

**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 10 April 2024 at 10.00am in the Boardroom Council Offices,  
Monaghan Row, Newry**

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**Chairperson:** Councillor D Murphy

**Committee Members**

**In attendance in Chamber:**

Councillor P Byrne	Councillor P Campbell
Councillor C Enright	Councillor A Finnegan
Councillor G Hanna	Councillor C King
Councillor M Larkin	Councillor D McAteer
Councillor S Murphy	Councillor M Rice

**Officials in attendance:** Mr Conor Mallon, Director Economy, Regeneration & Tourism  
Mr J McGilly, Assistant Director of Regeneration  
Mr Pat Rooney, Principal Planning Officer  
Mr Peter Rooney, Head of Legal Administration  
Ms A McAlarney, Senior Planning Officer  
Ms P Manley, Senior Planning Officer  
Ms M Fitzpatrick, Senior Planning Officer  
Mr M Keane, Senior Planning Officer  
Ms S Taggart, Democratic Services Manager  
Ms F Branagh, Democratic Services Officer  
Mrs N Stranney, Democratic Services Officer

**P/030/2024: APOLOGIES AND CHAIRPERSON'S REMARKS**

Apologies were received from Councillor Tinnelly.

The Chairperson noted that items 6, 13 and 15 had been deferred to a future date, and that Item 17 had been withdrawn.

**P/031/2024: DECLARATIONS OF INTEREST**

There were no declarations of interest.

**P/032/2024: 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/033/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 6 MARCH 2024**

Read: Minutes of Planning Committee Meeting held on Wednesday 6 March 2024. **(Copy circulated)**

**AGREED: On the proposal of Councillor Finnegan, seconded by Councillor Larkin, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 6 March 2024 as a true and accurate record.**

**FOR DISCUSSION/DECISION**

**P/044/2024: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 April 2024. **(Copy circulated)**

Councillor Enright proposed that item 20 be removed from the addendum list and deferred to a future Committee date to allow time for the submission of further detailed documentation from the agent. This was seconded by Councillor Hanna.

The Chairperson noted that this information had been requested by the Planning Department prior to the refusal decision being issued. He advised that should this application be deferred, it would add to the large volume of applications already being processed by the Department.

Councillor Enright's proposal was put to a show of hands vote, and voting was as follows:

For	4
Against	6
Abstention	1

The proposal was lost.

**AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 10 April 2024:**

- **LA07/2023/3577/F** - The Health Centre, Summer Hill, Warrenpoint, Newry, BT34 3JD - Proposed extension to the existing Health Centre at Warrenpoint, accommodates a store at ground floor and office space on the first floor. The existing first floor has proposed room layouts. The works will also include proposed site works.

**APPROVAL**

- **LA07/2023/3188/F** - Existing SRC car park site (formerly Newry Sports Centre) immediately north of Southern Regional College (SRC) 'East Campus' building at no. 61 Patrick Street, Newry, BT35 8DN - Proposed new 2-storey Southern Regional College 'Innovation Centre' to facilitate the relocation of SRC Model Campus at Catherine Street. Building to provide teaching rooms, laboratories, workshops, new management centre and office space. Proposal includes the retention of existing vehicular and pedestrian access.

**APPROVAL**

- **LA07/2021/0334/F** - Site adjacent to Strangford View, Downpatrick Road Killyleagh - Residential Development comprising of 26no houses. (Renewal of Planning Permission R/2006/1097/F)

**APPROVAL**

- **LA07/2023/3464/F** - St Moninna Playing Field, St Moninna Park, Meigh, Newry, BT35 8TS - Proposed creation of a new walking track, associated fencing and upgrading of entrance and exits to perimeter of pitch.

**APPROVAL**

- **LA07/2023/3580/F** - Jim Steen Playing Field, Dungormley Estate, Newtownhamilton, BT35 OHY - Grass football pitch and ball stop.

**APPROVAL**

- **LA07/2022/0275/F** - Land at 10 Downpatrick Road, Killyleagh - Demolition of existing buildings and erection of 4 dwellings and detached garages, upgraded access, landscaping and ancillary works.

**APPROVAL**

- **LA07/2022/0411/RM** - Lands located approximately 200m east of no. 25 Greenpark Road, Rostrevor BT34 3EZ - Erection of 100-bedroom hotel and spa.

**REFUSAL**

## **DEVELOPMENT MANAGEMENT –**

**P/035/2024**

### **PLANNING APPLICATIONS FOR DETERMINATION**

**(1)            LA07/2022/0546/F**

**Location:**

Lands on public footpath to the rear of ASDA,51 Newcastle Street, Killeel.

**Proposal:**

Installation of a 20m street pole to host integrated Antenna and 2no. 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets.

**Conclusion and Recommendation from Planning Official:**

Approval

**Power-point Presentation:**

Mr Keane presented the application outlining the site location alongside images of the application site from various angles. He advised that 30 objections had been received and noted during the application process, alongside a petition with 64 signatures in objection to the application. He further advised that all statutory consultees had no objections to the application.

**Speaking rights:**In Objection:

Mr David Campbell outlined his reasons for advising that the policies applied were not applied correctly. He highlighted a number of alternative locations within the area that he believed were suitable for the equipment, which included other telecommunication masts, but noted that these had not been investigated as options within the agent's report. He stated that planning permission had been granted for the mast located at Greencastle Street to increase its height to 19.5m and stated that this had not been investigated as an option by the agent to share the space.

Ms Arlene McMath highlighted a nearby scheduled monument, Cromlech Stone, and stated that enjoyment of the monument by visitors would be impacted by a telecommunications mast in clear view. She further stated that the mast and the seven required associated cabinets would have a detrimental impact on the safety of the footpath users.

Councillor Henry Reilly noted his objections to the proposed mast and advised that there was no local demand for the mast. He noted that the area was already serviced by high-speed fibre broadband, and as such the 5G connections were not warranted. He referenced the UK Government guidelines regarding the number of communication masts and noted the number in place already within the Kilkeel area.

Councillor Rice queried whether the masts already in place were suitable for the equipment proposed within this application.

Mr Keane advised that the supplementary information provided by the agent included consideration of mast sharing, however they advised that the existing coverage capacity would not be filled utilising the existing structures. He advised that the agent submitted further documentation detailing differing technologies requiring different equipment at varying heights, and this had been considered by the planning department.

Mr Campbell advised that while the agent had identified the footpath beside ASDA as the only suitable site, he further noted that the agent's submission did not make reference to any of the other sites within a 2km radius, as he had outlined in his presentation.

Following a statement from Ms McMath regarding the visibility of the mast from the scheduled monument, and a subsequent query from Councillor Hanna regarding automatic refusal when within a certain distance from a monument, Mr Keane advised that the Planning Department had consulted with the Historic Environment Division, monuments, and they had offered no objections to the application.

Following a query from Councillor Hanna regarding the decision of the application regarding the site location being on low ground when there was high ground nearby, Mr Keane advised that the Planning Department had to determine the application on the detail that was submitted and was unable to comment on the agent's choice of location.

Following a further query from Councillor Hanna, Mr Keane advised that the planning department reasonably believed that the agent had demonstrated the requirements of the

mast within the specified location. He further advised that the Panning Department had challenged the agent on the site location, and the agent had advised that the coverage capacity was not sufficient. Mr Campbell responded by advising that he did not believe that the agent's submission adequately confirmed this point, reiterating that the other nearby masts he had identified were not contained within the agent's submission.

Councillor Hanna queried whether the Planning Department had taken into consideration the statements the objectors had referenced regarding the masts being detrimental to the health of local residents.

Mr Keane responded that all applications regarding telecommunications mast must be compliant with relevant guidelines, and this application was compliant in that regard. He further noted that Environmental Health had raised no objections to the application.

Following a query from Councillor Campbell regarding any evidence the agent had supplied regarding the gap in coverage if they made use of existing masts, Mr Keane advised that they had submitted a written statement. He further advised that the Planning Department had challenged the agent following the approval of an increase in height for a nearby mast.

In response to this query, Mr Campbell advised that the mast upgrade was in relation to supplying 5G, and highlighted again that the agent's application did not reference the investigation of mast sharing on this mast.

Councillor Larkin queried whether the cabinets would be required to be installed on the nearby footpath, and if this would therefore cause blockage of the footpath.

Mr Keane noted that the Planning Department had consulted with DFI Roads with all relevant information, and they had no objections.

Ms McMath noted that the proposed seven cabinets on the footpath would be a risk for pedestrians, wheelchair users, parents with prams and the visually impaired.

Councillor D Murphy noted that the installation of the mast would enable those with limited signal to be able to conduct their business and encourage more businesses into the town. He queried if the objectors had engaged with the local businesses to ascertain if they felt it was required.

Councillor Reilly responded and advised that he had not received any complaints from local residents regarding phone coverage, and the fibre broadband was encouraging businesses into the town.

Following a query from Councillor McAteer regarding a condition of allowing the mast to be shared by future applications, Mr Keane advised that any future applications would always include the challenge of site sharing.

Following the discussions, Councillor Hanna proposed to overturn the Planning Department's recommendation for approval, and advised that he believed that it would damage the sensitivity of the nearby archaeological stone, it would have a negative visual impact on the area and there had not been enough of an investigation into the sharing of masts for the equipment, and there had not been enough evidence submitted regarding the alleged coverage hole as detailed by the agent.

Councillor Hanna's proposal was then put to a vote, with the results as follows:

FOR:

8

AGAINST: 3  
ABSTENTIONS: 0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Enright, it was agreed to issue a refusal in respect of planning application LA07/2022/0546/F contrary to officer recommendation as contained in the Case Officer Report.

**(2) LA07/2022/1953/O**

**Location:**  
Lands at 24 Teconnaught Road Downpatrick

**Proposal:**  
2no infill dwellings and garages including revised access to No 24 Teconnaught Rd and all associated site works.

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Power-point presentation:**  
Ms McAlarney outlined the detail of the application, and noted the recommendation was made based on the detail available at the time. She noted that following the recommendation, the detail on site had changed slightly in that a domestic property nearby had since had a roof installed, and new footings had been placed adjacent to the application site. She outlined the policies that the application was considered against and detailed the reasons for the refusal recommendation, regardless of the changes on site.

**Speaking rights:**  
In Support:  
Mr Andy Stephens outlined the reasons he believed that the recommendation should have been an approval and referenced the ongoing construction within the area. He noted that the footings of the adjacent property would be constructed into a house, and as such the three buildings required to allow an infill site would be met. He further advised that the footings did need to be considered as he believed they had three buildings needed as per policy to grant permission for an infill site. He referenced a legal case that he believed would have a bearing on this application. He further noted that the nearby sites were not considered agricultural land as they had live planning permissions and as such, no harm would be inflicted by approving this application, in line with the policy guidance.

A discussion then ensued relating to the consideration of the nearby footings when applying the policy, and what weight they should have been given when applying the policy.

Following this discussion, Councillor Hanna requested legal advice regarding any bearing the live planning permission had on this application when considering the application of the relevant planning policies.

Mr Peter Rooney advised that the planning policy referred to buildings and noted that permission had been granted on the footings as an infill. He alluded to the statement of the applicant that should this get to appeal stage, a building would be in place. He noted that it



**Agreed:** On the proposal of Councillor Byrne, seconded by Councillor McAteer, it was agreed to exclude the public and press from the meeting during discussions relating to LA07/2022/1953/O which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

**Agreed:** On the proposal of Councillor Hanna, seconded by Councillor Byrne, it was agreed the Committee come out of closed session.

Legal advice was provided to the Committee during closed session.

**The meeting did then recess – 12.20pm**  
**The meeting did then resume – 12.45pm**

**Councillor Rice left the meeting at this stage – 12.45pm**

**(3) LA07/2022/1746/F**

**Location:**  
145 Central Promenade, Newcastle

**Proposal:**  
Proposed conversion and refurbishment of existing building at no.145 Central Promenade into 3no. self-contained 2-bedroom apartments. Works to include demolition of existing rear return with new rear extension and associated site works.

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Power-point presentation:**  
Ms McAlarney outlined the detail of the application, utilising a site layout plan and proposed floor plans, and detailed the reasons for recommendation of refusal. She noted that there were ten letters of objection to the application, a negative condition placed by NIEA, and DFI Roads had objected to the application on the basis that the existing entrance provision was substandard. She further noted that the site was deficient in private amenity space and car parking for the residents, even when taking into consideration the balconies that had been added on the 1<sup>st</sup> and 2<sup>nd</sup> floor.

**Speaking rights:**

In Support:

Mr Barry Owens outlined the history with the site and put forth his reasons why he believed the application of the policies should have led to an approval decision. He detailed the parking space limitations on site and stated that although Newcastle was a busy seaside location, this should not have too much of an impact on the residents given the number of nearby car parks, and a decrease in demand after 7pm due to tourists utilising day trips to the area. In relation to the previously mentioned limitations on private amenity space as outlined in the application, he advised that the proposed flats were located on a unique



seaside front, and the residents would have access to all the attractions available to the residents.

Following a query from Councillor Hanna regarding the parking space requirements for the application, Ms McAlarney noted that the Planning Department was adhering to published guidance when considering an application for required parking space.

Councillor Campbell queried the provision of amenity space in relation to the policies, and whether it was required to be private amenity space as the applicant had noted that the residents would have access to local amenities.

Ms McAlarney confirmed that the policy advised it could be communal or individual landscaped areas, roof gardens or courtyards.

Following a further query from Councillor Campbell, Mr Owens confirmed that the apartments were for let for people to live in the area.

Councillor McAteer queried the parking space requirements for the application site prior to conversion, and why the requirement for parking spaces had changed, given the number of bedrooms was likely similar. Ms McAlarney noted that the site was once a large family home, but the conversion into apartments required additional parking spaces per apartment.

Councillor McAteer further queried the proposed balcony for amenity space, and the bearing of the nearby amenities. He further queried if the Courtyard was exclusively for the ground floor apartments or if it was accessible to all residents.

Mr Owens advised the courtyard was solely for the ground floor apartments as they would be responsible for maintaining the space. He noted that the balcony area was relatively small, but highlighted the proximity of many other outside amenities that were on the doorstep of the apartments.

Following these discussions, Councillor Hanna proposed to overturn the refusal decision of the planning department on the basis that he believed that quality residential dwellings were being delivered and that there was a large number of amenity spaces within Newcastle for the residents. He further noted that the section of the road alongside the application site was not a fast-moving part of the road, and the existing access would not be prejudiced by the road movement. In relation to the parking issue, he noted similar nearby applications where the planning committee approved on street parking facilities. He stated that the car park nearby was limited to being used when large events were on in Newcastle, and he believed it could accommodate parking for the apartments. This was seconded by Councillor Larkin.

Councillor Hanna's proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to issue an approval in respect of planning application LA07/2022/1746/F contrary to officer recommendation as contained in the Case Officer Report.**

**Planning Officers be delegated authority to impose any relevant conditions.**

**(5) LA07/2021/1631/F**

**Location:**

Lands located approximately 200m east of No. 25 Greenpark Road, Rostrevor BT34 3EZ

**Proposal:**

Erection of residential care home with site works and landscaping.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Keane outlined the history of the site location, detailed the location of the site and noted that it was situated just outside of the settlement limited. He highlighted that there was a number of zoning and designations within and adjacent to the site, therefore there was a number of policies and guidance applicable to the site when considering the application. He outlined the numerous policies applied by the Planning Department when considering the application and highlighted the reasons for a refusal recommendation. He stressed that the use proposed for the site fell within Part C of the Residential Use Classes Order, therefore the Planning Department did not consider it was a necessary community facility, there were no overriding reasons as to why the application was essential and could not be located within the settlement. He noted that community uses fall under Part D of the Use Classes Order, which the Planning Department does not make use of.

**Speaking rights:**

In Support:

Mr Colin O Callaghan and Mr Anthony Brennan spoke in support of the application, and outlined the reasons why they believed that the application should have been recommended for an approval decision making reference to the policies that the application was judged against. Mr O Callaghan highlighted that the application, if approved, would cater for the increasing demand for enhanced care within the area, it would boost the construction industry, and create long term employment opportunities within the area. He stressed that this site was the most appropriate based on location, the spread of the site and site security, as this application aimed to cater to dementia patients. He stressed that there was a need for care homes within the area, and the application on this site would go a long way to alleviating that need.

Councillor McAteer queried the need for the site and asked the applicant to elaborate on the need for the home. He further queried if a condition could be attached to the approval, if approved, that the facility catered solely for dementia patients.

Mr O Callaghan noted that a condition would be unduly prohibitive as demand was not always steady and noted that it could limit the use of the venue. He advised that it would be dedicated to dementia patients but would be open for any patients.

Mr Keane noted that the Planning Department could only consider an application based on the detail contained within the application and a condition of specific patients wouldn't be appropriate as this was outside the remit of the department.

**Councillor Rice rejoined the meeting – 13.37**

Councillor Campbell queried the community benefit as mentioned within the policy, and if there was a geographical parameter on what community it would benefit. Mr Keane advised that the policy mentioned a necessary community facility. Following this, Councillor Campbell noted his concern and queried if there were 110 patients with dementia within the Rostrevor area. Mr O Callaghan noted that they responded to the need as advised by the Southern Trust and stated that the need he was referring to was the need of a larger area, rather than local community.

A lengthy discussion followed a query from Councillor Byrne regarding the policies, and the benefits and risks of a nursing home being located on the edge of a village with access to services.

Councillor Finnegan advised she was aware of the demand and pressure on the trust in relation to care home beds and stated that any alleviation of that would be beneficial. She queried whether the home would cater solely to private patients, or if it would also cater for NHS patients. Mr Brennan advised that the facility would cater to both private and public patients.

Councillor Enright noted the increasing number of dementia patients within the District, and queried which policy would cater to this growing need.

Mr Keane noted that the Planning Department did not dispute the need for nursing homes but stressed that all applications were considered against existing policies with specific requirements, and the Planning Department were not able to make any considerations outside of this remit.

Following extensive debate and discussion, Councillor Finnegan proposed to overturn the Planning Department's recommendation for refusal to an approval, on the basis that it would be difficult to find a 7acre site within a built-up area and the benefits of any alleviation of pressures of the trust this application could provide. She also referenced the benefits of a dementia specific home was also a consideration in her proposal to overturn the recommendation. This was seconded by Councillor Byrne who highlighted the beneficial amenity space for the potential residents.

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 Finnegan, seconded by Councillor Byrne it was agreed to issue an approval in respect of planning application LA07/2021/1631/F contrary to officer recommendation as contained in the Case Officer Report.

**Planning Officers be delegated authority to impose any relevant conditions.**

**FOR APPROVAL**

**P/036/2024**

**HISTORIC ACTION SHEET**

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

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

**P/037/2024**

**LDP PROGRESS – APRIL 2024 UPDATE**

Read: Report from Mr J McGilly, Assistant Director Regeneration, regarding the LDP – Progress update for April 2024. (**Copy circulated**)

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

**There being no further business the meeting ended at 01.52pm**

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

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