NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 10 January 2024 at 10.00am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor D Murphy

Committee Members In attendance in Chamber:

Councillor P Campbell
Councillor A Finnegan
Councillor C King
Councillor D McAteer
Councillor M Rice
Councillor C Enright
Councillor G Hanna
Councillor M Larkin
Councillor S Murphy
Councillor J Tinnelly

Officials in attendance: Mr C Mallon, Director Economy, Regeneation & Tourism

Mr J McGilly, Assistant Director of Regeneration

Mr A McKay, Chief Planning Officer Mr Pat Rooney, Principal Planning Officer

Mr Peter Rooney, Legal Advisor
Mr M Keane, Senior Planning Officer
Ms P Manley, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer

Ms C Halliday, Planning Assistant

Miss S Taggart, Democratic Services Manager Ms F Branagh, Democratic Services Officer

P/001/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Byrne.

The Chairperson advised there had been an error on the addendum list. He stated item 6 should be removed and item 7 added onto the addendum list for Members' agreement.

P/002/2024: DECLARATONS OF INTEREST

There were no declarations of interest.

P/003/2024: 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, Larkin, Lewis, Murphy, McAteer and McEvoy attended the site visit on 18-01-2023

MINUTES FOR CONFIRMATION

P/004/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING

WEDNESDAY 13 DECEMBER 2023

Read: Minutes of Planning Committee Meeting held on Wednesday 10

December 2023. (Copy circulated)

AGREED: On the proposal of Councillor McAteer, seconded by Councillor

Finnegan, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 December 2023 as a

true and accurate record.

FOR DISCUSSION/DECISION

P/005/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations

received or requests for speaking rights – Wednesday 10 January 2024.

(Copy circulated)

AGREED: On the proposal of Councillor Hanna, seconded by Councillor S

Murphy, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List

for Wednesday 10 January 2024:

 LA07/2022/1395/F - 11 & 13 Duke Street, Warrenpoint, BT34 3JY- Proposed demolition of Nos 11 & 13 Duke Street, Warrenpoint and reconstruction of off-licence with four apartments over

APPROVAL

LA07/2020/0426/F - 51a Forkhill Road, Newry, BT35 8QY - Demolition of existing
dental practice, hot food bar and ancillary storage buildings; development of indoor
play unit, replacement dental practice, replacement hot food bar, restaurant,
opticians, travel agency, craft shop, ancillary storage buildings; and extension to
existing kitchen area for existing

APPROVAL

 LA07/2023/2082/F - 35 Fair Road, Greencastle Kilkeel, BT34 4LS - Addition of a single storey rear extension

APPROVAL

 LA07/2023/2322/F - Council Playing Fields The Links, Strangford - Construction of new public walking trail and car park

APPROVAL

 LA07/2023/3517/F - Market House 17 The Square Ballynahinch - Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.

APPROVAL

- LA07/2023/3516/LBC Market House 17 The Square Ballynahinch Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.
 CONSENT
- LA07/2022/1052/O 61-63 Edward Street Downpatrick Demolition of existing shop building and proposed construction of 2no Semi-detached dwellings APPROVAL
- LA07/2022/2025/LBC 10-14 Central Promenade Newcastle Co. Down -Replacement 2no. 1st Floor fixed sash windows and frames to match existing. CONSENT
- LA07/2020/0801/O Lands between Daisy Hill Road adjacent and northwest of 3
 Woodhill adjacent and southeast of 1 Woodlands Newry Proposed Housing
 Development

REFUSAL

DEVELOPMENT MANAGEMENT -

P/006/2024 PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2020/1651/F

Location:

75m north of 18 Ballinasack Road, Mullaghbawn, Newry BT35 9XT

Proposal:

Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description)

Conclusion and Recommendation from Planning Official: Refusal

The Chairperson advised the previous site visit had occurred in 2023 with previous Planning Committee Councillors, therefore a quorum was not available. He proposed that a further site visit for the new Councillors be held before the next Planning Committee Meeting. This was seconded by Councillor Finnegan.

AGREED: On the proposal of Councillor D Murphy, seconded by

Councillor Finnegan, it was agreed to defer decision on the application for a site visit prior to the next Planning Committee Meeting in February.

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P/007/2024: PLANNING APPLICATIONS FOR DETERMINATION

(2) LA07/2022/1168/F

Location:

Lands east of Chancellors Road north and west of No. 20 Carnagat Lane and to the north And rear of Nos. 44; 46 and 46a Chancellors Road Newry

Proposal:

Erection of a 16,730sqm storage and distribution warehouse including ancillary office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, earth bund, site access including realignment of Chancellors Road

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

Patricia Manley provided details of the application, alongside a site map with the layout of the development included. Ms Manley clarified details of the frontage, elevations, façade, loading bays and associated earth bunds. She provided images of the site by section and detailed concerns and issues such as road widening, building positions, and restricted views which would help integrate the building. She mentioned that nearby properties had submitted letters of support. She outlined the policies that the application was judged against, which led to the approval decision by the Planning Department. Ms Manley outlined the consultation process with all statutory bodies, and any concerns raised were mitigated subject to conditions being met. She finished by outlining that approval was subject to all conditions already set out by consultees being met.

Speaking rights:

In objection:

Chancellor Road Residents Group, represented by Martina Lynch. Ms Lynch detailed that over 320 objections had been raised from residents, community groups and political representatives. She put forth the arguments as to why she believed the policies that the application was judged against were incorrect and the impact on community amenity and safety, alongside arguments relating to parking spaces, the height of the proposed structure and site traffic in relation to Chancellors Road. Ms Lynch highlighted that there was only one entrance to the site, that of Chancellors Road, and that all traffic would have to travel this route, which was unsafe for residents. She queried why Environmental Health had changed their objection to approval in November 2022. She also detailed residents concern about the lack of public transport available to the area, and the increase in traffic that would result from staff driving to work at varying hours of the day and night.

In Support:

Tom Stokes, Planning Consultant, spoke in support of the application. Mr Stokes outlined how the business would support the local economy and outlined that the site was located in an area already zoned for development. He reiterated that the applicant understood the concerns of the residents and would work hard to be a good neighbour. He mentioned that they had consulted with DFI roads, and agreements were in place that Chancellors Road would be brought up to standard before any work began on the site to include road widening and a dedicated right turn lane for traffic to the site in order to try to ensure the safety of the local residents. He outlined the changes from the previous application, detailing how the proposed purchase of land was increased to allow an increase in the distance of the site from local residents, and in conjunction with Environmental Health what measures were put in place to help reduce any noise pollution.

An extensive debate followed, with Councillor Hanna querying the actual operating hours of the business, and any measures taken regarding noise reduction within the warehouse, and on all external works, to include the reverse warning noise on HGVs and forklifts. Further discussions centred around operating hours, delivery hours, working schedules of staff, and the location of loading bays in relation to local residents, alongside all efforts taken to reduce noise of the work in consultation with Environmental Health.

Councillor Finnegan questioned whether any agreement had been reached with DFI Roads about ensuring that Chancellors Road was brought to standard width, among other concerns that impacted on residents' safety. Mr Stokes clarified that all work on upgrading Chancellors Road was to be carried out prior to work beginning on site and mentioned that this was already agreed with DFI Roads.

Councillors D Murphy, McAteer and Tinnelly further queried and clarified details pertaining to the noise pollution tests and results, the operational hours of the site, and the delivery hours of the HGV lorries. Ms Lynch queried whether a condition could be put in place that HGV lorries leaving the site depart in a particular direction, but Ms Manley confirmed that traffic cannot be controlled in such a manner, and it wouldn't be a condition that could be placed on the approval of the application.

Following further discussion regarding the distance of various locations within the site to the nearest residence, vehicular movement within the site and associated noise impact, the proposal was put to a vote and voting was as follows:

FOR: 10 AGAINST: 0 ABSTENTIONS: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by

Councillor Campbell, it was agreed to issue an approval in

respect of planning application LA07/2022/1168/F

supporting the officer recommendation as contained in

the Case Officer Report.

Planning Officers be delegated authority to impose any

relevant conditions.

(4) LA07/2020/1671/F

Location:

Land adjacent to Seaview and Shore Street and 34 Seaview Killyleagh

Proposal:

Residential development of 4 two bed townhouses, 4 one bed apartments and 2 two bed apartments (10 units in total) with vehicular and pedestrian entrance at Seaview, car parking, private open space and ancillary works including retrospective consent to demolish garage (Amended proposal description and amended plans)

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Annette McAlarney made use of a power point presentation detailing the site location and all nearby residences and structures. Ms McAlarney mentioned that 95 letters of objection and 45 letters of support had been received. She outlined that the site was located in a conversation area, in close proximity to a number of listed buildings. She mentioned that the application was reduced from 18 units down to 10, outlining the policies that the application had been judged against to both reduce the number of units, and to approve the application. Ms McAlarney detailed that the site may be subject to flooding, being on a flood plain boundary, but reiterated that DFI Rivers had no objection to the approval of the application after the building elevations were increased.

Speaking rights:

In objection:

Mark Conn and Abigail Kilgore from DAERA Marine and Fisheries Division spoke in objection to the site. Mr Conn commended the amended plan, outlining that the majority of the site now remained outside of the flood plain, however the South East corner still remained within the flood plain. He outlined that although there was a flood wall in place to protect the site, they were not 100% effective. He welcomed the elevation of the buildings. and the decreased number of units as part of the application but asked if they could be altered or raised further to mitigate the risk of flooding.

Councillor Larkin queried it was possible to increase the elevation of the buildings as suggested by Mr Conn, and Ms McAlarney confirmed that if the Committee decreed that the levels needed to be increased, this would result in a change to the application and would require a new application. She reiterated that the current levels were approved in relation to a flood risk assessment, and they were marginally above the levels relating to a climate change flood.

Councillor Hanna gueried the existing sea wall, ownership of the same and if it could be elevated. Ms McAlarney confirmed that the sea wall was under the ownership of the Council and any changes to this would require planning permission. Ms Kilgore highlighted that any changes to the sea wall would also require Marine License approval.

After this discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

10 FOR: AGAINST: 1 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by

> Councillor Campbell, it was agreed to issue an approval in respect of planning application LA07/2020/1671/F

supporting the officer's recommendation as contained in

the Case Officer Report.

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Location:

Lands adjacent and SW of No.3 Tullydonnell Road Silverbridge

Proposal:

Site for Dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Maria Fitzpatrick made use of a power point presentation that outlined details of the location of the application, and the surrounding area. Ms Fitzpatrick highlighted that there were no objections from residents or from statutory agencies. She detailed the policies that the application was judged against, and the reasons why a refusal was issued in relation to the application.

Speaking rights:

In Support:

Colin O' Callaghan spoke in support of the application. He challenged the policies that the application was judged against and gave details of other sites similar to this one where approvals had been issued and urged Committee Members to reconsider the application decision.

Councillor McAteer requested clarification of the consideration of the existing foundations on site, and the same regarding the road. Some discussion ensued regarding the existing foundations, the road and the wording of the policy relating to cluster developments. Councillor McAteer requested advice from Mr Peter Rooney regarding the wording of the policy. Mr Peter Rooney confirmed that the wording mentions "buildings" and foundations were not to be included in any considerations when applying the policy.

Councillor Finnegan proposed to defer a decision until a site meeting could take place in order that Councillors were able to observe the site.

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

FOR: 11
AGAINST: 0
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Finnegan, seconded by

Councillor Hanna, it was agreed to defer decision for a site

meeting.

FOR NOTING

P/008/2024 LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR

HISTORIC DESIGN

Read: Communication from Department for Communities detailing 17

structures within Newry, Mourne and Down that are being Listed as

Buildings of Special Architectural or Historic Interest. (Copy

circulated)

Councillor McAteer mentioned that a number of buildings on the list were buried or partially buried and queried if they could be unearthed or highlighted in some way, given they were now to be listed buildings or structures. This was seconded by Councillor Campbell.

AGREED:	On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to note the List as approved.					
	On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to consider how Council could showcase some of the historic buildings that were on the list.					
FOR NOTING						
P/009/2024	HISTORIC ACTION SHEET					
Read:	Historic Action Sheet (Copy circulated)					
AGREED:	It was agreed on the proposal of Councillor McAteer seconded by Councillor Campbell to note the Historic Action Sheet.					
There being no furth	er business the meeting ended at 12:12pm					
Signed:	Chairperson					
Signed:	Chief Executive					