

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 17 September 2025 at 11am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

Councillor G Hanna	Councillor C King
Councillor D McAteer	Councillor S Murphy
Councillor A Quinn	Councillor M Rice
Councillor J Tinnelly	

Officials in attendance: Mr J McGilly, Assistant Director: Regeneration
Ms A McAlarney, Development Manager – Planning
Mrs B Ferguson, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Ms F Branagh, Democratic Services Officer
Mr C Smyth, Democratic Services Officer

Officials in attendance via Teams: Mr P Rooney, Head of Legal Administration

P/090/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Byrne, Enright and D Murphy. Councillors Clarke, King and Quinn were reported to be late.

P/091/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/092/2025: 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.

Items 6 & 7 - Cllrs Byrne, Hanna, McAteer, D Murphy, Rice & Tinnelly attended a site visit on 21 August 2025.

MINUTES FOR CONFIRMATION

P/093/2025: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 20 AUGUST 2025

Read: Minutes of Planning Committee Meeting of Wednesday 20 August 2025. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 20 August 2025 as a true and accurate record.

FOR DISCUSSION/DECISION

P/094/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 17 September 2025. **(Copy circulated)**

Councillor Rice proposed to defer item 12 – LA07/2024/0295/F as the agent was on leave and had missed the deadline for submission of speaking rights. This was seconded by Councillor Hanna.

Councillor Tinnelly proposed to defer item 13 – LA07/2024/0401/F as the agent was on leave and had missed the deadline for submission of speaking rights. This was seconded by Councillor Hanna.

AGREED: On the proposal of Councillor Rice, seconded by Councillor Hanna, it was agreed to defer item 12 – LA07/2024/0295/F to a future Committee Meeting.

On the proposal of Councillor Tinnelly, seconded by Councillor Hanna, it was agreed to defer item 12 – LA07/2024/0401/F to a future Committee Meeting.

On the proposal of Councillor Rice, seconded by Councillor S Murphy, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 17 September 2025:

- **LA07/2023/2348/O** - Lands immediately adjacent to and northwest of No 4 Tullynaval Road, Cullyhanna, BT35 0PZ - Proposed Housing Development
APPROVAL
- **LA07/2025/0533/F** - Bessbrook Community Centre, Mill Road, Bessbrook, BT35 7DS - Proposed relocation of entrance door to Bessbrook community Centre as well as small extension to front of building (28sqm). Proposal also includes access ramps and railings to building exterior.
APPROVAL
- **LA07/2022/1397/O** - Lands adjacent to and east of 4, 6 & 8 Shore Road, Killyleagh - Residential Development of 1 no. detached dwelling

APPROVAL

- **LA07/2023/3411/O** - Lands approx. 160m SE of 337a Rathfriland Road, Ballyward, Castlewellan. - Proposed site for the erection of a detached off-site replacement dwelling and proposed retention of existing old building for domestic/agricultural storage use.

REFUSAL

P/095/2025: PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

The Chairperson advised that as there was not a quorum following the site visit, the application would have to be deferred to a future Committee meeting.

(1) LA07/2023/3099/O and LA07/2023/3412/O

On agenda as a result of the Call-In Process.
Previously tabled 23 July 2025.

Location:

Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ
Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ

Proposal:

New dwelling with detached garage on gap/infill site.
New dwelling with detached garage on gap/infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

Councillors Byrne, Hanna, McAteer, D Murphy, Rice & Tinnelly attended a site visit on 21 August 2025

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to defer planning applications LA07/2023/3412/O and LA07/2023/3099/O to a future Committee Meeting.

DEVELOPMENT MANAGEMENT

P/096/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2025/0100/F

On agenda as a result of the Call-In Process

Location:

28 Chestnut Grove, Newry, BT34 1JT

Proposal:

28 Chestnut Grove, Newry, BT34 1J

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the application and noted that while the Planning Department had no objection in principle to the proposed development, concerns remained regarding the design, layout, scale and appearance of the proposal. He confirmed that the scheme included a front projection, extensions to both sides of the dwelling, and an extension to the rear. He advised that the agent had been asked to reduce the forward projection and lower the ridge heights of the side extensions to comply with policy, but these amendments had not been made.

Mr Keane further advised that Mr Tumilty's rebuttal referred to a number of comparable examples within the area and stated that further discussion on these could be facilitated if required.

Councillors King and Quinn joined the meeting during the above presentation – 10.25am

Speaking rights:In Support:

Mr Mark Tumilty spoke in support of the application. He stated that the Planning Department's request to reduce the size of the proposal would result in a design that was out of keeping with the character of the area. He referred to nearby dwellings at Nos. 14, 18 and 27 Chestnut Grove, which were of the same height as the proposal, and further noted that Nos. 14, 26 and 67 had similar front projections. He argued that the recommendation for refusal demonstrated a lack of consistency in the application of planning policy.

Councillor McAteer requested clarity from the Planning Department regarding the evidence presented by Mr Tumilty. In response, Mr Keane advised that Mr Tumilty had referred to six examples which the Planning Department had reviewed. He explained that there was no planning history for four of the sites, which potentially constituted breaches of planning enforcement and therefore could not be taken into consideration. He stated that one example had been completed in 2006, prior to the publication of the PPS7 addendum, which now recommended refusal of such proposals. The final example, completed in 2017, related to an alteration to an existing dwelling rather than an extension to the original footprint and had been assessed under a different policy. Mr Keane confirmed that while there may be circumstances where planning policy could justifiably be set aside, however he stated that this case was not considered to be one of them.

Councillor McAteer requested further information on the sites with no planning history. Mr Keane confirmed that those cases would be referred to the enforcement team to action, if necessary. He further clarified that the Planning Department could only take account of approvals with planning history when assessing an application and could not consider what was in situ without approval.

Councillor McAteer requested Mr Tumilty's opinion on the lack of planning approval.

Councillor Tinnelly queried the 2017 example referenced by the agent, noting that policy had not changed since 2017, and requested clarification on the differing recommendations of each.

Councillor Hanna referred to the Planning Department's frequent position that applications must be considered in the context of what was on the ground. He suggested that many of the referenced extensions without planning permission had likely been in place for over five years and therefore formed part of the established building pattern. He noted that the Planning Department had not provided evidence of any required enforcement action.

This was seconded by Councillor Larkin, who stated that he considered the proposal to be sympathetic to the built form and that it would not detract from the character or appearance of the local area.

FOR: 6
AGAINST: 0
ABSTENTIONS: 0

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to issue an approval in respect of planning application LA07/2025/0100/F contrary to officer recommendation as contained in the Case Officer Report.

5

ITEM 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 Rice, it was agreed to exclude the public and press from the meeting during discussion on the following item, which related to exempt information by virtue of para. 1 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – information relating to any individual – and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to come out of closed session.

The Chairperson advised the following had been agreed whilst in closed session:

(2) LA07/2024/0548/F

On agenda as a result of the Call-In Process

Location:

364 Newry Road, Newry, BT34 4SF

Proposal:

Replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Councillor Rice proposed that the application be overturned to an approval. He stated that he believed Policies CTY 1, 3 and 13 were satisfied and further advised that the proposed location had comparable landscaping and integration requirements to the Planning Department's preferred location. He confirmed that, being familiar with the area, he considered the proposed development to reflect the established pattern of development. This 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:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2024/0548/F 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.

(3) LA07/2022/1239/O

On agenda as a result of the Call-In Process

Location:

Site adjacent and to the NE of 23 Rathcunningham Road, Toye Downpatrick

Proposal:

Proposed new 2 storey dwelling including landscaping and car parking

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, confirming that no statutory consultees had raised objections. She reported that one objection had been received following neighbourhood notification and had been addressed within the case officer's report. She advised that the application had been assessed against Policies CTY 1, 8, 13, 14 and 16.

Mrs Ferguson reminded Members of the restrictive nature of Policy CTY 8, which required a substantial and continuously built-up frontage, with a gap capable of accommodating no more than two dwellings and with no development to the rear. She explained that as No. 23 was sited further back from the road, it was considered to represent development to the rear. She further advised that the proposal site formed part of the garden amenity space of No. 23, which itself had frontage to the road, and confirmed that the Planning Department were therefore of the opinion that no infill opportunity existed.

Speaking rights:

In Support:

Mr David Donaldson spoke in support of the application, stating that all the requirements of Policy CTY 8 had been satisfied, and maintained that the proposal would not contribute to or create ribbon development. He disputed the Planning Department's assessment of No. 23 as development to the rear, stating that the property was accessed by a separate laneway located to the south of its front garden, and not by the gates shown in the case officer's report.

Mr Donaldson further referenced a number of Planning Appeals Commission (PAC) decisions which, he contended, supported the proposal. He emphasised that Policy CTY 8 did not preclude approval of an infill opportunity in circumstances where there was no accompanying development to the rear.

Councillor Hanna requested clarification on what constituted the substantial and continuous built-up frontage, to which Mr Donaldson outlined that it comprised Nos. 19, 19a, 21, the gap which the Planning Department had regarded as the garden of No. 23, and No. 23 itself. He confirmed that further round the bend of the road were further buildings that included a mixture of houses, outbuildings and converted cottages.

Councillor Hanna queried whether a triangle of woodland was considered a break in the frontage. Mrs Ferguson reiterated that the woodland formed part of the garden of No. 23 and was not relevant to the Committee's consideration.

Councillor Hanna further asked whether it was permissible to build in front of a dwelling and if there were any circumstances under which planning approval could be granted within the garden of No. 23. Mrs Ferguson advised that as No. 23 was considered to have frontage to the road, there was no gap to be assessed under Policy CTY 8. She confirmed that the policy would therefore not permit approval for a dwelling within the garden.

Mr Donaldson responded that on site, No. 23 was orientated towards Strangford Lough rather than Rathcunningham Road, and as such its garden was perceived as a gap site when travelling along the road.

Councillor Hanna proposed that the application be overturned to an approval, stating that he was basing his decision on the situation on the ground, as had been advised by the Planning Department in previous matters. He confirmed that he considered the site to constitute a gap and was therefore compliant with Policy CTY 8.

This proposal was seconded by Councillor Rice.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to issue an approval in respect of planning application LA07/2022/1239/O contrary to officer recommendation as contained in the Case Officer Report.

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

Agreed: On the proposal of Councillor King, seconded by Councillor Quinn, it was agreed to exclude the public and press from the meeting during discussion on the following item, which related to exempt information by virtue of para. 5 of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Hanna, seconded by

Councillor McAteer, it was agreed to come out of closed session.

The Chairperson advised the following had been agreed whilst in closed session:

P/097/2025: REVIEW OF OPERATING PROTOCOL

Read: Report from Mr J McGilly, Assistant Director of Regeneration, regarding Review of Operating Protocol. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to reject the amendments to items 9 and 12 and to approve the proposed amendments to items 23 and 61 of the draft revised Operating Protocol.

It was also agreed to approve the proposed amendments to the Scheme of Delegation.

P/098/2025: AUDIT ACTION PLAN UPDATE

Read: Report from Mr J McGilly, Assistant Director of Regeneration, regarding Audit Action Plan Update. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Larkin, seconded by Councillor Hanna, to note the Audit Recommendations update as outlined at section 2.2 of the officer's report, and that a threshold of decisions overturned was discussed and it was agreed not to set a threshold.

FOR NOTING

P/099/2025: DFI DRAFT TRANSPORT STRATEGY 2035 CONSULTATION

Read: Report from Mr J McGilly, Assistant Director of Regeneration, regarding Enforcement Quarterly Update Report. **(Copy circulated)**

AGREED: It was agreed on the Proposal of Councillor Larkin, seconded by Councillor McAteer, to note the report issued to DFI draft Transport Strategy 2035 Consultation.

P/100/2025 ENFORCEMENT QUARTERLY UPDATE REPORT

Read: Report from Mr J McGilly, Assistant Director of Regeneration, regarding Enforcement Quarterly Update Report. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Larkin, seconded by Councillor McAteer, to note the contents of the report.

P/101/2025: **HISTORIC ACTION SHEET**

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

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

There being no further business the meeting ended at 12.25pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 42% of decisions overturned