

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 10 February 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 D McAteer
Councillor D Murphy
Councillor G O'Hare
Councillor G Stokes
Councillor J Tinnelly
Councillor J Trainor

(Non Members via Teams)

Councillor A Lewis

(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 A Davidson	Senior Planning Officer (via Teams)
Ms J McParland	Senior Planning Officer (via Teams)
Ms A McAlarney	Senior Planning Officer (via Teams)
Mr F O Connor	Legal Advisor (via Teams)
Ms S Taggart	Democratic Services Manager (via Teams)
Ms C McAteer	Democratic Services Officer (via Teams)
Ms L Dillon	Democratic Services Officer (via Teams)

Also in attendance: Mr D Fitzsimon Planning Advisor

P/009/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from:
Councillor P Brown
Councillor S Doran

P/0010/2021: DECLARATIONS OF INTEREST

No declarations of interest.

**P/011/2021: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

No declarations received in relation to Paragraph 25 of Planning Committee Operating Protocol.

MINUTES FOR CONFIRMATION

**P/012/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 13 JANUARY 2021**

Read: Minutes of Planning Committee Meeting held on Wednesday 13 January 2021. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer seconded by Councillor O Hare it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 13 January 2021 as a true and accurate record.

FOR DISCUSSION/DECISION

P/013/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 February 2021. **(Copy circulated).**

AGREED: On the proposal of Councillor McAteer seconded by Councillor Trainor it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 10 February 2021:

- **LA07/2020/0108/F** - 24 Park Avenue Newcastle - demolition of existing 1.5 storey dwelling and garage and redevelopment of land to form 5 apartments with associated parking and siteworks **APPROVAL**
- **LA07/2020/0407/O** - 60m SW of no.42 Levallyreagh Road Rostrevor Warrenpoint Co Down - proposed site for a farm dwelling and domestic garage **REFUSAL**
- **LA07/2020/1034/F** - Aghrim Hill Wood Ballymeageogh Road Killeel Newry BT34 4SX - new, multi-use, non-bitmac, compacted gravel community trails **APPROVAL**
- **LA07/2020/1035/F** - Aghrim Hill Wood Ballymeageogh Road Killeel New, multi-use, non-bitmac, compacted gravel community trails **APPROVAL**
- **LA07/2019/1322/F** - Slieve Gullion Forest Park 89 Drumintee Road Killeavy BT35 8SW Provision of public entertainment area in the form of an outdoor events space (amphitheatre) new wall to backstop of space, removable cinema screen, seating, ramp, paving and stage area **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/114/2021: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

(1) LA07/2020/0013/F

Location:

Approx 80m north of 64 Dromara Road Ballyward Castlewellan

Proposal:

Farm building and animal handling facility and hardstanding

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

Issues raised:

- Location of shed – it is the view of Planning that the building could be facilitated elsewhere on the farm, ie, at the main holding cluster – as opposed to an isolated site.
- Applicant requires the building to be provided at the proposed location to address animal movement, animal welfare, avoid the land at this location being 'under farmed'.
- Evidence needed to demonstrate why it is necessary for the additional building to be provided at a location which Planning Policy does not encourage.
- Applicant received advice the land was not suitable to produce crops and only suitable for silage and grazing.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2020/0013/F as follows:

- (a) To allow the Applicant an opportunity to demonstrate that the provision of a building at the proposed location will help with the management and profitability of the farm.**
- (b) To hold a site visit to examine refusal reason No. 3, regarding The proposed siting of the building being unduly prominent in the landscape causing detrimental change to the rural character of the area.**

- (2) LA07/2020/0788/F
(3) LA07/2020/0843/LBC

Location:

Mourne Park House Mourne Park Kilkeel Newry BT34 4LB

Proposal: (LA07/2020/0788/F)

Creation of a new luxury hotel incorporating a spa, function room, restaurant, manager's quarters, associated facilities and car parking, by way of change of use and refurbishment of existing listed private residence and provision of a new build extension, gate lodge, associated site works and minor realignment of the existing access gates at the White Water entrance

Conclusion and Recommendation from Planning Official:

Refusal

Proposal: (LA07/2020/0843/LBC)

Refurbishment of and extension to existing fire damaged Mourne Park House and associated outbuildings to create a new luxury hotel comprising of hotel bedrooms, restaurant, function room, spa facilities, associated car parking and site works.

Conclusion and Recommendation from Planning Official:

Consent refused

Power-point presentation:

Ms Jacqui McParland 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.

Ms McParland pointed out this was a major application and under Legislation, if the Committee go against officer recommendation, the Planning Department will forward the Planning Committee's recommendation to the Department for Infrastructure for oversight.

(11.11am – the meeting adjourned)

(11.17am – the meeting resumed)

Mr McKay proposed the Committee hear the presentation by the Architect and Applicants. He said should the Committee decide to defer for a site visit, this will happen and on referral back to the Planning Committee, Planning Protocol can be set aside given the exceptional nature of the application in terms of scale and complexity, and therefore a full suite of presentations can be heard again.

**Speaking rights:
(via Teams)**

In support:

Mr Karl Pedersen Architect and Marion Russell, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Size of development – view of Planning it will cause detrimental impact to listed buildings.
- Planning require a business case that would show costs and options to establish how much development is needed for the project to be financially viable.

- Following a feasible study to identify possible uses for Mourne Park, it was found that the scheme as presented in the planning application was most suitable and would safeguard the listed buildings.
- Planning requirement for working drawings – architect feels this should not be necessary at this stage of the process.
- Planning Department and HED have concerns regarding the size, scale, mass and siting of the proposed project.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Stokes it was agreed to defer Planning Applications LA07/2020/0788/F and LA07/2020/0843/LBC, for a site visit to be arranged as soon as possible which should also include a substantial tour of the building.

It was also agreed when both applications are brought back to the Planning Committee again for consideration representatives from HED be invited to be in attendance.

(12.01pm – the meeting adjourned)

(12.08pm – the meeting resumed)

(4) LA07/2018/1093/F

Location:

18 – 22 Church Street, Warrenpoint extending to and including No 7 Mary Street, Warrenpoint

Proposal:

redevelopment of existing two and a half storey town centre supermarket with street frontage, including demolition of end of terrace kitchen house to the rear, to provide a new two storey extension to the rear comprising additional deli and fresh food retail space, public toilets, storage and forecourt loading bay with canopy.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Pat Rooney Principal 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 Jim Maneely Agent and Mark Higgins Applicant, requested speaking rights in support of the application.

Issues raised:

- The presentation provided details of the Planning assessment of the proposal, amendments received and the issues raised by objectors. The application could be recommended for approval.

Noted:

No submissions received from objectors.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Stokes it was agreed to issue an approval in respect of Planning application LA07/2018/1093/F, as per the information and recommendation contained in the Case Officer Report presented to Committee.

(5) LA07/2019/1447/O

Location:

Site immediately opposite and south-west of 19 Ballydesland Road Warrenpoint BT34 3QB

Proposal:

Single storey dwelling on a farm with detached garage.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr P Rooney Principal 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 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:

- Planning view is the application does not group with existing farm buildings as it is located on the other side of a public road, it will contribute to ribbon development and does not constitute an infill.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2019/1447/O, contrary to officer recommendation, on the basis that the building and yard both cluster with the rest of the farm buildings and main house on the farm, and the land is viewed as arable land.

Planning Officers be delegated authority to impose any relevant conditions.

(6) LA07/2020/0335/F

Location:

Land between 31 and 35 Foughilletra Road Foughilletra Co. Armagh

Proposal:

Proposed 2 infill dwellings and detached garages

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Andrew Davidson 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 Barney Dinsmore Agent, and Sinead Quinn Applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2020/0335/F, contrary to officer recommendation as the proposal complies with all requirements under CTY 8 and complies with the development pattern along this area.

Planning Officers be delegated authority to impose any relevant conditions.

(7) LA07/2020/0669/F

Location:

90m SE 21 Ballynalack Road Ballynalack Camlough

Proposal:

2 dwellings and 2 garages

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

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

Issues raised:

- The agriculture building north of the site has no frontage; the agriculture building south of the site has frontage and is considered a gap but due to size, is out of character with the small frontages surrounding it.

AGREED: On the proposal of Councillor McAteer seconded by Councillor Murphy it was agreed to defer Planning Application LA07/2020/0669/F for a site visit.

(1.15pm – the meeting adjourned)

(1.50pm – the meeting resumed)

(8) LA07/2020/0724/F

Location:

Approx. 120m NW of 64 Chapel Road Meigh

Proposal:

Farm dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Andrew Davidson 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 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:

- Co-joined buildings

AGREED: On the proposal of Councillor Larkin seconded by Councillor Murphy it was agreed to issue an approval in respect of Planning Application LA07/2020/0724/F, contrary to officer recommendation, on the basis there are a number of separate sheds located on the site that are co-joined, and therefore complies with planning policy CTY10.

Planning Officers be delegated authority to impose any relevant conditions.

(9) LA07/2020/1103/O

Location:

Adjacent to and 30m NE of No 122 Newry Road Silverbridge Newry

Proposal:

Site for dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Andrew Davidson 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 Brendan Quinn 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 adds to ribbon development in the area.
- Requirement for a continuous frontage – what features break frontage.

Councillor Hanna proposed and Councillor Larkin seconded to issue an approval in respect of Planning Application LA07/2020/1130/O, contrary to officer recommendation, on the basis it is accepted a continuous frontage exists with the development pattern along the road and the proposal complies with CTY8.

Mr McKay believed the proposer and seconder of the proposal needed to further elaborate on the reasons why it is believed a continuous frontage existed regarding this application, and he cautioned Members regarding their interpretation of Planning policy and the level of inconsistency with the Committee.

Councillor Hanna said the application met planning policy as it had the required number of buildings and although he accepted the road fronted onto a main road, he confirmed he did however stand by his proposal.

Councillor Larkin indicated he was aware of a number of past applications where a minor road joined a major road and it was accepted this did not break frontage.

The proposal was put to a vote by way of roll call, and voting was as follows:

FOR:	5
AGAINST:	2
ABSTENTIONS:	2

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 LA07/2020/1130/O, contrary to officer recommendation, on the basis it is accepted a continuous frontage exists with the development pattern along the road and the proposal complies with CTY8.

Planning Officers be delegated authority to impose any relevant conditions.

EXEMPT INFORMATION ITEMS

AGREED: On the proposal of Councillor Murphy seconded by Councillor Larkin it was agreed to exclude the public and press from the meeting during discussion on the following matter which related to exempt information by virtue of *Paragraph 1* of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual and the public, may, by resolution, be excluded during this item of business.

(10) LA07/2018/0860/F (EXEMPT)

Location:

45 metres north-east of No 14 Rath Road Clonallon Glebe Tb. Warrenpoint Newry BT34 3RX

Proposal:

Proposed replacement dwelling (amended drawings)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr A McKay Chief 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 Colin O Callaghan Agent and Mr Seamus Collins, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

(3.00pm – Councillor Trainor left the meeting)

(3.00pm – Councillor Tinnelly chaired the meeting from this point)

(3.10pm – Councillor Burgess resumed the Chair from this point)

P/015/2021: PLANNING IMPROVEMENT PROGRAMME

Read: Report from Mr C Mallon Director Enterprise Regeneration & Tourism regarding the Planning Improvement Programme. **(Copy circulated)**

(4pm – Councillor Harte left the meeting)

(4pm – Councillor Stokes left the meeting)

AGREED: On the proposal of Councillor Murphy seconded by Councillor Larkin it was agreed to come out of Closed Session.

When the Committee came out of Closed Session, the Chairperson reported the following decisions had been taken:

AGREED: Following a vote of 5 For, 1 Against and 2 Abstentions, it was agreed on the proposal of Councillor Tinnelly seconded by Councillor Larkin to issue an approval in respect of Planning Application LA07/2018/0860/F, contrary to officer recommendation, on the basis the personal circumstances make a compelling argument as Mr & Mrs Collins clearly need to build somewhere out of necessity, and the access and amenity benefits are priority considerations in this case.

P/015/2021 - Planning Improvement Programme

AGREED: It was agreed to note Report from Mr C Mallon Director Enterprise Regeneration & Tourism regarding the Planning Improvement Programme.

It was also noted a Planning Workshop would take place at the end of February 2021 at which the Planning Scheme of Delegation can be discussed and any additional issues Councillors would like included at this Workshop should be forwarded to Mr A McKay Chief Planning Officer.

LOCAL DEVELOPMENT PLAN ITEMS

**P/016/2021: PROGRESS REPORT
RE: LOCAL DEVELOPMENT PLAN**

Read: Report dated 10 February 2021 from Mr A McKay Chief Planning Officer regarding the Local Development Plan. **(Copy circulated)**

AGREED: It was agreed to note Report dated 10 February 2021 from Mr A McKay Chief Planning Officer regarding the Local Development Plan, as presented by Mr A Hay Principal Planning Officer.

FOR NOTING

P/017/2021: HISTORIC ACTION SHEET

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

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

**P/018/2021: PLANNING COMMITTEE PERFORMANCE REPORT
JANUARY 2021**

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

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

P/019/2021: PLANNING APPEALS AND DECISIONS

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

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

The Meeting concluded at 4.15pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 10 March 2021.

Signed: _____ Chairperson

Signed: _____ Chief Executive