

NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 20 October 2021 at 10.00am 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

(Officials)

Mr C Mallon	Director Enterprise Regeneration & Tourism
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)
Mr M McQuiston	Senior Planning Officer (via Teams)
Ms P Manley	Senior Planning Officer (via Teams)
Ms S Fegan	Planning Assistant (via Teams)
Ms A McBeth	Planning Assistant (via Teams)
Mr G McShane	Planning Assistant (via Teams)
Mr C McKay	Trainee Planning Assistant (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 P McKeever	Democratic Services Officer
Ms D Starkey	Democratic Services Officer (via Teams)

P/091/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Burgess and Councillor Trainor.

P/092/2021: DECLARATIONS OF INTEREST

No declarations of interest were received.

P/093/2021: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25

- **Item 9 – P/2021/0246/F** – only Cllrs Hanna, Harte, Larkin, McAteer, McEvoy, O’Hare and Trainor attended the site visit on this application.
- **Item 10 – LA07/2020/0661/O** – only Cllrs Hanna, Harte, Larkin, McAteer, McEvoy, O’Hare and Trainor attended the site visit on this application.
- **Item 11 – LA07/2020/1797/F** – only Cllrs Hanna, Harte, Larkin, McAteer, McEvoy, O’Hare and Trainor attended the site visit on this application.
- **Item 12 – LA07/2020/0299/F** – only Cllrs Burgess, Hanna Harte Larkin murphy McAteer O’Hare and Trainor attended the site visit on this application.
- **Item 13 – LA07/2020/0496/F** – only Cllrs, Harte, Larkin, McAteer, McEvoy, O’Hare and Trainor attended the site visit on this application.
- **Item 14 – LA08/2020/0893/F** - only Cllrs Harte, Larkin, McAteer, McEvoy, O’Hare and Trainor attended the site visit on this application.
- **Item 15 – LA07/2021/0498/O** - only Cllrs Hanna, Harte, Larkin, McAteer, McEvoy, O’Hare and Trainor attended the site visit on this application.

MINUTES FOR CONFIRMATION

P/094/2021: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 22 SEPTEMBER 2021

Read: Minutes of Planning Committee Meeting held on Wednesday 22 September 2021. **(Copy circulated)**

AGREED: On the proposal of Councillor McKee seconded by Councillor Hanna it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 22 September 2021 as a true and accurate record.

FOR DISCUSSION/DECISION

P/095/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 20 October 2021. **(Copy circulated).**

AGREED: On the proposal of Councillor Devlin, seconded by Councillor Hanna, it was agreed to approve the Officer recommendation in respect of the following applications listed on the addendum list for Wednesday 20 October 2021:

- Item 20 – LA07/2021/0713/F – Cutting and filing of existing ground levels to create new carpark for 10 carparking spaces with 1.1m high perimeter fence - Lands at 360m SE of 18 Glendesha Road (on Glendesha Rd 445m SSE of junction with Quilly Rd) Mullaghbawn. **APPROVAL**
- Item 21 - LA07/2021/0719/F - New, multi-use, non-bitmac, compacted gravel community trails (Application A - amended site address) - Glendesha Forest (Shanroe Block) 350m SE of No. 18 Glendesha Rd Forkhill Newry. **APPROVAL**
- Item 22 - LA07/2021/0722/F - New, multi-use, non-bitmac, compacted gravel and boardwalk community trails. Application B (revised address) - Glendesha Forest (Shanroe Block) 235m E of No. 21 Glendesha Rd Forkhill Newry. **APPROVAL**
- Item 23 - LA07/2021/0725/F - New multi-use, non-bitmac, compacted gravel community trails. Application C (Revised address) - Glendesha Forest (Shanroe Block) 120m Nor No. 88 Carrive Rd Forkhill Newry. **APPROVAL**
- Item 24 - LA07/2021/0977/F - Multi-use, non-bitmac, compacted gravel community trails application D (amended address) - Glendesha Forest (Shanroe Block) 95m NW of No. 92 Carrive Rd Forkhill Newry. **APPROVAL**
- Item 25 - LA07/2021/0930/F - Cutting and filing of existing ground levels to create an extension to existing car parking area, Car parking area to consist of 19 car parking spaces, cycle racks & 1.1m high perimeter fence - 115m W of No. 33 Old Park Rd Drumaness. **APPROVAL**
- Item 26 - LA07/2021/0933/F - Filing of existing ground level to increase size of existing horsebox parking area. Horsebox parking area to consist of 5 parking spaces and turning area suitable for horseboxes, horse mounting blocks and perimeter fence - 300m NNW of No. 117 Drumnaquoile Rd Ballynahinch. **APPROVAL**
- Item 27 - LA07/2021/1139/F - New, non-bitmac, compacted gravel and stone pitching community trails and boardwalk feature for local walking - Lough Park Ballynahinch. **APPROVAL**
- Item 28 - LA07/2021/1410/F - New, non-bitmac compacted gravel community trails for local walking - Windmill Hill Park Ballynahinch. **APPROVAL**
- Item 31 - LA07/2021/0251/O - Single Dwelling - Site adjacent to 57 Castlewellan Road. **REFUSAL**
- Item 32 - LA07/2021/0507/F - Proposed 4 No. Glamping Pods and Welcome Pod with associated car parking, site works and access - 195m W of No. 198 Lackan Rd Kilcoo Newry. **REFUSAL**

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

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

P/096/2021: **NMD LOCAL TRANSPORT STUDY – PRESENTATION BY DEPARTMENT FOR INFRASTRUCTURE: TRANSPORT**

Mr A Rafferty and Dr. L Barry delivered a presentation on the NMD Local Transport Study.

P/097/2021: **LDP: PLANNING POLICY REVIEW – WASTE MANAGEMENT**

Read: Report dated 20 October 2021 from Mr A McKay, Chief Planning Officer regarding the Local Development Plan – Planning Policy Review - Waste Management. **(copy circulated)**

P/098/2021: LDP: PLANNING POLICY REVIEW – TOURISM

Read: Report dated 20 October 2021 from Mr A McKay, Chief Planning Officer regarding the Local Development Plan – Planning Policy Review - Tourism. **(copy circulated)**

Ms Largey advised Members that in respect of relevant applications where Members had not attended a site inspection, they would not be expressly precluded from taking part in discussions by virtue of a recent High Court decision, but officer advice remained they should not take part in discussions.

Ms Largey also advised the decisions of the Committee would, from today be subject to call-in provisions.

On the proposal of Councillor Devlin seconded by Councillor McKee 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/096/2021: NMD LOCAL TRANSPORT STUDY – PRESENTATION BY DEPARTMENT FOR INFRASTRUCTURE: TRANSPORT

AGREED: The content of the presentation was noted.

P/097/2021: LDP: PLANNING POLICY REVIEW – WASTE MANAGEMENT

AGREED: On the proposal of Councillor McKee seconded by Councillor O'Hare the following was agreed:

- **To note LDP: Planning Policy Review – Waste Management**
- **Agree the proposed draft planning policies for inclusion within the draft Plan Strategy, and**
- **Authorise the Development Plan Team to amend the proposed draft planning policies as necessary (i.e. 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 working or direction.**

P/098/2021: LDP: PLANNING POLICY REVIEW – TOURISM

AGREED: On the proposal of Councillor Hanna seconded by Councillor O'Hare the following was agreed:

- **To note LDP: Planning Policy Review – Tourism**
- **Agree the proposed draft planning policies for inclusion within the draft Plan Strategy, and**
- **Authorise the Development Plan Team to amend the proposed draft planning policies as necessary (i.e. 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.

(Break 11.47 – 12.15)

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/099/2021: PLANNING APPLICATIONS (WITH PREVIOUS SITE VISITS)

As per the legal advice given to Members in closed session, Ms Largey advised those Members who had not previously attended site visits or been involved in previous discussions on Planning Applications were no longer exempt from taking part, it would be at Members discretion if they chose to take part, however legal advice still remained to refrain from taking part in any discussion or decision.

(1) LA07/2020/0661/O

Location:

Land opposite and west of Nos 10 -32 Grove Gardens

Proposal:

Housing development

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms A 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:

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

Issues Raised:

- Councillor Hanna raised concerns at the loss of existing parking that would result if the application was granted approval and asked if new parking could be instated.
- Ms McAlarney advised there was potential for parking provision within the red line as demonstrated in her presentation, however she said as the application was outline there was no detail provided of that parking.
- Ms McAlarney said the existing residents did not have dedicated parking spaces, it was on a first come, first served basis and the proposed development would have its own in curtilage parking.

Councillor Hanna proposed to issue a refusal in respect of Planning Application LA/2020/0661/O contrary to officer recommendation on the basis that the proposal would result in a massive impact on on-street parking.

The proposal was not seconded.

Councillor Larkin proposed to issue an approval as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor O'Hare seconded the proposal.

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

FOR:	5
AGAINST:	1
ABSTENTIONS	0

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor O'Hare it was agreed to issue an approval in respect of Planning Application LA07/2020/0661/O as per the information and recommendation contained in the Case Officer report presented to Committee.**

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

(2) LA07/2020/1797/F

Location:

22 Ballaghbeg Park, Newcastle

Proposal:

Proposed single storey rear extension to dwelling

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

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

Barry Hillen, agent, James and Judith Major and Maria Scullion, objectors were in attendance to answer any questions from Members.

Issues Raised:

- Mr McKay advised clarification had been requested from the agent and a drawing had been received which clarified the issue regarding the overhang. He said the objectors had been notified of this and advised if there was any encroachment on neighbouring properties the applicant would be required to serve a notice, this had not been the case and Mr McKay said he was satisfied the proposed development was entirely contained within the boundaries of the property.
- Mr Major considered the plans were inaccurate and had not been addressed by Planning.

Councillor O'Hare proposed to issue an approval as per the information and recommendation contained within the Case Officer report. 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 declared carried.

AGREED: On the proposal of Councillor O'Hare, seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2020/1797/F as per the information and recommendation contained within the Case Officer report presented to Committee.

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

(3) LA07/2020/0299/F

Location:

Adjacent to No. 7 Annacloy Road, North Dunnanelly

Proposal:

Single storey 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:

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

Francis Kennedy, agent was in attendance to question any questions from Members.

Issues raised:

- Ms Largey advised the objective test for Members was to determine whether what was on the ground matched the drawings. She said part of a wall could be evidence of commencement as long as it conformed to the approved plans; the advice from DfI Roads and Planning Department was that it did not match the approved plans.
- Mr McKay said a pre-commencement condition was that the access should have been done first. He said the key issue for the Committee was to determine whether development had commenced and having been to the site several times, he considered foundations were not in accordance with the original approved house plan.
- In response to a query from a Member as to whether any other work on the site could be deemed as commencement, Mr McKay replied this was not the case and regardless of the outcome at the Committee Meeting today, he said there were a lot of matters that needed revisiting as none of the work to date related to the approved planning permission.
- Mr Kennedy said Google maps dating from 2008 and 2011 indicated the entrance had been constructed prior to commencement.

- Mr Kennedy said lorries going in and out of the site had resulted in the main entrance being diverted.
- Mr Kennedy said he had measured the site and compared it against the original plans and he considered there to be a strong correlation and, he said it complied with the plans for a distance of 6 metres.
- Ms McAlarney said several site visits had taken place and measurements carried out and she could not see how the foundations that were in place reflected the approved dwelling, irrespective of the access.
- Ms McAlarney said aerial imagery showed evidence of the foundations, however she considered them to be totally different to what was approved.
- Mr McKay said the nearest wall should not be any more than 4 metres from the outbuilding on the site, he said there was no overlap between the current foundations and where the house should be. He said the distance from the corner of the outbuilding and the nearest point of the foundations was approximately 19 – 20 metres and the house should be in the intervening space, so therefore he said there was no overlap.
- Mr Kennedy said he concurred with Mr McKay that the measurement was 19 – 20 metres, but, he said this measurement was the distance from the corner of the outbuilding to the far side, not the near side of the foundations as Mr McKay had said.

Councillor Larkin proposed to issue an approval contrary to Officer recommendation on the basis that having listened to the agent and having visited the site, he considered the 6 metres of foundations that had been approved by Building Control within the timeframe was situated in accordance with the approved plans. He said the boundary was staggered and the evidence produced by the agent indicated that access was in place prior to commencement.

Councillor O'Hare seconded the proposal.

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

FOR:	5
AGAINST:	0
ABSTENTIONS:	1.

The motion was 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 LA07/2020/0299/F contrary to Officer recommendation on the basis that the 6 metres of foundations, approved by Building Control within the timeframe was in accordance with the approved plans, the boundary was staggered and evidence produced indicated access was in place prior to commencement.**

Planning Officers be delegated authority to impose any relevant conditions.

(4) LA07/2021/0498/O

Location:

20 m North of 14 Old Road, Mayobridge

Proposal:

Proposed site for infill dwelling 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:

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

Martin Bailie, agent was in attendance to question any questions from Members.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2021/0498/O contrary to Officer recommendation on the basis that having visited the site, he was satisfied there was continuous frontage and continuous traffic movement around the site.

Councillor O'Hare 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 declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor O'Hare it was agreed to issue an approval in respect of Planning Application LA07/2021/0498/O contrary to Officer recommendation on the basis that there was continuous frontage and continuous traffic movement around the site.

Planning Officers be delegated authority to impose any relevant conditions.

(Lunch break – 13.37 – 14.05)

(5) LA07/2020/0496/F

Location:

Approx 105m NE of junction of Bernish Road and Seavers Road.

Proposal:

Consolidation of existing development to form single dwelling

Conclusion and Recommendation from Planning Official:

Refusal

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:

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

Colin O’Callaghan, agent was in attendance to question any questions from Members.

Noted:

Ms Largey advised the Chair, in the absence of a quorum, he could, at his discretion permit Members who were not previously involved in discussions on this Planning Application or who had not attended the site visit, to take part in the discussion / decision at the Committee Meeting today.

Issues Raised:

- Mr Rooney said the proposed application was located within a designated Special Countryside Area and Area of Outstanding Natural Beauty as designated within the Area Plan and as such, planning permission would only be granted to development proposals that were of national or regional importance or the consolidation of existing development providing it was in character and scale, did not threaten any nature conservation or built heritage interest and could be integrated within the landscape.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/0496/0 contrary to Officer recommendation on the basis that following the site visit, he considered there to be existing development on the site and the proposed development would maintain the character and scale of the area, he did not consider the proposed development would threaten the natural heritage and would be integrated within the landscape.

Councillor O’Hare seconded the proposal.

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

FOR:	4
AGAINST:	1
ABSTENTIONS:	0

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 LA07/2020/0496/0 contrary to Officer recommendation on the basis that there was existing development on the site, the proposed development would**

maintain the character and scale of the area and it would not threaten the natural heritage of the area.

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

Ms Largey advised a quorum had not been present when determining Planning Application LA07/2020/0496/O, and consequently, as per Standing Orders, the decision taken would not be lawful, therefore it would be necessary to either defer Planning Application LA07/2020/0496/0 or to re-take the vote to allow Members who were not present at previous discussions to take part.

It was decided to re-take the vote and voting was as follows:

FOR:	6
AGAINST:	1
ABSTENTIONS:	0

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 LA07/2020/0496/0 contrary to Officer recommendation on the basis that there was existing development on the site, the proposed development would maintain the character and scale of the area and it would not threaten the natural heritage of the area.**

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

(6) LA07/2021/0108/F

Location:

50m SW of 31a Ballydrumman Road, Castlewellan

Proposal:

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:

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:

- Ms McAlarney said if the proposed dwelling were to be re-sited, it would require a new application.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor McKee, it was unanimously agreed to defer Planning Application LA07/2021/0108/F for a site visit to allow Members to assess the site in more detail.**

(7) LA07/2020/0457/F

Location:

Lands at and immediately adjacent to St. Peter’s GAA Club lands, Moygannon, Warrenpoint.

Proposal:

Full planning application for construction of practice pitch incorporating goals, ballstops, dugouts, site road, walking track, amenity area, improvements to existing carpark, boundary fencing, two storey pavilion incorporating changing rooms, toilets with meeting rooms over, improvements to existing entrance and visibility splays from Rostrevor Road and alterations and refurbishment of existing changing rooms

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.

AGREED: **On the proposal of Councillor O’Hare seconded by Councillor McEvoy it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/0457/F as per the information and recommendation contained within the Case Officer report presented to Committee.**

(Recess: 14.43 – 15.09)

(8) LA07/2021/0246/F

Location:

Immediately NW of 102 Tullybrannigan Road, Newcastle

Proposal:

Proposed 2 no. self- contained tourism units.

Conclusion and Recommendation from Planning Official

Refusal

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:

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

Mr Declan Rooney, agent was in attendance to question any questions from Members.

Councillor Hanna proposed to issue a refusal in respect of Planning Application LA07/2021/0246/F as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor Enright 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 declared carried.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Enright it was agreed to issue a refusal in respect of Planning Application LA07/2021/0246/F as per the information and recommendation contained within the Case Officer report presented to Committee.**

(9) LA07/2021/0734/0**Location:**

Approx. 50m SE of 158 Ballylough Road, Castlewellan

Proposal:

Proposed Infill Dwelling and 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 Declan Rooney, agent and Mr Fintan Forsyth, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Ms Largey said the agent was correct in his interpretation of the planning legislation in respect of immunity from enforcement, however, she reminded Members the

consistent approach by Council in establishing if a building was immune from enforcement was to request a certificate to demonstrate that.

- The property at No. 158 was in the ownership of the applicant.
- Ms Largey clarified the issue regarding enforcement saying the legal position was that an application for a CLUD would require to be submitted and although there may have been circumstances where the PAC Commissioners deviated from this, the legal test to establish lawful use was to apply for a certificate.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Murphy, it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0734/0 contrary to Officer recommendation on the basis that the application complied with Planning Policy CTY8, there was a continuously built up frontage and the garage on the site was immune from enforcement.**

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

(10) LA07/2020/0893/F

Location:

60 metres south of no. 49 Ballsmill Road, Glasdrummond, Crossmaglen

Proposal:

Proposed erection of 2 no. detached rural infill dwelling houses and detached garages ancillary works and additional landscaping

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:

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

Issues raised:

- Mr Rooney confirmed that Planning were content the privacy of No. 51 would not be adversely affected by the 2 windows on the gable end of the proposed application.
- Mr Rooney said Planning considered that Nos. 47, 49 and 51 all had road frontage on to the Ballsmill Road, and whilst he acknowledged Nos 49 and 51 had direct access on to the Ballsmill Road, No. 47 also had frontage based on previously approved drawings.
- Councillor McAteer asked if the field to the left had been deemed to be agricultural, would it have had any bearing on the decision taken by Planning. Mr Rooney said Planning had put determining weight on the red line of a previous approval on the site which showed all of the area within the curtilage of the property and he said the field to the left side was within the red line. No. 47 also had access to the Ballsmill Road via a wide driveway and therefore the conclusion by Planning in this case was

to issue an approval, however, Mr Rooney said each application would be dealt with on a case by case basis.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/0893/F as per the information and recommendation contained within the report presented to Committee. Councillor O'Hare seconded the proposal.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	1

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 LA07/2020/0893/F as per the information and recommendation contained within the Officer report presented to Committee.**

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

(11) LA07/2021/0358/0

Location:

Located approx. 50m SE 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 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:

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

Issues raised:

- Mr McKevitt said the building that Planning had referred to as unauthorised had been in-situ for over 12 years.
- Mr Rooney said there appeared to be little evidence of usage of the access in conjunction with No. 89. He considered the building did not have frontage on to Smiths Brae and the field had the appearance of an agricultural field and did not appear to be used in conjunction with the building.
- Mr McKevitt said the access was used frequently. There was a total separation distance from the access and the existing field and the access had been used to

access a boiler business. He said there was no livestock in the field as it was unsuitable for livestock and the area was maintained as part of the building.

- Mr Rooney said the application did not fulfil the necessary criteria to satisfy CTY2A.

AGREED: **On the proposal of Councillor Murphy seconded by Councillor Hanna it was unanimously agreed to defer Planning Application LA07/2021/0358/O for a site visit to allow Members to assess the site in more detail.**

(12) LA07/2021/0020/F

Location:

30m NE of 66 Mearne Road Ballysugagh Downpatrick.

Proposal:

Proposed Barn conversion and extension to dwelling accommodation

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:

Ms Brigin Fegan, architect and Mr Fergus McGrath presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Issues raised:

- Mr McGrath considered the building to be of local importance.
- Ms McAlarney said the example of a barn conversion in Killyleagh that Ms Fegan had referred to, could not be compared to the application as they differed in terms of quality, context and situation.
- Ms Fegan referred to a map that indicated the barn had been included on the first ordinance survey map, dating back to the mid-1800s.
- Ms McAlarney said professional judgement was needed in determining if a building was historically important and it was not enough for a building to be old. She said there should be architectural or historical merit to the building and it was important to set a standard for the type of building that would merit conversion.
- Ms Fegan said it was intended to use a core ten roof, which was a new modern material, which, when exposed to rain would turn from a grey colour to a rust colour in keeping with what was already there, also, the external walls would be stripped back to the original stonework.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Murphy it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0020/F contrary to Officer recommendation on the basis that the application complied with policy and the building was locally important.**

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

(13) LA07/2021/0515/O

Location:

Adjacent to 9 & 11 Rocks Chapel Road, Downpatrick.

Proposal:

Dwelling and 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 David Burgess, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members

Councillor W Walker spoke in support of the application.

Issues raised:

- Ms McAlarney said the application failed to meet the requirements of CTY8
- Mr Burgess said he considered the application complied with both CTY8 and CTY2A.
- Councillor Walker said the building was an Orange Hall and there was evidence it was in use and not derelict.
- Ms McAlarney clarified the Case Officer report indicated the hall appeared to be derelict, not that it was derelict.
- Ms McAlarney said Policy CTY2A listed a number of criteria that had to be met, the first of which was a visual test, in that the cluster would have to appear as a visual entity in the local landscape, which Planning considered the application did not.
- Ms McAlarney said it was a matter for the Committee to decide which, if either policy the application complied with, CTY8 or CTY2A.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor Larkin it was unanimously agreed to issue an approval in respect of Planning Application LA07/2021/0515/O contrary to Officer recommendation on the basis that the application complied with both CTY8 and CTY2A in that there were 3 buildings with frontage and the Orange Hall was a focal point.

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

FOR NOTING

P/100/2021: HISTORIC ACTION SHEET

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

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

P/101/2021: PLANNING COMMITTEE PERFORMANCE REPORT- SEPTEMBER 2021

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

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

P/102/2021: CURRENT APPEALS AND DECISIONS -SEPTEMBER 2021

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

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

The meeting concluded at 16.43

For confirmation at the Planning Committee Meeting to be held on Wednesday 17 November 2021.

Signed: _____ Chairperson

Signed: _____ Chief Executive