

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 15 December 2021 at 11.30am in the Mourne Room, Downshire Estate, Downpatrick and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: **(Committee Members)**

Councillor C Enright
Councillor L Devlin
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D Murphy
Councillor L McEvoy
Councillor H McKee
Councillor G O'Hare
Councillor J Trainor

(Non Committee Members)

Councillor A Finnegan

(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 (via Teams)
Ms A McAlarney	Senior Planning Officer (via Teams)
Mr M Keane	Senior Planning Officer (via Teams)
Mr A Davidson	Senior Planning Officer (via Teams)
Ms P Manley	Senior Planning Officer (via Teams))
Ms N Largey	Legal Advisor
Mr F O Connor	Legal Advisor
Ms S Taggart	Democratic Services Manager (Acting)
Ms L O'Hare	Democratic Services Officer
Ms L Dillon	Democratic Services Officer
Ms C McAteer	Democratic Services Officer

P/115/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Burgess.

P/116/2021: DECLARATIONS OF INTEREST

There were no Declarations of Interest

**P/117/2021: 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.

Councillor Devlin stated she would not take part in discussion / decision on Items 9, 11 and 12 as she did not attend the site visits or presentations to Committee.

Item 9 -LA07/2021/0358/O deferred for a site visit on 22-11-2020. Cllrs. Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee attended

Item 10 LA07/2020/1854/0 - deferred for a site visit on 22-11-2020. Cllrs. Burgess, Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and McKee and O'Hare attended

Item 11 LA07/2021/0108/F - deferred for a site visit on 22-11-2020. Cllrs. Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee and O'Hare attended

Item 12 LA07/2020/1355/F - Previously at Committee on 25 August 2021 - Councillor Devlin recorded an apology for this meeting and Councillor Burgess left the meeting before this application was discussed.

MINUTES FOR CONFIRMATION

**P/118/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON
WEDNESDAY 17 NOVEMBER 2021**

Read: Minutes of Planning Committee Meeting held on Wednesday 17 November 2021. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McEvoy, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 17 November 2021 as a true and accurate record.

FOR DISCUSSION/DECISION

P/119/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 15 December 2021. **(Copy circulated).**

AGREED: On the proposal of Councillor McEvoy, seconded by Councillor O'Hare, it was agreed to remove the following application listed on the addendum list for Wednesday 15 December 2021:

- **LA07/2021/0875/O** - Proposed Replacement Dwelling - Adjacent and North of 5 Loughkeelan Road Strangford Downpatrick. holiday accommodation 6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF
REFUSAL

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/120/2021: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC

Planning Applications LA07/2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC were determined together.

Ms Largey said the agent had referred the Committee to PPS3 at the Pre Determination Meeting earlier in the day, however she said the provisions of the SPPS (para.6.3 04) indicated where there was a reduction in parking standards it could only be addressed via either the LDP or a Transport Assessment and as there was no provision in the LDP in respect of a reduction in parking spaces, that only left a Transport Assessment. She said a Transport Assessment had not been received and, given the significant difference in the parking spaces proposed by the applicant and that requested by Planning, she considered the Committee was not in a position to reach a decision today and the application should be deferred to allow the parking issue to be addressed.

Ms Largey said it was up to the applicant as to whether to agree to submit a Transport Assessment or accept the condition. She said if a Transport Assessment was submitted, it would then have to be consulted upon with DfI Roads. Ms Largey referred to a similar case in Belfast where a reduction in car parking had been applied and which was subsequently the subject of judicial review proceedings.

Ms Largey also referred to the Tribeca Review Belfast where all mitigating measures had been in place and a Transport Assessment submitted but was still the subject of a judicial review. Ms Largey said for all the reasons stated, and with the agreement of Planning, she strongly advised the Committee that the application be deferred.

Discussion took place with the following issues raised:

- Councillor Murphy said it was very disappointing the application could not be processed as it was a very necessary development for Newry city and asked if a timeframe could be given.
- Ms Largey said the timeframe would be determined by whether the applicant chose to accept the condition imposed, or submit a Transport Assessment and if a Transport Assessment was submitted it would then have to be consulted on with DfI Roads.
- Councillor McAteer asked what the situation would be if the Committee decided to change the existing conditions as there was an argument the full parking standard should not be applied. Ms Largey said the policy required a Transport Assessment to be carried out to evidence that argument.
- Ms McShane said the threshold had not been met to warrant a Transport Assessment and said the car parking element of the Transport Assessment would reach the same conclusion that 62 spaces was the optimum number to move forward with.
- Mr Rooney said Planning would have to look at the issue of the thresholds, however, he said the previous recommendation to approve was on the basis of meeting full standards and it was now being proposed those standards would not

be met. He said legal advice should not be ignored and a proper assessment would be required.

- Mr McKay said the car parking surveys had not taken into account subsequent developments and he considered the Committee was not in a position to proceed with a decision given the legal advice and the advice from DfI Roads.
- Ms McShane said paragraph 3.5 of the Transport Assessment Guidelines referred to the size threshold and said the application did not meet the threshold. She said one of the primary functions of the Transport Assessment would be the impact on the road network and with the allocation of only 11 spaces on the site, there would be little or no impact on the road network and even if there was full car parking provision, there were three roads from the site so the traffic would dissipate very quickly. In relation to car parking, the Transport Assessment would set out a statement on the car parking provision, identify mitigating measures in place and decide on a number that would be appropriate to serve the development. Ms McShane acknowledged the subsequent approvals that had not been included in the car parking report, however there would still be over 400 spaces available at night and they would be putting forward 62 spaces as a proposal.
- Mr Killen said the Department could request a Transport Assessment where it saw fit, eg when it may affect the road infrastructure. He said the 62 proposed spaces would not be acceptable and in addition, there were other refusal reasons that had not been addressed, and if all the reasons were not addressed, he would be recommending the application be called in by DfI Planning if the Committee were to approve it.
- Councillor Enright said he would like to see the car parking issue resolved in terms of mitigating measures and meeting sustainability commitments.

Councillor McKee proposed to defer making a decision in respect of Planning Applications LA07/ 2020/0485/F, LA07/2020/0486/DCA and LA07/2020/0487/LBC. Councillor Devlin seconded the proposal.

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

FOR:	12
AGAINST:	0
ABSTENTIONS:	0

The proposal was carried.

Ms Largey said they would look at the issue of whether the standards apply.

AGREED: **On the proposal of Councillor McKee seconded by Councillor Devlin, it was agreed to defer Planning Applications LA07/2020/0485/F, LA07/0486/DCA and LA07/2020/0487/LBC to allow the parking issue to be addressed and to look at whether the standards apply.**

P/120/2021: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee.

(2) LA07/2021/0358/O

(Councillors Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee were in attendance at the site visit)

(Councillors Enright, Devlin, Hanna, O'Hare and Trainor withdrew from the discussion/decision on this application)

Location:

Located approximately 50 metres south east of no. 91 Maphoner, Latbirget, Mullaghbawn.

Proposal:

Proposed erection of outline rural detached infill dwelling house and detached domestic garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr A 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:

In line with the updated Operating Protocol no further speaking rights were permitted on this application.

Mr B McKeivitt, agent and Mr E Flynn, applicant were in attendance to answer any questions from Members.

Issues Raised:

- There was evidence to support the building referred to on the site without planning permission had been in situ for at least 10 years.
- The PAC and Council approach has been that buildings should have either planning permission or a certificate of lawful use before they can be considered as part of an infill application.
- In the past the PAC had accepted an application where a certificate of lawful use was not required as there was other evidence to prove the building had been in place for more than 5 years.
- Mr Davidson said there were two elements to consider, 1. There was no planning permission for the building and 2. Even if the building had planning permission, Planning did not consider it had access to the road and therefore it could not be considered as a third building.

Councillor Murphy proposed to issue an approval contrary to officer recommendation on the basis that the building was in situ for a considerable time and was being used. He said he considered there were three buildings with frontage. Councillor Larkin seconded the proposal.

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

FOR	6
AGAINST:	0

ABSTENTIONS: 0

The proposal was carried.

AGREED: On the proposal of Councillor Murphy, seconded by Councillor Larkin, it was agreed to issue an approval in respect of Planning Application LA07/2021/0358/O contrary to officer recommendation on the basis that the building on the site without planning permission had been in situ for approximately 10 years and was considered to be a third building thereby satisfying the requirements of an infill application.

(3) LA07/2020/1854/O

(Cllrs. Burgess, Devlin, Harte, Larkin, Murphy, McAteer, McEvoy and McKee and O'Hare were in attendance at the site visit).

(Councillors Enright, Hanna, and Trainor withdrew from the discussion/decision on this application)

Location:

40m NW of 169 Bryansford Road, Kilcoo.

Proposal:

Infill Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

In line with the updated Operating Protocol no further speaking rights are permitted on this application.

Mr D Rooney, agent and Mr J McClean, applicant were in attendance to question any questions from Members.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/1854/O saying following the site visit he considered it to be an infill site and there was a substantial shed along the laneway creating the third building. Councillor O'Hare seconded the proposal.

Ms McAlarney reminded Members the shed on the site did not have planning permission and could not therefore be considered. Councillor Larkin said he was referring to the historical building along the lane as referenced by the agent.

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

FOR: 6
AGAINST: 0
ABSTENTIONS: 2

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor O'Hare, it was agreed to issue an approval in respect of Planning Application LA07/2020/1854/O contrary to officer recommendation on the basis that the historical building on the lane was considered to be a third building thereby satisfying the requirements of an infill application.

Councillor Devlin expressed concern about setting a precedent if the Committee was now approving applications where in the past they would have been refused and potentially creating a precedent that could see people erect buildings to then gain an infill site.

Ms Largey said the Committee had taken a change in position in this type of application recently and she said it was something that would have to be looked at in January.

(4) LA07/2021/0108/F

(Cllrs. Burgess, Harte, Larkin, Murphy, McAteer, McEvoy and McKee and O'Hare were in attendance at the site visit).

(Councillors Enright, Devlin, Hanna, and Trainor withdrew from the discussion/decision on this application)

Location:

50m sw of 31a Ballydrumman Road Castlewellan. BT31 9UQ

Proposal:

Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

In line with the updated Operating Protocol no further speaking rights are permitted on this application.

Mr C O'Callaghan, agent was in attendance to question any questions from Members.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor O'Hare it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2021/0108/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(5) LA07/2020/1355/F

(Councillor Devlin withdrew from the discussion/decision on this application)

Location:

90 metres north of 14 Upper Clontigora Road Killeen Newry

Proposal:

Erection of replacement dwelling with detached garage (amended proposal)

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

In line with the updated Operating Protocol no further speaking rights are permitted on this application.

Mr C O'Callaghan, agent was in attendance to question any questions from Members.

Issues Raised:

- The agent considered he had complied with the request from the Committee regarding the re-siting issue.
- The narrow strip of land next to the site was not in the ownership of the applicant and the proposed siting was positioned as close as possible to the old house.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/1355/F contrary to officer recommendation on the basis that all of the refusal reasons could be applied to other applications within the Slieve Gullion AONB, it complied with policy in relation to the AONB and he considered the proposed application to be sympathetic to the character of the area. Councillor Harte seconded the proposal.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	1

The proposal was carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Harte, it was agreed to issue an approval in respect of Planning Application LA07/2020/1355/F contrary to Officer recommendation on the basis that it complied with policy in relation to the AONB and was sympathetic to the character of the area.**

(6) LA07/2021/0068/F

(Councillor Enright left the meeting)

Location:

Between 140 and 142 Concession Road Crossmaglen Newry BT35 9JE

Proposal:

New dwelling house 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:

In objection

Mr Patrick McKeever and Mr Shea Gregory (via Teams) presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

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.

Mr O'Callaghan offered condolences to the family, friends and colleagues of the late Councillor Sean Doran on his recent sad passing and asked that it be noted.

Issues Raised:

- The proposed site line works were the same as was proposed in 2004 and since that time a new wall, fence, substantial planting and electric gates had been installed, all of which would have to be removed to facilitate the site line works.
- Mr Davidson said the issue of ownership was addressed on page 2 of the Case Officer report and Planning was satisfied that appropriate notice had been served to the appropriate people regarding this issue.
- Ms Largey advised that generally matters of ownership were a civil matter and not planning considerations.
- Mr Davidson said whilst approval may be justified for developments that would meet the criteria for development, Planning considered this application did not meet that criteria.
- Mr Davidson said there were inaccuracies in the drawings, overlooking issues and privacy concerns to neighbouring properties. He said the proposed site was previously a garden for No. 140 and it was simply too small to be considered as an acceptable site.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Devlin, it was unanimously agreed to issue a refusal in respect of Planning Application LA07/2021/0068/F as per the information and recommendation contained in the Case Officer report presented to Committee.**

(7) **LA07/2021/0911/F**

Location:

6 Clonduff Road Ballyaughian Hilltown Co. Down BT34 5XF

Proposal:

Conversion of existing agricultural barn to self-contained holiday accommodation

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:

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:

- Mr Keane said the proposal failed to meet any of the criteria set out in TSM 5 for self - catering accommodation.
- No information in support of farm diversification had been submitted.
- In response to a query as to whether a new application would be required if the application was to be assessed under farm diversification, Ms Largey said that Planning would request a new application, however it would be up to the Committee to decide.
- Mr O'Callaghan said he could not confirm if the building had ever been residential and said he considered there was no requirement for the building to have local importance.
- Mr Keane said policy required that the building would have to be deemed locally important, which he said Planning considered it was not.
- Mr McKay said there was a lack of information and a lack of assessment of policy and suggested the Committee defer the application.
- Mr O'Callaghan said there two different policies and they had gone with the Tourism policy that referred to the reuse of local buildings with no reference to having to be of local importance.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2021/0911/F to allow for the appropriate information to be submitted and to investigate the relevant policies in more detail.**

(Cllr. McKee and Cllr Trainor withdrew from the discussion/decision on the next application)

(8) LA07/2020/0316/O

(Councillor Enright re-joined the meeting)

Location:

145m North of 12 Polkone Road Ummericam Dorsey Mullaghbawn.

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:

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

Issues Raised:

- Mr Davidson did not consider the block structure without a roof could be deemed a building and said there was only one building that could be taken into account in planning terms.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2020/0316/O on the basis that the buildings on the site could be accepted as a cluster within an existing group, the site lines did not need vegetation to be removed so therefore it would not be prominent in the countryside.

Councillor Larkin seconded the proposal saying in the past the Committee had accepted similar type structures without roofs as buildings.

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

FOR:	8
AGAINST:	2
ABSTENTIONS:	1

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 LA07/2020/0316/O contrary to officer recommendation on the basis that the buildings represented a cluster, the site lines did not need vegetation to be removed and it would not be prominent in the countryside.**

(9) LA07/2021/0040/O

Location:

Between No 5 & 7 Bog Road Forkhill Newry Co Down.

Proposal:

Infill 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:

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

Issues raised:-

- Mr Davidson said the lane ended at No. 7 Bog Road, however the issue was not where the lane ended, but that No. 7 was on the opposite side of the lane way to buildings located at No. 5 and the proposed application site and there were no bookends.
- Ms Smith said the laneway ended at the private boundary of No. 7 and the driveway to No. 7 was private property and not a continuation of the lane.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2021/0040/O for a site visit to allow Members to assess the site in more detail.

(10) LA07/2020/1386/F

Location:

12-20 Belfast Road Ballynahinch

Proposal:

Demolition of existing buildings and erection of 5 residential dwellings with ancillary works (Amended plans).

Conclusion and Recommendation from Planning Official:

Approval

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:

Mr John Scally, agent presented in support of the application, (via Teams) detailing and expanding upon a written statement that had been circulated to Committee Members.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/1386/F as per the information and recommendation contained in the Case Officer report presented to Committee.

(11) LA07/2021/0531/O

Location:

87 & 89 Crawfordstown Road Drumaness

Proposal:

Replacement of 2 storey semi detached dwellings as single 2 storey dwelling with detached garage.

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:

Mr Sam Hawthorne, agent and Mr Paul Hamilton, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- In response to a comment from a Member that the two existing semi-detached dwellings were very small, Ms McAlarney said the building was an example of a non listed vernacular dwelling and as such the starting point that it be retained and any extension be in keeping with it.
- Ms McAlarney said policy did not consider the economics in the restoration of a building, just the importance of the building and seeking to retain it.
- Ms McAlarney said the starting point of the structural report was the demolition of the building as opposed to its retention.
- Mr Hawthorne said all internal walls would have to be removed and nothing of the character of the existing dwellings would be retained.
- Planning based their decision on the character of the building which they deemed to be vernacular and this was done via a visual inspection.
- Ms McAlarney said there were not many non listed vernacular buildings left in the countryside and it was important to retain them. She said annex 2 listed the primary characteristics of a vernacular building and said the subject building exhibited all of the characteristics listed.
- Mr Hawthorne said he considered it was incorrect that the building was circa 1925 and the maps referred to by the Department refer to the period 1920 – 1958 and there was no reference to the subject building being in situ in 1901.
- Mr Hawthorne said the reality was such that the amount of work required would result in none of the character being retained and the conclusion of the engineer was that the building was not fit for renovation.
- Mr McKay agreed with Ms McAlarney's view of the structural report that had been submitted saying it was important that it addressed the conservation element and not just the visual structural defects.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/0531 on the basis that he considered the agent had provided enough evidence and the structural report had demonstrated the building was beyond repair. Councillor Larkin seconded the proposal.

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

FOR:	8
AGAINST:	2
ABSTENTIONS	1

The proposal was carried.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2021/0531/0 contrary to officer recommendation on the basis that the structural engineers report demonstrated the building was beyond repair.**

Planning Officers to be delegated authority to impose any relevant conditions.

(Councillor Devlin left the meeting)

(12) LA07/2021/0974/O

Location:

Lands 40m SSE of 50 Clarkill Road Castlewellan

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:

Mr Sam Hawthorne, agent and Mr Paul Hamilton presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Ms McAlarney said the backdrop alone was not sufficient to render the site acceptable in terms of integration and it was important to look at the application site in its immediate context from the Clarkill Road.
- Ms McAlarney said the proposed development would sit much higher up than the existing farm dwelling and it was unacceptable as a site in its own right.
- Ms McAlarney said as the application was only outline, there was no detail on the proposed building, but she said even a single storey would require a considerable amount of cutting into the hillside which would not be acceptable.
- Mr Hawthorne said he was content to leave the siting and design of the proposed dwelling open and to accept and adhere to any conditions applied.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/0974/O on the basis that he considered if the proposed development was suitably conditioned, it would not be detrimental to the area, that sympathetic materials be used that would blend with the landscape and it be located as close as possible to the lowest point on the red site line. Councillor Larkin seconded the proposal saying the application could be conditioned and the site was adjoining farm buildings.

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

FOR:	10
AGAINST:	0
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 LA07/2021/0974/O contrary to officer recommendation on the basis that if the development was suitably conditioned it would not be detrimental to the area, sympathetic materials used, and it be located as close as possible to the lowest point on the red site line.

All conditions be delegated to officers.

(13) LA07/2021/1041/O

To the rear of 9 Wateresk Road Dundrum

Proposal:

Dwelling and detached garage with associated site works, including improvements to existing vehicular 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:

Mr Nicholas O'Neill, agent presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Issues raised:

- No. 9 and the proposed dwelling would share an access.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2021/1041/O for a site visit so Members could assess the site in more detail.

(Break 4.15pm – 4.35pm)

(14) LA07/2021/1041/O

Location:

Lands located between 56A & 56B Crawfordstown Road Drumaness

Proposal:

Proposed Infill Dwelling and all associated site works

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:

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

Issues raised:

- Ms McAlarney said Planning considered the application did not comply with CTY8 in that No. 56A did not have frontage and there were not 3 buildings.
- Mr Stephens said he considered No. 56A did have frontage and he referred the Committee to two appeals one of which he said had an identical access arrangement to the application and the other one which demonstrated an application where the lane did not continue.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/1178/O on the basis that he considered the application did have frontage and met relevant policy. Councillor McKee seconded the proposal.

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

FOR:	7
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2021/1178/O contrary to officer recommendation on the basis that the site had road frontage and it complied with policy.

(15) LA07/2021/1207/O

Location:

Between 60 and 62 Ballylucus Road Downpatrick

Proposal:

Two Infill Dwellings and garages

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:

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

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1207/O on the basis that he considered it was obvious that No. 62 had roadside frontage and complied with policy. Councillor McKee 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:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2021/1207/O contrary to officer recommendation on the basis that the site had road frontage and it complied with policy.

(16) LA07/2019/1000/F

Location:

Lands east of Harmony Heights Ballyholland Newry

Proposal:

Construction of 14 no Social Housing Units together with associated car parking, landscaping and site works for Registered Housing Association

Conclusion and Recommendation from Planning Official:

Approval

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:

Mr Michael Rogers, agent and Mr Paul Fox, Rural Housing (applicant) presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Planning to remove the words 'and in the interests of road safety' from the end of Condition 17.
- Mr Fox confirmed the allocations would be taken specifically from the Ballyholland Commons list.
- Ms Collins said there were 23 on the Ballyholland Commons list but the waiting list would determine what the allocations would be when the scheme is ready to allocate.
- Ms Collins said all social housing was allocated from the common waiting list.
- Mr Keane said he was content to amend the conditions to include the allocations would be taken specifically from the Ballyholland Commons list.

AGREED: On the proposal of Councillor O'Hare seconded by Councillor Murphy it was unanimously agreed to issue an approval in respect of Planning Application LA07/2019/1000/F as per the information and recommendation contained in the Case Officer report presented to Committee.

Condition to be added stating that the allocations would be taken specifically from the Ballyholland Commons list.

(17) LA07/2021/0726/F

Location:

16A Derryleckagh Road Newry BT34 2N

Proposal:

Proposed Replacement Dwelling

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:

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

Issues raised:

- Mr Keane said each application was site specific and in the case of the proposed application, whilst Planning had no objection in principle to replacing a dwelling with a larger dwelling, what was being proposed was excessive.
- Mr Keane said the house under construction next door was a completely different orientation to the proposed application and this was an important point to note.
- Mr Keane said the proposed application was not acceptable in terms of size, siting and design.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Hanna it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0726/F contrary to officer recommendation on the basis that the proposed design was reflective of others in the area, would be integrated into the countryside and complied with CTY 1 and CTY 3.

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

P/121/2021

DAERA - ACTIONS TO ADDRESS PLANNING DELAYS

Mr McKay referred to the letter received from DAERA dated 8 November 2021 and circulated to Members. He said that due to a backlog of planning consultations, DAERA had advised in the short term, they would be unable to respond to any requests that sat outside of their core function of planning applications.

Mr McKay said this was a temporary measure and was being done so they could deal with the backlog and then revert back to their usual practice of response within the defined statutory periods.

Mr McKay said in the case of any applications requiring funding, sufficient time should be allowed for proper processing.

FOR NOTING

P/122/2021: HISTORIC ACTION SHEET

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

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

P/123/2021: PLANNING COMMITTEE PERFORMANCE REPORT - NOVEMBER 2021

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

AGREED: It was unanimously agreed to note the Planning Committee Performance Report November 2021.

P/114/2021: CURRENT APPEALS AND DECISIONS -NOVEMBER 2021

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

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

The meeting concluded at 5.17 pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 12 January 2022.

Signed: _____ Chairperson

Signed: _____ Chief Executive