarations of interest.

**P/046/2021: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

Item 6 - P/2013/0189/F – Cllrs. Brown, Doran, Hanna, McAteer and Tinnelly could not take part in the discussion/decision on this application

Item 14 – LA07/2020/0719/F – Cllrs. Doran and Trainor could not take part in the discussion/decision on this application

MINUTES FOR CONFIRMATION

**P/047/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
THURSDAY 08 APRIL 2021**

Read: Minutes of Planning Committee Meeting held on Thursday 08 April 2021. **(Copy circulated)**

AGREED: On the proposal of Councillor Trainor seconded by Councillor Stokes it was agreed to adopt the Minutes of the Planning Committee Meeting held on Thursday 08 April 2021 as a true and accurate record.

FOR DISCUSSION/DECISION

P/048/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 05 May 2021. **(Copy circulated).**

AGREED: On the proposal of Councillor Trainor seconded by Councillor Stokes it was agreed to remove the following Planning Application from the Addendum List to allow for full presentation at the next Planning Committee Meeting.

- **Item 20 - LA07/2017/1779/F** Lands Approx. 370m North East Of 32 Ballykilbeg Road Downpatrick Amendment to planning approval LA07/2015/0782/F. - change from Vestas 27 225kw wind turbine with rotor diameter of 27m to Vestas 52 250kw with rotor diameter of 52m **APPROVAL**

AGREED: On the proposal of Councillor Trainor seconded by Councillor Stokes it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 05 May 2021:

- **Item 7 - LA07/2018/1075/F** - Lands fronting onto Moygannon Road at Junction with Rostrevor Road Warrenpoint (Opposite 2-16 Moygannon Road; 1&2 Rowallon and 1&2 Rathgannon) Erection of 21 dwellings with associated site works **APPROVAL**

- **Item 18 - LA07/2020/1063/F** - 33 Rocks Road Ballyhornan Downpatrick - proposed extension and alterations to existing dwelling **APPROVAL**
- **Item 19 - LA07/2020/1370/F** - 165m east of household recycling centre Bann Road Castlewellan - Park and Share Car Park, new vehicle and pedestrian entrance to Bann Road with height restrictor barrier and new pedestrian footpath **APPROVAL**
- **Item 21 - LA07/2021/0208/F** - Dunleath Park Market Street Downpatrick - Recreational Path. **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/049/2021: PLANNING APPLICATIONS (WITH PREVIOUS SITE VISITS)

(1) P/2013/0189/F

Location:

100m West of no 15 Drumsesk Road Rostrevor BT34 3EG

Proposal:

Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works. Additional information received.

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: It was unanimously agreed to remove Planning Application P/2013/0189/F from the agenda as a number of statutory consultee responses had not been received therefore the Planning Department was not in a position to bring this application forward at this stage.

P/050/2021: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee.

- (1) **LA07/2019/1695/F**
- (2) **LA07/2019/1702/LBC**

Location:

10 The Mall and 90 Hill Street Newry BT34 1BX

Proposal:

Proposed change of use from existing retail/storage to 40-bedroom hotel with restaurant/bar, gymnasium and coffee shop. Demolition of existing single storey infill and creation of four storey infill extension. Reinstatement of existing window openings on rear elevation.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr M Keane Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**

There are no speaking rights requests on this application.

Issues raised:

No issues raised.

AGREED: On the proposal of Councillor Stokes seconded by Councillor Tinnelly it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1695/F and LA07/2019/1702/LBC as per the information and recommendation contained in the Case Officer Report presented to Committee.

(3) LA07/2020/1394/O**Location:**

90m West of No16 Desert Road Mayobridge Newry BT34 2JB

Proposal:

Proposed 1 1/2 Storey dwelling (Ridge Height of 7.5m) and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Mark Keane Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**In support:

Mr Martin Bailie Agent and Ms Victoria Simpson Applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- The site does not visually link with the established group of buildings on the farm
- Agent confirmed the laneway was not a new laneway and complied with Policy to use existing farm laneways.
- Proposed site was chosen as the land was of less agricultural quality and is located beside the existing laneway.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Trainor it was agreed to issue an approval in respect of Planning Application LA07/2020/1394/O contrary to Officer recommendation on the basis that there is evidence to suggest that the distance the proposed house and garage are from the nearest farm buildings will achieve integration, it fits with policy in terms of using the existing

access laneway into the farm, and in terms of economic benefit to the farm the use of an area that would not be as economically viable is fundamental with regard to this application.

Planning Officials be granted authority to impose any relevant conditions.

(4) LA07/2021/0029/F

Location:

Killeavy Castle Estate 12 Ballintemple Road Killeavy Newry

Proposal:

New farm shop and vegetable garden

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: It was agreed at the request of Planning Officers, to remove Planning Application LA07/2020/0029/F from the agenda for further consideration.

(5) LA07/2021/0038/LBC

Location:

Killeavy Castle Estate 12 Ballintemple Road Killeavy Newry BT35 8LQ

Proposal:

New farm shop

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: It was agreed at the request of Planning Officers, to remove Planning Application LA07/2020/0038/LBC from the agenda for further consideration.

(6) LA07/2020/0605/F

Location:

61 Ballytrim Road Crossgar

Proposal:

Replacement dwelling and amended access.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**

In support:

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

Issues raised:

- Proposal has a greater visual impact on the landscape than that of the dwelling to be replaced.
- Extension of curtilage into adjacent open field and the ancillary works required to accommodate the size and scale of the proposed dwelling will have detrimental impact on rural character and the ability of the site to absorb such a dwelling.
- The proposal is contrary to Planning Policy CTY3, CTY13 and CTY14.
- Planning Policy CTY3 does not prohibit dwellings larger than those that are to be replaced – the site is over 200m back from the road therefore views from the public road are over a greater distance – substantial landscaping will be provided.
- Proposed dwelling sits within the drumlins and has no significantly greater impact than the dwelling to be replaced.
- Acknowledged that if there were other ways to light rooms and remove dormer windows this would be acceptable to the agent/applicant.

AGREED: On the proposal of Councillor Hanna seconded by Councillor O Hare it was agreed to issue an approval in respect of Planning Application LA07/2020/0605/F, contrary to Officer recommendation, on the basis that the visual illustrations presented do not show any significant impact in terms of prominence in the countryside and due to the location, the house integrates well into the countryside; the elegance of the proposed dwelling suits the location and the proposed landscaping will ensure integration.

Planning Officials be granted authority to impose any relevant conditions.

(Cllr. Larkin joined the meeting)

(Cllr. Trainor withdrew from the meeting)

(7) LA07/2020/0719/F

Location:

171 Rathfriland Road Dromara

Proposal:

Off site replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney Senior Planning Officer gave a power point presentation via Teams 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: (via Teams)

In support:

Mr Damien Broderick Planning Consultant, and Mr Jonathan Buckley MLA, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr John Laverty Layde Consulting, the applicant and the Architect were available to answer questions.

Issues raised:

- The application was presented Committee in December 2020 and deferred to allow for further evidence to be presented in support of the case.- additional information has been submitted.
- Environmental Health confirm no noise complaints have been received in the past 6 year period.
- The view of Planning Department is that it has not been demonstrated that the off-site location is justified on amenity grounds.
- It is applicant's view the proposed location provides substantial amenity benefits.
- Following noise survey by Consultants and it was established the existing dwelling curtilage does suffer from noise nuisance from outside the amenity areas and the proposal to erect a wall / fencing to address noise levels would impact on prominence and would not be conducive to a quality residential development in a rural location.
- The alternative site is more suitable from an amenity perspective.
- A combination of factors are needed to address integration of a dwelling into the landscape.
- Agricultural field to frontage of proposed dwelling further strengthens rural character and the proposed new dwelling would only come into view within the immediate vicinity of the site.
- The alternative site offers benefits in terms of landscaping, heritage, access and amenity.
- The off-site location was originally part of the curtilage of the existing dwelling which had been grassed over. The alternative site is approximately 35m from the existing dwelling – due to topography of adjacent lands the house will nestle in below the established boundary.

With regard to discussion on noise, Mr McKay cautioned the Committee with regard to the possible creation of a new policy in advance of preparing a new Development Plan.

Councillor Hanna proposed and Councillor Murphy seconded to issue an approval in respect of Planning Application_LA07/2020/0719/F, contrary to officer recommendation, on the basis that given a noise issue does exist which cannot be eliminated, moving the proposed dwelling further back from the road will provide amenity gain; with regard to siting on what is a restricted site, it is extremely harsh to eliminate the curtilage of the existing site that was in fact previously part of the existing dwelling's yard up until one year ago and the new site is within the curtilage of the existing site; with regard to integration and boundaries, what is being proposed and the natural boundaries are acceptable; the visibility of the proposal will fit very well with the topography of the area as natural hedge fronting along the road already exists and will substantially address both planning and amenity gains.

Ms Largy echoed the concerns expressed by Mr McKay regarding the issues arising from the application. She said planning policy indicates that when applying for a replacement dwelling this should be on site and she expressed concern at the approach being adopted today which would suggest any replacement dwelling that is immediately beside a road should be

moved further into the countryside and she therefore reminded Members they must be mindful of the context within which they are being asked to make a decision.

Ms Largy added that if the Committee were considering overturning the officer recommendation in regard to this application, that they instead defer the application to allow officers to look at policy and report this application back to Committee at a later stage.

In response to Councillor Hanna's comments regarding the proposed site being originally part of the curtilage of the existing dwelling, Ms Largy whilst she understood Councillor Hanna's explanation, and that this may be a case where there are particular circumstances which would distinguish it from others, she however cautioned against the possibility of creating a general expectation that this would be the approach of Council going forward in respect of these types of applications where the replacement is along the road, and therefore requested officers be granted time to look at this application in further detail.

The proposal to issue an approval in respect of Application LA07/2020/0719/F, contrary to officer recommendations, for the reasons previously outlined by Councillor Hanna, and seconded by Councillor Murphy, was put to a vote and voting was as follows:

FOR:	5
AGAINST:	2
ABSTENTIONS:	1
ABSENT:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2020/0719/F, contrary to officer recommendation, on the basis that given a noise issue does exist which cannot be eliminated, moving the proposed dwelling further back from the road will provide amenity gain; with regard to siting on what is a restricted site, it is extremely difficult to eliminate the curtilage of the existing site that was in fact previously part of the existing dwelling's yard up until one year ago and the new site is within the curtilage of the existing site; with regard to integration and boundaries, what is being proposed and the natural boundaries are acceptable; the visibility of the proposal will fit very well with the topography of the area as natural hedge fronting along the road already exists and will substantially address both planning and amenity gains.

Planning Officials be granted authority to impose any relevant conditions.

(11.24am – the meeting adjourned)

(11.30am – the meeting resumed)

(Cllr. Trainor re-joined the meeting)

(8) LA07/2020/1519/RM

Location:

151 Castlewellan Road Dromara

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**

In support:

Mr Declan Rooney Agent and Mr James Marmioin applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- The proposal will have significant greater impact than that of the building to be replaced.
- The design features of the proposal are not acceptable form of design in this countryside location which is an AONB.
- Planning have suggested reducing the dwelling height from 10m to 8m, reduce porch to a single storey, and internalise the chimney breast - these amendments have not been made.
- Agent gave 2 examples of houses in the area which have similar front porch projections and external chimney breast features – Planning Officer confirmed these applications were approved under a different planning context , ie, there was no design guide at that stage, whereas now they are considered under the Rural Design Guide.
- The visual impact of the new proposed dwelling will be the same as that from the existing building and will be entirely screened by existing vegetation.

Councillor McAteer proposed and Councillor Trainor seconded to accept the officer recommendation on this application, but that further discussions take place with regard to design changes which could allow the application to receive an approval.

The proposal by Councillor McAteer, seconded by Councillor Trainor, was put to a vote and voting was as follows:

FOR:	4
AGAINST:	5
ABSTENTIONS:	1

The proposal was declared lost.

Councillor Larkin proposed and Councillor Trainor seconded to defer Planning Application LA07/2020/1519/RM for a site visit.

A vote was then taken on the proposal by Councillor Larkin seconded by Councillor Hanna, and voting was as follows:

FOR:	8
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2020/1519/RM for a site visit.

(9) LA07/2020/1792/F

Location:

75m South of 15 Sheepland Road Ardglass

Proposal:

Dwelling and garage on a farm.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams 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:
(via Teams)**

In support:

Mr 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:

- The proposal is a new dwelling and is not an established building on the farm; it cannot achieve adequate integration into the landscape; would result in ribbon development.
- Agent pointed out the farm business is currently active; the building is visually linked/clustered with the established group of farm buildings.; no dwellings have been sold off or development opportunities in the past 10 years; the house was transferred into the applicants name to fulfil mortgage requirements; no alternative viable sites are available;
- Planning Department's comments regarding this application are based solely on the site proposed.

AGREED: On the proposal of Councillor McAteer seconded by Councillor it was agreed to defer Planning Application LA07/2020/1792/F for a site visit.

(10) LA07/2021/0027/O

Location:

60m North of 67 Dechomet Road Dromara.

Proposal:

Demolition of existing vacant dwelling and erection of replacement dwelling and garage as per CTY3 PPS21.

Conclusion and Recommendation from Planning Official:

Refusal

AGREED: It was agreed at the request of Councillor Murphy to remove Planning Application LA07/2021/0027 from the Schedule and represent this application to the Planning Committee Meeting in June 2021.

FOR DISCUSSION / DECISION

P/051/2021: PLANNING POLICY

Noted: The update report from Ms N Largey Legal Services and Mr F O Connor Legal Services, was withdrawn from the agenda.

FOR NOTING

P/052/2021: HISTORIC ACTION SHEET

Read: Planning historic action sheet. **(Copy circulated)**

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

P/053/2021: PLANNING COMMITTEE PERFORMANCE REPORT APRIL 2021

Read: Planning Committee Performance Report for April 2021. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning Committee Report for April 2021.

P/054/2021: PLANNING APPEALS AND DECISIONS

Read: Planning Appeals and Decisions Report for April 2021. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Report on Planning Appeals and Decisions for April 2021.

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

On the proposal of Councillor Stokes seconded by Councillor McAteer it was agreed to exclude the public and press from the meeting during discussion on the following items:

P/055/2021: LDP: PLANNING POLICY REVIEW (QUARTERLY UPDATE)

Read: Report dated 05 May 2021 from Mr A McKay, Chief Planning Officer regarding a quarterly update on Planning Policy Review.
(Copy circulated)

P/056/2021: LDP: PLANNING POLICY REVIEW – NATURAL HERITAGE

Read: Report dated 05 May 2021 from Mr A McKay, Chief Planning Officer regarding LDP: Planning Policy Review – Natural Heritage.
(Copy circulated)

(12.26pm – Councillor Trainor left the meeting)

(12.34pm – Councillor O Hare left the meeting)

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

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

P/055/2021: LDP: Planning Policy Review – (Quarterly Update)

Agreed: On the proposal of Councillor Stokes seconded by Councillor McAteer it was agreed to note the quarterly update as provided in Report dated 05 May 2021 from Mr A McKay Chief Planning Officer regarding Planning Policy Review.

P/056/2021: LDP: Planning Policy Review– Natural Heritage

Agreed: On the proposal of Councillor McAteer seconded by Councillor Stokes it was agreed as follows:

- **To note the LDP: Planning Policy Review – Natural Heritage**
- **Approve the proposed draft planning policies for inclusion within the draft Plan Strategy**
- **Authorise the Development Plan Team to amend the proposed draft planning policies as necessary (ie, subject of further consultation engagement, sustainability appraisal, and any change to overarching regional policy) and report back to Members any substantive changes to proposed policy wording or direction.**

The Chairperson extended thanks to everyone for their help and support throughout his term as Chair of the Planning Committee.

Councillor McAteer congratulated the Chairperson for chairing the Planning Committee over the past year which was under difficult circumstances.

The meeting concluded at 12.55pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 30 June 2021.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**