

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 30 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 K Feehan
Councillor S Murphy
Councillor M Rice

**Committee Members in
attendance via Teams:**

Councillor C Enright

Councillor M Larkin

Officials in attendance:

Mr J McGilly, Assistant Director: Regeneration
Ms A McAlarney, Development Manager: Planning
Mrs B Ferguson, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Mr Peter Rooney, Head of Legal Administration (Acting)
Miss S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

**Also in attendance
via Teams:**

Mr Brian McKervery, Department for Communities (Historic
Environment Division)

P/039/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor McAteer.

Chairperson Councillor D Murphy advised that due to conflict of interest, Councillor Quinn and Councillor Rice would join the meeting following discussion on item 7 – LA07/2023/2274/F.

P/040/2025: DECLARATIONS OF INTEREST

An interest was declared on behalf of Councillors Quinn and Rice in item 7 – LA07/2023/2274/F.

**P/041/2025: 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 - Cllrs Campbell, Feehan, Hanna, McAteer, D Murphy, S Murphy and Tinnelly attended a site visit on 17 February 2025.

MINUTES FOR CONFIRMATION

**P/042/2025: MINUTES OF PLANNING DEVELOPMENT COMMITTEE
MEETING WEDNESDAY 2 APRIL 2025 AND
PREDETERMINATION HEARING OF 9 APRIL 2025**

Read: Minutes of Planning Committee Meeting held on Wednesday 2 April 2025 and Predetermination Hearing of 9 April 2025. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor S Murphy, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 5 March 2025 and Predetermination Hearing of 9 April 2025 as a true and accurate record.

FOR DISCUSSION/DECISION

P/043/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 30 April 2025. **(Copy circulated)**

The Chairperson advised that a deferral had been requested for item 13 LA07/2023/3277/F and item 14 – LA07/2024/0055/O and queried whether Members were in agreement to allow the deferral.

AGREED: On the proposal of Councillor Campbell, seconded by Councillor S Murphy, it was agreed to defer Item 13 – LA07/2023/3277/F and Item 14 – LA07/2024/0055/O to a future Committee Meeting.

On the proposal of Councillor Hanna, seconded by Councillor Feehan, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 30 April 2025:

- **LA07/2022/0951/F** - 22 Belfast Road, Newry, BT34 1EB - Demolition of existing dwelling and erection of 8no. semi-detached dwellings and 2 apartments with associated site works
APPROVAL
- **LA07/2022/1833/F** - Former St Johns Parish Church, Main Street, Hilltown, BT34 5UH - Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access.
APPROVAL
- **LA07/2022/1834/LBC** - Former St Johns Parish Church, Main Street, Hilltown, BT34 5UH - Restoration of church building and interior reconfiguration to provide flexible community space including cafe and office space. Alterations to external perimeter wall to facilitate pedestrian access.
CONSENT GRANTED
- **LA07/2024/0537/F** - Housing Development - Junction of Chancellors Road/Watsons Road Newry and opposite Ashton Heights and Dunbrae Housing developments
APPROVAL
- **LA07/2024/0185/F** - 30m north of 43 Ballycoshone Road, Hilltown, Newry, BT34 5XE - Proposed conversion and reuse of existing stone barn (incorporating new roof, reconstruction of part external wall and new first floor structure and internal layout) to create a new dwelling
REFUSAL

DEVELOPMENT MANAGEMENT

P/044/2025: **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

(1) **LA07/2021/1479/F**

Previously tabled 13 December 2023.
On agenda as a result of the Call-In Process

Location:

Lands immediately opposite No.3 Newtown Road, Belleek, Newry

Proposal:

Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works.

Conclusion and Recommendation from Planning Official:

Refusal

The Chairperson requested that the applicant be afforded the opportunity to address the Committee again, given the time lapse since the initial presentation and subsequent site visit and in consideration of the change in Committee Members.

The Chairperson also noted that legal opinion was to be provided to the Committee prior to discussion of the application and requested a proposer and seconder to enter into closed session.

ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014

Agreed: On the proposal of Councillor S Murphy, seconded by Councillor Campbell, it was agreed to exclude the public and press from the meeting during discussion on the following items, which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Campbell, seconded by Councillor Feehan, it was agreed the Committee come out of closed session.

The Chairperson advised that legal opinion had been provided to the Committee while in closed session.

Power-point presentation:

Mrs Fitzpatrick highlighted the revised case officer report following on from the original presentation to Committee in December 2023, noting in particular two letters in support of the proposal, and 9 objections that had been received that centred around concerns of prominence within the landscape, impact on wildlife, road and pedestrian safety, lack of benefit to the local community and already existing similar services located 4 miles away. She stressed that there was no policy provision for this type of development within the countryside in either SPPS or PPS21, and further concerns had been raised about the impact on the viability of the existing retail facilities within Belleek.

Mrs Fitzpatrick detailed the proposed location being beyond the settlement limit of Belleek, within the open countryside and sited on lands in front of localised rock outcrops and hills, highlighting the attractive backdrop to the settlement. She advised that the proposal was contrary to BL01 of the Area Plan as it was within the countryside, CVN3 as it encroached on a Local Landscape Area and contrary to CTY15 as it would result in an inappropriate urban sprawl. She highlighted that the proposal was also contrary to CTY 1, 8, 13 and 14 as detailed within the Case Officer's Report.

Mrs Fitzpatrick noted that in line with SPPS, retail would be directed to town centres and the development of inappropriate retail facilities would be resisted within policy with the exception of farm shops and shops serving tourist or recreational facilities, and that these exceptions should only be located within an already existing building. She confirmed that the

Planning Department were of the opinion that this proposal was contrary to both of these exception tests. She further highlighted concerns regarding the scale of the retail element of the proposal, stressing that it was much greater than that found within many filling stations within the locality.

Mrs Fitzpatrick noted that in line with policy IC 15 of the Rural Strategy relating to roadside service facilities and filling stations, there was not a necessity to locate roadside services within the open countryside, and that these would be directed to existing settlements unless local circumstances indicated that this would lead to undue hardship. She stressed that a number of filling stations were located within a few minutes' drive of Belleek, and that many other small settlements within the vicinity did not have a filling station, and there was no undue hardship for these residents.

Mrs Fitzpatrick noted that the Planning Department had given consideration to the detailed appraisal of the retail information by Braniff Associates, and their conclusion was that there was no evidence that there was a quantitative need for a store of this scale within Belleek and that there could be an adverse impact on existing retailers in surrounding centres.

Speaking rights:

Mr Colin O'Callaghan thanked Members for the chance to present the application again, stressing that the application was necessary as there were no other suitable or available retail sites within the settlement. He advised that the existing shop within the settlement had since closed, and the applicant was pursuing other development opportunities on the site and therefore the location was not available for this proposal.

Mr O'Callaghan advised that the applicant had presented a supporting retail statement that focused on a five-minute catchment area, stressing the catchment area was kept to a minimum as the area was a small rural settlement, which was the main reason that the applicant had not assessed the retail impact of services outside of the five-minute catchment. He further stressed the economic boost the proposal would bring to the area.

Councillor Hanna queried the source of the data on page 7 of the Case Officer's Report regarding expenditure, the consideration given to the distances to nearby similar retail stores and whether the needs of the village had been taken into account or was the application assessed purely against policy.

Mrs Fitzpatrick advised that the data had been collated by Braniff Associates, detailed the location of the nearest stores within a five-minute drive and confirmed that the Planning Department assessed every application against existing policies and any exceptions catered for within those. She advised that consideration was also given to the population within the settlement and as it was a small settlement, the uses and scale of development needed to be proportionate to the area.

Mr O'Callaghan noted that the applicant had collated data generated by the Henderson Group, who would be servicing the proposed store, arguing that Braniff Associates used data reflective of UK averages and he believed that the impact would be less than as presented within their paper as the applicant aimed to capture 60% of the village trade.

Mr Michael Kerr, an employee of the Henderson Group, stated that the Braniff report did not account for passing trade, which was considered significant for any filling station, arguing that this would lessen the potential negative impact of the proposal on the local area.

Councillor Hanna then queried whether any consideration had been given to the school in the area, arguing that this should be considered as continuous growth for the settlement, and whether the considered catchment areas had included those attending the school which could contribute to the need for the proposal.

Mr O'Callaghan stated that it was the applicant's belief that the catchment area he had considered contained 1100 people, whereas the area plan believed the area contained some 350 people, which highlighted how out of date the area plan was.

Councillor Campbell queried how this larger retail store could be sustained, given that a smaller retail store had recently closed within the area.

Mr Kerr noted that customers' expectations had grown exponentially over the past 20 years, as had the size of local convenience stores. He stressed that a lack of investment, car parking and store size had all contributed to the close of the retail store, and that the proposal was more viable as it had car parking, a hot food element and a large retail space.

Mr O'Callaghan stressed that the existing filling station was located at a junction to the main road and stated that there was no potential for it to grow as any planned improvements would have been resisted by DFI Roads.

Councillor Tinnelly then queried the impact of the proposal on this small filling station, and what consideration the applicant had afforded to them.

Mr O'Callaghan stated that the current proposal was vastly different to the filling station which he stressed did not meet the needs of the village as it only sold fuel.

Councillor Hanna queried the refusal reason relating to prominence as he believed the structure would integrate into the existing landscape.

Mr O'Callaghan noted that the proposal was a single storey structure approximately 7m high on a former quarry site that would be sited below the rock outcrop that would help provide some integration.

Following a further query from Councillor Hanna relating to ribbon development, Mr O'Callaghan stated that the concern regarding ribbon development would be overridden by the economic benefits that the proposal would bring, and that he further believed that the proposal would round off and consolidate the settlement area.

Mrs Fitzpatrick disagreed, reiterating that ribbon development was a stand-alone policy and factors such as economic development did not outweigh the need for the proposal to remain in line with Planning Policies. She further stressed that the proper pathway to expand a settlement limit was through the local development plan, not on a per-application pathway.

Councillor Hanna queried whether exceptional need could override any planning policy, to which Mrs Fitzpatrick reiterated that stand alone policies within PPS21 had to be considered in their own right.

Mrs Fitzpatrick confirmed that this was based on policy, previous experience and from the findings from the independent retail assessment.

Mrs Fitzpatrick confirmed that this would sit outside the remit of Planning Policy.

Councillor Hanna seconded the proposal, echoing Councillor D Murphy's sentiments of need in the area and further noted that he believed the application was sustainable development in the countryside and that the former quarry grounds could not be used for any other purpose.

FOR: 5
AGAINST: 1
ABSTENTIONS: 0

AGREED: On the proposal of Councillor D Murphy, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2021/1479/F contrary to officer recommendation as contained in the Case Officer Report.

P/045/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1)

LA07/2023/2274/F

On agenda as a result of the Operating Protocol and the Scheme of Delegation

Location:

Lands at Abbey Way Multi-Storey Car Park Mill Street & Lower Water Street, Newry

Proposal:

Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Keane confirmed this was a major planning application that had been subject to both a PAD and a PAN, and that the Committee had previously considered the application at its meeting of 18 December 2025 where it had resolved to approve the application. He reminded Members that the Council were under direction from the Department of Infrastructure (DFI) to notify them of Committee decision, which it had done so on 7 January 2025. Correspondence had been received on 5 March 2025 confirming that DFI did not intend to invoke their call in powers under Section 29 of the Planning Act (NI) 2011.

Mr Keane outlined that in line with legislative requirements, a Pre Determination Hearing (PDH) was held on 9 April 2025 to allow for all interested parties to address the Committee. He further confirmed that the PDH report should be read alongside the report prepared in advance in of the PDH, the original Case Officer report of September 2024 and addendum report of December 2024.

Mr Keane detailed the proposal site, reminding Members that it was located within the Newry Town Centre, outside of the primary retail core, within the boundary of the conservation area and within an Area of Archaeological Potential, was sited along the protected route of Abbey Way and was proximate to listed buildings, monuments, Newry River and Canal, and a Local Landscape Policy Area.

Mr Keane confirmed that extensive statutory consultation had taken place with a number of departments with no objections being raised in principle to the proposals, subject to conditions which could be found detailed within the Officer's Reports. He further confirmed that some 2600 objections had been received since initially advertised in 2023, with further representations being received in opposition to the proposals from Matrix Planning, Ulster Architectural Heritage and from Mr Tom McEvoy and Mr Paul Lennon. He advised that a further representation had been received from Matrix Planning just before midnight on the eve of the Committee that raised validity concerns.

Mr Keane advised that the representations raised a number of issues such as traffic and parking, need for the proposal, design size and scale of the building, ecology, flooding and drainage aspects alongside procedural issues which he advised had all been outlined in detail within the Case Officer's Reports. He further advised that the validity issue raised late the night prior to the meeting was not a new matter and had previously been considered by the Planning Department.

Mr Keane advised the main planning issues to be considered included the principle of development including area plan designations, impact on the setting of the Newry conservation area, listed buildings and heritage, design, integration, road safety including parking and access and natural heritage.

In respect of the access, movement and parking, Mr Keane advised the building and site were enclosed by the existing road network. He stated the existing vehicular access from Abbey Way would be retained, with a new road layout, whereby the building would be accessed from the Northern end.

In respect of parking provision, Mr Keane confirmed the proposals did not include any specific on-site or in-curtilage parking. Mr Keane set out the parking requirements for the development and outlined that a case was being made by the agents that the parking surveys undertaken in 2023, demonstrated there was an abundance of parking provision which exceeded demand and that there was sufficient existing car parking capacity within Newry city centre at present, notwithstanding the proposals to also provide additional town centre parking. He further outlined that the issue of car parking associated with existing committed developments was also considered as the application progressed.

Mr Keane further clarified the building would accommodate a total of some 215 members of staff who would be relocated from existing Council offices within Newry. Also, that the applicant had confirmed that Newry Mourne & Down District Council operated a hybrid (agile) working policy and would only provide desks for 162 staff (75%). He advised that Transport Assessments and Travel Plans had also been submitted and stated that other issues including bio-diversity, protected species, connection to mains and flooding, noise, nuisance and disturbance had also been fully considered.

Mr Keane summarised the statutory consultations that had been undertaken and received to date, each returning no objections in principle to the proposal, further that DFI Rivers had confirmed that the site was not located within the 1 in 100 Fluvial Floodplain nor in the 1 in 200 Coastal Floodplain. He confirmed that the application had been fully assessed in consideration of the area plan, applicable policy context, consultee responses and also all representations received, including those received since the publication of the addendum reports. He confirmed that the application had been processed in line with legislative requirements and was recommended for approval subject to conditions.

Speaking rights:

In Objection:

Mr Andy Stephens spoke in objection to the application, supported by Canon Francis Brown and Mr Anthony Patterson. He noted his surprise that the application was to be heard as he had highlighted what he believed was a procedural error in his correspondence at 11.55pm the night prior to the Committee Meeting. He stated that, in accordance with Article 3(3)(e) of the Planning General Development Procedure (NI) 2015, this application required a Pre-Application Community Consultation (PACC) report to be submitted with the application, however it was not submitted until 3 July 2024, some 4 months after the application was submitted.

Mr Stephens stated that he did not believe that this had been considered appropriately by the Planning Department and that legislation had not been followed, therefore he believed the application to be invalid and stated that he had nothing further to say on the matter.

In Support:

Mr Mark Priestly spoke in support of the application, supported by Mr Kieran Carlin and Mr Stephen Livingstone. He summarised that Members had heard the presentation to Committee previously and wanted to note the key points in that the project was supported by the Belfast Region City Deal (BRCD) and aimed to rationalise Council estate across Newry to centralise services.

Mr Carlin noted that as discussed previously, the key focal point was the application was supported by policy in that it encouraged a town centre use, encompassing more than just retail and the proposal fulfilled all aspects of the services referenced within planning policy.

Mr Livingstone noted the concerns raised previously regarding parking, stating that the application was compliant with policy AMP7 in that car parking was not a necessity to approve a planning application. He noted that while there was no requirement for Abbey Way to be retained as a car park, the proposal sought to retain some of the available spaces. He also stressed that a core element of the city centre regeneration aimed to encourage footfall, not cars, into the city centre, therefore the Active Travel Plan would help.

Mr Priestly noted that the building design had been through a thorough discussion with multiple consultations, stressing that the design had been tested from several near and far view points as identified by the Historical Environment Division (HED), had been through a ministerial advisory council review and a subsequent presentation to historical buildings.

Councillor Hanna requested clarity on Mr Stephens' statement regarding an invalid application and if it was appropriate that the Committee make a decision on the application at the meeting.

Mr Rooney advised that the issue was not a new one and had been considered as outlined by the Planning Department and deemed appropriate, as had all matters that had been raised within any last-minute submissions. He advised that the Committee was free to make a decision.

Mr Stephens argued that Mr Rooney was fundamentally incorrect, noting that if this was the case then all communication regarding the issue should be publicly available on the Planning Portal, stating that following an EIR request to DFI, he could only find reference to the issue from 18 October 2024. He further stated that the issue could not have been considered as he had only submitted it close to midnight last night, stressing that the late submission was due to a delay in the information being provided by DFI.

Following a request for clarity regarding the application process from Councillor Hanna, Mr Stephens advised that from what he could tell, the applicant had completed a Pre-Application Notification (PAN) in 2019 which classed the application as a local application, however by the time the application was submitted in 2023 the proposed floor space had grown to over 5000 square feet, which should have triggered the classification of the proposal as a major application. He stressed that any major application required a PACC within 12 weeks, however it was some four months from the application submission date before this was submitted. He stressed that although the Planning Department had stated they had considered this issue, and while the PAC was available online, in terms of transparency he could see no communication on the portal that referenced any discussion

on this issue. He reiterated his belief that Council had processed an invalid application due to this procedural error.

Mr Keane advised that following the validation and allocation of the application, the Planning Department had considered that the application fell within the classification of major development and had sought legal advice from Belfast City Council Legal Services. Following that advice, the application was readvertised as a major application, a PACC was completed, and the application progressed from there. He stated that although Mr Stephens had argued that this was a new issue, the Planning Department were aware of the issue and had sought legal advice on how to proceed.

Councillor Hanna queried whether the communication was on the Planning Portal to which Mr Stephens advised that the legislation was mandatory and could not be applied or set aside when it suited.

Councillor Hanna then proposed to defer the application to allow for independent legal advice as the Committee was hearing two opposing versions of the issue.

Chairperson Councillor D Murphy advised that the application was still under discussion and as other Members had indicated their request to ask questions any proposals should be held until later.

Councillor Tinnelly requested clarity regarding the submission of the PACC and any subsequent decisions made regarding requesting legal advice and the implementation of the advice received.

Mr Keane stated the PACC report had not been submitted in March 2023 as the application had been originally classed as a local application. As the application proceeded through validation and allocation, the Planning Department had considered that the application fell within the realms of a major application and subsequently sought legal advice. Following receipt of that legal advice, Mr Keane confirmed that the application had been reclassified as a major application, readvertised and the PACC was requested from the applicant.

Councillor Tinnelly queried Mr Stevens statement that the PAC should have been submitted with the original application and therefore the application was invalid.

Mr Keane quoted Article 3(3)(e) of the legislation of what must accompany an application:

“where the application relates to development belonging to the category of major development by a pre-application community consultation report”

Mr Keane confirmed that the legislation did not require this to be submitted at the outset of the application, and as per legal advice, the application had been readvertised and a PAC subsequently completed and submitted.

Councillor Tinnelly requested clarification on whether it was acceptable to add information to an application retrospectively based on legal advice, to which Mr Keane confirmed the process to date and that legal advice had determined it was appropriate to do so in this instance, however he was unable to speak for all applications as they were reviewed individually.

In advance of a further query from Councillor Tinnelly, Chairperson Councillor D Murphy noted that the debate appeared to be straying into the realms of legal matters and as such, it would be prudent to defer the item until such times as Ms Largey was available to advise on legal matters.

Councillor D Murphy then asked whether Members had any other questions on the application not relating to legal concerns and as there were no further questions, he proposed to defer the application.

Councillor Enright interjected to state that he had seconded Councillor Hanna's original proposal to defer the application, but he felt that he was not being allowed to enter the debate.

Councillor D Murphy reminded Councillor Enright that he had previously declared an interest in the application and had absented himself from the meeting held on 18 December 2024.

Councillor Enright then argued that other Members of the Committee had already expressed an opinion on the application and should not have been partaking in the debate, to which Councillor D Murphy advised Councillor Enright that those Members who had expressed an opinion on the item had declared an interest and were not within the Chamber reminding him that he should have also removed himself from the debate having already declared an interest in the item.

Councillor Hanna seconded Councillor D Murphy's proposal to defer the item.

Councillor Tinnelly requested that the legal advice from Belfast Legal Services be circulated to the Committee, as well as being placed on the portal.

Councillor D Murphy advised that this would be put to Legal Services.

Mr Rooney advised the Committee was getting into the remit of debating the legal advice received, which was not before Councillors, and not a debate for open session. He further advised that this issue had been noticed by the Planning Department some years ago and was therefore not a new issue, but that legal opinion had been sought and the issue remedied with no one being prejudiced on the matter. He reminded the Committee that they were free to make a decision on the application.

Councillor Feehan requested clarity regarding the application and whether it should have initially been submitted as a major application from the outset.

Mr Keane advised that was a matter for the applicant and what they had initially classed the application as local, further stating that a number of applications were submitted daily which fall to the Department to consider and process and once applications were reviewed, the issue unfolded as discussed today.

Councillor Feehan queried whether there was potentially an oversight of the application being classed as a local or a major application, to which Mr Keane advised that on review of the application the square footage of the application should have triggered a major application, stating again that the issue was raised and remedied when this was discovered.

After extensive debate and discussion, 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 Hanna, it was agreed to defer planning application LA07/2023/2274/F.

(2) LA07/2023/2800/O

On agenda as a result of the Call-In Process

Location:

Lands to the rear of Downpatrick Road Strangford, Co Down, BT30 7LZ

Proposal:

Detached dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, noting that a portion of the ground was to be cut from the residential curtilage associated with number 24 Downpatrick Road. She advised that the proposal lay within the settlement limit of Strangford and within the Lecale Area of Outstanding Natural Beauty (AONB) as designated within the Ards and North Down Area Plan.

Mrs Ferguson noted that permission had been sought and refused previously on the site, and although the notional layout differed from the previous, the Planning Department were of the opinion that the site context remained the same and an assessment of the proposal had concluded in no change in opinion. She confirmed that the indicative layout was deemed contrary to criteria A of Policy QD1 of PPS 7 as it would be at odds with the immediate area, and criteria C of QD1 as inadequate provision was made for private open space as an integral part of the development. She further outlined that the siting of the new dwelling within the garden of number 24 would result in a lack of privacy on occupants of both the existing and proposed developments.

Speaking rights:

In Support:

Mr Gerry Tumelty spoke in support of the application, supported by the applicant Mr Cassidy. Mr Tumelty noted that the proposal was similar to dwellings in the area, with the application site also being of a similar size. He stressed his belief was the Planning Department had applied undue weight to the indicative layout, given that this was an outline application and any concerns could be dealt with at the reserved matters stage.

Proposal:

Proposed infill for 2 dwellings, garages and associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, noting the relevant policies for consideration were CTY 1, 8, 13, 14 and 16 alongside NH1, 2 and 5, MAP2, BH11, and FLD 1 and 2, due to the environmental constraints and designations within and adjacent to the site. With regard to CTY8, Mrs Ferguson noted the Planning Department was mindful of the high court judgement that reinforced the inherent restrictive nature of CTY8.

Mrs Ferguson confirmed the application site was located within a substantial and continuously built up frontage and the application failed policy when the gap site was considered. She highlighted that the gap measured 157m, with the nearby dwellings having a plot width ranging from 50m to 62m to 78m, the gap site was capable of accommodating more than two dwellings, and therefore the CTY 8 exception clause was not met. This was further supported by Building on Tradition.

Mrs Ferguson further noted that the application failed CTY14 as any development of the site would be visually linked with the adjacent buildings at numbers 12 and 18 and would read as a ribbon of development, causing a detrimental change to the rural character of the area.

Speaking rights:In Support:

Mr William Wallace spoke in support of the application, stating that he believed that CTY8 was fully satisfied. He referenced Building on Tradition and stated that the frontages were compliant with the guidelines referenced within, stating that the proposed frontages were similar to that of the area. He further argued that previous appeal decisions had set a precedent in that frontages did not have to be similar if there was a range of eclectic frontages within the area.

Councillor Larkin queried whether any part of the tree line within the proposal would be retained, given that the Planning Department raised the concern regarding this possibility of a potential visual break. Mr Wallace advised that advice would be taken from an ecologist at the reserved matters stage.

Councillor Larkin further requested clarification on any changes between this and the previous application that had also been for an infill dwelling. Mr Wallace confirmed that the application was the same, however due to the timing of the previous application there was no time to complete a bat survey.

Councillor Larkin requested clarity on why the previous application had been approved under CTY8 yet refused under other planning policies but was not recommended for refusal under CTY8 for this application.

Mrs Ferguson noted that the previous application was some 6 years ago in 2019, and in light of the judicial review that reinforced the restrictive nature of CTY8 the application had been considered afresh and was not deemed to be contrary to CTY8.

Councillor Hanna proposed to overturn the application, stating that he believed CTY8 was satisfied in line with frontage requirements and the proposal would integrate into the area and therefore all other refusal reasons should fall. He further stated that flora and fauna should be conditioned in an attempt to retain the trees as mentioned.

This was seconded by Councillor Tinnelly.

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 Tinnelly, it was agreed to issue an approval in respect of planning application LA07/2023/3476/O contrary to officer recommendation as contained in the Case Officer Report.**

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

FOR NOTING

P/046/2025: **COMMUNICATION FROM DFI REGARDING LA07/2023/2275/DCA**

Read: Communication from DFI Regarding Notice of Opinion for LA07/2023/2275/DCA **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Campbell, seconded by Councillor Hanna, to note the communication.**

P/047/2025: **COMMUNICATION FROM DFI REGARDING LA07/2023/2225/DCA**

Read: Communication from DFI Regarding Notice of Opinion for LA07/2023/2225/DCA **(Copy Circulated)**

AGREED: **It was agreed on the proposal of Councillor Campbell, seconded by Councillor Hanna, to note the communication.**

P/048/2025: **HISTORIC ACTION SHEET**

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

AGREED:

It was agreed on the proposal of Councillor Campbell, seconded by Councillor Hanna, to note the historic action sheet.

There being no further business the meeting ended at 12.29pm

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 37.5% of decisions overturned