

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 2 April 2025 at 10am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor D Murphy

Committee Members in attendance in Chamber:

Councillor P Campbell
Councillor G Hanna
Councillor A Quinn
Councillor J Tinnelly

Councillor C Enright
Councillor D McAteer
Councillor M Rice

Committee Members in attendance via Teams:

Councillor M Larkin

Councillor S Murphy

Officials in attendance:

Ms A McAlarney, Development Manager: Planning
Ms M Fitzpatrick, Senior Planning Officer
Mr Peter Rooney, Head of Legal Administration (Acting)
Miss S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

P/031/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor Feehan.

The chairperson advised that item 8 would be deferred due to a lack of a quorum following the recent site visit.

P/032/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/033/2025: 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 & 7 - Cllrs Hanna, King, Larkin, McAteer, D Murphy, S Murphy & Quinn attended a site visit on 11 March 2025

Items 8 – Cllrs Campbell, Enright, Hanna, King, McAteer & S Murphy attended a site visit on 11 March 2025.

MINUTES FOR CONFIRMATION

P/034/2025: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 5 MARCH 2025

Read: Minutes of Planning Committee Meeting held on Wednesday 5 March 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor Campbell, seconded by Councillor Hanna, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 5 March 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/035/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 2 April 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 2 April 2025:**

- **LA07/2020/1385/F** - Lands to the rear of 2-12 Church Hill, Killyleagh - 4no New build townhouses with associated site works

APPROVAL

- **LA07/2024/0203/O** - Vacant site to the immediate west of no 47 Saul Road and Nos 1, 3 & 5 Drumlin Park, Downpatrick - Outline application for residential development comprising 8 dwellings with access and associated site works

APPROVAL

- **LA07/2024/0077/F** - 54 Carran Road, Carran, Crossmaglen, BT35 9JL - Part demolition, reconfiguration and extension to St. Patrick's Primary School and Irish Medium Unit, to provide a total of 17No. base classroom primary school; alterations and refurbishment works to the existing school building; repositioning and retention of 2No. mobile units; temporary relocation and provision of additional mobile classrooms for temporary use during the construction period; external works and all associated site works.

APPROVAL

DEVELOPMENT MANAGEMENT

P/036/2025: PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2023/3316/O

Previously tabled 5 March 2025.

On agenda as a result of the Call-In Process

Location:

50m SE of No. 21 Forkhill Rd, Mullaghbawn, Newry, BT35 9XJ (Site On Upper Rd, Mullaghbawn, Newry, BT35 9XL)

Proposal:

Proposed outline planning application for a replacement dwelling and garage. (Dwelling to be replaced to be retained for storage purposes).

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Fitzpatrick reminded Members of the application, advising that the proposal had been assessed against a number of policies, the most relevant of which were CTY3 and PPS2. She confirmed that the building to be replaced was a single-story build, located between two dwellings with an existing access to the public road. She reminded Members that CTY3 stated that if a non-listed vernacular dwelling was not considered to make an important contribution to the heritage, appearance or character of the area that permission would be granted for a new dwelling with the retention of the existing structure only being accepted if it could be sympathetically incorporated into the overall development.

Mrs Fitzpatrick advised that the application failed to comply with policy as the Planning Department were of the opinion that the current dwelling was not considered to make an important contribution to the heritage of the area, and that the proposed new build could not be sympathetically incorporated into the overall layout. It also failed when considered against CTY14 as the erection of a new dwelling, alongside the existing building that was to be retained off site, would create the view of an additional dwelling when considered against numbers 19, 21, 31 and 31a Forkhill Road and would result in a suburban style of development and add to a ribbon development.

Speaking rights:

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

Mr Eoin Morgan, agent, and Ms Noelle Marks, applicant, were present to answer any questions Members may have had.

Councillor Larkin proposed to overturn the recommendation to an approval, stating that he believed that the Planning Department's concerns relating to ribbon development were unfounded. He stated that when approaching the site from the North or South, it was shielded by development and hedgerows and the proposal was situated on an adjoining

road, therefore he did not believe that it would add to ribbon development. He stated that he did not believe the proposal offended NH6, and that the proposal should be recommended for approval, with conditions delegated to officers.

This was seconded by Councillor D Murphy, who concurred with Councillor Larkin's statement regarding ribbon development.

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 D Murphy, it was agreed to issue an approval in respect of planning application LA07/2023/3316/O contrary to officer recommendation as contained in the Case Officer Report.**

It was agreed that Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2023/3647/F

Previously tabled on 5 March 2025.

On agenda as a result of the Call-In Process

Location:

Adjacent to and north of 9 Station Road, Jonesborough BT35 8JH

Proposal:

Detached dwelling and garage under PPS21/CTY 8

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Fitzpatrick summarised the application, noting the irregular shaped plot that overtook a narrow section of the curtilage of number 9 and a portion of the agricultural field to the rear. She reminded Members that CTY8 was a restrictive policy that aimed to prohibit the creation of or addition to ribbon development. She confirmed that the Planning Department were of the opinion that the proposal did not respect the size, scale and plot of the existing frontages along the laneway, detailing the neighbouring frontages that varied from 52m to 67m, while the proposal had a frontage of only 16m that reduced the frontage of number 9 from 52m to 49m.

Refusal

The Chairperson advised that the application would have to be deferred due to a lack of a quorum following the recent site visit.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed defer planning application LA07/2021/0869/F.**

DEVELOPMENT MANAGEMENT

P/037/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/0409/O

On agenda as a result of the Call-In Process

Location:

Lands between 28 and 30 Ballylig Road, Killough, Downpatrick

Proposal:

Proposed 2no. dwellings and garages on infill site under policy CTY8 of PPS21.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs McAlarney outlined the details of the application, noting that the site was located between the dwellings at 28 and 30 Ballylig Road. In accordance with CTY8, the Planning Department were content that there was a substantial and continuously built-up frontage, however Mrs McAlarney advised that the gap should only be sufficient to accommodate no more than two dwellings that would respect the pattern of development in the area.

Mrs McAlarney confirmed that while a gap did exist at the proposal site, the size of the gap between the buildings was 150.8m and when considered alongside the frontages of the neighbouring dwellings at 55m and 48m, the site was capable of accommodating more than two dwellings, therefore the application failed policy and was recommended for refusal.

Speaking rights:

In Support:

Mr Gerry Tumelty spoke in support of the application, stating that he believed that the application was compliant with CTY1, further stating that he believed that the proposed frontage of the site respected the character and plot size of the area, would not create a ribbon of development, would not be prominent in the landscape nor would it change the overall character of the area.

Mr Tumelty argued that the red line of the application was 100.1m, therefore the frontage of the two dwellings would be 50.5m each, which was reflective of the frontage of the nearby dwellings and therefore should benefit from planning approval.

Following a request from Councillor Hanna, a discussion ensued regarding the wording of Planning Policy CTY8, the pertinent measurement arising from that, and whether any consideration should be given to the red line of the application when considering the application against CTY8 and the pattern of development of the area.

The outcome of this was that Mrs McAlarney reminded Members that CTY8 was a restrictive policy that had been discussed at Committee numerous times following the High Court Ruling, and that the result of the ruling was that the pertinent measurement was building to building, regardless of the red line of the application. She stated that CTY8 was not a visual test and that the Planning Department considered that the gap created a visual separation between the existing buildings of 151m.

Mr Tumelty argued that the gap site was capable of holding two dwellings that would have similar plot sizes to the neighbouring dwellings at an average of 51m across the four dwellings when considered against the red line of the application.

Councillors McAteer and Hanna queried where in the policy that it stated that the pertinent measurement was building to building and not that of the red line, to which Mrs McAlarney confirmed that it was not stated in policy but had been established following the high court ruling of 2024 regarding CTY8, further stating that the red line could be amended to be reflective of plot sizes in the area, but buildings did not move and therefore was the measurement required.

Councillor Hanna proposed to overturn the recommendation to an approval, stating that he believed that the proposal was a form of sustainable development with no overriding reason why the development would cause an issue. He stated that CTY8 did not specify that the measurement was building to building, and he believed it was unreasonable as the applicant was not in control of that distance. He stated that the proposed frontage was in line with the frontages of the area, and that all elements of CTY8 were met.

This was seconded by Councillor D Murphy.

The proposal was put to a vote by way of a show of hands 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 D Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/0409/O contrary to officer recommendation as contained in the Case Officer Report.

FOR NOTING

P/038/2025: HISTORIC ACTION SHEET

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

AGREED: **It was agreed on the proposal of Councillor Rice, seconded by Councillor Quinn, to note the historic action sheet.**

There being no further business the meeting ended at 10.41am

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 50% of decisions overturned