

## NEWRY MOURNE AND DOWN DISTRICT COUNCIL

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### Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 25 February 2026 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

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**Chairperson:** Councillor M Larkin 10am – 1.20pm  
Councillor A Quinn 1.50pm – 3.56pm

**Committee Members in attendance in Chamber:** Councillor W Clarke Councillor G Hanna  
Councillor C King Councillor D McAteer  
Councillor D Murphy Councillor A Quinn  
Councillor M Rice Councillor J Tinnelly

**Committee Members in attendance on Teams:** Councillor L Devlin

**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  
Ms P Manley, Senior Planning Officer  
Ms E Kirk, Assistant Director: Legal & People  
Mr Peter Rooney, Head of Legal Administration  
Ms S Taggart, Democratic Services Manager  
Ms F Branagh, Democratic Services Officer  
Mr C Smyth, Democratic Services Officer

**P/010/2026: APOLOGIES AND CHAIRPERSON'S REMARKS**

An apology was received from Councillor S Murphy.

**P/011/2026: DECLARATIONS OF INTEREST**

Councillor Devlin declared an interest in item 10 – LA07/2024/0462/O.

**P/012/2026: 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/013/2026: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 14 JANUARY 2026**

Read: Minutes of Planning Committee Meeting of Wednesday 14 January 2026. **(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 14 January 2026 as a true and accurate record.**

## **FOR DISCUSSION/DECISION**

### **P/014/2026: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 25 February 2026. **(Copy circulated)**

Councillor Hanna proposed to defer Item 14 – LA07/2023/3341/F to a future Committee meeting as the agent was unaware the application would proceed straight to Committee, bypassing the Delegated List, and missed the speaking rights deadline. This was seconded by Councillor Rice.

Councillor Rice proposed to defer Item 18 – LA07/2024/1017/F to a future Committee meeting as the agent was on holiday and missed the speaking rights deadline. This was seconded by Councillor Hanna.

**AGREED: On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to defer application LA07/2023/3341/F to a future Committee Meeting.**

**AGREED: On the proposal of Councillor Rice, seconded by Councillor Hanna, it was agreed to defer application LA07/2024/1017/F to a future Committee Meeting.**

**AGREED: On the proposal of Councillor Rice, seconded by Councillor Hanna, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 25 February 2026:**

- **LA07/2023/3241/F** - Land adjacent to the rear of No 115 Chapel Street, Newry, BT34 2DP - Erection of two semi-detached dwellings including 4 no. car parking spaces and associated site works (amended description)

#### **APPROVAL**

- **LA07/2025/0187/F** - Site falls between St Patricks Avenue Downpatrick and Dunleath Park and is approximately 11m to the east of Number 45 St Patricks

Avenue, Downpatrick Avenue - Proposed installation of DDA Access from St Patricks Avenue to Dunleath Park walking trail in the form of a ramp with complimentary steps to the side.

**APPROVAL**

- **LA07/2025/0171/F** - Beach Centre, Shop & Toilets Clanmaghera Road, Tyrella, Downpatrick, BT30 8SU - Provision of new disabled access pathway from amenity building to beach.

**APPROVAL**

- **LA07/2025/0431/F** - 24 Gantry Lane, Newry, BT35 6FX - Proposed Extension & Alterations to Existing Dwelling and Retention of Garden Room

**APPROVAL**

- **LA07/2024/0639/F** - Lands to the east of Camlough Lake, Newtown Road, Camlough, BT35 7JJ - Development of a 'Recreational Hub' to provide facilities for both water and non-water-based activities at Camlough Lake. Development includes a single storey multi-use building, outdoor space with external showers, changing facilities, slipway and floating pontoon, kayak storage, picnic areas, vehicular turning and separate bus and car parking areas. Upgrade of existing vehicular access off the Newtown Road for the provision of entrance of cars and buses, exit lane for cars and associated visibility splays. Separate bus exit point provided onto the Newtown Road to the northwest of the site. Vehicular access track and separate pedestrian pathways provided from the Newtown Road to the 'Hub' facility. Proposal includes landscaping scheme, boundary fencing, drainage system and all associated site works.

**APPROVAL**

**DEVELOPMENT MANAGEMENT**

**P/015/2026: PLANNING APPLICATIONS FOR DETERMINATION**

**(1) LA07/2024/1288/F**

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

**Location:**

3 Ballynahinch Road, Saintfield, BT24 7AE

**Proposal:**

Demolition of existing buildings and erection of 6 no. dwellings with associated landscaping, site works, car parking and access arrangements from Ballynahinch Road (amended proposal and plans)

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Mrs Ferguson outlined the application, advising that the case officer's report had been taken as read and that the assessment was based on an amended and reduced scheme. She confirmed that 17 letters of objection had been received and fully considered, and that

consultations with all statutory consultees had resulted in no objections, subject to conditions. She noted the site was located within the settlement limits of Saintfield and comprised a large dwelling and outbuildings within a substantial plot.

Mrs Ferguson advised that the proposal sought demolition of the existing dwelling and its replacement with six two-storey detached dwellings, which the Planning Department considered appropriate in design, scale and appearance, with no unacceptable impact on residential amenity, that private amenity space, landscaping, access and parking arrangements were satisfactory and policy compliant, including PPS 3 and PPS 7 (QD1), with density and layout reflecting the character of the area in line with the PPS 7 Addendum and Policy LC1. She confirmed that Historic Environment Division (HED) had raised no concerns regarding nearby listed buildings, including the Second Presbyterian Church, and it was not considered that the proposal would adversely impact its setting under PPS 6.

### **Speaking rights:**

#### In Objection:

Councillor Larkin invited Councillor Bowsie to make his presentation to the Committee, advising that he had five minutes for his address as the sole objector.

Councillor Bowsie stated that he was representing the 17 objectors referenced in the report, expressing his concern that the proposal involved demolition of the last remaining Victorian manse in Saintfield, which had stood opposite the Second Presbyterian Church for almost two centuries and had links to the 1798 Battle of Saintfield. While acknowledging the building was not listed, he noted that HED had indicated it was potentially worthy of local listing and raised concern that the planning report did not address its significance. He also questioned the assessment of the visual relationship between the church and the manse, particularly following the removal of mature trees previously identified as screening.

Councillor Bowsie further raised concerns regarding the biodiversity checklist, stating that trees and a hedge had reportedly been removed despite being recorded as present in submitted documentation, and queried whether such inaccuracies should be accepted. He stated that DFI Roads had initially objected and emphasised that access onto a protected route must be exceptional, which he did not consider had been demonstrated, particularly given the site's position on a bend. He also referred to concerns from residents of The Meadows regarding vehicle headlights affecting their property, which he stated had not been addressed in the Case Officer's report.

#### In Support:

Mr John Bronte spoke in support of the application, welcoming the recommendation for approval and referred to the detailed assessment contained within the case officer's report, which he stated clearly demonstrated compliance with all relevant local planning policies and guidance. He highlighted that all statutory consultees had considered the proposal and raised no objections, recommending conditions where appropriate, including NI Water which had confirmed sufficient network capacity to serve the development. He also noted that third-party representations had been fully considered in reaching the recommendation for approval.

Mr Bronte advised that the proposal comprised a high-quality residential scheme of six detached dwellings on a previously developed site within the settlement limit of Saintfield,

stating that the development had been sensitively designed to respect the surrounding streetscape of the Ballynahinch Road and the amenity of neighbouring residents, with all dwellings being two storeys in height and incorporating materials sympathetic to the local area. He advised that each unit would benefit from private amenity space exceeding Creating Places standards, together with appropriate parking provision. He indicated that construction was anticipated to commence later in the year, subject to the discharge of pre-commencement conditions, thanked the Planning Team for their engagement throughout the process, and respectfully requested that the Committee endorse the recommendation for approval.

Councillor Hanna queried the weight given to the manse by the Planning Department, noting that while HED had no objections, the building had been in place for over 200 years and had significant local history.

Mrs Ferguson advised that the building was located within the existing settlement limit and had been considered in line with the relevant policy context. She reiterated that HED had no objection to the proposal, the building was not listed nor was it located within the conservation area and that there was no policy that supported retention of the building.

Councillor Hanna queried whether the applicant had considered retaining the manse and incorporating it into the proposal, to which Mr Bronte advised that it had not been considered as it was not located in a conservation area or an Area of Townscape Character (ATC), HED had no objections and noted that age did not directly correlate with architectural significance.

Following a further query from Councillor Hanna, a discussion ensued regarding the trees that the Planning Department considered created a visual separation from the manse to the Saintfield Presbyterian Church. The outcome was Councillor Bowsie noting that the trees were sited right around the garden, some were 200 years old and that the submitted biodiversity checklist referenced them as still standing while they had in fact already been removed.

Mrs Ferguson noted that the biodiversity report had been submitted in September 2024, a bat survey had been carried out, and NED had noted no objections. She confirmed that while the Planning Department did not endorse the removal of vegetation while an application was being considered, it had occurred and the case officer report noted the situation on the ground. She confirmed that compensatory planting was to be provided and the Planning Department was content with the landscaping included in the proposal to compensate for the loss of vegetation.

Councillor Hanna queried whether the Planning Department considered there to be visual link now that the trees had been removed to which Mrs Ferguson noted that the trees were not protected by a tree preservation order, and the proposed planting would provide screening for the proposal.

Councillor Hanna noted his disappointment that it appeared that work could begin on an application that was still being considered with no repercussions. He then queried the access for the proposal, querying his understanding that additional access would only be granted in exceptional circumstances.

Mrs Ferguson advised that the proposal was sited within the settlement limits and therefore fell under the category of other protected routes whereby the required criteria was that the

proposal did not involve intensification of use of the existing access in applications pertaining to residential development. She confirmed that DFI Roads had fully considered the application and had no objections.

Councillor Hanna queried what changes had occurred for DFI to have originally objected to the proposal to now have no objections.

Mrs Ferguson noted that DFI had responded to the initial consultation with standing advice regarding the proposed access, the applicant had amended the proposal, DFI were then content with the amended application and had recommended approval.

As there were no further questions, Councillor Larkin queried whether there were any inaccuracies that Councillor Bowsie or Mr Bronte wished to address.

Councillor Bowsie noted that he was content, while Mr Bronte reiterated that DFI had offered comments on the original application and changes had been made to the proposal, which they were subsequently content with.

Councillor Clarke proposed to accept the officer's recommendations, noting that the application complied with all relevant policies, HED had no objections and while the residents were understandably irritated at the removal of the mature trees, the Committee had to deal with the situation as it was on the ground. He stated that if the manse was important to the residents, the onus was on Elected Members to preserve the area through listed buildings and perhaps a tree protection order on the mature trees.

Councillor McAteer seconded the proposal, stating that the design was sympathetic to the local character.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Clarke, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2024/1288/F supporting officer recommendation as contained in the Case Officer Report.**

**Cllr C King joined the meeting during the above discussion – 10.45am**

**Having previously declared an interest in the following item, Cllr Devlin did not partake in the following discussions.**

**(2) LA07/2024/0462/O**

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

**Location:**

Adjacent to and 20m NE of 137 Tullybrannigan Road, Newcastle

**Proposal:**

Infill Dwelling and Garage

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point presentation:**

Mrs Ferguson outlined the application, confirmed that the case officer's report had been taken as read. She advised there was one letter of objection received, with the issues raised addressed within the report and advised that consultees had responded with no objections and provided standing advice. She advised that as the site lay within the countryside as designated in the Ards and Down Area Plan 2015, the relevant policies were CTY 1, 8, 13, 14 and 16 of PPS 21, with retained policies in PPS 2 and PPS 3 also applicable.

Mrs Ferguson explained that, as a requirement of CTY 8 the substantial and continuously built-up frontage (SCBUF) was met with Nos. 135, 137, 139, 143 and 145 Tullybrannigan Road. She noted that the average plot frontage was 59.6m with a building-to-building separation of 97.2m, and that the application site's frontage of 57m and plot size of 0.2ha were consistent with the surrounding pattern of development, which ranged from 0.1ha to 0.4ha. On this basis, she advised that an infill dwelling could be accommodated without adversely impacting the settlement pattern. She concluded that the proposal would not conflict with Policies CTY 8, 13 or 14, and that residential amenity matters could be addressed at the reserved matters stage through appropriate design and conditions.

**Speaking rights:**

In Objection:

Mrs Heather McClelland spoke in objection to the application, noting that in the summer of 2021, the client had applied for two houses with garages on the same large infill site, which had been strongly opposed by the Planning Committee. She explained that the site measured approximately 0.2 hectares and that surrounding plot frontages and building separations indicated that the proposal did not constitute a small gap capable of accommodating infill development in accordance with Policy CTY 8. She highlighted that the site was not bounded by substantial, continuous frontage and that some neighbouring buildings did not face the road, were unauthorised, or were irrelevant to the assessment, further noting that the site was occasionally used for sheep grazing and therefore did not support an active farm business.

Mrs McClelland argued that the proposal would result in ribbon development, cramming in a low-density area, and would conflict with Policies CTY 1, 8 and 14 of PPS 21. She emphasised that the site lay within an Area of Outstanding Natural Beauty (AONB) and that development would adversely affect the setting, integrity and visual amenity of the area. She also raised concerns regarding environmental impacts, biodiversity, and the long-term protection of rural character. She concluded by noting that previous applications for development on the site had been refused and respectfully requested that the Committee reject the current outline application as contrary to countryside protection policies.

In Support:

Mr Declan Rooney spoke in support of the application, noting that Planning Department had recommended approval, advising that the proposal complied with Policies CTY8, CTY13, and CTY14 of PPS21, as well as relevant provisions of PPS2 and PPS3. He noted that the site had previously been considered in 2021 for two dwellings, but that application had relied on unauthorised development at 133a Tullybrannigan Road to justify the principle of development and highlighted that the current proposal had been revised to one dwelling and no longer relied on the unauthorised works.

Mr Declan Rooney outlined that the Planning Department had assessed the site as forming part of a SCBUF, including Nos. 135, 137, 139, 143, and 145 Tullybrannigan Road, and concluded that the plot, measuring approximately 0.2 hectares, could accommodate an infill dwelling without overdevelopment. He confirmed that the proposal respected the established pattern of development, including siting, scale, and plot proportions, and was therefore consistent with Policy CTY8. He further advised that the proposal had been assessed under Policies CTY13 and CTY14 and PPS2 Natural Heritage given the AONB location and could be accommodated without unacceptable impacts on rural character or landscape quality, subject to conditions. Road safety, drainage, and environmental health matters had been reviewed, with no objections raised, and residential amenity considerations could be addressed at Reserved Matters stage. He concluded that the matters raised by the objector did not outweigh the professional planning assessment, which confirmed that the proposal was policy compliant and could be accommodated without harm to the rural character, residential amenity, or road safety.

Councillor Clarke requested clarification on the change of recommendation from the Planning Department on the application from a refusal a number of months ago, to an approval now.

Mrs Ferguson confirmed that a recommendation had been made without fully considering the context with regard to the site history and on reconsideration, it had been decided that No.135 did have frontage to the Tullybrannigan Road, and therefore the proposal was recommended for approval.

Following a query from Councillor Clarke, a discussion ensued regarding the SCBUF, and the discrepancy as laid out by the objector and agent. Mrs Ferguson utilised a powerpoint image to highlight the SCBUF being Nos. 135, 137, 139, 143 and 145 and confirmed that the assessment of plot frontage deemed the gap site was in keeping with the average plot size of the neighbouring dwellings.

Councillor Hanna requested clarification regarding the unauthorised dwelling that had been used as part of the SCBUF, to which Mrs Ferguson that the unauthorised dwelling was No. 133a and was not counted as part of the SCBUF.

Councillor Hanna queried No. 135 as having frontage to the road, stating that he believed that No. 135 could not be considered as having frontage to the road as it was sited behind another building.

Mrs Ferguson advised that No. 135 did have frontage to the road as it shared a common frontage and it was common practice for double fronted buildings to be considered to have frontage.

Councillor Hanna disagreed with this, reiterating that he believed he had been advised in the past by the Planning Department that buildings that did not face the road could be



Mrs Manley presented the application for a new two-storey community facility building within Clonallon Park and explained that the 1.37-hectare site was located within a major area of existing open space as designated in the area plan and lay within the development limits of Warrenpoint and the Area of Outstanding Natural Beauty. She advised that Clonallon Park was identified as one of only two major areas of open space serving a population of approximately 10,000 people in an area of otherwise limited open space provision. She outlined the planning history, including previous pre-application discussions which had advised that any loss of open space and additional parking would require robust justification under PPS8, and referenced a historic refusal for a youth club on adjacent lands. She noted that the current proposal differed significantly in scale, siting and impact from earlier concepts presented at Pre-Application Discussion (PAD) stage.

Mrs Manley described the proposed building as centrally positioned within the park, with a frontage of approximately 86.4 metres, a width of 35 metres, a height of 10 metres and substantial underbuilding and retaining walls, including a 63-metre retaining wall along the eastern boundary. She highlighted the extent of engineering works required and the visual impact on the open parkland, including the removal of trees, the creation of new pathways dissecting the park, and the loss of an important visual break within the AONB, affecting wider views including those towards the Mourne. She advised that, while most consultees had raised no objection, DFI Roads had recommended refusal due to insufficient parking provision and concerns regarding road safety, identifying a significant shortfall even under the revised usage assumptions as detailed within the case officer's report. NI Water had also recommended refusal due to network capacity constraints, although a condition had been suggested should approval be granted. She confirmed that objections and letters of support had been received and assessed within the report. In conclusion, she stated that while the Planning Department did not object in principle to a community facility, it considered that there was no site-specific justification for the development at this protected open space location and recommended refusal for the reasons detailed within the planning report.

### **Speaking rights:**

#### In Support:

Ms Sarah McDowell spoke in support of the application, stating that the application represented local investment to deliver a modern community facility, that had been developed following public consultation and feasibility work which identified a clear local need, and noted that the scheme had received strong public support throughout the planning process. She outlined that the development would provide a range of social, health, cultural and environmental benefits, including community facilities, wellbeing spaces, creative areas and landscaped outdoor environments and confirmed that the design team had responded to consultee feedback during the planning process and had addressed outstanding planning concerns through further submissions.

In response to the refusal reasons, she stated that the loss of open space was limited and outweighed by community benefits and argued that the proposal would enhance the park through improved pathways, landscaping and accessibility while retaining most of the open space. She maintained that the scale and design were appropriate to the park setting and would not harm the character of the area or views within the AONB, stated that she considered the required parking provision to be overestimated and stated that the proposed level of parking was appropriate given the town location, expected pedestrian access and existing underuse of parking areas.

Councillor Hanna queried the parking requirement on site, noting that the agent had referenced different figures to DFI and requested clarity on the staffing complement.

Mr Patterson noted the confusion relating to the parking requirement as the proposal had been amended, advised that the figures Ms McDowell had noted were a snapshot taken of the car park usage over a week and confirmed that there would be a staffing requirement of 5 people.

Councillor Hanna queried the activities referenced by Ms McDowell to include keep fit classes among other usage and queried whether the availability would be limited to ensure there would be no parking issues arising.

Mr Patterson advised that there was an activity schedule submitted as part of the application that detailed the planned use of the building.

Following a query from Councillor Hanna, a discussion ensued regarding the parking availability on site and the discrepancy with the numbers provided within the planning application and DFI Roads parking requirement. During the discussion, Ms McDowell stated that there would be 22 spaces used at peak times for one hour, as per the activity schedule submitted with the planning application.

Ms Manley, during the course of the discussion, advised that the Planning Department had assessed car parking requirements in consultation with DfI Roads using established parking standards. Initially, when the proposal had been presented as a community hub including a multi-use hall with capacity for approximately 250 people, all existing and proposed site uses, including the football pitch and other facilities, were factored into the assessment, resulting in a parking requirement of approximately 124 spaces. As the scheme was amended and the multi-use 250 seat hall would not be utilised, the projected parking demand was revised downward to reflect the reduced intensity of use. She noted that parking requirements varied depending on the proposed usage of the building. She confirmed that, based on the most recent information, the assessment took account of the existing provision of 22 unmarked parking spaces and the proposed extension providing 44 spaces, alongside existing recreational uses such as the pitch and bowling facilities. Future parking demand was calculated using an events timetable provided by the agent, resulting in an estimated requirement ranging from 54 spaces at minimum usage to 73 spaces at maximum usage.

Ms McDowell argued that the parking figures had been clearly set out in submitted reports and correspondence and had been calculated in accordance with the published parking standards. She explained that the first step to calculate parking requirement was to determine the appropriate use classification of the building and advised that as a community centre did not fall within a specific use class, it was treated as *sui generis*, requiring the application of comparable sports and leisure parking standards. She confirmed that, based on an anticipated maximum of 22 users at any one time, nine parking spaces were required for the facility itself. When combined with existing requirements for the open space, football pitches and basketball courts, the total parking requirement for the site was calculated at 39 spaces. She further noted that published parking standards did not vary according to whether development was located in an urban or rural setting and weight had to be given to the fact that the site was within approximately 1.5 kilometres of surrounding residential areas in Warrenpoint, it was considered likely that many users would access the facility on foot or by bicycle rather than by car. She therefore maintained that the level of parking

proposed was consistent with published standards and argued that the Planning Department had overestimated the parking requirement for the location.

Councillor Hanna queried the number of attendees on site for busy periods, citing the number of people attending for the use of the football pitch for games and events, the basketball courts alongside those making use of the proposed walking paths, noting he believed that there was a discrepancy in actual and predicted usage. He also queried the reason for the NI Water refusal recommendation and whether a solution had been found yet.

Mrs Manley advised that while NI Water had recommended refusal due to capacity issues within the network, she advised that the applicant was engaging with NI Water and had submitted a Wastewater Impact Assessment (WwIA) confirming that it was standard procedure that the Planning Department make use of pre-commencement conditions regarding satisfactory engagement with NI Water, which had been applicable in this application.

Ms McDowell advised that the site was appropriate for its own wastewater treatment system, which would be developer led, and would avoid any onsite connection to the NI Water sewer network. She confirmed that this was being progressed with NI Water.

Councillor Hanna confirmed that this was satisfactory to the Planning Department, to which Mrs Manley advised it was a pre-commencement condition and that works could not progress without satisfactory confirmation being received from NI Water.

Councillor Rice queried what weight had been given to the fact that the proposal was sited within an urban area, and whether the applicant referenced underutilisation of the current parking provision had been taken into consideration.

Mrs Manley confirmed that the information had been detailed within the case officer's report regarding the urban context, the potential for users making their way on foot or by bicycle in line with the Council Active Travel Plan. She confirmed that the parking consideration had been detailed within the report but stated that there would be many times when the facilities would be at maximum usage and it was the opinion of the Planning Department that there was not enough parking provision.

Ms McDowell countered that a digital parking survey had been undertaken in May 2025 that highlighted the underutilisation of the current car park.

Councillor Rice noted that while the loss of open green space was not necessarily a mathematical exercise, stating that 6% of open space would be lost within the current proposal. He queried why item 12 (LA07/2024/0639/F) had been recommended for approval while potentially losing 17% of green space.

Mrs Manley advised that Camlough was not a designated area of open space, while Clonallon Park was, which immediately led to policy resistance for the loss of open space. She further highlighted that the proposed build would be located within a pinch point within the park and would essentially segregate the north and south ends of the park and have a detrimental impact on the character and setting of the open space.

Councillor Rice queried whether the Planning Department had given any consideration to the statement by the applicant that the space was currently not being used and whether they would accept the proposal as a better use of the space.

Mrs Manley noted that it was detailed in the case officers report that the space was utilised by the public.

Ms McDowell countered that, in relation to open space policy, the relevant policy applied not only to zoned open space but also to other qualifying areas. She acknowledged that the building would be located within existing open space but explained that, in the context of Warrenpoint, the proposal would largely redistribute activity within the park rather than result in a loss of usable land. She advised that the building had been repositioned approximately 11 metres into the slope from its original location, occupying an area considered underutilised and less functional within the park. She further outlined that policy provisions allowed exceptions where development delivers substantial community benefits, which she considered had been demonstrated through the proposal. She noted that only a small proportion of the park, approximately six percent, would be occupied by the building and car parking and stressed that the scheme would also introduce a community garden, health and wellbeing garden, landscaped piazza areas, new pathways connecting to the existing network, additional planting and retention of grassed areas. She concluded that the scale and siting were appropriate within the urban park setting, integrated with surrounding housing and the bowling green, with no unacceptable impact on neighbouring properties or local character, and therefore considered the proposal compliant with Policy OS1 through the applicable exemption.

Councillor D Murphy queried the parking provision alongside the Active Travel policy, noting that the site was within walking distance for the local people.

Ms McDowell confirmed that submitted alongside the planning application was information regarding nearby bus stops, the provision of 16 cycle parking spaces and that the five access points to the park encouraged more than average foot traffic to the site.

Councillor McAteer queried the weight given by the Planning Department to the fact that Warrenpoint had a unique layout based on open spaces, the agent's statement that parking was underutilised and as the facility was sited on the edge of the town centre it was ridiculous to talk about bus routes as the users would be based in the surrounding densely populated areas. He also noted that there had been numerous District Electoral Area (DEA) meetings that noted anti-social behaviour (ASB) in the area and asked had any consideration been given to the fact that the proposal could improve the safety of the area.

Mrs Manley advised that the report detailed the considerations of the Planning Department regarding open spaces, noting that the land had been zoned for a reason, and that the proposal was going to change the character and setting of the area and could lead to further loss of open space. She noted that no evidence of ASB had been submitted or raised during the processing of the application.

Councillor McAteer stated that the loss of open space would not be detrimental as there was a lot of green spaces nearby, the town was a walking town and queried if the Planning Department had just applied a basic mathematical consideration to the loss of green space. Mrs Manley confirmed that Clonallon was zoned as open space and afforded all the policy protection that came with that zoning, and while there were other green spaces nearby, they were football pitches or similar and not open space for members of the public to avail

of for walking, jogging, etc or as uninterrupted green space, which was why the Planning Department were keen to retain the open space.

Councillor McAteer queried Ms McDowell's opinion, to which she advised that the proposal would enhance the open green space, would integrate into existing pathways. She advised that there was a portion of the slope that was considered dangerous and the proposal would improve the safety of the area.

Councillor McAteer queried whether the sewage pre-commencement condition had been resolved, noting that planning could not be approved with conditions until NI Water had confirmed that they were content.

The delegation noted that there would be a developer led on-site treatment that would negate a connection to the NI Water sewage system.

Councillor McAteer noted that there was local concern regarding the NI Water service provision and queried whether any agreement with NI Water had yet been reached.

The delegation stated that the latest response from NI Water had been in April 2025 but confirmed that there had been ongoing discussions and agreements since then and advised that stage 2 was almost agreed, therefore a planning condition could be applied.

Councillor Tinnelly noted that there were concerns regarding the small number of users per day, 22 users and 5 staff members. He queried the usage when the centre would be at capacity, with resource rooms, activity rooms, a dance studio, changing room facilities, forecourts, and numerous people of a winter evening potentially using the venue and requested confirmation that the use of the building would not be restricted considering the proposed small number of users.

Ms McDowell advised that the building would make use of a room booking system and confirmed that use of the existing changing facilities was already accounted for in the existing parking standards application. Mr Patterson confirmed that the use of the facility would not be restricted, noting that the proposed usage provided was based on an average usage of similar buildings within the District.

Councillor Tinnelly requested confirmation that the use would not be restricted, stating his hope that the building would be well utilised and clarified that no one could potentially turn up and be advised they could not enter the building as it was at capacity with 22 users inside.

Mr Patterson advised that room use would have to be booked in advance and there could potentially be circumstances where a room would be unavailable depending on predicted attendance at another booked event but stated that this would be an unlikely scenario.

Councillor Tinnelly then requested legal confirmation that should the application be recommended for approval by the Committee, DFI would be notified and could call the application in.

Ms Kirk confirmed that DFI would be notified of the decision of the Committee as the application was a Council led application, but noted that it would be a decision for DFI whether they would call the application in.

Councillor Larkin proposed to overturn the recommendation to an approval, stating that he believed the proposal would be a beneficial development for the town and that the community benefits would outweigh the loss of open green space, would not be detrimental to the area, would not have a detrimental impact on the park, would not prejudice the development of zoning due to the enhancement, was not unsympathetic to the special character of the AONB, and would benefit the community offering engagement with more health related activities. He stated that he was content that the current parking provision was underused and was content to accept that the proposed parking provision would be sufficient for the proposed usage of the building.

This was seconded by Councillor McAteer, who reiterated Councillor Larkin's statement, noting that he believed that DFI had exaggerated the parking requirements for the proposal and he accepted the sporadic nature of the parking figures quoted by Ms McDowell and that he believed that the community benefit would be greatly outweighed by the loss of open green space, especially given the addition of a path network for pedestrians.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Larkin, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2023/2695/F contrary to officer recommendation as contained in the Case Officer Report.**

**Cllr Devlin left the meeting at this stage - 12.22pm**

**The meeting did then recess – 12.22pm**

**The meeting did then resume – 12.32pm**

**(4) LA07/2025/0330/O**

On agenda as a result of the Call-in Process

**Location:**

Lands between 14 & 18 Drumsnade Road, Drumaness

**Proposal:**

2 new dwellings and garages on infill site under Policy CTY8 of PPS21

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mrs Ferguson advised that the Case Officer's report had been taken as read, no objections had been received, and that consultees had offered no objections subject to standing

advice. She explained that the site lay within the countryside as designated in the Ards and Down Area Plan 2015 and was assessed under the SPPS and retained planning policies. In assessing Policy CTY 8, she outlined that the SCBUF comprised Nos. 14 and 18, the former dwelling at No. 20, and an outbuilding at No. 18. However, she noted that the gap between Nos. 14 and 18 measured approximately 137.5 metres, which was significantly greater than the average frontage width, even when considering different interpretations of the curtilage at No. 20. She stated that the gap was substantial and could accommodate more than two dwellings, indicating that it did not represent a small infill opportunity.

Mrs Ferguson further explained that the site formed an important visual break in the rural character of this stretch of road and that the proposed dwellings would be intervisible with the bookend properties. She reminded Members of the inherently restrictive nature of Policy CTY 8 in preventing ribbon development and preserving such visual breaks. In assessing Policies CTY 13 and CTY 14, she advised that the proposal did not qualify as an exception under CTY 8 and would create ribbon development and noted that the shared access arrangement was more typical of an urban setting and would be at odds with the established rural pattern, failing to comply with Criteria B, C and D of CTY 14. She concluded that the proposal failed to meet the requirements of the SPPS and Policies CTY 1, CTY 8 and CTY 14, and that refusal was therefore recommended.

### **Speaking rights:**

#### In Support:

Mr Gerry Tumelty spoke in support of the application, arguing that he believed that the proposal complied with relevant policies as the development represented an acceptable infill opportunity within a small gap site and therefore fell within a category of development considered appropriate in the countryside. He stated that the site formed part of a substantial and continuously built-up frontage and argued that the proposal would not create or add to ribbon development but would instead utilise an existing infill opportunity in accordance with Policy CTY8. He further stated that, in light of the introduction of SPPS2, infill policy should be interpreted less prescriptively than under PPS21 and maintained that the site did not constitute a significant visual break but rather a gap suitable for development.

In response to concerns under Policies CTY14 and CTY13, Mr Tumelty stated that the proposal would not result in a suburban-style build-up, would respect the existing settlement pattern, and would not erode the rural character. He noted that mature roadside hedging would be retained to provide screening and that matters such as ridge height could be controlled by condition. He confirmed that DFI Roads had advised that the required visibility splays could be achieved, that Environmental Health had raised no objections and that there had been no objections from neighbours.

Councillor McAteer queried how much mature hedge would have to be removed to accommodate the proposal, to which Mrs Ferguson and Mr Tumelty advised that no hedging would have to be removed.

Councillor Larkin noted that the case officer's report contained two scenarios regarding frontage and requested clarity on why that was.

Mrs Ferguson advised that two assessment scenarios had been considered in evaluating the gap site, and both concluded that the proposal was not in keeping with the prevailing plot

sizes. In the first scenario, if No. 20 was treated as a separate unit with its own curtilage, the average frontage width would be approximately 36 metres. In the second scenario the average plot width would be approximately 54 metres. She confirmed that under both scenarios, the gap measured approximately 137 metres, which was more than twice the average plot width. It was therefore concluded that, regardless of how No. 20 was assessed, the gap was substantially larger than the prevailing pattern and was unacceptable in terms of its size and the established settlement pattern.

Councillor Hanna proposed to overturn the recommendation to an approval, stating that he believed the application satisfied the exception requirement of CTY8, was sustainable development in the countryside given the retention of the hedge, would integrate well within the area, would not result in suburban development and he was content that DFI Roads had no objections. 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:	9
AGAINST:	0
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 LA07/2025/0330/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.**

**(5) LA07/2024/0969/O**

On agenda as a result of the Call-in Process

**Location:**

Approx 130m NE of 6 Ballydrumman Road, Derryneill, Ballyward

**Proposal:**

Proposed dwelling on a farm under Policy CTY10 of PPS21

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mrs Ferguson advised that this was an application for outline planning permission for a proposed dwelling. No objections were received, and consultees raised no issues. DAERA confirmed that the site was not on lands claimed by the applicant's farm business but was being claimed by another business, and the applicant was not a member of that business.

She advised that the site lay within the countryside under the Ards and Down Area Plan 2015 and was assessed under the SPPS and retained planning policies. Under Policy CTY10(a), the applicant indicated that the field had been let in conacre. The field did not appear on the farm maps, and the land was not being farmed under the applicant's business ID. As the field was being claimed by another farm business, that business—not the applicant—would have been entitled to apply for a dwelling, subject to the six-year active farming requirement. She noted that similar issues had arisen in appeal 2024/A0025.

Mrs Ferguson advised that the applicant was not registered as part of the relevant farm business and had no formal association with it. She stated that ownership alone did not demonstrate entitlement to a farm dwelling, and the supporting letter from members of the business carried no determining weight, confirming instead that the land was being let for silage to another farmer.

Mrs Ferguson concluded that the land was being farmed under a different business and that the applicant did not form part of an active and established farm business. The Planning Department therefore recommended refusal for the reasons set out in the report.

### **Speaking rights:**

#### In Support:

Mr Gerry Tumelty spoke in support of the application, stating that this was a unique circumstance. He explained that the 120-acre landholding, registered in the name of Herron, was owned by the applicant, Mr William Herron. The land had been farmed by Mr Herron's father, who was in his 90s and currently in hospital, and by Mr Herron's sister, while Mr Herron operated his own business elsewhere.

He stated that although Mr Herron had been involved in the farm, he had not previously been named on the farm business. Following issues raised during the application process, he had registered himself as replacing his father on 22 February 2026. He added that it was normal for farmers to lease land in conacre and that the field subject to the application formed part of this rotational arrangement, as the family could not farm the full 120 acres. He argued that, as landowner and now a registered member of the farm business, Mr Herron was entitled to a dwelling on the holding and asked the committee to overturn the recommendation.

Councillor Rice queried why the applicant had only recently been added to the farm business and noted that he operated another business. Mr Tumelty confirmed that Mr Herron had an engineering business but owned the farmland, which had been farmed jointly with his father and sister. He added that ownership had transferred to Mr Herron three to four years earlier.

Councillor Rice noted that the applicant had not been named on the farm business when the application was submitted. Mr Tumelty stated that the application had been made when the applicant's father was still in reasonable health and remained the main farmer, and that Mr Herron had not wished to remove his father's name.

Mrs Ferguson advised that entitlement to a farm dwelling under CTY10 required evidence of active farming by the applicant for the requisite six-year period. She stated that no such evidence had been provided, that the land was not on the applicant's farm map, and that DAERA had confirmed it was being farmed by another business.

In response to Councillor Rice, Mr Tumelty stated that evidence had been submitted, signed by the applicant's father, sister and the conacre tenant.

Councillor Larkin queried why the land had not been brought back into the family farm business before the application was submitted. Mr Tumelty stated that the conacre agreement pre-dated the application and could end at the end of the year, and that ownership had not changed.

Councillor McAteer asked whether planning policy recognised that farmers often rented out fields. Mrs Ferguson stated that the applicant must demonstrate active farming of the land under the business ID used for the application, and that no such evidence had been provided. She noted that the land was being claimed and farmed by another business and that the applicant was not a registered member of the farm business under which the application had been made.

Councillor McAteer suggested the parcel of land was being singled out. Mrs Ferguson stated that the issue was the absence of evidence of active farming by the applicant.

Councillor Hanna believed the Planning Department was being harsh and that the case was an exception. In response to his question, Mr Herron stated that he worked and farmed the land and sometimes let land out.

Mr Tumelty stated that it was common practice for a farmer to apply for a dwelling in a son's name and that, although Mr Herron was not an active member of the farm business, the case was unique because he owned the land.

Councillor Clarke asked why the application had not been submitted in the father's or sister's name. Mr Herron stated that the farm had been signed over to him in 2021, that he had allowed his father and sister to continue farming, and that he had been actively working the farm for ten years, investing heavily to keep it operational.

Councillor Hanna proposed overturning the recommendation and approving the application, stating that he considered the case to be an exceptional circumstance and believed it complied with all relevant policies, including CTY1 and PPS21, although not CTY10.

Councillor McAteer seconded the proposal, noting that DAERA had confirmed the farm business on which the application was made was active, established for six years, and that the field in question was owned by that business.

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

FOR:	6
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2024/0969/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.**

**The meeting did then recess – 1.20pm**

**The meeting did then resume – 1.50pm**

**Cllrs Hanna, Larkin and Tinnelly left the meeting at this point – 1.20pm**

**Councillor Quinn assumed the role of as both the Chair and Deputy Chair had left the meeting**

**Councillor Quinn resumed the meeting, confirming that the meeting remained quorate.**

**(6)                    LA07/2025/0378/F**

On agenda as a result of the Call-in Process

**Location:**

26 Lisburn Street, Electrotech, Ballynahinch

**Proposal:**

Change of use from commercial shop unit to 2-bedroom dwelling house

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mrs Ferguson outlined the application, noted that the case officer's report was taken as read, with no objections were received. Consultees offered no objections, subject to conditions. She confirmed that the site was within Ballynahinch Town Centre under the Ards and Down Area Plan 2015 and confirmed that the loss of this small retail unit was considered acceptable as the site lay outside the Primary Retail Core.

In assessing Policy QD1(c), she referred to *Creating Places*, which required adequate private open space to ensure residential amenity and a quality living environment. Even for smaller dwellings, the guidance indicated that private amenity space below approximately 40sqm would generally be unacceptable. The proposal provided no private amenity space, and the agent's justification that based on town centre location and nearby long-established properties with limited amenity did not outweigh this policy requirement.

Mrs Ferguson concluded that the proposal failed to provide an acceptable residential environment and did not comply with Policy QD1 of PPS7.

**Speaking rights:**

In Support:

Mr William Getty advised that the blue lands shown on the block plan were owned by him and could not be amended within the application. He stated that although reference had

been made to a 40m<sup>2</sup> amenity space, he owned a significantly larger area to the rear of the property. He argued that a balanced approach to policy was required and referred to the SPPS as the primary material consideration, noting its support for housing within settlements, town-centre living and the reuse of existing buildings. He believed the proposal would add diversity to the housing stock in Ballynahinch, particularly given the limited demand for commercial premises, and would provide an option for under-represented groups. He noted that neighbouring properties also had limited or no amenity space.

He referred to PPS12 and the SPPS, highlighting their support for a range of house types and for smaller amenity areas where appropriate. He stated that the 40m<sup>2</sup> guidance was not absolute and that paragraph 5.19 of the SPPS recognised circumstances where reduced provision could be acceptable. He advised that the property had been a dwelling until the late 1990s and that returning it to residential use was appropriate and sustainable. He concluded that the wider objectives of the SPPS required consideration and that the proposal would benefit Ballynahinch town centre.

In response to a question from Councillor Murphy regarding whether the land to the rear formed part of the application, Mrs Ferguson confirmed that it did not, as it lay outside the red line. Mr Getty stated that a small amount of amenity space existed within the red line but was difficult to see on the images. He explained that the omission of the blue lands was an error by the architect and that he had been advised he would need to withdraw and resubmit the application to amend it.

In response to a query from Councillor McAteer regarding the level of amenity space, Mrs Ferguson confirmed there was none. Mr Getty referred to a small courtyard with a lean-to at the rear, which he considered to be amenity space. Mrs Ferguson advised that the red line wrapped around the building only and did not include a courtyard.

Mr Getty explained that a communal parking area lay between the red and blue lands, serving four buildings, two of which were already residential, and that he had a right of way through this area to the garden. Councillor McAteer asked whether the area could be enhanced to provide amenity space despite being outside the red line, and Mr Getty confirmed that it could. Mrs Ferguson advised that as it was outside the red line of the application, it could not be taken into account by the Planning Department.

Following extensive discussion regarding amenity space at the rear of the site, Councillor McAteer proposed a site visit, 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:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor McAteer, seconded by Councillor D Murphy, it was agreed to defer planning application LA07/2025/0378/F to allow for a site visit.**

**(7) LA07/2024/1471/F**

On agenda as a result of the Call-in Process

**Location:**

Lands Immediately S of No. 24 Lower Carrogs Road, Newry, BT34 2NQ

**Proposal:**

Proposed New Dwelling & Detached Garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Keane noted that the case officer's reports, including the site history and relevant appeals, were taken as read, the site was located in the countryside, and the provisions of PPS21 therefore applied. He advised that the Planning Department considered that the proposal failed to meet the policy requirements of CTY8, as it relied on two separate frontages, reminding Members of the inherently restrictive nature of CTY8. The application site was not considered to form part of a substantial and continuously built-up frontage, and the proposal did not represent a continuation of the same frontage, as it lay on a different laneway. He further noted that the site provided visual relief and a break in the developed appearance of the area, which should be protected. The proposal was considered contrary to policy, would result in ribbon development and further build-up, and was therefore recommended for refusal.

**Speaking rights:**

In Support:

Mr David Donaldson spoke in support of the application, supported by Mr Jonathan Matthews. He advised that there had been no objections from neighbours or statutory consultees, and that the design was satisfactory and compliant with CTY13. He stated that the proposal met integration policy and that the officer's view of two separate frontages was incorrect, as the lane formed one continuous frontage linking Nos. 20 and 24, despite a bend. He referred to appeal decisions confirming that buildings did not need to be in a straight line or share the same orientation.

Mr Donaldson noted that the Planning Committee had previously determined that development on this site was policy compliant and had been approved in March 2019 (LA07/2016/1486) following a site visit, despite an initial recommendation for refusal. He stated that Members had previously concluded that the lane provided a continuous frontage creating an infill site, and he emphasised the need for consistency and fairness.

Mr Donaldson referred to the earlier officer report, which had described the previous approval as a 'poor planning decision', noting that this comment had since been removed from the report. He stated that it was the role of Members to apply local knowledge and judgement, which they had done in 2017. He cited Mr Orbison KC's text on planning appeals, noting that where a site had a history of approval for similar development, a change in circumstances must be demonstrated to justify a different outcome and stated that no such change had occurred: the site, the applicant and the relevant policy remained



**(8) LA07/2024/1128/O**

On agenda as a result of the Call-in Process

**Location:**

Lands adjacent and E of 84a Warrenpoint Road, Newry, Co Down, BT34 2PS

**Proposal:**

Proposed dwelling and garage (amended access)

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Keane outlined the application, noted that the case officer's report was taken as read. He confirmed that the Planning Department considered the proposal unacceptable for the reasons detailed in the report. While the farm business was active and established, the proposed siting did not visually link or cluster with the existing buildings on the farm and was considered unduly prominent. He also noted significant residential amenity concerns relating to the access arrangements, as well as character impacts arising from the proposed access, all of which were detailed in the officer's report and confirmed that the application was recommended for refusal

**Speaking rights:**

In Support:

Mr Declan Rooney spoke in support of the application, supported by Mr Bernard McLaughlin. He advised that the application had been recommended for refusal under CTY1, CTY10, CTY13, CTY14 and PPS21, disagreed with the assessment that the proposal did not visually link or cluster with the existing farm buildings and stated that it fully complied with CTY10. He argued that the separation distance between the site boundary and the farm buildings was 24 metres, noting that the officer's view that proximity alone was insufficient placed a higher test on the policy than intended. He referred to previous PCC and Council decisions which had accepted that physical proximity established clustering. He therefore considered that a distance of 24–35 metres was modest and demonstrated clear physical and visual linkage.

Mr Declan Rooney noted that the case officer considered the dwelling to read more closely with Nos. 84 and 84A Warrenpoint Road, noting that these dwellings were owned by the applicant's cousins, who assisted with farming the land. He stated that visual association with other dwellings did not preclude visual linkage with the farm buildings and that CTY10 imposed no such restriction.

Mr Declan Rooney used PowerPoint images to demonstrate compliance with CTY10 and to show that integration concerns were mitigated, as the site was barely visible from either approach due to existing roadside development. He stated that the proposal did not constitute back land development or suburban site build-up and therefore complied with CTY13 and CTY14.

He acknowledged concerns regarding access and amenity but explained that the proposal used an existing access onto Warrenpoint Road, as requested by DfI Roads, and required



**(9) LA07/2025/0808/O**

On agenda as a result of the Call-in Process

**Location:**

2 Ballycoshone Road, Ballyaughian, Hilltown, BT34 5XB

**Proposal:**

Proposed infill dwelling

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Keane outlined the application, noting that the case officer's report was taken as read. He advised that the Planning Department considered that the proposal failed to meet the policy requirements of CTY8 for a gap site, as there was not a substantial and continuous built-up frontage comprising a minimum of three buildings. The intended access to serve the development opened onto a protected route, and the informal access that had been created had no permission, had not been made lawful, and was deemed unacceptable. He further noted that the proposal was considered contrary to policy, with no established principle for an infill dwelling. It was assessed as resulting in suburban build-up and ribbon development and would have created a new access onto a protected route. The application was therefore recommended for refusal.

**Speaking rights:**

In Support:

Mr Declan Rooney spoke in support of the application, supported by Ms Catherine Rooney. He noted that officers did not accept Building 3 as a building for the purposes of CTY8 but referred to application LA07/2023/3007/O, where a block plinth and slab foundation had been accepted as a building, and to PAC decision 2022/A0173, where a wooden shed on concrete blocks had qualified as a building. He stated that the structure on this site showed stronger indicators of permanence and therefore met the test previously accepted by the Council and the PAC. He argued that the site therefore represented a small gap within a substantial and continuously built-up frontage and was capable of accommodating up to two dwellings and he considered the proposal compliant with CTY8, CTY1 and CTY14 of PPS21.

On access and AMP3, Mr Declan Rooney advised that DfI Roads had no objections. While noting officers' concerns in relation to the creation of a new access on a protected route but stated that Google imagery showed the access in place since 2008. He stated that it was therefore immune from enforcement and constituted an established lawful access, meaning the proposal did not create a new access and complied with CTY8 and AMP3.

Mr Declan Rooney concluded that the permanent characteristics of the structure, including its concrete base, fixing to the ground, utility connections, former use as a salon and approximately 15-year presence, together with relevant Council and PAC precedents, supported the conclusion that the site formed a combined gap site. He stated that the proposal satisfied CTY8, CTY1, CTY14 and AMP3.



**(10)                    LA07/2024/1315/F**

On agenda as a result of the Call-in Process

**Location:**

Opposite and 42m SW of 41 Ballycoshone Road, Cabra, Newry, BT34 5XD

**Proposal:**

Erection of farm dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Keane outlined the application, noting that the case officer's report was taken as read. He stated that the Planning Department considered the proposal unacceptable for the reasons detailed in the report. He advised that while the farm business was active and established, the primary concern related to the siting of the proposed dwelling, which did not visually link or cluster with the established buildings on the farm.

**Speaking rights:**

In Support:

Mr Martin Byrne spoke in support of the application, supported by Mr Shane Carr, stating that there was clear justification for departing from clustering in this case. He explained that although the proposal met the criteria for a dwelling on a farm, the nature of the farm business required consideration under CTY10(C), which allowed an alternative site removed from the existing farm buildings were supported by evidence from a competent and independent authority such as Environmental Health.

Mr Byrne advised that, based on Environmental Health guidance and previous experience, locating a dwelling close to poultry sheds and feed silos could expose occupants to odour, noise, dust and flies. He noted that impacts varied depending on distance, stocking levels, management practices and weather conditions. He stated that Environmental Health generally recommended a 75-metre separation distance and that they had raised no objection to the application on this basis. He further noted that the Planning Department had raised no concerns regarding the house type or design, which made use of the existing landform to integrate the dwelling, and that no alternative site had been suggested by officers.

Mr Carr advised that an odour assessment had been undertaken using guidance from the Clean Neighbourhoods Act, the SPPS and best-practice material from Air Quality Management and the Environment Agency. He stated that modelling at 25m, 50m and 75m showed that the odour standard was met only at 75m. He noted that Environmental Health responses in August and December 2025 identified 70m, but the initial August response recommended 75m. He stated that this aligned with their modelling and that the PAC case referenced in the planning report was not comparable. He confirmed, in response to Councillor Rice, that the assessment was site-specific.

Mr Keane stated that the agent had focused on CTY10(C) because they appeared to accept that the site did not visually link or cluster under CTY10. He advised that an alternative site



On agenda as a result of the Call-in Process

**Location:**

Adjacent to and SE of 36 Clonallon Road, Warrenpoint, BT34 3PH

**Proposal:**

Proposed single storey dwelling and detached garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Keane stated that this was a full application for a new dwelling and that the case officer's report was taken as read. He advised that the Planning Department considered the proposal unacceptable for the reasons set out in the report and recommended refusal. The plot size, its forward siting in front of the existing dwelling and immediately beside the road, together with the form and general layout, were considered out of keeping with the character of the area. He further noted that the elevated siting, design and layout would have created residential amenity issues, including overlooking, overshadowing and an overbearing impact.

Mr Keane stated that the site formed part of the curtilage of No. 36 and that further subdivision of the plot, combined with the proposed siting and form, would result in a pattern of development considered out of keeping with the area.

**Speaking rights;**

In Support:

Mr Barney Dinsmore spoke in support of the application, stating that in Northern Ireland a multi-dwelling permission remained live indefinitely where part of the approved development had been built. He noted that neighbour notifications and statutory consultees had raised no objections and that the site lay within the Burren/Warrenpoint settlement limits with an established planning history which, in his view, had been wrongly disregarded.

He presented PowerPoint material showing Outline Permission P3377 with three reserved matters approvals, two of which had been implemented, thereby keeping the remaining plot valid. He disputed the view that the proposal failed to respect local character, stating that Clonallon Road had no prevailing built form and reflected a typical suburban mix.

He referred to PPS7 QD1, stating that the proposal met Criteria A, G and H as a modest single-storey mobility dwelling set into the slope, similar to neighbouring properties, and designed to avoid overlooking, overshadowing or loss of amenity. He stated that the site was not part of the front garden of No. 36 and that historic approvals confirmed it as a separate plot capable of accommodating a third dwelling. Site sections showed a ridge height below No. 38 and similar to No. 36, with compliant separation distances.

Mr Dinsmore argued that if the proposal met QD1 Criteria A and H, Policy LC1 was not applicable, as density and the pattern of development had already been established. He highlighted recent comparable approvals on Clonallon Road and stated that refusal reason 2 was therefore unsustainable.

He noted that HED and NED had raised no concerns under PPS2 and that compliance with QD1 satisfied PPS2. He concluded that the application remained live and valid as part of a partially implemented three-dwelling permission, and that the fact the original approval pre-dated current policy was irrelevant, as duration provisions had not changed. He stated that the proposal also met current PPS7 requirements when assessed independently.

Mr Keane stated that an application for three bungalows had been approved in 1977. Planning records showed two subsequent reserved matters approvals, each with its own access, and both dwellings had been built. He stated that no reserved matters approval existed for the third plot. Mr Dinsmore disputed this and stated that he held documents evidencing outline permission and reserved matters for three dwellings.

In response to Councillor McAteer regarding the legal standing of the documents and whether reserved matters carried through in perpetuity, Ms Kirk advised that outline permission established the principle of development and formed part of the planning history. She stated that Members were entitled to regard this as a material consideration, particularly where outline permission had been specific to the site, noting that the Planning Department disagreed regarding the reserved matters position.

Mr Dinsmore stated that officers had referred only to two reserved matters when there were three. In response to Councillor Quinn, he confirmed that the 1977 reference numbers had been provided to the Planning Department.

Mr Keane explained that planning records showed an outline application in 1977 and two subsequent applications. He stated that, irrespective of whether there were two or three, commencement was required and only two dwellings had been built, with the third remaining undeveloped. He stated that the department considered the permission expired.

Following discussion on commencement, Mr Rooney stated that the issue had repeatedly caused difficulty for the committee. He noted that if a full permission for three dwellings had existed and two had been commenced, the permission would have remained extant. However, the approvals were outline permissions and reserved matters were required within three years. He stated that, in the department's view, commencement had not occurred, but that the application should be determined on its planning merits, with planning history considered separately.

Mr Dinsmore stated that there had been a misperception, asserting that outline permission and three reserved matters together represented full permission and that, as development had commenced, the site remained valid.

Ms Kirk advised that the 1977 outline approval formed part of the planning history and that the PAC would consider whether it had established the principle of development. She stated that Members were entitled to conclude that the principle had been established, given that two of the three reserved matters approvals had been implemented, but were equally entitled to take a different view based on current policy.

In response to Councillor McAteer, Mr Dinsmore confirmed that drawings existed for the third dwelling, though none were on record. On amenity, he stated that all possible steps had been taken to alleviate overshadowing and loss of light, noting that there were no windows on the affected elevation and that the ridgeline was lower.

Mr Keane advised that the site was undulating, with ground levels up to 2.5 metres higher than the nearest neighbouring property. He stated that although the dwelling was modest in height, the elevated ground levels and additional built form created an adverse impact on the neighbouring property, including overlooking of the dwelling and its amenity space.

Mr Dinsmore stated that he was willing to work with the planning department to achieve a design acceptable to both parties.

Councillor McAteer proposed overturning the officer's recommendation and approving the application. He also proposed that concerns regarding overlooking be delegated to Planning Officers

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:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor McAteer, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/1054/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.**

## **FOR DECISION**

**P/016/2026:** **RENEWABLE ENERGY WORKSHOP – CORRESPONDENCE FROM DFI**

Read: Correspondence from DFI re Renewable Energy Workshop (**Copy circulated**)

Mr McGilly advised that the correspondence related to an improvement programme being taken forward by councils in partnership with DfI. He stated that the proposal was to hold a renewable energy workshop as part of a series examining new technologies likely to feature in future planning applications across all local authorities. The workshop was scheduled for 11 March 2026 in Belfast and attendance was limited to approximately three representatives per council, including officers and at least one Planning Committee Member.

**AGREED:** **It was agreed on the proposal of Councillor McAteer, seconded by Councillor Quinn, to nominate the Chairperson to attend. If unavailable, a Member of the planning committee would be nominated.**

**FOR NOTING**

**P/017/2026: HISTORIC ACTION SHEET**

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

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

**There being no further business the meeting ended at 3.56pm**

**Signed: \_\_\_\_\_ Chairperson**

**Signed: \_\_\_\_\_ Chief Executive**

**NB: 57% of decisions overturned**