

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 6 March 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber: Councillor C Enright Councillor A Finnegan
Councillor G Hanna Councillor M Larkin
Councillor M Rice

Officials in attendance: Mr Conor Mallon, Director Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director of Regeneration
Mr Pat Rooney, Principal Planning Officer
Mr Peter Rooney, Head of Legal Administration
Ms A McAlarney, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Mr Michael McQuiston, Senior Planning Officer
Ms S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

P/020/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Byrne, Campbell, King, McAteer, S Murphy and Tinnelly.

P/021/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/022/2024: 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.

- Item 6 - LA07/2020/1651/F – Cllrs Byrne, Campbell, Finnegan, Hanna, Larkin, McAteer, D Murphy, S Murphy, Rice and Tinnelly attended site visit on 20-02-2024.

MINUTES FOR CONFIRMATION

**P/023/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING
WEDNESDAY 7 FEBRUARY 2024**

Read: Minutes of Planning Committee Meeting held on Wednesday 7 February 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 7 February 2024 as a true and accurate record.

FOR DISCUSSION/DECISION

P/024/2024: **ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 6 March 2024. **(Copy circulated)**

Councillor Hanna proposed that item 7, LA07/2022/0546/F, be deferred to allow objectors the opportunity to request speaking rights, as they were unaware of the process required to address the Committee. This was seconded by Councillor Larkin.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to defer Item 7, LA07/2022/0546/F, to a future Committee Meeting.

On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 6 March 2024:

- **LA07/2022/1838/F** - Lands at Church Lane, Warrenpoint and to the rear of 9 & 11 Mary Street Warrenpoint, BT34 3NT - Erection of 2 apartments
APPROVAL
- **LA07/2021/0904/F** - Lands to the rear of 134-136 High Street, Newry, BT34 1HH - Erection of 1 No. 2 storey block, comprising 4 No. apartments.
APPROVAL
- **LA07/2019/1162** - Lands adjacent to and south-west of 7 Saintfield Road and north of 41 Moss Lane, Ballynahinch - Proposed erection of 5 detached dwellings and associated parking, 3 garages, landscaping, road widening and all other associated site and access works
APPROVAL
- **LA07/2022/1358/O** - Land adjacent to & east of 7 Spa Grange, The Spa, Ballynahinch - Detached single dwelling
APPROVAL

DEVELOPMENT MANAGEMENT –

P/025/2024

PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2022/0246/F

Location:

Lands approx. 160m SE of Clanmaghery Road, Tyrella, Downpatrick

Proposal:

3 eco-pods, ancillary car park and associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson noted that in line with Operating Protocol, no further speaking rights were permitted on this application, and requested questions from the Committee following the recent site visit.

Ms McAlarney noted that Members were aware of the location of the application following a recent site visit and gave a brief reminder of the details of the application and the reasons for the recommendation of a refusal.

Councillor Hanna advised that Council has a sustainable tourism strategy, and queried how much investment the applicants were proposing to put into the site. He further queried the accessibility of the site.

Mr E Hanna, applicant, responded that each pod was about £70,000 each, as they were bigger than a glamping pod. He further advised that everything was wheelchair accessible, and highlighted the possibility of purchasing a sand wheelchair in order to allow access to the beach.

Councillor Larkin proposed that the Committee support the officer's recommendation and issue a refusal in respect of this planning application. This was seconded by Councillor Hanna.

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

FOR:	5
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Enright it was agreed to issue a refusal in respect of planning application LA07/2022/0246/F supporting the officer recommendation as contained in the Case Officer Report.

P/026/2024:

PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2023/1934/F

Location:

The Courtyard, 11 Scotch Street, Downpatrick.

Proposal:

Change of use from hairdressing salon to single bed apartment.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Ms McAlarney outlined the details of the application, and advised Members that the application was a full planning application for a pedestrianised street within the town centre, located in the primary retail core and a conservation area. She advised that there had been one letter of support and 2 letters of objection. Ms McAlarney outlined the reasons for a recommendation of refusal, advising that the Planning Department felt that a loss of retail in the area would be detrimental to the shopping environment.

Speaking rights:In Objection:

Mr Neale Weir spoke in objection to the application stating with approval of the application, a snowball effect would occur in the area. He stated that the pedestrianised street was used as a car park, and therefore forcing pedestrians into the street, which was unsafe. He reiterated that the key to achieving footfall for a business was to have other retail opportunities nearby, and he noted that since a business had relocated to a premises near his business, he had noted an increase in footfall. He advised that the premises was not vacant as stated, as a local business had moved into it following the recent floods in the District.

In Support:

Mr Michael Bailie spoke in support of the application and advised that the Case Officer had overlooked the lack of demand for retail rentals, as evidenced by the number of vacant properties on the street. He understood the references to the primary retail core as outlined but noted that demand for housing was on the rise and this needed to be considered. He further advised that his letting agent was unable to rent out the property, despite offering a lowered rent. He argued that the location of the application lay outside of the primary retail core, and noted that Market Street, had a large number of vacant retail premises. He stated that housing in this location could help reduce anti-social behaviour and could foster a greater sense of community.

In support:

Councillor Sharvin noted that the street in question already had a mix of domestic and non-domestic properties, and that consideration was needed to balance the vacant and non-vacant properties. He noted that town centres have changed, and bringing people to live within a town centre would help bring footfall also. He noted that the application detailed no changes to the frontage of the premises, only the interior. He also made reference to the vacant and derelict levels within the town and noted that these mostly commercial premises.

Councillor Enright noted that there was a large percentage of units within the District vacant and stated that a different approach was needed to reverse this dereliction.

Mr Pat Rooney advised that while the face of retail had changed, and that needed to be acknowledged, the form of future retail was unknown, therefore the Planning Department

had to take a balanced approach. He referenced the Council’s approach was “living over the shop”, to still allow people to live in a town centre.

Councillor Rice queried the efforts the applicant had made to fill the premises during the two years it had been vacant. Mr Bailie advised that a letting agent had tried to lease it over this period of time.

Councillor Murphy noted that it was difficult to predict the shape of retail in the future, and queried whether Mr Neale he could elaborate on his plans for retail in the location.

Mr Neale advised he had plans for a number of properties on the street and had correspondence with various stakeholders regarding establishing a bookshop café. Mr Neale advised he had not noticed the advertisement for the applicant’s premises, as he stated he would have approached the letting agent to discuss the premises.

In a response to Councillor Hanna’s query, Ms McAlarney advised that while the street was a pedestrianised street, there were two nearby car parks that would prove sufficient for tenant parking, should the decision for an approval be made by the Committee. In response to a further query, she advised that the policies were designed to protect the retail core, and that the retail core consisted of more than shops, it also included entertainment and leisure in a bid to generate activity into a town centre.

Councillor Murphy then offered the opportunity to Mr Weir and Mr Bailie to rebut any inaccuracies they had heard during the discussions.

Mr Bailie advised that the premises had only been let recently due to the flooding within the District, while Mr Weir advised that the current tenant had advised she was likely to remain in situ for a period of at least a year.

Following the discussions, the proposal was put to a vote by a show of hands and voting was as follows.

FOR:	5
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue a refusal in respect of planning application LA07/2023/1934/F supporting to officer recommendation as contained in the Case Officer Report.**

(2) LA07/2023/2331/F

Location:
Lands 80m to the west of Moss Road, Ballynahinch.

Proposal:
Dwelling on a farm

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:

Ms Annette McAlarney outlined details of the application, and noted that the proposed access was an existing lane. She noted no objections had been received. She referenced the policies that the application was judged against, and pointed out the application included the removal of some roadside vegetation. She further noted that the agent had submitted some new information, after the application was placed on the delegated list. She advised that this new information appeared to show an alternative access route, which the Planning Department believed should warrant a new application.

Speaking rights:In Support:

Mr Declan Worthington noted that the new information was submitted on 26 January, while he believed a decision was still to be issued. He advised that he believed that it was not a new application as suggested but was rather an amendment to the red line boundary. He advised Members that the detail they had been shown was inaccurate, as he believed that the amended red line should have been submitted to the Planning Portal. He asked Members to defer any decisions to allow for proper procedure to take place, in the form of statutory and neighbourhood notifications.

Mr Worthington referenced a building on the land that the Case Officer noted did not have a roof, however he advised there was a roof as the building was used for storage, and therefore should be taken into account when looking at visually linked buildings. He argued that the farm was not a nucleated farm stating it was spread out over a large area, was currently being expanded and noted that any alternatives offered were unsuitable for various reasons.

Following a brief discussion regarding neighbourhood notifications and a similar application that had been tabled at the February Committee, Mr Peter Rooney advised that in line with the Planning Committee Operating Protocol,

“A deputation shall not be permitted to raise any new matters or produce information which was not before officers at the time the recommendation was made, unless they can demonstrate to the satisfaction of the Committee that the matter could not have been raised before that time...”

Mr Peter Rooney noted that this was a complete change of access, the detail before the Committee was what the agent and applicant had submitted and was therefore correct. He stated that any new information was considered a material change to the application, as it had already been placed on the delegated list, and a decision had been made regarding the application.

Councillor D Murphy noted that he had the impression that this change had been sent in before a decision had been made. Mr Worthington noted that he had acted immediately upon receipt of the Case Officer's Report. He drew Members' attention to a legal case relating to Belfast City Council and advised it had bearing on this case.

Mr Pat Rooney noted that late submissions can be an issue for the Planning Department and advised that there were ongoing discussions to change legislative, procedural and process issues, however despite this, the Planning Department made the decision based on the information at hand on the original application, and any changes would require a new application.

Mr Peter Rooney advised that he had no knowledge of the legal case referenced by the agent, and therefore advised he was unable to offer any opinion on it, or whether it had any bearing on this application.

In light of the discussions regarding the legal case, Councillor D Murphy proposed that the application be deferred to allow clarification on any legal bearing on the case. This was seconded by Councillor Finnegan.

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 D Murphy, seconded by Councillor Finnegan, it was agreed to defer planning application LA07/2023/2331/F for Members to receive legal advice regarding the application.**

(3) **LA07/2022/1696/O**

Location:

Approx. 58m East of No. 11 Flagstaff Road Newry BT35 8NP.

Proposal:

Proposed dwelling and detached domestic garage on an infill site.

Conclusion and Recommendation from Planning Official:

Refusal.

Power-point presentation:

Mr Pat Rooney notified Members that a recent letter of support dated 5 March 2024 from a Councillor raised a point in support of the application. The Planning Department assessed the content and noted that there was not significant weight attached to it to defer the application. The Committee advised they were happy to proceed with the application.

Mr Pat Rooney detailed the application, and outlined which policies it was judged against and what requirements were not met, noting that there were no objections to the application. He stated that the Planning Department did not feel the proposed development constituted continuous built-up frontage and felt that various elements broke up the frontage. He further advised that some buildings did not form part of the same frontage. He noted that the Planning Department felt that the site could hold 3 dwellings, and anything less would lead to a suburban type of development.

Speaking rights:

In Support:

Mr Declan Rooney presented the reasons he believed that the policy usage was incorrect. He noted that the applicant was applying for permission for one dwelling, not two or three. He stated that the site was irregular in size and felt that this was not acknowledged by the

Planning Department. He stated that a possible third dwelling would be forced into a small corner of the irregular sized plot.

Councillor Hanna queried whether a break in frontage of a road, was set in stone within the policy or subject to opinion for the Committee to decide on.

Mr Peter Rooney advised that planning officers and the agent were reliant on differing planning appeal cases to support their decisions and advised that it was up to Members if they recognised a break or not with the case having to be decided on its merits.

Following this advice, Councillor Larkin proposed a site visit, which was seconded by Councillor Hanna. 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 Larkin, seconded by Councillor Hanna, it was agreed to defer planning application LA07/2022/1696/O to allow for a site visit.

FOR APPROVAL

P/027/2024 **LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST**

Read: Communication from the Department of Communities regarding the listing of several special architectural building and historical sites. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Larkin, seconded by Councillor Finnegan, to note the list as approved.

P/028/2024 **HISTORIC ACTION SHEET**

Read: Historic action sheet for agreement **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Finnegan, seconded by Councillor Larkin, to note the historic action sheet.

P/029/2024 **CALL FOR EVIDENCE: FUTURE FOCUSED REVIEW OF THE SPSS ON THE ISSUE OF CLIMATE CHANGE**

Read: Report from Mr J McGilly, Assistant Director Regeneration, regarding the Call for Evidence Response: Future Focused Review of the Strategic Planning Policy Statement (SPSS) on the issue of Climate Change **(Copy circulated)**

Councillor Enright suggested amendments to the document as follows:

- Question 1 should reference to energy transition, not simply climate change.
- Question 2 should reference to the increased use of permissive development.
- Question 3 should reference to a more balanced approach to planning permission on landscaping, to allow for natural energy resources.
- Question 5 should strengthen the mention of rural issues, such as the need to install EV charging or PV Panels, this shouldn't necessarily be a Planning Committee remit.
- Question 6 – he urged the Department to look at other jurisdictions' guidelines on zero or low carbon approach to their building regulations.
- Question 7 he urged a full review of the LDP or address a climate change specific amendment.

Mr Michael McQuiston noted the recommendations and advised that this was a call for evidence at this stage as the Department had indicated that they were unsure whether a full SPPS review was to be undertaken. He further noted that on some issues, the Council Local Development Plan went further than some Department recommendations on issues such as flooding prevention.

AGREED: **It was agreed on the proposal of Councillor Enright, seconded by Councillor Larkin, to agree the proposed Council response to the future focused review of the SPPS on the issue of Climate Change, with the agreed amendments included.**

There being no further business the meeting ended at 11.45am

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**