

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 14 January 2026 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber: Councillor G Hanna Councillor D McAteer
Councillor D Murphy Councillor S Murphy
Councillor M Rice

Committee Members in attendance on Teams: Councillor C Enright

Officials in attendance: Mr C Mallon, Director of Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director: Regeneration
Mr Pat Rooney, Principal Planner
Mrs B Ferguson, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Mr Peter Rooney, Head of Legal Administration
Ms F Branagh, Democratic Services Officer
Mr C Smyth, Democratic Services Officer

Also in attendance: Ms J Stokes, Senior Conservation Architect, HED

P/001/2026: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Devlin and Clarke.

P/002/2026: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/003/2026: 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.

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/004/2026: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 10 DECEMBER 2025

Read: Minutes of Planning Committee Meeting of Wednesday 10 December 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 10 December 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/005/2026: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 14 January 2026. **(Copy circulated)**

Councillor Hanna proposed that Item 7 (LA07/2024/1288/F) be deferred to allow objectors the opportunity to request speaking rights, as they had been unaware of the speaking rights process. The proposal was seconded by Councillor Rice.

Councillor Hanna proposed that Item 8 (LA07/2024/1315/F) be deferred, as the agent was unable to request speaking rights due to a computer system failure which had not been resolved in time. The proposal was seconded by Councillor Rice.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to defer application LA07/2024/1288/F to a future Committee Meeting.**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to defer application LA07/2024/1315/F to a future Committee Meeting.**

DEVELOPMENT MANAGEMENT

P/006/2026: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/0444/F

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

Location:

Annsborough WwTW Station Road, Station Road, BT31 9GD

Proposal:

Upgrade to the Annsborough WwTW Wastewater treatment facility on existing site. Proposal includes Inlet Works, Primary Settlement Tanks, Tertiary Treatment facilities and Sludge Tanks with the final effluent discharging in the same location

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mrs Ferguson outlined the application, stating that the Case Officer's report was taken as read and detailed the rationale for the recommendation. She confirmed that no objections had been received and that consultations had been carried out with NI Water, DFI Roads, DFI Rivers, Waste Management Unit and Environmental Health, with responses summarised in the report.

Mrs Ferguson noted that the proposal involved the replacement and upgrading of essential infrastructure on the existing site and that all new structures would be located outside both the floodplain and climate change floodplain. She referred to advice from DFI Rivers, noting that inundation maps indicated the site lay within a potential reservoir inundation area associated with Ballylough Reservoir and explained that under Policy FLD 5 of PPS 15 there was a presumption against development in areas subject to an unacceptable combination of flood depth and velocity, and that this advice was a material consideration for the Planning Authority.

Mrs Ferguson advised that, following Rivers' consultation response, the applicant was required to demonstrate compliance with Policy FLD 5 and paragraph 6.63 of PPS 15, which allowed essential infrastructure where it could be demonstrated that no alternative viable sites existed and that the development could remain operational during flooding, with appropriate mitigation or contingency measures. She stated that further information submitted by the agent confirmed that the proposal represented efficiency improvements to an existing facility rather than new development with the replacement building located outside the reservoir inundation zone, while existing settlement tanks already lay within that zone, with no additional new build proposed in that area.

Mrs Ferguson concluded that, based on the Flood Risk Assessment, hydraulic modelling and site-specific mitigation measures, it was considered that no alternative viable sites were available and that the facility could remain operational during flood events. She confirmed that all other relevant planning policies were satisfied and that approval was therefore recommended.

Speaking rights:

Mr Stephen Lindsay and Mr Mark McCafferty of DFI Rivers were in attendance to outline their recommendation, clarifying that they were not attending as objectors, but to provide advice in accordance with planning policy.

Mr McCafferty advised that the site lay within a reservoir inundation zone and, having regard to the depth and velocity of potential flood waters, the mapping indicated the area was subject to significant risk and accordingly, DFI Rivers advised refusal in line with PPS 15.

Mr Lindsay further noted that flood modelling and mapping identified the location of the existing tanks as being within a hazardous area due to the predicted depth and velocity of flood waters and he advised that this presented a significant safety concern for operatives in the event of a reservoir failure.

In Support:

Mr Sean Milligan spoke in support of the application, noting that the proposal comprised essential upgrades to the existing Annsborough Wastewater Treatment Works to maintain

Proposal:

Barn conversion and single storey extension to form dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the application, located within the countryside with the case officer's report taken as read. He explained that the SPPS was the prevailing policy for conversion proposals in the countryside and applied a stricter test than Policy CTY 4 and that while the SPPS supported the sympathetic conversion of locally important buildings, such buildings were generally those with architectural, historic or design merit. He stated that the subject building was not considered locally important, describing it as a small, single-storey agricultural outbuilding of limited visual impact and no particular merit or significance within its setting.

Mr Keane further advised that, notwithstanding the objection in principle, the proposed works were also unacceptable as the footprint and scale of the extensions exceeded that of the existing structure and were not sympathetic to its scale, massing or character, which was contrary to policy requirements.

Speaking rights:In Support:

Mr Jess spoke in support of the application, stating that the Council had not consulted HED on the archaeological baseline report and questioned why this had not been done. He highlighted that the Gahan & Long report identified the building as locally important and historic, contributing to the character of the landscape, and that its conversion would preserve this contribution and the long-standing family association with the site. He referenced Griffiths Valuation records showing the property's historical ownership and noted that the barn had cultural significance as a long-standing céilí hall, including its use in a BBC documentary about the Sands family singers.

Mr Jess further argued that the building met the criteria for conversion, being of permanent construction and shown on the 1832 Ordnance Survey map, with the structural survey confirming it was sound. He stated that the proposed conversion would retain the building's form and character, enhance its setting by removing overgrowth, and use sympathetic materials and design for the extension. He concluded that the single dwelling would be appropriate for the countryside, would not harm neighbouring amenity or agricultural use, and urged Members to scrutinise the Planning Department's view that the building was not locally important.

Councillor Rice sought clarification from the Planning Department regarding why the building was not considered to be of historic interest, in light of the agent's statement.

Mr Keane explained that the Planning Department's recommendation was based on a site visit and an assessment of the building's condition and presentation, applying the relevant policy test. He noted that the SPPS applied a stricter test for historic importance and confirmed that the Department had concluded the building's historic significance was limited due to its size, the fact it had been previously replaced, and its lack of local contextual

relevance. Mr Keane also confirmed that the building being structurally sound did not satisfy the policy requirements for conversion.

Councillor Rice asked for the agent's response to the Planning Department's assessment, to which Mr Jess stated that there was no definitive policy criteria for determining historic importance, making the assessment subjective and argued that the building held historical significance to local people.

Councillor Rice queried whether the Planning Department had considered the wider contextual significance of the building, as referenced by the agent, rather than focusing solely on its physical appearance.

Mr Keane confirmed that local historical significance had been considered but advised that the wider environment did not demonstrate heritage importance. He noted that the building was not listed, there were no nearby monuments, and the structure appeared as a standard small barn in a field. While the local importance was acknowledged, the Planning Department concluded that the building was not a locally important structure.

Councillor D Murphy asked whether any consultation had been carried out with local residents, or whether the application had been considered only on the information submitted.

Mr Keane confirmed that the application had been processed in line with statutory requirements and that required notifications had been issued, advising that the Planning Department was required to work within its remit and could not go beyond statutory limits in terms of consultation which could be open to challenge or allegations. He reiterated that the building was not listed, was not within a conservation area, and there was no reason to seek further consultation.

Councillor D Murphy stated that the Planning Department were not going to be find out local historical significance without speaking to those within the area and queried whether the Planning Department was aware that the building was over 200 years old.

Mr Keane confirmed that the building appeared on the first edition map, but that the second edition map showed different buildings, indicating that the current structure was a replacement. He added that age alone did not determine historical significance and that it was not a policy test.

Councillor Hanna queried whether the Planning Department were aware that there could be oral history associated with the building, which would not be known unless local residents were consulted. He agreed with the agent that many similar buildings had been lost and asked whether the Committee could form their own opinion on the building.

Mr Keane confirmed that Members were entitled to decide, however he reiterated that the Planning Department's assessment was based on planning policy and the 21-page archaeological impact assessment submitted with the application. He noted that the building was not listed or protected, there were no scheduled or unscheduled monuments nearby, and it was located in a field and presented as a small outbuilding. He also confirmed that building age was not part of the policy test.

Councillor Hanna stated that he was aware of significant historical finds in similar buildings and believed that this building should be protected to avoid potential loss of history. He

asked whether the agent, Mr Jess, had any additional evidence to support retaining the building beyond what had been submitted. Mr Jess responded that he believed the Planning Department had not consulted with HED based on the archaeological survey provided, and he reiterated that the site was a roadside plot forming part of a group of buildings and was significant to local residents.

Councillor Hanna added that, although there was no evidence to support the claim, he accepted the possibility that the building may have been large enough to accommodate significant historical gatherings, such as weddings and celebrations.

Following a query from Councillor McAteer regarding further corroborating evidence of the building's historical significance, Mr Jess explained that the archaeological impact assessment was a desk-based research project into the local history of the building, confirming its structural importance. He highlighted that the building appeared on both the 1st and 2nd edition maps, and noted that the assessment referenced local battle sites, four monuments within 500 metres, and one nearby scheduled monument, all of which supported the building's historical significance. He also stated that 100% of the existing structure would be retained, stating that it was structurally sound and that the existing openings would be preserved as windows and doors.

Councillor Rice proposed to overturn the recommendation to approve the application, stating that he believed it was essential to preserve a locally important building stating that he believed the building had been demonstrated as locally significant and that the proposed subservient design, together with the retention of the original stone walls, was sympathetic to the existing character of the structure.

Councillor Larkin noted that Mr Pat Rooney had indicated to address the Committee prior to requesting a proposal and invited him to speak.

Mr Pat Rooney stated that the SPPS and PPS 21 were restrictive policies that required careful consideration when assessing the application and the implications of any decision. He warned that approving this application on the basis that the building was "locally important" could set a precedent for similar applications across the District. He noted that the Committee had heard from the Planning Department and should have read the Case Officer Report detailing the Department's assessment and cautioned that overturning the recommendation for what appeared to be a standard outbuilding, with no historical evidence attached, no support from a statutory agency, and only oral or folkloric claims of significance, would be unwise. He advised the Committee to proceed with caution before approving the proposal.

Councillor Larkin noted that there was a proposal made that needed actioned.

Councillor Hanna seconded Councillor Rice's proposal.

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

FOR:	7
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 LA07/2023/3405/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) LA07/2024/1557/F

On agenda as a result of the Call-In Process

Location:

39 Seaview, Warrenpoint, Newry, BT34 3NJ

Proposal:

Proposed replacement dwelling with associated landscaping work

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined that the application sought full planning permission for a replacement dwelling within the settlement limits of Warrenpoint, on a prominent site fronting Seaview and the shore, and within the Area of Townscape Character (ATC) and AONB. He noted that the existing dwelling would be demolished and replaced, and that demolition consent was required due to the ATC designation. He confirmed that the proposed new dwelling would be partly two-storey and partly single-storey, with access relocated to Springfield Road.

Mr Keane stated that the Planning Department considered the scale, form, proportions, massing, design, and appearance of the proposed dwelling to be inappropriate for the site, failed to respect the established character and pattern of development in the area and appeared visually incongruous compared with neighbouring properties.

Mr Keane further explained that while the area contained varied residential styles, existing buildings respected the ATC and AONB setting and did not conflict with PPS7. Regarding demolition, he noted that there was a general presumption to retain buildings that positively contributed to the ATC, and although the existing dwelling was of some merit, its contribution was limited. The Planning Department would only support demolition if an acceptable replacement was proposed, which was not the case, and therefore it also objected to the demolition. He added that the applicants had been made aware of these concerns during processing but chose not to amend the proposal and requested assessment as submitted.

Speaking rights:

In Support:

Mr Tom Stokes spoke in support of the application, supported by Mr Ciaran Murdock and Mr Ciaran Shields.

Mr Stokes argued that the officer report and presentation recommended five refusal reasons, but that they all fundamentally related to design. He noted that the officers' concerns centred on building lines, proportions, massing, and the contemporary design of the proposed dwelling. Making use of a slide show to illustrate his points, he highlighted the existing house, and other modern dwellings in the vicinity that had been approved and which he believed positively contributed to the Seafront character, including one that had been recommended for refusal and the Planning Committee had overturned.

Mr Stokes further maintained that the proposal respected the site's topography, kept the new building behind the existing building line, and reduced the seafront vehicular access to increase landscaping. He argued that the contemporary design would add architectural interest and would sit comfortably within the varied streetscape, noting that the majority of the dwelling was single storey and that its scale, massing, and form were appropriate. He also challenged the ATC designation, asserting that the site did not fall within the ATC designation, and that even if it did, the proposed modern dwelling would still be in keeping with the context and would enhance the waterfront.

Councillor Hanna queried the difference in scale between the existing development on site and the proposed scheme. Mr Stokes responded that there was an existing property on the site and a live planning approval to the rear, noting that should the current proposal be granted, the overall quantum of floor space on the site would be reduced.

Following a query from Councillor Hanna, a discussion took place regarding the boundary of the ATC. Mr Stokes stated that the map clearly showed the ATC area and that the proposal site was not included within it; he also noted that nearby approved applications did not reference the ATC boundary. Mr Keane, however, confirmed that the Planning Department were satisfied that the proposal site was within the ATC.

Mr Keane advised that there was an anomaly between the ATC mapping and the written text of the area plan, and that while the maps showed two separate ATC areas, the written text confirmed that the proposal site lay within it. He noted that the issue had been raised with the Planning Department three years earlier and that the Department had consistently applied the current approach to the ATC since then. He also confirmed that the other applications referenced by Mr Stokes had not harmed the ATC setting, except for one that was not built in accordance with the approved plans, whereas it was considered that the current application would harm the ATC.

Mr Pat Rooney also clarified that the site was located within the ATC and the fact that the issue was being debated was solely down to an error within the Planning Authority when developing maps.

Councillor Hanna stated the map clearly showed that there were two separate areas of ATC and the proposal was not sited within the ATC, while Mr Pat Rooney confirmed that the issue was an error with the map and stressed that the written word would always take precedence in situation such as these and confirmed that the proposal site was located within the ATC.

Councillor Hanna queried Mr Stokes' opinion on the matter, to which he advised that the map clearly indicated that the proposal site was not located within the ATC, and stated that the design of the building would only enhance the character of the area.

Councillor McAteer noted that HED's consultation response did not mention the ATC anomaly, and that HED appeared content with the proposal, indicating the applicant had complied with their roof design suggestions while considering nearby listed buildings and that their consultation stated that the design would not be harmful.

Mr Keane confirmed that HED had been consulted but clarified that their remit was limited to impacts on listed buildings; they did not provide recommendations on conservation areas or ATC issues, although they might offer design guidance in relation to nearby listed buildings. He reiterated that HED's remit was in regard to any impact on nearby listed buildings, not with regard to Conservation Areas, and confirmed that the Planning Department were of the opinion that the overall scale, form, proportions, design and architectural approach of the proposal was entirely out of keeping with the ATC.

Councillor McAteer stated that HED disagreed based on their consultation response, to which Mr Keane stated HED were not concerned with the design, merely on impact on listed buildings. He reiterated that their consultation was based on nearby listed buildings and not the impact on the ATC.

Councillor McAteer asked Mr Stokes which other design elements he disagreed with in the proposal. Mr Stokes responded that he referenced a previous Committee decision to overturn refusal for No. 10, which he considered similar to the current proposal. He highlighted the eclectic mix of street elevations along Seaview and emphasised that the proposal would close up the existing access, aligning with the character of neighbouring dwellings that had similar access arrangements.

Following a query from Councillor D Murphy regarding the decision date for the Committee overturn of the neighbouring application, Mr Stokes confirmed it was in June 2022 and proceeded to read out the agreed minutes from that meeting.

Councillor McAteer proposed overturning the recommendation to approve the application, citing several reasons.

- He stated that he took comfort from HED's consultation response despite differing view of the Planning Officer.
- He believed the proposal would enhance the seafront, would not significantly depart from neighbouring dwellings, and would improve the environmental quality of the area as a modern dwelling.
- He also considered that the ATC would not be affected due to the site's distance from listed buildings and that the proposal would enhance the ATC's character, noting this was a matter of opinion.
- Additionally, he highlighted that the development scale on the site would be reduced from two houses to one, considering the larger layout of the proposed dwelling and the removal of the live application referenced by the agent.

Mr Pat Rooney interjected to clarify that HED's consultation response only addressed the proposal's impact on the nearby listed building and did not consider the ATC. He reiterated that the Planning Department's view remained that the proposal was unacceptable in terms of scale, massing, form and design, and that it would impact the ATC, therefore HED's response should not be relied upon as reassurance.

Councillor McAteer reiterated that he still took comfort from HED's response in proposing to overturn the recommendation to approve the application.

Councillor Hanna seconded the proposal.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2024/1557/F contrary to officer recommendation as contained in the Case Officer Report.**

(4) LA07/2025/0327/F

On agenda as a result of the Call-In Process

Location:

92a Mill Road Annalong, Kilkeel, BT34 4RH

Proposal:

Proposed garage, classic car and boat store, gym, and games room.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane stated that the Planning Department had no objection in principle to an appropriately sited, sized, and scaled building, but had concerns with the submitted proposal as outlined in the officers' report, which was taken as read. He noted that one objection had been received regarding plan accuracy, proximity to the boundary, and a boundary ownership dispute. Following the initial review, the Department had advised the agent of its concerns, and an amended plan showing a 1m high fence was subsequently submitted. Further suggestions were made by the agent but were not supported by revised plans, and the Department's assessment was based only on the plans submitted at that time.

Mr Keane explained that revised plans submitted in December were received after the application had already been recommended for refusal and progressed to a Delegated List, so the assessment was complete, advising that Members could accept the revised plans but further neighbour notification would be required. He stated that the Department still had concerns about the proposed high fence, describing it as an unsightly and prominent feature in the AONB, and suggested a smaller, re-sited scheme was needed. He also highlighted concerns with the outbuilding's scale, footprint, height, and positioning, which would dominate the host dwelling and be disproportionate in the street scene. Mr Keane added that the first-floor balcony would overlook the adjoining property at No.102, impacting privacy.

Speaking rights:

In Support:

Mr Brendan Starkey explained that the application sought permission for a domestic ancillary outbuilding within the curtilage of 92a Mill Road, Annalong, comprising a ground-floor garage and storage area with a gym/games room above and an external balcony. He clarified that the recommendation was based on outdated drawings showing a 1.0m fence along the northern boundary, and that revised drawings submitted on 9 December 2025 showed a 1.8m close-boarded fence, which materially altered the assessment of overlooking and should be considered by the Committee.

Mr Starkey argued that the outbuilding was a domestic structure within an established residential curtilage and had been positioned to screen an existing unsightly, partially constructed structure on the neighbouring site. He stated that the design was simple and intended to match the host dwelling, with the ridge height set 0.85m below the house, making it subordinate and sympathetic. He further maintained that the siting followed the established local pattern of development with the site being largely screened from Mill Road, so its visual impact would be limited and would improve the locality by concealing the unfinished structure. On the issue of residential amenity, he argued that the relationship between the plots was staggered and that the revised 1.8m fence would prevent any realistic overlooking from the balcony. He also stated that the balcony faced the applicant's own site and did not directly overlook the most private part of the neighbour's garden, therefore the proposal would correct an existing privacy imbalance. On AONB matters, he contended that the outbuilding would integrate with the built context through matching finishes and boundary treatment and would enhance the AONB setting by screening the intrusive neighbouring structure.

Councillor Rice queried whether the amended plans of a higher fence would resolve the Planning Department's concern of overlooking.

Mr Keane confirmed that the amended plans were received after the recommendation was published and therefore constituted new information, leaving it to Members to decide whether to accept them. He cautioned that the site already had a substantial retaining wall and adding a 1.8m fence on top would create a boundary feature approximately 5.5m to 6m high, which could be significant in the sensitive AONB setting. While the fence would reduce overlooking, he warned that it could raise other concerns and would require proper assessment by the Planning Department.

Mr Starkey stated that the applicant had been informed that the Planning Department would contact them if there were concerns with the submitted drawings, but no contact was made before the application was recommended for refusal. Consequently, the applicant submitted amended drawings, which were then referenced to the Committee. He noted that the retaining wall varied in height across the site and would not form a uniform 6m structure as suggested by the Planning Department. He also argued that, as the Planning Department had not raised concerns about a 1m fence, there should be no issue with a 1.8m fence. He added that the site was located down a narrow laneway with few nearby properties, was well screened, and would not create character issues.

Councillor Rice queried the nature of the objection received.

Mr Keane outlined that the objection was in relation to the accuracy of the plans submitted, and the proximity and ownership of the boundary and retaining wall. He noted that the

height quoted was based on the plans submitted by the agent, and if the measurements were incorrect, it was a result of the inaccurate plans submitted by the agent.

Councillor Rice requested that Mr Starkey address the Planning Department's concern that the proposal was unsympathetic to the area, as he had stated that there were similar developments within the area.

Mr Starkey noted that the proposal was located on a narrow, single-track laneway off Mill Road, which contained approximately five dwellings. He highlighted that three of these dwellings had garages positioned forward of the building line and that one property had an unfinished structure that had remained incomplete for over 15 years, stating that the proposed development would screen this uncompleted structure from view, enhance the residential character of the area, and overall benefit the locality's appearance.

Councillor McAteer queried the structure, to which Mr Keane noted that he did not believe it was completed and while it may be considered a blight on the landscape, the proposal was a much larger structure.

Councillor McAteer requested Mr Starkey to address the difference in measurements mentioned and queried the accuracy of the plans submitted.

Mr Starkey stated that the issue was that the wall staggered across a variety of heights as it traversed the garden, with his measurements ranging from 2m to just over 3m depending on location. Mr Keane confirmed that a fence on top of this would increase the retaining wall height to over 5m in locations, which was a concern of the Planning Department.

Following a query from Councillor McAteer regarding the overlooking concern and the balcony, Mr Keane confirmed that the view from the first-floor balcony of the proposal would be overlooking the neighbour's property. Mr Starkey advised that the balcony was recessed, enclosed on either side by walls, facing the bottom of the garden, to view the neighbour's property would be difficult. He stated that the proposed heightened fence was a belt and braces approach.

Councillor Rice requested clarity on the amended drawings that had been submitted.

Mr Keane confirmed that they had been received following the refusal recommendation being made, and that it was a matter for Members to decide if they wished to accept them. He advised that if the Committee did wish to consider them, then a further round of neighbour notifications would need to be carried out to allow interested third parties the opportunity to consider the amendments in line with legislative requirements.

Councillor Rice requested legal opinion on the matter.

Mr Peter Rooney highlighted several issues arising from the application, which he described as essentially being for a simple garage structure and therefore not normally complex. He raised concerns about fairness to both the applicant and the Planning Department, questioning why the amended drawings were not submitted before the recommendation was issued, and stressed that it was the applicant's responsibility to engage with the Planning Department in a timely manner.

Mr Peter Rooney also cautioned that if the Committee were to make a decision based on new information that had not been reviewed by the Planning Department, it could create legal anomalies. He noted that the Planning Department's recommendation was based on

Refusal

Power-point presentation:

Mrs Ferguson outlined the proposal, confirming that the case officer's report was taken as read and that consideration was based on a revised proposal. Two letters of objection were received from the occupant of No. 12 Lislea Drive, and the issues raised were addressed in the report. Consultations had been carried out with NI Water, DFI Roads, DFI Rivers, WMU and Environmental Health, with responses summarised in the report. She stated that the site was within the settlement development limits of Crossgar as defined in the Ards and Down Area Plan 2015.

Mrs Ferguson summarised the revised layout, noting that the scheme included two dwellings and a block of two apartments along the site frontage, separated by the access, with a further two dwellings to the east replacing No. 10. To the rear, there was an upper floor of apartments with ground-floor parking and a single two-storey block containing four apartments. She highlighted that the plot depth of 33m was significantly less than required for back land development and that the proposal would amount to overdevelopment, contrary to Policy QD1(A) of PPS 7. She added that the separation distances would result in overshadowing, loss of light and visual intrusion to neighbouring properties, particularly those on Lislea Drive and Lislea Gardens, failing Policy QD1(H). She further noted that the development did not meet the criteria of the PPS 7 addendum, with a density higher than the established area, an incongruous street scene, and failure to meet space standards, thereby conflicting with Policy DES 2 of the PSRNI. She also stated that parking arrangements were unsatisfactory and did not comply with AMP 2, AMP 7 and QD1(f). In conclusion, she advised that the proposal was unacceptable and failed to comply with the relevant planning policies.

Speaking rights:

In Support:

Mr Tumelty spoke in support of the application, noting that the site was within the Crossgar settlement and had previously been used for housing and commercial purposes. He emphasised that the outline layout was illustrative only and that the proposed density was comparable to nearby development on Lislea Drive. He also stated that the scheme reflected the varied architectural character of Killyleagh Street and Downpatrick Street, and that the separation distances complied with Creating Places, with amendments made to address the sole objection received.

Mr Tumelty maintained that DFI Roads had no objection in principle and that the proposed parking provision was adequate, noting that the previous use as a car lot provided 18 spaces and that the new development required 17, with additional on-street spaces available. He also argued that the access would not be intensified, as the previous use involved significantly more vehicle movements than the proposed residential use. He confirmed that other consultees, including NI Water, NIEA WMU, Environmental Health, and DFI Rivers, had raised no objections and requested that the Committee overturn the officer's recommendation and grant outline planning approval.

Councillor Hanna clarified that the application was an outline application and questioned the level of detail provided. Mr Tumelty explained that the agent had submitted additional detail to seek approval for works on the overgrown site, and that the agent understood a further application would be required for the subsequent detailed proposals.

Councillor Hanna requested details regarding the objection received. Mr Tumelty advised that the objection had been raised by a local resident, and that the applicant had since approached the resident and submitted amended drawings to address the concern.

Councillor Hanna queried the proposed traffic movement in and out of the area. Mr Tumelty advised that the application reduced the number of car parking spaces by four, and that on-street parking was available in Crossgar in addition to parking within the site. He noted that the applicant had previously operated a car business on the site, therefore there would be no intensification of traffic as a result of the proposal.

Councillor D Murphy clarified that the application was for outline planning permission and queried what the Planning Department would deem acceptable given the size of the site.

Mrs Ferguson confirmed that the application was an outline application, and that a further application would be required should outline permission be granted. She stated that the Planning Department must assess the proposal based on the information submitted and could not speculate on what might be acceptable in the future. She also noted that there was no evidence the site had previously been used for car sales, that the proposal would result in an intensification of traffic, and that the site would not be capable of accommodating 14 parking spaces.

Councillor D Murphy queried whether the proposal would increase parking congestion in the area. Mr Tumelty responded that four dwellings had already been demolished on the site and that the remaining land was suitable to accommodate the proposed apartments to the rear.

Councillor Larkin queried the three objections that had been raised and whether they had been overcome as referenced by Mr Tumelty.

Mrs Ferguson advised that she did not believe that they had been overcome as the proposal was overbearing and dominant to the existing dwellings, with gable wall facing onto the back of properties, the separation distance detailed within the report were unacceptable.

Councillor Larkin queried whether the principle of development had been established given that the proposal was an outline application. Mrs Ferguson confirmed that while there was a principle of development on the site, the quality of the residential development would still need to adhere to guidance and policy, and the proposal as submitted was unacceptable. Mr Pat Rooney added that the red line submitted with the application was acceptable in principle, although it contained no details regarding concept plans.

Councillor Larkin then asked if Mr Tumelty would be content to amend the proposal description, to which he confirmed he would be happy to address concerns should outline permission be granted. Councillor Larkin further clarified with the Planning Officers that changing the description to "housing development" based on the submitted red line, without a concept plan, would establish the principle of development and allow subsequent applications to address detailed concept plans. Mr Pat Rooney confirmed that while the submitted layout was unacceptable, the red line and amended description would be appropriate.

Councillor McAteer requested clarification as to what amendments were to be made, with Councillor Larkin confirming that reference to the number and type of dwellings would be

removed to establish the principle of development, and a further application would be required to follow up on the outline permission.

Councillor Larkin then proposed to approve the application based on the red line submitted, the removal of the concept plan and the amended proposal description and with conditions delegated to officers. This was seconded by Councillor McAteer.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2022/0773/O contrary to officer recommendation as contained in the Case Officer Report, based on the red line as submitted, the removal of the concept plan and an amended proposal description.**

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

The meeting did then recess – 12.55

The meeting did then resume – 13.35

(6) LA07/2023/2585/F

On agenda as a result of the Call-In Process

Location:

Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle

Proposal:

Demolition of existing buildings and the erection of an apart hotel comprising of 14Nos. units, a restaurant, ancillary golf storage area, and all associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson explained that the application sought full planning permission for the demolition of existing buildings and the erection of a 14-unit aparthotel, including a restaurant, ancillary golf storage, and associated site works at Nos. 59–61 and 63–65 Main Street and Nos. 2–4 Valentia Place, Newcastle. She noted that the assessment was based on amended plans received on 13 March 2025, and that one objection had been received from No. 57 Main Street, which had been fully addressed in the case officers report. She confirmed that consultations had been undertaken with Historic Environment Division (HED), NI Water, DfI Roads, DfI Rivers, SES, WMU and Environmental Health, the site was within

Newcastle town centre, the Primary Retail Core, and the AONB. She acknowledged that the proposal would bring tourism benefits and town centre regeneration, which were given appropriate weight in the planning balance.

Mrs Ferguson outlined the principal concerns, stating that the key issue was the scale and massing of the proposed building, particularly the step-up to four storeys in the centre of the scheme. She said that, despite some setbacks on upper levels and removal of plant from the fifth level, the step-up would still be visible from Main Street and would appear incongruous within the terrace, potentially setting an unwelcome precedent for similar development. She also reported that the rear block onto Valentia Place would appear as a large, block-like form, which would be out of character with the street and the existing pattern of development. Mrs Ferguson added that the scheme would have an overbearing impact on adjoining properties and would cause overlooking and significant overshadowing, particularly affecting No. 57 Main Street, including its south-facing window and rear flat roof amenity area. She stated that the proposal was therefore contrary to tourism, AONB, and residential amenity policies and that it would have a detrimental visual impact on the Mourne AONB.

Mrs Ferguson further explained HED considered the proposal to fail PPS 6 BH11, as the height and massing of the upper levels would disrupt the visual harmony of the terraced row and would affect the setting of key heritage landmarks along Main Street. She concluded that, while the economic and tourism benefits were material considerations, they did not outweigh the planning concerns, and that the revised scheme did not sufficiently address the issues of scale, massing, design, residential amenity, and built heritage impact.

Speaking rights:

In Objection:

Mr Barry Hillen spoke in objection to the application, stating that his concerns raised throughout the application process had not been addressed and requested that the Committee reconsider these issues and ask the applicant to revise the proposal. He explained that, on behalf of the owner of 57 Main Street, Newcastle (which adjoined the northern boundary of the site), they supported redevelopment but believed a more considered response was required for neighbouring properties as the proposal would build directly in front of a south-facing window at 57 Main Street, which he described as unacceptable. He also raised concerns that the proposed four-storey building would overshadow and dominate the rear flat roof amenity area and bedroom of the adjoining property, significantly reducing sunlight and appearing overbearing. He stated that the scale of the development was out of character with the surrounding area and contrary to SPPS, as it did not safeguard the existing residential environment. He requested that the Committee take these objections into account and asked Planning to re-assess the scheme, emphasising that they were not opposed to redevelopment but considered the proposal too large and not in keeping with a two-storey context.

In Support:

Ms Donna Lyle, spoke in support of the application, supported by Mr Alan Mains, Mr Paul Flanagan and Mr Brian Madden.

Ms Lyle stated that Newcastle was a key tourism asset and that the applicant had embraced the opportunity for regeneration through the proposed development. She explained that the application process began with a pre-application discussion (PAD) in April 2022, during

which HED were consulted. The site was located approximately 82m from Newcastle Presbyterian Church within an existing town centre terrace and was not within a Conservation Area or Area of Townscape Character.

Ms Lyle advised that, during the PAD, HED had recommended reducing the Main Street elevation from four storeys to the current height and maintaining the frontage rhythm to protect the church setting. She stated that the design had been carefully developed to reflect architectural features of Main Street, including projected bays, bonding, tall chimneys and dormer windows, with ridgelines and eaves aligned to existing buildings with setbacks and 3D contextual views provided to demonstrate the scheme's compatibility. She noted that further design revisions had been made during the application process, including reduced upper levels, internal relocation of rooftop plant, increased setbacks, and dormers and height reductions on Valentia Place, resulting in a more sympathetic scheme.

Ms Lyle further indicated that, despite addressing HED's initial comments, HED continued to request additional information without providing evidence that the development would materially harm the church setting. She stated that the separation distance and intervening built form would prevent the proposal from dominating the street scene or affecting the church's significance, and that the requested additional viewpoints were unnecessary. She concluded by highlighting the tourism and economic benefits of the development, including increased accommodation, investment, and job creation, and argued that these aligned with PPS 16 objectives.

Councillor Hanna queried parking availability in Newcastle as part of the proposal, expressing concern about potential congestion if guests were dropped off on Main Street. He also asked what safety precautions had been considered for people being dropped off in that area.

Ms Lyle responded that the proposal could not control how people chose to travel, but hoped to influence behaviour through the active travel plan included with the application. She highlighted efforts to promote sustainable transport and noted the appointment of a Travel Plan Co-ordinator.

Mrs Ferguson confirmed that DFI Roads had no objections to the proposal and clarified that parking was not a concern for the application, as it had not been included within the submission. She noted there were other significant concerns with the proposal, but parking was not one of them.

Councillor Hanna queried Mr Hillen's knowledge of the area and raised concerns about potential delivery-related congestion, to which Mr Hillen stated that Valentia Place was a small back road where two cars sometimes struggled to pass due to inconsistent parking. Ms Lyle noted that the proposal included a service management plan designed to manage delivery frequency, restrict lorry size, and limit deliveries to off-peak periods, and confirmed that this approach had been considered acceptable.

Councillor D Murphy queried what consideration had been given to the objection regarding loss of light and amenity space for No. 57, to which Mr Madden stated that the issue had been considered and suggested repositioning the window. He noted that the existing window was located on the boundary line, questioned how it had been permitted given that it presented a fire hazard and did not comply with building regulations. He added that the referenced amenity space was also a safety concern, as there would be no alternative escape route in the event of a fire. Ms Lyle explained that amenity assessments in a town

centre differ from those in lower-density areas. She stated that in high-density locations, some overshadowing and potential overlooking are to be expected, but there was nearby open space that should be considered as part of the residents' overall amenity provision. Therefore, she argued that the loss of roof space should not be seen as a decisive negative factor.

Councillor D Murphy asked Mr Hillen for his response, and he stated that the existing building had been established for a long time, predating the introduction of Building Control. He added that it was inappropriate for a developer to disregard what was already in place when proposing a new structure.

Councillor Rice queried further detail on the adverse impact on the Presbyterian Church.

Ms Stokes, representative from HED confirmed that at the PAD stage the applicant had acknowledged the existing rhythm of the street frontage and noted that HED had recommended an appropriate building height of 2.3 to 3 storeys, whereas the proposal was for 4 storeys. She stated that HED was not opposed to change but considered that any change should be gradual. She also confirmed that HED had not requested views from the rear of the Church until later in the process, but that these views had remained outstanding.

Councillor Rice queried why they requested 3D images had not been provided as requested.

Mr Madden stated that he believed the proposal was an intriguing design that fit well within the character of the area, noting that the replacement building maintained the same ridge line as the previous structure and would have no impact on the setting of the Church. He added that once this was clarified, HED had shifted their concerns to the rear of the Church. Ms Lyle responded to Ms Stokes that the primary enjoyment and appreciation of a listed building occurs from close range, particularly along Main Street, and therefore the proposal would not have an impact on the listed building.

Councillor Rice stated that if he were the applicant and a statutory body had requested images for their consultation, he would have provided them to resolve any issues if there were no perceived concerns, and he questioned why these had not been submitted.

Ms Lyle responded that they had held several meetings with HED to try to reach an agreement but had been unable to do so, and that they had made three design iterations with substantial changes each time. She noted that their conservation architect had advised that there were no concerns, whereas HED maintained that concerns remained.

Following a query from Councillor McAteer, discussion focused on HED's primary role and the wider area surrounding the listed building. Ms Stokes confirmed that HED's main concern was the listed building, but she was confident that a lay person would also recognise the proposal's impact on it. Ms Lyle countered that Valentia Place was a secondary route through Newcastle with minimal footfall and no views of the listed building's front exterior.

Councillor McAteer noted that the apartments located in the centre of the proposal were being met with resistance and queried what consideration had been given to this.

Ms Lyle stated that the scheme had been reduced from 17 to 13 apartments, with those plans being subject to neighbour notification, and Mr Madden reiterating that the proposal was no higher than what had been in place previously and should not be of concern.

Mrs Ferguson outlined the application, confirming that no objections had been received and that consultations had returned no objections or standing advice and the site lay within the countryside under the Ards and Down Area Plan 2015 and was assessed under the SPPS and relevant PPS 21 and PPS 3 policies.

Mrs Ferguson advised that the proposal met CTY10 criteria a – c as the site was a roadside plot. However, she explained that the dwelling design was not considered appropriate for a rural farm dwelling, appearing more akin to holiday accommodation, and therefore failed CTY13. She further stated that the siting would create ribbon development when viewed with No. 14 McCartans Road and the adjacent farm shed, which was consistently opposed under CTY14 and the retained CTY8 guidance on visual linkage. She noted that the design and siting also conflicted with NH6 and TSM8 due to the site's location within the Mourne AONB.

Speaking rights:

In Support:

Mr Martin Bailie spoke in support of the application, stating that the initial refusal reason was based on the site not being within a settlement, and that if the other issues could be addressed this matter could potentially be overcome. He noted that the case officer's report had originally viewed the application favourably, recognising that the dwelling would form part of a farm cluster. He stated that ribbon development was later introduced as a key issue, which he believed was open to interpretation and was not clearly supported by the photographs provided or by a site visit. He argued that the proposed dwelling would read as part of a cluster with the farmhouse and existing sheds, rather than forming ribbon development.

Mr Bailie also challenged the suggestion that the proposed building type was unsuitable for a farm dwelling, explaining that the applicant had chosen a modest, economical structure that was commonly used in the Mournes and was appropriate for a single person's needs. He questioned why planning had an issue with this form of accommodation when similar buildings were widely accepted locally. He further noted that the structure was small and modest in scale and argued that it would not have the same impact as larger, more intrusive developments. Finally, he stated that if the committee considered the proposal should be restricted to holiday use, the applicant would be willing to simplify the design to resemble a traditional farm shed.

Cllr Hanna left the meeting at this stage - 2.41pm

Councillor Larkin queried whether the proposal would make use of the existing lane, to which Mr Bailie confirmed that it would, and would have no detrimental impact on the hedges.

Councillor D Murphy noted that the design was different than other farm dwellings and queried whether it would be visible from the road.

Mrs Ferguson confirmed that it would be visible and would read as ribbon development, the proposal was not a typical structure for residential development, and the Planning Department were reluctant to set a precedent for this type of development for farm dwellings. She noted that these types of structures were more akin to holiday parks, and as a stand alone dwelling in this location would not blend in with the built form of the area.

Councillor D Murphy stated that he was not overly concerned with the design of the proposal, understood the circumstances as outlined and stated he was happy to propose to overturn the recommendation to an approval. This 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:	5
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor Rice, it was agreed to issue an approval in respect of planning application LA07/2024/1036/F contrary to officer recommendation as contained in the Case Officer Report.**

ClIr Hanna was not present for the vote on this item.

(7) LA07/2023/2702/F

On agenda as a result of the Call-In Process

Location:

Land approximately 150m NW of No.55 Magheraknock Road, Ballynahinch, BT24 8TJ

Proposal:

Proposed replacement dwelling house, domestic workshop and associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson explained that the application sought full planning permission for a replacement dwelling, domestic workshop, and associated site works at lands approximately 150m north-west of 55 Magheraknock Road, Ballynahinch, noting that the case officer's report was taken as read and that no objections had been received, consultations had been carried out, with DFI Roads highlighting that the A49 was a Protected Route and that the proposal would need to meet the criteria for an exception.

Mrs Ferguson stated that the site was located in the countryside and, although the principle of a replacement dwelling was accepted under Policy CTY 3, the proposal failed to meet the necessary criteria as the curtilage had been significantly expanded beyond the original extent, which was not justified, with the proposed dwelling and ancillary works being considerably larger and more visually prominent than the existing building. She stated that the design, depth, roof form, and layout were not considered appropriate for the rural setting and the additional hardstanding, parking areas, and boundary changes were deemed excessive, resulting in a prominent development that would erode the rural character and fail to blend with the landscape.

Mrs Ferguson further advised that because the proposal did not comply with CTY 3, it could not be considered an exception for a new access onto the protected route and therefore failed to meet Policies AMP 2 and AMP 3, it was contrary to the SPPS and Policies CTY 3, CTY 13, CTY 14, AMP 2, and AMP 3, and recommended refusal.

Cllr Hanna rejoined the meeting during the above presentation – 2.49pm

Speaking rights:

In Support:

Mr Declan Rooney, supported by applicant Mr William James McCormick, challenged the refusal reasons concerning curtilage, visual impact, design, and access, and argued that the proposal complied with policy and warranted Committee determination. He stated that the curtilage was not excessive as officers claimed, noting that historical evidence showed the land to the north-west had long formed part of the property and was only recently overgrown. He also explained that the proposed curtilage of 0.6 acres was consistent with the local pattern of generous plots along Magheraknock Road, where curtilage sizes often reached 1.2 acres, acknowledging that some increase was inevitable but argued that the majority of the dwelling was single storey and would be largely screened by mature trees, with additional mitigation provided by the road alignment, setback, and rising landform. He maintained that, when viewed in context, the development would not have a significantly greater visual impact than the existing dwelling.

Mr Declan Rooney stated that the proposal was informed by the Building on Tradition guidance and local examples, featuring traditional proportions, simple rendered finishes, and a linear form, contended that the height and width were not out of character for the area with contemporary elements that would be screened by mature boundaries. He noted that a previous officer report in February 2025 had found the ancillary works to integrate with the surroundings, and that no material changes had been made since. He disputed the access refusal, asserting that the site had an existing vehicular access onto the protected route, supported by historical use and a remaining tarmac entrance, and that overgrowth did not negate lawful access.

Councillor D Murphy queried whether the existing access had always been in place. Mrs Ferguson confirmed that while the lane was laid out in stone, this did not necessarily mean it was an established vehicular access, as agricultural laneways could also be constructed in stone. She stated that any original access to a dwelling had been abandoned long ago, along with the dwelling itself, and that the current situation would represent an intensification of access, requiring the creation of a new vehicular access onto the protected route. She confirmed that only a field gate currently served the site and that no evidence had been provided to show the removal of original gate pillars.

Councillor D Murphy asked how the original occupants gained access, and Mr McCormick noted that around 30 years ago the laneway had been raised, and the former resident used it for access. Councillor D Murphy then questioned how the Planning Department assessed the impact of a larger modern dwelling footprint compared with the original building. Mrs Ferguson responded that while some increase in size for modern living is acceptable, the proposal represented a significant increase in scale and massing. She noted that the ancillary works were extensive and unjustified, including excavation to the rear and a redefined front boundary increasing curtilage towards the road. She confirmed that the

February 2025 assessment referenced by the agent did not cite ancillary works as a refusal reason.

Councillor McAteer queried the legality of the entrance given the time lapse since the previous occupant. Mrs Ferguson advised that legality did not expire, but access arrangements must meet DFI Roads' standards. Mr Pat Rooney added that the Planning Department must consider the site as it was, noting the access had not been used for years and would require substantial works to meet modern standards, which DFI Roads would require planning permission for.

Councillor McAteer asked whether the access was still used by the farmer, and Mr Declan Rooney confirmed it was in daily use; Mr McCormick also confirmed he had used it by car. Mr Declan Rooney disagreed that substantial works were needed, stating visibility splays were achievable and that a field gate could still represent access to the abandoned dwelling.

Councillor McAteer clarified that DFI Roads had no objection, to which Mr Pat Rooney confirmed that DFI had stated the route was protected and any access would need to meet exception requirements of Planning Policy.

Councillor Larkin proposed overturning the recommendation to approval, stating he believed an existing access existed as detailed by the agent and that upgrade works had taken place. He stated the curtilage increase would not offend CTY13 or CTY14, endorsed the agent's view on the dwelling size, and believed the proposal did not breach policy. This was seconded by Councillor McAteer.

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.

Cllr Hanna was unable to vote as he was not present for the full presentation of the application.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2023/2702/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.

**The meeting did then recess – 3.18pm
The meeting did then resume – 3.25pm**

The Chairperson advised that items 16 (LA072024/1379/O) and 17 (LA07/2024/1380/O) would be heard together.

(8) LA07/2024/1379/O and LA07/2024/1380/O

On agenda as a result of the Call-In Process

Location:

Magheratimpany Road Land immediately NW of 66 Magheratimpany Road, Ballynahinch, BT24 8PA

Magheratimpany Road Land immediately SE of 72 Magheratimpany Road, Ballynahinch, BT24 8PA

Proposal:

Infill Dwelling between nos 66 and 72 Magheratimpany Road - Site A

Infill Dwelling between nos 66 and 72 Magheratimpany Road - Site B

Conclusion and Recommendation from Planning Official:

Refusal

Refusal

Power-point presentation:

Mrs Ferguson explained that the two applications for Sites A and B were being presented together because they were related infill proposals. She stated that the case officer's report was taken as read, noting that one letter of objection had been received and that consultees had raised no objections, with standing advice provided.

Mrs Ferguson stated that the sites were within the countryside as designated in the Ards and Down Area Plan 2015 and that the applications were assessed under the SPPS and relevant PPS 21 policies, with PPS 2 and PPS 3 also applicable. Mrs Ferguson reported that the identified settlement cluster and required substantial and continuous built-up frontage (SCBUF) comprised No. 66 and No. 72 with its detached garage, leaving a gap of approximately 120 metres between No. 66 and the garage. She explained that the gap represented an important visual break and that, while not purely mathematical, it was too large and could accommodate more than two dwellings, which conflicted with the restrictive intent of Policy CTY 8 aimed at preventing ribbon development. She further advised that the removal of the roadside hedgerow to facilitate visibility splays would expose the sites and, combined with a lack of established boundary definition between the two sites, would result in poorly enclosed dwellings requiring substantial new landscaping to integrate, which was considered contrary to CTY 13 criteria B and C. Additionally, she noted that the proposed shared access arrangement was more typical of an urban setting and would detract from the rural character, conflicting with CTY 14. For these reasons, she concluded that the proposals failed to meet Policies CTY 1, CTY 8, CTY 13 and CTY 14, and the Department recommended refusal.

Speaking rights:

In Support:

Mr Declan Rooney, supported by Mr James Davey, spoke in support of the application, noting that the Planning Department had accepted the site formed part of a substantial and continuously built-up frontage, satisfying the first requirement of Policy CTY 8. He explained that the only issue in dispute was whether the gap could accommodate up to two dwellings in a manner consistent with the established development pattern. He noted that the distance between No. 72 and the garage associated with No. 66 measured approximately

118 metres and argued that the Department had relied too heavily on the narrowest plot width along the frontage. He maintained that the proposed plots would average approximately 47 metres in frontage width, which closely reflected the average plot width of around 49 metres along the frontage, and therefore was broadly consistent with the established pattern. He also argued that if the existing plots at Nos. 66 and 72 were placed within the gap, they would sit comfortably without increasing scale or intensity, demonstrating that the gap was not excessive and could reasonably accommodate two dwellings. He said the proposal complied with the policy requirement to respect the development pattern rather than replicate the smallest plot width.

Mr Declan Rooney stated that the site was only visible from its immediate frontage and would not be prominent in the wider landscape, acknowledged that some hedgerow removal was required for visibility splays but said this was acceptable under PPS 21 and could be mitigated by reinstating boundaries. He also argued that the proposed shared access was acceptable under DCAN 15 for paired dwellings on rural roads and did not create an urban character.

Councillor McAteer queried the importance given to the visual break and whether it was a normal expectation, to which Mrs Ferguson stated that it was a matter of judgement but that the Planning Department perceived it to be a break within dispersed development along the road and was read as an attractive visual break when traversing the road and the proposal would interrupt that and not maintain the rural character.

Mr Declan Rooney stated that the Justification and Amplification Text (J&A) stated that an infill on a visual break would be permitted if the gap was a small gap site.

Mr Pat Rooney disagreed with the assertion that the gap site was a small gap site, reiterating that it was not a mathematical exercise regarding gap size but was a planning decision that needed consideration in relation to Planning Policy.

Councillor Larkin requested clarity on the issues raised within the objection, to which Mrs Ferguson noted that they related to issues concerning the character of the area, visual impact, road safety issues, not in the interest of the local environment and had the potential to set a precedent of development along the road.

Councillor Hanna proposed to overturn the recommendation to an approval, noting it's similarity to previous applications. He confirmed that he believed that the proposal was sustainable development in the countryside, did not contribute to ribbon development and that it was an infill site, noting a previous application that had been approved with a gap of 180m, while this had a gap of 120m. He stated he believed that it would not result in suburban style of development and would have very little impact on character of the area. This 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:	6
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 applications LA07/2024/1379/O and LA07/2024/1380/O contrary to officer recommendation as contained in the Case Officer Report.

(9) LA07/2024/1513/F

On agenda as a result of the Call-In Process

Location:

20m NE of 65 Kilmegan Road, Castlewellan, BT31 9ET

Proposal:

Erection of a dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, advised that the case officer's report was taken as read, with no representations received and consultees raising no objections. The site lay within the countryside and the Mourne AONB, as designated in the Ards and Down Area Plan 2015.

Mrs Ferguson explained that, under Policy CTY 2A, while there was an existing cluster of dwellings nearby, the site was not visually or physically associated with a focal point or crossroads, being approximately 184m from the nearest junction. As such, the proposal did not meet the criteria of CTY 2A, a position consistently supported by the PAC. She added that the farm shed on the lane did not share a frontage with the site and appeared to be unauthorised, meaning it could not be considered as part of a substantial and continuously built-up frontage under Policy CTY 8. She further noted that the proposed plot was significantly smaller than surrounding plots and would be out of character with the existing settlement pattern. Consequently, the proposal did not qualify as an exception under Policy CTY 8 and was considered to conflict with Policy CTY 14, resulting in ribbon development.

Speaking rights:

In Support:

Mr Declan Rooney, supported by Mr and Mrs Kelly, argued that while refusal had been recommended, officers had accepted that the site formed part of an established cluster of development. He noted that the cluster comprised at least four buildings, appeared as a visual entity, was suitably enclosed, represented rounding-off rather than intrusion into the open countryside, and would not adversely affect residential amenity. He emphasised that no planning harm had been identified in terms of landscape character, amenity, or countryside impact.

Mr Declan Rooney explained that the refusal was based solely on the interpretation of Policy CTY2a regarding association with a focal point or crossroads. He argued that officers had acknowledged the existence of a crossroads and included the site within the cluster, but had

incorrectly applied a distance-based test not contained within the policy. He maintained that the proposal also complied with Policies CTY8 and CTY14, would not result in ribbon development, and represented the type of sustainable cluster development envisaged by policy. He therefore asked Members to apply a consistent policy approach and support the application.

Councillor Larkin requested the indulgence of the Committee and proposed that the recommendation be overturned to an approval as he believed that the application complied with CTY2a. This was seconded by Councillor McAteer.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2024/1513/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.

(10) LA07/2024/1133/O

On agenda as a result of the Call-In Process

Location:

Lands to the rear of No. 1 Crew Road, Ardglass, BT30 7UJ

Proposal:

Dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, noting that the case officer report was taken as read and it contained the rationale for the refusal recommendation. She confirmed that statutory consultees had responded with no objections and standing advice, and one letter of support had been received.

Mrs Ferguson confirmed that the proposal failed to meet the first three criteria of CTY2a, therefore no principle of development had been established, was not an acceptable type of development in the countryside and was recommended for refusal as per the refusal reasons as outlined within the case officers report.

Speaking rights:

In Support:

Ms Clare McParland spoke in support of the application, explaining how the applicant had acquired the site to provide a dwelling, as their existing home within the caravan park was restricted for use as a business manager's dwelling and would need to be vacated due to the sale of the caravan park and retirement. She stated that planning policy did not define what constituted a cluster of development and argued that, contrary to the officer's report, a cluster of four or more buildings existed outside of a farm. She noted that cluster or clachan-style development could be random or linear in form and highlighted that the Council had accepted the caravan park was a focal point centrally located within the cluster. She further advised that the Council had accepted the proposal would not result in visual intrusion into the countryside, that no consultee or third-party objections had been received, and that the closest neighbouring property supported the proposal. She respectfully requested that Members reconsider the recommendation in light of the points raised.

Councillor D Murphy requested clarity regarding the site not having to be associated with the focal point, but rather with the cluster.

Mrs Ferguson noted that the cluster would have to be associated with the focal point and a visual presence would be required. She noted that the Planning Department considered there was no visual entity of a considered cluster of buildings, no cluster associated with the focal point and that the focal point too far removed to be considered as a visual entity. She noted that the mature vegetation surrounding No. 5 discounted it from the visual entity.

Ms McParland noted that visual entity was a matter of planning judgement for the Committee, noting that she felt there was a sense of arrival on site, and should not be considered in a sense that all buildings in a cluster have to be viewed from one single viewpoint.

Councillor McAteer noted the Planning Department's acceptance of the caravan park as part of a focal point, and requested clarification of the policy requirement of the site being bound on two sides. Ms McParland noted that the site was bound to the north by No. 5 and to the west by No. 1.

Councillor Larkin queried the agricultural building, and whether it was situated anywhere within the red line. Ms McParland noted that the land was in the wider ownership of the applicant.

Councillor Hanna proposed to overturn the application to an approval, stating he was content that the development lay within a cluster, had the required buildings and appeared as a visual entity within the local landscape. He stated that he believed it was associated with the focal point, the site provided a suitable degree of enclosure, would be easily absorbed into the countryside and would round off what was already in situ and would have no adverse impact on residential amenity. 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:	7
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 LA07/2024/1133/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.

P/007/2026: LDP REVISED TIMETABLE

Read: Report from Mr J McGilly, Assistant Director: Regeneration, presented by Ms Lois Jackson, Development Plan Manager, regarding LDP Revised Timetable. **(Copy circulated)**

Ms Jackson advised that the item before Members was the Local Development Plan timetable for decision. She explained that the timetable had been revised, noting that the previous revision was made in September 2023, and it was therefore timely to review it. She outlined that the draft Plan Strategy had been published at the end of June and that public consultation had since closed. She stated that the next stage would involve consultation on the representations received to the draft Plan Strategy, which was intended to commence at the end of the month and would be detailed in the following report for noting. She recommended that Members approve the timetable to allow consultation with the Department for Infrastructure for agreement, following which the Programme of Community Involvement would be notified and the timetable published, subject to approval.

Councillor McAteer queried the indicative end date when the report had last been presented as the report noted 2030 as an estimated timeline.

Ms Jackson explained that the timetable had previously been set out differently and was prepared at a time when the full extent of the independent examination process was not fully understood, noting that there were a number of factors outside the Council's control, particularly once the Plan was submitted to the Department and subsequently to the Planning Appeals Commission or other examining body. She confirmed that these factors had now been taken into account, informed by the experience of other councils, and the Planning Department had been advised that the timetable would be reviewed annually as a matter of normal practice and updated as necessary to reflect external influences, and that further amendments in future years would be consistent with best practice.

Councillor McAteer requested clarification on the previous question regarding the end timeline as previously reported to Committee.

Ms Jackson confirmed that the previous date had been 2029, therefore the timetable had been extended by one year to allow for the development of local policies, which were not yet sufficiently progressed. She noted that, on average, the process from draft plan strategy

to adoption had taken approximately four years, with early plans taking up to five years and stated that while the Department and the Planning Service were becoming more efficient, she advised that the timetable could be revisited and amended in future years if circumstances beyond the Council's control required further extension.

Councillor McAteer expressed strong dissatisfaction with the length of time taken for the plan process, describing it as disgraceful. He noted that the previous plan was already outdated by ten years and criticised the lack of progress since 2023, despite assurances that the Department was considering ways to improve and expedite the process. He stated that the situation was not acceptable.

Ms Jackson explained that the process was complex and that the Council had met with the Department on multiple occasions, as had other Councils. She noted that there was a performance improvement program in place but acknowledged that legislative change to streamline the process was slow. While she said the need for reform had been recognised and initiated, she argued that delivery had been too slow. She concluded that the Council was aware of how long the process typically took, based on previous experience from draft plan to adoption, and that the current timetable was therefore an informed estimate.

Councillor McAteer stated that there was nothing Members could do but agree to the report.

- AGREED:**
- On the proposal of Councillor D Murphy, seconded by Councillor McAteer, the following was agreed:**
- **The draft revised timetable as detailed at Appendix A of the Officer's Report.**
 - **Following approval by resolution of the Council, the Planning Department liaises with the PAC prior to submitting the revised Timetable to the Department for Infrastructure for its agreement.**
 - **Following agreement of the revised timetable by DFI, that it be made available and published in accordance with Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015**

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

Agreed:

On the proposal of Councillor Hanna, 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 McAteer, it was agreed to come out of closed session.

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

P/008/2026: REPORT ON REPRESENTATIONS RECEIVED ON THE DRAFT PLAN STRATEGY.

Read: Report from Mr J McGilly, Assistant Director: Regeneration, presented by Ms Lois Jackson, Development Plan Manager, regarding Representations Received on the draft Plan Strategy. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor D Murphy, seconded by Councillor McAteer, to note the report and overview of the draft plan strategy representations as detailed in Appendix A.

P/009/2026: HISTORIC ACTION SHEET

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

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

There being no further business the meeting ended at 4.21pm

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 90% of decisions overturned