

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 15 May 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

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

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 (Acting)
Ms F Branagh, Democratic Services Officer
Mrs N Stranney, Democratic Services Officer

P/038/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Campbell.

The Chairperson advised that item 12 had been removed from the agenda as a duplication from a previous meeting and that item 19 had been deferred to a future date. He also noted that as Councillor Hanna was due to be late, item 7 would be heard at the end of the meeting, in closed session.

P/039/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/040/2024: 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.

Item 6 - Cllrs Finnegan, Hanna, Larkin, D Murphy and M Rice attended a site visit 26.03.2024.

MINUTES FOR CONFIRMATION

P/041/2024: **MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING**
WEDNESDAY 10 APRIL 2024

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

AGREED: **On the proposal of Councillor McAteer seconded by Councillor Finnegan, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 10 April 2024 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/042/2024: **ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 15 May 2024. **(Copy circulated)**

AGREED: **On the proposal of Councillor Tinnelly, seconded by Councillor S Murphy, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 15 May 2024:**

- **LA07/2023/2455/F** - 4 Railway Street, Newcastle - Change of use of ground floor from retail (Class A1) to hot food takeaway (sui generis), installation of extraction and ventilation equipment, and minor external alterations
APPROVAL
- **LA07/2020/0346/O** - Land adjacent to and south of 3 and 25 Carnagat park and NE of 22 and 24 Crannard Gardens, Newry, BT35 8SE - Erection of 4 dwellings
APPROVAL
- **LA07/2023/2048/F** - Approximately 50 meters North West of 78 Upper Dromore Road, Warrenpoint - Proposed dwelling and detached garage (infill site) (renewal of LA07/2018/0785/O)
APPROVAL
- **LA07/2023/2407/F** - 3 Church Street, Downpatrick - Proposed subdivision to existing apartment to form 2 apartments & change of use of use of store to 1 apartment with amenity space off existing alleyway
APPROVAL

DEVELOPMENT MANAGEMENT

P/043/2024

PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1)

LA07/2022/1696/O

Location:

Land approx. 58m East of No. 11 Flagstaff Road, Newry.

Proposal:

Proposed dwelling and detached domestic garage on an infill site.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

The Chairperson stated as there had not been a quorum at the site visit in March, a full presentation of the application with speaking rights would be permitted.

Mr Pat Rooney reminded Members of the detail of the application, outlining which policies it had been considered against and what requirements had not been met, reminding Members there were no objections to the application. He stated that the Planning Department did not feel the proposed development constituted a continuous built-up frontage and felt that Brogies Road broke up the frontage that the applicant was relying on. He further advised that some buildings did not form part of the same frontage. He noted that the Planning Department felt that the site could hold 3 dwellings, which would lead to a suburban type of development. He stated that the application of the policies was more than a mathematical exercise as suggested by the applicant, and the site needed to be looked at to understand that.

Speaking rights:

Mr Declan Rooney presented the reasons he believed that the application of the relevant policies were incorrect stating the applicant was applying for permission for one dwelling, not two or three. He stated that the site was irregular in size and felt that this had not been acknowledged by the Planning Department. He advised that the site layout was reflective of the surrounding area and argued that Brogies Road did not constitute a break in the frontage. He referenced a number of Planning Appeals Commission (PAC) where applications with similar attributes and conditions to the application had been overturned.

Councillor Tinnelly queried whether the Planning Department considered PAC rulings when applying policies to certain applications, given there was the possibility of an application being overturned.

Mr Pat Rooney advised that the Planning Department was led by the policy requirements that any application was considered against, and a decision made based on that information. He reiterated that the Planning Department felt that Brogies Road broke the frontage that the application relied on, and although the PAC may overturn that, the Planning Department could only consider an application against current policy.

Councillor Tinnelly then queried of Mr D Rooney whether he accepted the Planning Department's application of the relevant policies, to which Mr D Rooney responded by advising that his interpretation of the relevant policy was that there was a continuous frontage, regardless of the location of Brogies Road.

Following the discussion Councillor Larkin proposed a site visit, which was seconded by Councillor McAteer. This proposal was put to a vote, with the results 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 defer planning application LA07/2022/1696/X to allow for a site visit.

DEVELOPMENT MANAGEMENT

P/044/2024 **TO AGREE REASONS FOR REFUSAL OF APPLICATION**

(1) **LA07/2022/0546/F**

Location:

Public footpath to the rear of ASDA, 51 Newcastle Street, Kilkeel

Proposal:

Installation of a 20m pole to host integrated antenna and 2no. 60mm dishes plus ancillary equipment, feeder cables and equipment cabinets.

Conclusion and Recommendation from Planning Official:

Approval

AGREED: It was agreed to postpone discussion on this item until later in the meeting.

Councillor Byrne left the meeting at this stage – 10:50am

P/045/2024 **PLANNING APPLICATIONS FOR DETERMINATION**

(1) **LA07/2020/1567/F**

Location:

Ballyholland Harps GAA grounds, Bettys Hill Road, Ballyholland, Newry BT34 2PL

Proposal:

Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works.

Conclusion and Recommendation from Planning Official:

Approval

It was noted that the objectors were not present despite having requested speaking rights. The Chairperson stated that this application had been deferred from April's Committee meeting to address some concerns raised by objectors, but since it had been in progress since 2020, he was happy to proceed with the item in order to not cause any further undue delay to the applicant. This was unanimously agreed by the Committee.

Power-point presentation:

Ms Patricia Manley outlined the detail of the application and utilised numerous images of the application site to show the existing site layout, alongside the proposed new site layout. She stated that previous planning permission had been granted in July 2014 and outlined the differences in the proposals. She detailed the various consultations and further re-consultations with statutory bodies such as NI Environment Agency (NIEA), Environmental Health, NI Water, DFI Roads, Rivers Agency, Natural Heritage, Regulations Unit and Water Management Unit and advised that these had occurred due to the number of objections that had been raised during the course of processing the application, and further reminded the Committee that all statutory consultees had no objections to the application, subject to conditions. She further outlined the policies that the application had been considered against, and how the Planning Department decided upon a recommendation for approval. She detailed those further objections that had been received prior to the application being tabled before Committee and highlighted that these had been further considered in the addendum report dated 29/04/2024.

Ms Manley stressed that the Planning Department was satisfied that all objections had been fully considered and they did not raise any issues that had not already been considered by all statutory consultees. She advised that as objections were still being made as recent as the early hours prior to the Committee meeting, that they were to be highlighted before the Committee and noted how they were considered in relation to the application.

- Objector email received 15/05/2024 at 2:11am - The email requested that the application be removed from the scheduled Committee Meeting as they had shown that policies and laws had not been properly applied or followed. Ms Manley advised that the Planning Department saw no reason to remove the application from the schedule and that the issues raised in the email had been fully considered within the planning report and addendum report.
- Email received 14/05/2024 at 08:26pm - Correspondence from Friends of the Earth enclosing correspondence that had been sent to NIEA on 07/04/2024 but had never formally been sent to the Planning Department. This email did not add any new information but rather challenged NIEA on their analysis and correspondence of 27/08/21, 25/08/22 and 24/07/23. Mrs Manley advised that the latest correspondence from NIEA following further consultations was dated 21/03/2024 and NIEA remain content with the application, subject to restrictive conditions being placed on lighting, which was detailed within the planning report.
- Phone call of 14/05/2024 - A call was made from Friends of the Earth to advise that NIEA had been made aware of issues in relation to wetlands and the impact to bats. The call was returned, and the Planning Department again noted that NIEA had no objection to the application, subject to conditions being met.
- Email of 13/05/2024 at 11:19pm - email stated that important documents had been withheld; that the application would have numerous issues such as an impact on wildlife, tree planting, use of heavy machinery and light pollution; Planning Department had broken the Code of Practice; and asked for the application to once again be removed from Committee. Ms Manley noted again that all statutory consultees had been consulted numerous times given the number of objections and the latest correspondence showed that all consultees were content with the application subject to conditions. In relation to a potential breach of the Code of Conduct, this was the reason why the application had been removed from the previous months Committee to allow further time for details to be reviewed by the public.

- Email of 13/05/2024 at 01:51pm - email stated that access to information had not been provided and there was an inadequate timeframe to respond to documents. It also stated that there was a need on the Department to notify the public on changes to planning applications for transparency and fairness. Ms Manley advised that the Planning Department had reviewed all information to ensure that any information on the hard copy file had been uploaded to the Mastergov portal between 29/03/2024 and 03/04/2024. The Planning Department was satisfied that this had been completed and sufficient time had passed to allow for consideration of all information available. She further advised that there had been no significant changes to the proposal under consideration and highlighted that every objection raised had resulted in further consultations with statutory bodies, who had no objection subject to conditions, and this information was available on the planning portal.
- Email of 12/05/2024 at 10:09pm - email stated that the application had not been processed correctly, laws and policies were not being applied correctly and therefore the application had to be removed from the Committee meeting to allow for investigation of this matter. Ms Manley advised that the Planning Department were satisfied that all issues had been addressed as documented within the planning and addendum report.
- Objection email received 11/05/24 at 01:08am - email claimed that NIEA clearly stated that the area would be devastated and must not be touched should the application go ahead. Ms Manley advised that this email referenced NIEA comments dated 23/08/2013 in relation to the previous application on site and reiterated that NIEA had no objections subject to conditions on the current application.
- Emails received 10/05/2024 at 09:49am and 09/05/24 at 04:18pm - objectors stated that information was being withheld and not passed to relevant Departments such as NIEA. They queried if documentation sent to Council had been passed to NIEA and others. Ms Manley again reiterated that every objection was duly considered and had resulted in numerous consultations with statutory consultees.
- Email received 09/05/2024 at 03:08pm - email again cited the NIEA response of 2013 regarding wildlife in the area and requested that the item be removed from the agenda to allow for further investigation into the allegations. It also stated that the floodlights did not adhere to regulations. Ms Manley further stressed that consultee replies from Environmental Health and NIEA advised that they were content with the application subject to conditions.
- Email received 06/05/2024 at 11:13pm - email raised concerns that not all information had been made publicly available and remained solely as hard copy. Further queried the zoning of the area as E2, and why the applicant was allowed to propose floodlights fit for Zone E3 or E4. It further noted the amount of material published in relation to wildlife would require a specialist to understand. Ms Manley advised that when this application was first made, all information was held on a hard copy file, prior to being uploaded to the Mastergov planning portal. She highlighted that some data had not been published due to potentially ecological sensitive information, however after discussion with NIEA these were published. It was further noted that all data had been uploaded and in the public domain since 29 March 2024, and as such no one had been prejudiced by the process. She further reiterated that Environmental Health had no objections, and the latest response from NIEA dated 21/03/2024 advised that they were content with the application, subject to conditions.

Ms Manley also noted that two letters of objection had recently been received, one an anonymous letter received 07/05/2024 and the second received 02/05/2024 from Ballyholland Residents. These letters raised similar issues relating to lighting, landscaping, and the impact on the local wildlife. Ms Manley stressed that there were existing floodlights on the site, and both NIEA and Environmental Health were content with the application subject to conditions.

Speaking rights:

In Support:

Mr Dermot O'Hagan spoke in support of the application, and referenced the benefits this application would bring to the hundreds of members of Ballyholland GAA. He noted that the scheme, when originally launched, had widespread community support with a large turnout at the opening presentation at the local community centre. He addressed specific objections, such as the pitch size and floodlights. He advised that the pitch size would help recreate a match environment, and the second pitch would allow for younger members to train at the same time as older members. He further advised that two pitches allowed the first to recover from extensive use over the season. In relation to the floodlights, he stated the proposed lights both replicated real life conditions and addressed GAA codes and standards. He advised that, in line with regulations, any light level on nearby dwellings could not be more than 5lux, and that an independent light consultant had confirmed that this would be achieved with lighting being switched off by 9pm, as per conditions.

Councillor McAteer proposed that the Committee accept the officer's recommendations. This was seconded by Councillor S Murphy.

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 McAteer, seconded by Councillor S Murphy, it was agreed to issue an approval in respect of planning application LA07/2020/1567/F supporting officer recommendation as contained in the Case Officer Report. Planning Officers be delegated authority to impose any relevant conditions.**

(2) LA07/2023/1926/F

Location:

Site of former St Mary's Primary School (opposite and east of 1-15 Shan Slieve Drive and south of 32-38 Bryansford Road and 2-8 Tullybrannigan Road), Newcastle.

Proposal:

Vary Conditions 2 (Approved Plans) 3 (Access), 5 (Road Works) & 10 (Service Management Plan) of planning approval LA07/2021/0786/RM

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Annette McAlarney detailed the application to Members stating that the application was to agree a variation of an existing approved planning application in relation to site access, road works and on-site service management plan. She advised that no statutory consultees had any objections to the amendments, however a number of objections had been received following neighbourhood notifications. Ms McAlarney noted that the change of condition for access to the site was in relation to visibility splays, and following updated traffic surveys she advised that DFI were content with the amendment. She highlighted that there had been a late representation received on 08/05/2024 that had required a further consultation with DFI to which they confirmed that they remained content with the application.

Speaking rights:

In Support:

Mr Stewart Beattie spoke in support of the application and highlighted that DFI Roads had no objections following five consultations and stressed that they had highlighted the increase in safety for non-motorised users. He urged Members to consider the weight given to statutory consultees. He further noted that Mourne Mountain Rescue Team were present in the chamber, despite not requesting speaking rights, as this decision impacted their service delivery. He highlighted that any further delay in the application would have further real-world consequences for the vital volunteer service as they would have a permanent base which would increase their availability and ability to continue to offer their necessary community services.

Councillor Rice then proposed that the Committee accept the officer’s recommendations. This was seconded by Councillor S Murphy.

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 Rice, seconded by Councillor S Murphy, it was agreed to issue an approval in respect of planning application LA07/2023/1926/F supporting officer recommendation as contained in the Case Officer Report. Planning Officers be delegated authority to impose any relevant conditions.

(3) LA07/2023/2543/O

Location:

Immediately SW of 99 Bryansford Road, Kilcoo.

Proposal:

Proposed 2no infill dwellings and garages.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney detailed the application, highlighted the policies that the application had been considered against and stated that there had been no objections arising from neighbourhood notifications or statutory consultees. Ms McAlarney highlighted that the Planning Department did not consider that the application achieved a continuous frontage to allow for an infill dwelling as No. 97 was not considered to have frontage along the road. Ms McAlarney highlighted that the Planning Department believed the green space in front of the house was considered agricultural land.

Speaking rights:

In Support:

Mr Declan Rooney spoke in support of the application and highlighted why he believed that the application should have received a recommendation for approval. He displayed the proposed site layout on screen and noted that Members had sight of a signed affidavit from the previous occupant of the house stating that the land was garden space, and not agricultural land and should therefore be considered as garden space with frontage onto the road.

Councillor McAteer queried whether the application would have been recommended for approval if the space in front of the house was clearly a garden space.

Ms McAlarney advised that the primary issue for a refusal recommendation was that the frontage of No. 97 did not extend to the road, and while not disputing the affidavit, it was clear that the land was currently in agricultural use.

Following a further query from Councillor McAteer regarding the occupancy of the house, a discussion ensued regarding the vacant house perhaps accounting for the appearance of the green space in front of the house and the access through that space to the house via a pedestrian gate.

Councillor Larkin queried whether the land had been used as a farm kitchen with raised beds for household vegetables as this would have not been unusual within the countryside. He further queried whether any existing hedgerows would be removed if the application was recommended for approval.

Mr Declan Rooney advised he was unsure of the use of the land as a garden vegetable plot but advised that the hedgerows would remain in situ as part of the new build if approval was granted.

Councillor Larkin then proposed to overturn the officer's recommendation as he was content with the evidence that the garden was a domestic garden, and therefore had frontage onto the road. This was seconded by Councillor S Murphy. 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 Larkin, seconded by Councillor S Murphy, it was agreed to issue an approval in respect of planning application LA07/2023/2543/O contrary to officer recommendation as contained in the Case**

Officer Report. Planning Officers be delegated authority to impose any relevant conditions.

Councillor Hanna joined the meeting during the above discussion – 11:21am

(4) LA07/2022/0910/F and LA07/2022/0912/DCA

Location:

10-12 Scotch Street Downpatrick

Proposal:

Demolition of existing derelict building in conservation area and replacement with proposed building incorporating 6 apartments with amenity space. New boundary wall to rear of building and link to existing alleyway leading to Church Street.

Demolition of vacant buildings at 10-12 Scotch Street

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

The chairperson advised that items 16 and 17 would be heard simultaneously as they were linked.

Ms Annette McAlarney detailed the application, stating it was located on a pedestrianised street within the primary retail core, the Downpatrick conservation area and in an area where Council aimed to maintain ground floor retail space. She highlighted two objection letters received and confirmed that Historical Enforcement Division (HED) had no objections to the application. She outlined that the applicant had submitted an engineering report that had utilised visual assessment only. Upon request from the Planning Department regarding a structural assessment carried out by an engineer accredited in conservation, this report determined that the building fabric had deteriorated but not to the point of structural instability and therefore did not support demolition.

Ms McAlarney then detailed the application for the new build and outlined how it was at odds with the conservation of the area, the proposed balconies outlined a space of 7m² for floor 1 and 2 whereas the standard minimum was 10m². She advised that they backed onto a beer garden of a nearby bar and Environmental Health advised that noise mitigation measures would be needed to guard the residents. She further highlighted that the application did not provide parking for the residents and the applicant was relying on nearby Council owned parking, despite a policy driven requirement of 8 spaces for the proposed apartments.

Speaking rights:

In Support:

Mr Kevin Rogan and Mr Jonathan Maze spoke in support of the application and outlined their reasons why this application should have received a recommendation for approval. Mr Rogan queried why the demolition was not permitted on this site given how little of the building remained and expressed his confusion about its contribution to the street. He noted that there was no demand for retail space and stated that there was sufficient parking within the town, both on street and paid parking. He further advised that the engineer had informed him that the building was held up with timber, walls had no foundations and an internal steel beam needed to be removed and replaced. He further stressed that it was not financially

viable to rebuild as suggested by the case officer and highlighted that this application would help develop the town by removing eye sores.

Councillor Hanna queried at what point did a building become significant to the character and scope of the street and noted that he believed the shops on the street were from the 1970s or 1980s. He further queried the economic viability of repair as opposed to demolition and rebuild and stated that while everything could be restored for a price, at what point did regeneration become a considering factor.

Ms McAlarney confirmed that the area was designated a conservation area, therefore all buildings in the area were deemed to be worthy of protection. She noted that any financial implications were not a material consideration of Planning Department when applying policies to an application and reminded Members that neither report commissioned by the applicant had recommended demolition of the building.

Councillor Hanna then queried of Mr Peter Rooney regarding the economic viability of demolition versus rebuilding. Mr Peter Rooney advised that it was not unreasonable to state that anything could be repaired, however this was not a planning issue when applying policies to an application. He stated that the issue regarding conservation had been answered by the Planning Department and the necessity of demolition had not been evidenced.

Councillor Enright reminded members that another application on Scotch Street had been discussed recently and stated that there was a general belief that empty shops would not be occupied. He queried if it was possible that planning policy was hindering bringing derelict buildings into use and whether policies were out of date and therefore preventing proper development of the town.

Mr Pat Rooney stated that Councillor Enright's query was a general point and not specific to this application and further advised that conservation areas were designated for a number of reasons, to both protect and enhance the historic character of buildings and townscapes. He further advised that if applications for demolition were to be continuously approved this could erode the historic character of the town and therefore the Planning Department had to carefully assess the individual and cumulative impact of such applications on the townscape. He further advised that should demolition be allowed on this site, the put back proposed was out of keeping with the scale and character of the area.

Following a query regarding the parking requirements of the site from Councillor Enright, Mr Maze advised that the conclusion of their parking survey confirmed that nearby car parks and on street parking provided enough parking options for any residents.

Following a further query regarding the proposed application, Mr Maze advised that he was amenable to reducing the size of the apartments to better fit with the area. He further noted that he did not believe the current buildings had not been amended from when they were originally built and his proposed three storey apartments were to help camouflage issues on nearby builds such as an unstable and unsightly chimney stalk.

Councillor Tinnelly queried whether there were any circumstances when conservation became no longer fit for purpose, as if this application was denied the street would continue to deteriorate to a point of inaccessibility and were there any circumstances when the conservation policy could be put aside, and material consideration be given to preservation.

Mr Pat Rooney noted that this was a valid question and highlighted that policy requirement was to preserve and enhance the character of the conservation area, accepted the point regarding the cost of the refurbishment but the weight to be attached to this was for the

Planning Department to consider but advised that it had not been proven that the buildings were beyond redemption.

Following a further request for clarification from Councillor Tinnelly, Mr Pat Rooney advised that the Planning Department can never set aside the policy to conserve and enhance when considering applications but advised that every application needed to be considered on its own merit.

Following a query from Councillor McAteer, Ms McAlarney advised that the Planning Department had considered the parking provision for the application and noted that parking for the apartments needed to be convenient to the residents and not spread out over the town and therefore deemed it was not appropriate.

Councillor Hanna then requested clarification on preserving and enhancing and whether the applicant was actually enhancing the area with the new apartments.

Mr Pat Rooney advised that replacing old with new did not always amount to enhancing and if demolition had been recommended in this instance, the put back from the application would not have been deemed suitable as it did not enhance the conservation area because of scale, design, materials and possible over development.

Councillor D Murphy queried whether Mr Rogan had been in contact with any potential funders regarding the possibility of funding to support the refurbishment of the building, such as the National Lottery Heritage Fund.

Mr Rogan advised that he had been informed that there was no funding available to him, so he had not contacted anyone regarding this.

Following the debate, Councillor McAteer proposed that the committee accept the officer's recommendation. This was seconded by Councillor Larkin. The proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	7
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Larkin, it was agreed to issue a refusal in respect of planning applications LA07/2022/0910/F and LA07/2022/0912/DCA supporting officer recommendation as contained in the Case Officer Report.

Councillor Enright left the meeting at this stage – 12:09pm

The meeting did then recess – 12:09pm
The meeting did then resume – 12:15pm

(5) LA07/2022/1331/F

Location:
42 Quarterland Road, Killinchy

Proposal:

Replacement Dwelling with detached garage, existing listed building retained as ancillary accommodation. New entrance pillars and gate with associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms McAlarney outlined the application and noted that there were no objections from consultees, advised that the justification for the application was that the dwelling was located in an area of flood risk, but highlighted that the flood maps showed that it was located outside the 1 in 100-year flood plain and that only part of the access road was located in the 1 in 200 year coastal flood plain. She advised that the Planning Department assessed the application against relevant policies and had recommended a refusal as the offsite development would cause a greater visual impact, which was contrary to policies.

Speaking rights:

In Support:

Mr David Donaldson outlined the reasons for the application in that it was to guarantee the safety of the home in relation to flood risk. He reiterated that the family had no intention to demolish the listed building, but merely wanted to separate their home from the listed building, ensure the listed building remained in situ and relocate their main dwelling to a higher elevation point to ensure its safety. He informed Members that HED had no objections to the application and that they stated that the relocation of the main dwelling would highlight the prominence of the listed building.

Councillor Larkin noted that the listed section of the residence was on the very shore of Strangford Lough and queried the elevation of the proposed new build.

Mr Donaldson advised that the new build would be based on ground 2m higher than existing.

A discussion then ensued regarding the elevated ground and the difference in ridge height between the existing dwelling to later be demolished, the listed building that was staying in situ and the new proposed new build and the potential prominence of the new build within the countryside. Mr Donaldson advised that the new build would be nestled into the existing landscape and trees.

Councillor Hanna then queried whether the applicant would be amenable to a condition being placed on the development to ensure that the new build integrated into the area in relation to design and materials.

Mr Donaldson advised that had the proposed site been located on an open and exposed site on the edge of the lough the applicant would have no issue with this but stated that as this application was able to be nestled into an existing copse of trees, he didn't feel such a condition was necessary. He reminded Members that HED were content that the existing foliage remain and as such the listed building site would also be enhanced.

Councillor Hanna advised that the photo representation of the new build didn't detail potential windows and queried if the dwelling would be sympathetic to the character of the area, to which Mr Donaldson advised that it was designed to be contemporary but with traditional materials to ensure it blended into the landscape.

Following a query from Councillor McAteer regarding the number of buildings to be on site, Mr Donaldson advised that the existing build was linked with the listed building and would be

separated and demolished only after the proposed new build was complete, that there would be two buildings on site and reminded Members that HED were in support of this.

In response to a further query from Councillor McAteer regarding the potential impact on addresses for the buildings, Mr Donaldson advised that the address would remain the same and the listed building would be used as ancillary accommodation.

Ms McAlarney urged Members to remember that HED had commented solely on the listed building and had not considered the proposed new build. The Planning Departments recommendation for refusal had arisen from the greater visual impact from the proposed new build and further cautioned Members about setting a precedent in allowing the replacement of a dwelling within the countryside.

Mr Peter Rooney wanted to advise Members that the current buildings were linked and therefore had one address, but this would change if the application was recommended for approval by the Committee. He reminded Members that HED had only considered the listed building and were not concerned with licensing in regard to postal addresses or separate dwellings within the countryside with the same address.

Following a query from Councillor Larkin in relation to the policies applied to listed building status, Ms McAlarney advised that this was a case that had not been witnessed before. She advised that any similar application would have requested a conversion of the listed building to a store or garage and not retain any features of a house but that this application did not include this. This application was for a listed building and attached dwelling to be separated, and a second dwelling to be built nearby which would result in two houses on the same site and would have a greater visual impact.

Councillor Hanna queried the extreme height of spring tides and the impact on the residents, and a lengthy discussion ensue regarding climate change and the impact on water levels, the location of the current residence in relation to flood plain maps and the potential impact on the residents should water enter their home and the property become unavailable.

Ms McAlarney reminded Members that DFI Rivers advised that the site was not located within the flood plains, although part of the access road was. She urged Members to be cautious about disregarding the weight of a statutory consultee in relation to the application.

Following the discussions, Councillor Hanna proposed to overturn the Officer's Recommendation and issue an approval for the following reasons:

- This was an exceptional case of a family trying to protect their living space for the future
- The proposal did not seek to demolish the listed building but rather keep the heritage intact and would improve the status of the listed building.
- The proposal would improve and enhance the environment.
- The new development would be well enclosed within the established foliage of the area
- It was considered to be sustainable development within the area.

He further advised that a condition be placed on the new build to ensure it would be sympathetic to the character and build of the area. 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: 8
AGAINST: 1
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2022/1331/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

Councillor Enright rejoined the meeting during the above discussion –12:20pm

The meeting did then recess – 12:50pm
The meeting did then resume – 01:12pm

Councillor Tinnelly left the meeting at this stage – 1:13pm

(6) LA07/2023/2171/F

Location:

Between 28 Forkhill Road and 1 Mountain Road, Newry

Proposal:

Erect 2 dwellings with detached garages & associated siteworks

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Maria Fitzpatrick outlined the application history and what policies the application was considered against, reminded Members that a similar application on the site in 2022 had been refused with the same reasons for refusal as issued with this application. She advised that no objections had been received in relation to the application, outlined the Planning Departments reasons for a recommendation of refusal and highlighted that the frontage required for the application was broken by Mountain Road and that the applicant was relying on two separate roads to create a gap site. She stressed that this application failed to qualify for the exception to be allowed to proceed.

Speaking rights:

In Support:

Mr Brendan Quinn utilised a power point presentation to put forth his reasons why he believed that the application should be recommended for approval. He outlined similar applications that had been issued for an approval that were similar to this application and stated that the policies did not advise on road breaks in relation to frontage for a ribbon development.

Councillor Larkin queried the location of Mountain Road within the images provided by Mr Quinn, whether the ground was rising in the background of the proposed development site and whether the visible hedgerow would be removed or remain in situ.

Mr Quinn confirmed that the ground did rise and that it was unclear if the existing hedgerow would remain or would be minimally impacted to form visibility splays as the road was deemed to be wide enough.

A further discussion ensued regarding the house along Mountain Road and whether it was considered as a book end and whether the shed was visible from the roadside or not.

Following a query from Councillor McAteer regarding the weight given to the location of Mountain Road, Ms Fitzpatrick confirmed that the Planning Department felt that the site was not a suitable gap site due to the location of the road.

Following the discussions, Councillor Larkin proposed to overturn the Officer's Recommendation to an approval as he felt that the examples provided by the applicant that had been approved in the past were similar to this application and therefore complied with policy and provided an opportunity for the application. This was seconded by Councillor Hanna.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

Mr Peter Rooney wanted to record his objection to this decision to overturn the recommendation and stressed that the reasons for approving the examples used by the applicant, and referenced in deciding to overturn the application, had been superseded by a legal update he had presented to Members that morning.

The Committee unanimously agreed to proceed with overturning the decision following this input.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/2171/F contrary to officer recommendation as contained in the Case Officer Report.**

Planning Officers be delegated authority to impose any relevant conditions.

(7) LA07/2023/2413/F

Location:
15a Wood Road, Newry

Proposal:
Change of use of existing dwelling for additional accommodation for adjacent hotel

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Fitzpatrick outlined the details of the application and noted that no objections had been received. She advised that the application site was located within the Ring of Gullion Area of Outstanding Beauty (AONB) and adjacent to Killeavy Castle and was not actually set within the grounds of the Castle. She outlined the policies that the application had been considered against and noted that this dwelling was an existing dwelling and not considered a locally important building in relation to the application of the policies in design, architectural or historic value.

Speaking rights:

In Support:

Mr John Cole spoke in support of the application and outlined his understanding of the policies applied and how he felt they should have recommended an approval for the application. He advised that the dwelling was situated on the grounds of the hotel, contrary to what the case officer had stated. He further outlined that the exterior of the dwelling was not going to be significantly amended, and the application would allow for more employment and generate more visitors to the area. He further noted that the proposed work was in line with the sustainable ethos of the Castle as it utilised existing buildings rather than build new.

Councillor McAteer queried which policy actually covered the aims of the applicant in relation to this application and whether they could have been applied differently should the dwelling have been within the actual confines of the hotel grounds, and not just on land owned by the hotel.

Mr Pat Rooney advised that it would depend on what the applicant was trying to achieve. If the applicant had been trying to provide self-catering accommodation within the grounds and linked to the hotel there was scope for this within planning policy, but this application was to change the use of an existing dwelling in the rural area to provide tourist accommodation and there was no scope for that within policy.

A discussion then ensued in relation to the house and on what lands it was located, whether it belonged to the hotel or merely sat within land owned by the hotel with the result being that the house was located on lands owned by Killeavy Castle but was not located within the confines of the Castle hotel itself, alongside clarifying that the Castle owned the majority of the surrounding land.

Councillor D Murphy queried the status of the farm associated with Killeavy Castle and the understanding that there was sustainable development, and whether the Castle was 10 years into a 25-year restoration project.

Mr Cole advised that this was correct and the land was farmed for the purposes of cattle grazing as part of the hotel's operation and restoration works completed to date had been carried out sympathetically and respectfully to showcase the best of South Armagh.

Following a query from Councillor Larkin regarding whether an approval would have been recommended had the house been located within the grounds of the hotel, Mr Pat Rooney advised that there was no provision within the policies for this type of application, the application would need to include one or more new units. He noted that it seemed to be an anomaly within the policy but stressed that the policy applied to a new build only.

Following discussions, Councillor Finnegan proposed to overturn the officer's recommendation based on the points that had been discussed today and the questions raised by Councillor Larkin. This was seconded by Councillor Larkin.

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 Finnegan, seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2023/2413/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

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

Agreed: On the proposal of Councillor McAteer, seconded by Councillor Rice, it was agreed to exclude the public and press from the meeting during discussion on the following items, which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government (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 McAteer, it was agreed the Committee come out of closed session.

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

FOR APPROVAL

P/046/2024 POLICY REVIEW PAPER ON HOUSING IN SETTLEMENTS

Read: Report dated 15/05/2024 from Mr J McGilly, Assistant Director Regeneration, regarding LDP: Planning Policy Review – Housing in Settlements. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Enright, seconded by Councillor Finnegan, the following was agreed:

- Agree the proposed draft planning policies for inclusion within the draft Plan Strategy, and
- Authorise the Development Plan Team to amend the proposed draft planning policies as necessary (subject to further consultation engagement, sustainability appraisal and any change to overarching regional policy) and report back to Members any substantive changes to proposed policy wording or direction.

At this stage of the meeting, it was agreed to resume discussions around P/044/2024: To Agree Reasons for Refusal of Application.

P/044/2024 TO AGREE REASONS FOR REFUSAL OF APPLICATION

(1) LA07/2022/0546/F

Location:

Public footpath to the rear of ASDA, 51 Newcastle Street, Kilkeel

Proposal:

Installation of a 20m pole to host integrated antenna and 2no. 60mm dishes plus ancillary equipment, feeder cables and equipment cabinets.

Conclusion and Recommendation from Planning Official:

Approval

Speaking rights:

The Chairperson advised that this item was returned to Committee to agree reasons for refusal, in line with policies, to then share with applicant. Members voted on the presented reasons for refusal, and voting was as follows:

FOR:	7
AGAINST:	2
ABSTENTIONS:	0

The proposed reasons were declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Enright, the reasons for refusal of the application were agreed.**

P/046/2024 HISTORIC ACTION SHEET

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

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

There being no further business the meeting ended at 02.38pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**