
Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 25 August 2021 at 10.00am in the Mourne Room, Downshire Estate, Downpatrick and via Microsoft Teams.

Chairperson: Councillor D McAteer

In attendance: (Committee Members)

Councillor R Burgess
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D Murphy
Councillor L McEvoy
Councillor H McKee
Councillor G O'Hare
Councillor J Trainor

(Officials)

Mr C Mallon	Director Enterprise Regeneration & Tourism
Mr A McKay	Chief Planning Officer
Mr P Rooney	Principal Planning Officer (via Teams)
Ms M McIlhone	Deputy Principal Planning Officer (via Teams)
Mr A Hay	Principal Planning Officer PPTO (via Teams)
Mr A Davidson	Senior Planning Officer (via Teams)
Mr M Keane	Senior Planning Officer (via Teams)
Ms P Manley	Senior Planning Officer (via Teams)
Mr M McQuinston	Senior Planning Officer SPTO (via Teams)
Mr S Maguire	Planning Officer
Ms N Largey	Legal Advisor
Mr F O Connor	Legal Advisor
Ms S Taggart	Democratic Services Manager
Ms C McAteer	Democratic Services Officer (via Teams)
Ms L Dillon	Democratic Services Officer (via Teams)
Ms L O Hare	Democratic Services Officer (via Teams)
Mr G McShane	Planning Assistant
Mr C McKay	Planning Assistant

P/069/2021: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor L Devlin.

P/070/2021: DECLARATIONS OF INTEREST

No declarations of interest received.

**P/071/2021: DECLARATIONS IN ACCORDANCE WITH PLANNING
COMMITTEE PROTOCOL PARA. 25
– MEMBER TO BE PRESENT FOR ENTIRE ITEM**

Item 7 – LA07/2018/1787/F –Cllrs. Hanna, Harte, Larkin, McAteer, McKee, and Trainor can take part on any discussion/decision on this application. (Application is on Addendum List)

MINUTES FOR CONFIRMATION

**P/072/2021: MINUTES OF PLANNING COMMITTEE MEETING
WEDNESDAY 28 JULY 2021**

Read: Minutes of Planning Committee Meeting held on Wednesday 28 July 2021. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 28 July 2021 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/073/2021: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 25 August 2021. **(Copy circulated).**

AGREED: **On the proposal of Councillor McKee seconded by Councillor Hanna it was agreed to approve the Officer recommendation in respect of the following application listed on the addendum list for Wednesday 28 July 2021:**

- **Item 7 - LA07/2018/1787/F 23 Downpatrick Road Killough
Proposed extension to existing Materials Recovery Facility Building
APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/074/2021: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee.

(1) **LA07/2020/0661/O**

Location:

Land opposite and West of Nos. 10 - 32 Grove Gardens, Killyleagh - Housing development

Proposal:

Housing Development.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr A McKay Chief Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In objection:

Councillor T Andrews and Councillor B Walker (on behalf of residents objecting to the application) presented detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Original houses were built during late 1950s/60s and were not designed for multi vehicle homes - the provision of additional houses will increase existing parking problems in this location and will hamper access for emergency vehicles.
- Currently no turning bay for large vehicles, ie, refuse lorries.
- Increased traffic will bring safety risks for pedestrians and children who already live in the area.
- The proposal will impact on views of the countryside
- The proposal will impact on valuation of existing properties in the area
- The area is not suitable for development due to sloped topography of the ground.
- Concerns regarding the existing houses overlooking the development.
- Concerns from farmers regarding illicit dumping on lands.

Mr McKay explained the site was in an established residential area and was within the development limit therefore the principle of the development is effectively established. The proposal would involve the transfer of land to the Housing Executive for the purposes of provision of social housing and added this outline stage of the development did not involve the consideration of design options.

He added that on balance, and following consultations, it is the view of the Planning Department that the site can accommodate a level of development.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Trainior it was unanimously agreed to defer Planning Application LA07/2020/0661/O for a site visit to allow Members to assess the site in more detail and that representation from the Applicant, ie, the Council, to be in attendance along with a representative from the Council's Estates Department, or the Department for Infrastructure.

(2) LA07/2019/0565/F

Location:

5 Donard Park Newcastle

Proposal:

Proposed residential project consisting of 12nr apartments including associated car parking and communal open space located off a private road at Donard Park (Amended Proposal)

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr A McKay Chief Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:In support:

Gerard McClelland and Pow Knox Ganson UK, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr McClelland and Mr Knox indicated the proposal would compliment existing development and would provide independent living for active elderly residents providing 12 apartment units with layout adapted to suit complex needs / requirements of the residents.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Trainor it was agreed to issue an approval in respect of Planning Application LA07/2019/0565/F as per the information and recommendation contained in the Case Officer Report presented to Committee.

(11.05am – Cllr Burgess joined the meeting)

(3) LA07/2020/0531/F**Location:**

Between 82A and 88 Belfast Road Saintfield

Proposal:

Proposed Stable Block (Domestic), new access, hard standing and all associated works (Amended site description and address)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr A McKay Chief Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:In support:

Mr Andy Stephens Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr McKay said the proposal is situated along a protected route and contrary to Policy in relation to protected routes. It involves the creation of a new access – this is specifically prohibited by policy as the proposal would require an existing vehicular access which is not provided in this case.

Mr Stephens expanded on the following main issues, in support of the application:

- The presence of an existing unlimited access.
- No third party objection from statutory agencies.
- Harm to road safety had not been demonstrated.
- Planning policy should aim to strike a balance and not restrict development the rural community.

Issues raised:

- The proposal will be an enhancement of an existing access that the applicant has used for many years.
- Policy states a field gate is not an access for the purposes of this proposed development.
- Concerns that Planning Department were applying a 2005 policy which had since been superseded by another policy.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2020/0531/F, contrary to Officer recommendation, on the basis that this application is believed to be an exceptional case in that there is a need for this type of facility; outdoor sport should be promoted; Department for Infrastructure have no objections to the application; the development will bring increased road safety along this road, ie, it will improve access to this agricultural land; and encourage outdoor sporting activities of an equestrian nature. Councillor McKee seconded the proposal.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor McKee it was unanimously agreed to issue an approval in respect of Planning Application LA07/2020/0531/F, contrary to Officer recommendation, on the basis that this application is believed to be an exceptional case in that there is a need for this type of facility; outdoor sport should be promoted; Department for Infrastructure have no objections to the application; the development will bring increased road safety along this road, ie, it will improve access to this agricultural land; and encourage outdoor sporting activities of an equestrian nature.**

(4) LA07/2021/0027/O

Location:

60m North of 67 Dechomet Road Dromara

Proposal:

Demolition of existing vacant dwelling and erection of replacement dwelling and garage as per CTY3 PPS21

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr McKay Chief Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:In support:

Mr William Wallace agent and Mr Pat Rooney Applicant agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr McKay said it was the view of Planning Department that the building was not a dwelling and therefore was not susceptible to a replacement dwelling.

Mr Wallace Agent, said the building was previously a dwelling and indicating Planning Department had previously acknowledged the built up flue and doorways, the Department acknowledges historic maps and neighbours recall people living in the building.

Issues Raised:

Noted one side of the building had been used to house cattle over the past number of years. Alterations had been carried out to the building to prevent further deterioration.

AGREED: On the proposal of Councillor Murphy seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2020/0027/O contrary to Officer recommendation on the basis that the Committee believe the building was once a dwelling as it exhibits essential characteristics of a dwelling, including the boundary of what was once a garden.

(11.40am – the meeting adjourned)

(11.55am – the meeting resumed)

(5) LA07/2020/1208/O**Location:**

Northeast of 5b Mullavat Road Greenan Newry BT34 2QB

Proposal:

Proposed 1 no. infill dwelling (amended proposal)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Mark Keane Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:In support:

Mr Declan Rooney agent and Mr Joe McGovern Applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members, and power point presentation.

Issues Raised:

- The proposal does not represent a small gap site, where it is considered this site could accommodate more than two dwellings having account the existing character, and that the site presently represents a visual break in the locality which helps maintain rural character.

- The proposals for the site are not in keeping with the development pattern in the location.
- Agent considers the proposed site to be within the range and the plot is broadly reflective of other adjacent plots in the area.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/1208/O, contrary to Officer recommendation, if the Committee accepted the site curtilage was 51 metres, not 37.9 metres and therefore meet the requirements of Policy CTY8.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/1208/O, contrary to Officer recommendation, as the Committee accepted the site curtilage was 51 metres, not 37.9 metres and believe it meets the requirements of Policy CTY8.**

(6) LA07/2021/0246/F

Location:

Immediately north-west of 102 Tullybrannigan Road Newcastle

Proposal:

Proposed 3no. self-contained tourism units

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr P Rooney Principal Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In objection:

Luke Howard presented in objection to the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

In support:

Mr Declan Rooney agent and Gerard Milligan Applicant agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

The objectors to the proposal believe the proposed commercial development will impact on the existing environment, fabric and atmosphere of the area.

The Agent/Applicant believe attractions such as walking trails, ie, Newcastle Way, Mourne Way and Ulster Way are indeed tourist attractions - these were not included in the NISRA Survey of NI Visitor Attractions as these are free to the public and the Survey only included

those attractions which charged a fee. The Newry Mourne & Down Tourism Strategy identifies walking/hiking as a `unique Mourne- Gullion experience' and also identifies a lack of tourist accommodation to serve these experiences.

Discover Northern Ireland in association with Tourism NI, lists walking / hiking under "Things to Do" in Northern Ireland. The proposal is located within close proximity to many tourist attractions, ie Newcastle, Tollymore Forest Park and filming locations for Game of Thrones.

Issues raised:

- The development is reflective of the previous application in terms of size.
- Objectors would be supportive of development appropriate to the area.
- Planning Department have concerns regarding the location of the development being referred to as being adjacent to the Ulster Way as this is not a tourist attraction in its own right but is an area of 600 miles in length – if the proposal was approved on this basis the Planning Department would have concerns this would lead to sporadic uncontrolled development and is therefore considered not located adjacent to a tourist amenity.
- Basis upon which occupancy rates have been calculated.
- A number of self-catering units are already in the area – may not be similar to the proposal type.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2021/0246/F for a site visit to allow Members to assess the site in more detail and to view the location of Tollymore Forest Park to establish how closely sited tourism/visitor attractions are to the proposal.**

(12.55pm – Cllr R Burgess left the meeting)

(7) LA07/2020/0350/O

Location:

40m south of No 27 Mill Road Hilltown

Proposal:

Proposed site for infill dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Mark Keane Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support:

Mr Brendan Starkey agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members and a power point presentation.

Mr Keane explained the reasons for refusal of the application as the proposal does not lie within a substantial and continuously built up frontage; the remains of the old Mill building are in a state of disrepair with no roof therefore this partially completed structure does not constitute a building for the purposes of CTY8, and as such there is no existing continuous

built up frontage on either side to allow the site to be a gap site therefore failing policy CTY8.

Mr Starkey referred to 4 steps identified by the PAC in establishing an infill opportunity and said the issue to consider is whether there is a small gap within an established and continuously built up frontage. Historic maps showed the old mill building in situ as far back as the 1900s, with permission granted in 2001, 2004 and 2006 for the erection of a replacement dwelling. Planning policy does not state a building must have a roof for it to be considered a building. He referred to two recent approvals granted for infill dwellings where the applications relied on a building with no roof.

Issues Raised:

- Discussion took place regarding clarity as to whether or not the existing old Mill structure was considered a building.
- Previous planning permissions for this site indicated that the existing old building was a building worthy of replacement as a dwelling for the purposes of the policy at that time.

AGREED:

On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2020/0350/O, contrary to officer recommendation on the basis that an argument has been made in relation to the proposal being an infill as similar applications have been approved by Committee in Kilcoo for 2 No. infill; an application was approved in Crossmaglen involving a structure with 4 walls being accepted as a building; it is believed the existing building structure complies with the definition of a structure and complies with CTY8.

Planning Officers be delegated authority to impose any relevant conditions.

(8) LA07/2020/0494/F

Location:

Site adjacent to and 30m NE of The Kilbroney Vicarage Forestbrook Road Rostrevor

Proposal:

Proposed Car park and associated site works to serve existing business at Bradfor Ltd Rostrevor, using existing footway link on Forestbrook Road

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms Mark Keane Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support:

Mr Barry Fletcher agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Keane explained the proposal was for a private car park of approximately 60 spaces to serve a nearby business – the car park will be fenced off with low level lighting with no impact to existing trees. The proposal will improve parking in the area; objections have been

received from 8 No. addresses and following consultation all consultees are content with the proposals as they comply with policy.

Mr Fletcher explained that acquiring the land depended upon gaining planning approval for car parking and funds generated contributing towards the continued restoration works to the roof of Kilbroney Parish Church bringing benefit to the local community. The Bradfor company has made significant contribution to the local economy and to employment and plans in place for future growth. Current car parking facilities are not satisfactory and the provision of a dedicated car park could bring relief for residents, employees, alleviate traffic volume on nearby streets and increase safety.

AGREED: On the proposal of Councillor O Hare seconded by Councillor McKee it was agreed to issue an approval in respect of Planning Application LA07/2020/0494/F, as per the information and recommendation contained in the Case Officer Report presented to Committee.

(1.20pm – the meeting adjourned)

(1.55pm – the meeting resumed)

(9) LA07/2020/1627/F

Location:

72 Newry Road, Mayobridge, Newry

Proposal:

Proposed replacement dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Mark Keane Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support:

Mr Martin Bailie agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Keane said Planning Department had no objection to the principle of a replacement dwelling however it had concerns regarding the size and design of the proposal as it would have significant greater visual impact and not appropriate for the site, which was located beside a scheduled monument, Edenmore Cashel. HED advise the proposal is contrary to PH1 of PPS6 as the development would have an adverse impact on the integrity of the setting of the cashel.

Mr Bailie indicated trees at each side of the site were equal to, and greater in height, than the proposal therefore allowing integration into the site. A similar house design has previously been approved in other areas within the District and the proposal is located along a highly developed route consisting of commercial and a mix of dwelling types which have no prevailing character to define this area. The site is not a new green field and it has an existing access, dwelling and sheds and is only visible for a distance of 500m on approach from Mayobridge. The description regarding variation of landscapes as set out in Policy CTY13, paragraph 5.58, should be taken into consideration. With regard to the adjacent location of the proposal to the Edenmore Cashel, there are no views of the Cashel on

approach from Mayobridge due to existing buildings and trees therefore no impact on integrity of the monument.

Issues Raised:

- Difference between ridge height of existing dwelling and proposed new dwelling - Planning Department met with applicant to discuss concerns and alternatives regarding ground levels and smaller house type and reduced scale.
- Could ground levels be dropped further and the distance between the proposal and the Cashel be decreased.
- Agent advised the site could be reduced and that the distance of the proposal from the Cashel is the same as the distance between the Cashel and the existing dwelling.

AGREED:

On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2020/1627/F, contrary to officer recommendation on the basis that a condition be included to lower the level of the proposed dwelling to almost road level, and that this, together with the existing trees that are taller than the proposed dwelling, will provide the necessary integration; there are a number of other two story dwellings along this road; a condition be included that the proposed dwelling be moved a distance towards Mayobridge.

Planning Officers be delegated authority to impose any relevant conditions.

(10) LA07/2021/0498/O

Location:

20m north of 14 Old Road Mayobridge Newry BT34 2HG

Proposal:

Proposed site for infill dwelling & garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Mark Keane Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support:

Mr Martin Bailie agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Keane said it is the view of the Planning Department that the site does not have continuous frontage to a portion of the laneway and the laneway is broken by the curtilage of No.16. The application is not sited within a substantial and continuously built up frontage therefore the principle of the development cannot be established and is contrary to Planning Policy CTY1, CTY8 and CTY14.

Mr Bailie said the application was for an infill opportunity and there were overriding issues as to why the application was essential. He pointed out the gate did not indicate the end of the lane but is in place for security reasons. The frontage of the site is onto the laneway. He

referred to 4 No. appeals (A0198; A0037; 2013/248; 2019/0064) applications which have not been contained in the presentation by Planning Department but are relevant to the application site. The development would round off a traditional clachan form of housing stock in the countryside and it is incorrect to say there are two laneways and no loop at the end of the laneway.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to defer Planning Application LA07/2021/0498/O for a site visit to allow Members to assess the site in more detail.**

(11) LA07/2021/0395/F

Location:

Adjacent to no. 17 Oakland Grove Upper Dromore Road Warrenpoint BT34 3SQ

Proposal:

Proposed one-bedroom detached dwelling and alterations to access to no. 17 Oakland Grove, Warrenpoint

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Mark Keane Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support:

Mr John Cole Agent and Sarah Magee, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Mr Keane said the site was considered too small to accommodate the proposal, while the plot size is also out of keeping, and will not create a quality residential environment, and resulted in amenity concerns for adjacent properties therefore contrary to PPS7. There is no space in front of the dwelling, there is only space for 1 car within the site which is also built over due to lack of restricted size of the site, and there is minimal usable private amenity space. The proposal represents cramming and overdevelopment with amenity concerns regarding overlooking due to the size of the proposal and proximity to boundaries.

Mr Cole Agent, explained the scale of the proposal was similar to surrounding dwellings and would not have a detrimental impact on the character of the area. The proposal meets the criteria set out in the Creating Spaces document in that it 1 and 2 bedroom houses on small urban infill sites will be acceptable, and with regard to open space provision. There is adequate distance between the proposal and the existing dwelling for car parking and rear access to No.17 and the existing garage on the proposed site respects the character of the streetscape and the car port will have no detrimental impact on the area or streetscape. The scale and density of the proposal is similar to surrounding dwellings in terms of height, depth and massing. Boundary distances between the proposal and adjacent property is acceptable and no objections have been received from the owner of the adjacent property. Development in the area is of a mixed type and the proposal will have no detrimental impact on neighbouring properties or the character of the area.

Issues Raised:

- Access issues

- Possibility of reducing height.
- The existing garage is to be removed to accommodate the proposal – the existing garage would not facilitate the type of proposal required – an upstairs storey is required as to provide a bungalow would result in loss of amenity space.
- Concerns regarding potential overshadowing in gardens of adjacent properties.
- The site is too small to incorporate parking.
- Proximity of proposal to boundaries – front, side and rear.
- Accessibility requirements for disability rear access.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2021/0395/F, contrary to Officer recommendation, on the basis that there is adequate room on the site for the proposed unit; on street parking is possible; there is adequate amenity for a one bedroom house, and that a condition be attached that the proposed design height of the roof space be lowered. 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:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue an approval in respect of Planning Application LA07/2021/0395/F, contrary to Officer recommendation, on the basis that there is adequate room on the site for the proposed unit, as shown by the approval of other similar applications; on street parking is possible; there is adequate amenity for a one bedroom residential unit, and that a condition be attached that the proposed design height of the roof space be lowered.**

Planning Officers be delegated authority to impose any relevant conditions.

(12) LA07/2020/0496/F

Location:

Approx. 105m NE of junction of Bernish Road and Seavers Road, Newry

Proposal:

Consolidation of existing development to form single dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Andrew Davidson Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support:

Mr Colin O Callaghan Agent, presented in support of the application, detailing and expanding upon a written statement and power point presentation, that had been circulated to Committee Members.

Mr Davidson said in 2013 planning was refused on this site for a proposed new farm dwelling and subsequently was unsuccessful following appeal to the PAC. The proposal is being considered under COU 1 Special Countryside Areas. Existing buildings on the site are in poor condition and have been referenced by the PAC as being dilapidated stone structures, and it is the view of Planning that the buildings in their current state may not be fit to be included in any proposed development. The proposal is seeking to create a new dwelling which Planning would consider a new dwelling and not consolidation given the scale of the proposal submitted nor is it in character and scale with the existing buildings. The proposal would have a detrimental impact on the Special Countryside Area and the proposed new access, laneway and parking will not integrate.

Mr O Callaghan Agent said the proposal met all the criteria of COU 1 and Planning Department and applying tests which are not set out in this policy and referred to a similar case in Limekiln Road Camlough which was granted approval for consolidation. The previous PAC decision on this site was based on a new dwelling application. The existing buildings are barely visible from the landscape and proposals are in keeping with the scale of the buildings and scale size has been inaccurately calculated by Planning Department using outdated floor plans. Maintenance has been carried out on the buildings and they do meet the statutory definition of a building therefore meeting the minimum requirement for consolidation of buildings. Regarding access this is already in place and due to scale and height being taken into consideration there should be no visual awareness of the site.

Issues Raised:

- Critical viewpoints – there will be no increase in height and the proposal will be of limited visibility.
- Possibility of lowering the site and using alternative colour.
- Access issues.
- Planning concerns regarding scale, size and integration.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2020/0496/F for a site visit to allow Members to assess the site in more detail.**

(13) LA07/2020/1355/F

Location:

90 metres north of 14 Upper Clontigora Road Killeen

Proposal:

Newry Erection of replacement dwelling with detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Andrew Davidson Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In support:

Mr Colin O Callaghan Agent, presented in support of the application, detailing and expanding upon a written statement and power point presentation, that had been circulated to Committee Members.

Mr Davidson said the siting of the proposal was not sympathetic to the AONB. Previous planning history exists for applications for replacement dwelling on the site which had been approved and others refused on the basis of build-up of development and the rural policies. Planning department have concerns regarding the cumulative impact the off-site location could have on other policy considerations and is contrary to CTY 1; CTY3; CTY13; CTY14; CTY16; PPS 2 NH 6.

Mr O Callaghan Agent, said the proposal to move the dwelling to an off-site location would bring an advantage as it would provide a modest dwelling fit for modern day habitation, as this type of dwelling would not fit within the current folio of the existing dwelling; it will improve rural character by reducing the extent of existing ribbon development; will provide space and a buffer which will prevent any infill opportunities; road safety benefits; amenity benefits for the applicant by not having to reside immediately adjacent to the existing business. Other matters that should be given more considered include noise from the adjacent business; the proposal lies within a ribbon development and is a one for one replacement; due to size and shape of original site it would not be possible to replace within this site; compliance of access and parking on the existing site.; previous planning decisions were based on different policies.

Issues Raised:

- Siting of the proposal - setting the proposal back from the road will lessen the sense of ribbon development however applicant would agree to moving the proposal to the front of the field.
- The need for off site development has not been demonstrated.
- DfI provided comments based on the new access.

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to defer Planning Application LA07/2020/1355/F, for further discussion with regard to the siting of the proposal and bring back to Planning Committee in due course.**

(14) LA07/2020/0893/F

Location:

60 metres South of No. 49 Ballsmill Road, Glasdrumman, Crossmaglen

Proposal:

Proposed erection of 2 no. detached rural infill dwelling houses and detached garages ancillary works and additional landscaping.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Andrew Davidson Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

In objection:

Ms Michelle Teggart and Mr Colin Bennett presented in objection to the application detailing and expanding upon a written statement that had been circulated to Members.

In support:

Mr Barney McKeivitt Agent, presented in support of the application, detailing and expanding upon a written statement and power point presentation, that had been circulated to Committee Members.

Mr Davidson said the application was for a gap site with substantial built up frontage for two modest 1.5 storey properties and the proposal was appropriate for the area and will not result in ribbon development in the area nor would the proposal be considered to be a prominent feature in the landscape. Development on either side of the site provides integration and will only be visible along a short section of the public road. DfI have not raised any objections to the proposed access and will not impact on safety. The proposal is considered an infill opportunity and will not represent ribbon development and no loss of amenity due to overlooking nor will it impact the privacy of neighbouring properties. Statutory obligations have been fulfilled in terms of provision of adequate sight splays . Previous refusals have been considered, since then new planning policies have been published and the proposal has been considered under the relevant policy. Planning are content the proposal complies with policy subject to relevant conditions.

Ms Taggart stated objectors believe the proposal does not fall within a ribbon development. No.47 is not a road frontage dwelling but is separated from the road by two agricultural fields and while the large roadside curtilage is approved in principle, it has not been established on the ground. PAC consistently rule that buildings must be visible to qualify as a gap site within a line of 3 buildings which is not the case with this proposal. Planning guidance issued by the Minister on Development in the Countryside sets out a change in how planning policy is interpreted and states all development in the countryside should integrate and respect rural character and not create/add to ribbon development. The proposal fails to integrate and does not respect the traditional pattern of settlement and will erode the rural character of this location – the site is on rising ground, lacks mature vegetation, the proposed dwellings will overshadow No.51 and will have road prominence travelling in both directions along Ballsmill Road and Glasdrumman Road. Owners at No.49 will not be providing the lands required for sightlines for the proposal

Mr McKeivitt referred to CTY 1 and the aim of contributing to sustainable development with one of the exceptions being infill development, in accordance with CTY 8. Previous planning applications associated with the lands were based upon entirely different proposals and planning policies and decisions issued by different a planning authority. Historically in relation to the lands planning permission was granted in 1979 for the erection of a bungalow P/1979/0369/F. A new access arrangement with road splays was granted together with a new access laneway and septic tank. The occupier of No.49 has not constructed their access arrangement in accordance with the required sight lines – the front boundary wall has not been set back the required distance and therefore has had a minimal impact on the applicants ability to implement sight splays. The occupier of No.49 would have required the removal of approximately 40m of hedgerow from land owned by applicant to satisfy their planning conditions, and the applicant is willing to provide these lands to ensure a safe access arrangement for the existing property at No.49. The sight visibility splays for the proposal is within the control of the applicant, as outlined in folio maps, and notice was duly served on all parties affected by the proposal and no legal representation has been received to date in relation to site visibility splays. The proposed design of the dwellings are similar with other dwellings in the area, with proposed dwelling and garage layout having front elevations fronting the Ballsmill Road and rear amenity and countryside views similar to properties at No.49 and No.51. Differences in the ridge heights of the proposed dwellings and the existing properties are considered acceptable in design terms and are in correlation with existing gradients of the Ballsmill Road. The proposal design is consistent with NI Water consultation and meets all the requirements contained in CTY 8.

Issues Raised:

- The proposal meets the exception of CTY 8.
- Frontage measurements.
- Provision of required visibility splays.

AGREED: **On the proposal of Councillor Hanna seconded by Councillor Trainor it was agreed to defer Planning Application LA07/2020/0893/F for a site visit to allow Members to assess the site in more detail.**

FOR NOTING

P/075/2021: **HISTORIC ACTION SHEET**

Read: Planning historic action sheet. **(Copy circulated)**

AGREED: **It was unanimously agreed to note the Planning Historic Action Sheet.**

P/076/2021: **PLANNING COMMITTEE PERFORMANCE REPORT JULY 2021**

Read: Planning Committee Performance Report for July 2021. **(Copy circulated)**

AGREED: **It was unanimously agreed to note the Planning Committee Report for July 2021.**

P/077/2021: **PLANNING APPEALS AND DECISIONS**

Read: Planning Appeals and Decisions Report for July 2021. **(Copy circulated)**

AGREED: **It was unanimously agreed to note the Report on Planning Appeals and Decisions for July 2021.**

LOCAL DEVELOPMENT PLAN (CLOSED SESSION)

On the proposal of Councillor Murphy seconded by Councillor McKee it was agreed to exclude the public and press from the meeting during discussion on the following items:

P/078/2021: **LDP : PROGRESS REPORT QUARTERLY UPDATE**

Read: Report dated 25 August 2021 from Mr A McKay, Chief Planning Officer regarding the Local Development Plan – Progress Quarterly Report. **(Copy circulated)**

P/079/2021: **LDP: HOUSING LAND AVAILABILITY REPORT 2020**

Read: Report dated 25 August 2021 from Mr A McKay, Chief Planning Officer regarding the Housing Land Availability Report 2020. **(Copy circulated)**

On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to come out of closed session.

When the Committee came out of closed session, the Chairman advised the following decisions had been agreed:

P/078/2021: LDP: Progress Report – Quarterly Update

Agreed: On the proposal of Councillor O Hare seconded by Councillor Trainor it was agreed to note the LDP Progress Report Quarterly Update.

P/079/2021: LDP: Housing Land Availability Report 2020

Agreed: On the proposal of Councillor Hanna seconded by Councillor McKee it was agreed to note the Housing Land Availability Report 2020.

The meeting concluded at 5.15pm

For confirmation at the Planning Committee Meeting to be held on Wednesday 22 September 2021.

Signed: _____ Chairperson

Signed: _____ Chief Executive