

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 4 September 2024 at 10.00am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber: Councillor P Campbell Councillor C Enright
Councillor K Feehan Councillor A Finnegan
Councillor G Hanna Councillor King
Councillor M Larkin Councillor McAteer
Councillor S Murphy Councillor M Rice
Councillor J Tinnelly

Officials in attendance: Mr C Mallon, Director Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director Regeneration
Mr Pat Rooney, Principal Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Ms A McAlarney, Senior Planning Officer
Ms S Taggart, Democratic Services Manager (Acting)
Ms F Branagh, Democratic Services Officer
Mrs N Stranney, Democratic Services Officer

P/074/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

The Chairperson advised that Item 7 would be heard at the end of the meeting.

P/075/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/076/2024: 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 Campbell, Hanna, Larkin, McAteer, D Murphy and S Murphy attended a site visit on 20 June 2024.

Item 7: Cllrs Finnegan, Hanna, Larkin, King, D Murphy and J Tinnelly attended a site visit on 29 August 2024.

MINUTES FOR CONFIRMATION

**P/077/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING
WEDNESDAY 7 AUGUST 2024**

Read: Minutes of Planning Committee Meeting held on Wednesday 7 August 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 7 August 2024 as a true and accurate record.

FOR DISCUSSION/DECISION

P/078/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 4 September August 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 4 September 2024:

- **LA07/2022/1448/F** - 17-21 Main Street, Camlough - Proposed mixed-use development with ground floor commercial unit and 9No. apartments and on-site parking for 13 vehicles
APPROVAL
- **LA07/2022/1029/F** - Lands to immediate N and W of Silvercove holiday park 98a Leestone Road, Kilkeel - Extension to existing holiday park comprising new caravan pitches, retention of 3no. existing caravan pitches, landscaping and associated works
APPROVAL

DEVELOPMENT MANAGEMENT

**P/079/2024 PLANNING APPLICATIONS FOR DETERMINATION (WITH
PREVIOUS SITE VISITS)**

(1) LA07/2023/2374/F

On agenda as a result of the Call-In Process

Location:
80 Dublin Road, Newry

Proposal:
2 No. glamping pods

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint Presentation:

Ms McAlarney advised that the application site was outside the settlement limits of Kilcoo and in an Area of Outstanding Natural Beauty. She noted that a consultation process and neighbour notification had taken place with no objections received. She outlined the relevant Policy was PPS21, referring to the tourism Policies TSM6 and TSM7 of PPS16. and advised that the Department for Infrastructure (DfI) Roads had been consulted. As the proposal involved access onto a protected route, the A25, it was deemed unacceptable in planning terms under PPS21 and did not qualify for any exceptions.

Councillor Campbell inquired whether smaller pods had been considered, to which Mr Baillie responded that smaller pods would not be viable.

Councillor Larkin proposed to overturn the officer's recommendations stating following the site visit, he was content that the proposal would have minimum impact on the area. This was seconded by Councillor Hanna.

After discussion, 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

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2023/2374/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2023/2813/F

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

Location:

6 Cranfield Chalets, Cranfield, Newry

Proposal:

Proposed front dormer to existing house and first floor balcony.

Conclusion and Recommendation from Planning Official:

Approval

PowerPoint Presentation:

Mr Mark Keane outlined the details of the application, utilised images of the proposed plans alongside the current application site. He stated the site was located in an Area of Outstanding Natural Beauty (AONB) and the application had been fully assessed and it was

considered there were no grounds to sustain a refusal. The residential amenity of adjoining residents had been fully considered and with appropriate conditions there would be no unacceptable impact. Paragraph 30 of APPS7 was quoted. The balcony is located to the front of the property. There is already a degree of overlooking.

Councillor Hanna asked the applicant how the proposal was likely to impact upon them. The applicant replied that they were currently overlooked and anticipated that the situation would worsen with the addition of a balcony.

Councillor Hanna proposed accepting the officer's recommendation with the addition of a condition to ensure the glass at the front of the balcony was obscured.

This was seconded by Councillor Enright.

After discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Enright it was agreed to issue an approval in respect of planning application LA07/2023/2813/F supporting to officer recommendation as contained in the Case Officer Report with the addition of a condition to ensure the glass at the front of the balcony was obscured.

DEVELOPMENT MANAGEMENT

P/080/2024 **PLANNING APPLICATIONS FOR DETERMINATION**

(1) **LA07/2022/1495/F**

On agenda as a result of the Call-In Process.

Location:

Lands opposite no.41 Lecale Park Downpatrick BT30 6ST

Proposal:

Five dwelling units, landscaped gardens and associated site works

Conclusion and Recommendation from Planning Official:

Approval

PowerPoint presentation:

Ms McAlarney outlined the details of the application, showing images of the proposed site layout and section plans. She advised that during the consultation process, the Department had received 19 Neighbour Objections, there were no objections raised from statutory consultees, however Northern Ireland Water imposed negative conditions due to capacity issues. The application was assessed using several relevant policies, including PPS 7 on

Mrs Fitzpatrick advised that the key objective of Policy OS1 was to safeguard open spaces, allowing for development only in cases where the proposed project offered substantial community benefit that outweighed the loss of the space. This protective stance was reinforced by additional policies in PPS8 and the SPPS, all of which emphasised the importance of open space for recreation, healthy living, and community use.

Mrs Fitzpatrick's presentation highlighted that the application site was currently a well-maintained open space serving the local community. She stated that the Planning Department evaluated the site within the context of Policy OS1 and concluded that the area fell under the protection intended for such spaces.

She advised that although the applicant presented a compelling case regarding the need for a complex-needs dwelling, the Planning Department determined that the specific proposal did not provide the level of community benefit necessary to justify the loss of the open space. She also raised concern about the potential precedent an approval on this application could set, potentially leading to further "piecemeal" development that would gradually erode protected areas, ultimately to the detriment of the community.

Mrs Fitzpatrick highlighted the referenced protocol between the Department of the Environment and the Housing Executive, which allowed for redevelopment of certain open spaces. However, the Planning Department argued that the protocol did not apply to the site in question, as the open space was neither excessive in size nor suitable for redevelopment. Mrs Fitzpatrick also advised that the Protocol had not been agreed with NMD Council.

Speaking rights:

In Support:

Sinead Collins, representing Northern Ireland Housing Executive, noted that no new social homes had been built in Crossmaglen over the past 10 years, despite a current need for 57 additional units between 2023 and 2028. The Lismore/Lisbeg areas had a strong community network, with low property turnover as residents preferred to remain rather than move to nearby cities or villages. She advised that the family intended for this home currently lived in a Housing Executive property but had been on the transfer list since 2017 due to the unsuitability of their current home. She stated that with no viable alternatives found, a new dwelling was the only option to meet their long-term needs, which would in turn free up their current home for another family on the waiting list, providing a direct community benefit. She also added that the new build would create jobs during construction and through future maintenance.

Mrs Collins highlighted that the PPS8 protocol, agreed between the Housing Executive and DOE Planning, supported selective redevelopment of open spaces for affordable housing, benefiting both families and the wider community. She stated the proposed site aligned with the existing frontage of Lismore Park without affecting access or the nearby play park, ensuring the location was beneficial for both the family and the community.

Mr Fox from Rural Housing Northern Ireland explained that the proposed dwelling was intended for a local family with an urgent housing need, that had been referred to Rural Housing to develop a home that met their specific requirements. He stated following the exploration of various options over several years no suitable properties or sites had been found in the Crossmaglen area and the tabled proposal represented the last viable solution for the family. Mr Fox also noted that the impact on open space would be minimal and the development had received strong community support with 79 representations in favour and no objections. He emphasised that social housing should always be recognised as a community benefit.

Following a query from Councillor Hanna around a definition of 'substantial community benefits' and whether the community would be disadvantaged for the benefit of one family, Mrs Fitzpatrick responded that there was no specific definition, however, as envisioned by PPS 8 and OS1, a community benefit was expected to serve the entire community rather than just a single family.

Councillor Hanna asked the agents' opinion around the benefits for only one family and the loss of open space for the community. Ms Collins stated that the site was chosen carefully and emphasized that a substantial portion of open space would remain at the rear ensuring continued access to the play park. She noted that the community would benefit as this development would free up another home for a family on the waiting list

Councillor Hanna remarked that he believed the amount of open space allocated for this dwelling could potentially accommodate two houses. Mrs Fitzpatrick reiterated that allowing any loss of open space for housing posed risks, and that OS1 was in place to protect these areas.

Councillor Enright referred to the rural housing crisis for social and affordable housing across Northern Ireland and asked if Newry, Mourne and Down District was still the worst affected. Ms Collins confirmed that this was still the case.

Councillor Enright asked whether the housing crisis could be addressed by approving applications like this, arguing that reducing the housing shortage would have benefited the community. Mr Pat Rooney acknowledged that the points made were valid but emphasised that this broader issue could not be resolved through the current planning application. He stated that the Development Plan process was the appropriate forum for addressing such matters and there would be an opportunity to do so in the production of the new Development Plan.

Councillor Finnegan addressed the housing crisis, highlighting that 2,000 people were on the waiting list in the Newry, Mourne, and Down District and while acknowledging the significance of protecting open spaces under PPS 8 OS 1, she questioned whether the 79 letters of support could be considered a community benefit in this instance.

Mrs Fitzpatrick acknowledged the sensitivity of the issue, stating that decisions were based on policy, and that setting a precedent in this case could result in piecemeal development in open spaces throughout the District.

In response to a query from Councillor Finnegan around PPS and the protocol, Ms Collins referred to the Council report noting that the development was not part of a broader restructuring of the open space within the estate. She stated the Housing Executive would argue that the development would enhance the street frontage with no impact on the play park and that the loss of this open space would not negatively affect the community as there were no future plans for any planning applications in the remainder of the open space.

Councillor Hanna voiced concerns about the precedent overturning this decision could set, highlighting that there would be no guarantee future planning applications would not be submitted. Mrs Fitzpatrick echoed this worry cautioning that it could establish a harmful precedent for other open spaces across the district.

Councillor McAteer enquired about the possibility of applying again in the area next to this should it receive approval. Ms Collins responded that the planning team within the Housing Executive collaborated with the planning service to establish the protocol and the goal was

not for the Housing Executive to develop every area of open space it owned but rather to selectively develop certain portions where there was a pressing need for additional housing. She stated that the Housing Executive would continue to work closely with the Council, remaining mindful of policies that protected open spaces while also benefiting residents within the Housing Executive estates.

Councillor McAteer asked for clarity on the criteria used and whether they aligned with those of the Planning Department and also if, in a similar situation, the only option was open space, would this area be considered. Ms Collins explained that for open space, they adhered to PPS8 and the protocol document and emphasised that open spaces were selected only in exceptional circumstances, and if the land had already been developed, it would no longer be considered. She outlined that the priority was first to adapt existing stock, followed by exploring housing association properties, and then looking at options on the open market.

In response to a query from Councillor McAteer, Ms Fitzpatrick stated that all open space was protected under PPS8 OS1 and noted that the protocol was a document established between DOE Planning and the NI Housing Executive and no discussions had yet occurred between the NI Housing Executive and the Council Planning Department.

Mr Pat Rooney clarified that the protocol document was inherited and was never agreed upon by the Council and the Housing Executive and stated that in this instance the protocol was irrelevant as it specifically pertained to larger areas of open space.

Councillor McAteer asked whether the protocol document could be used for this assessment and Ms Collins replied that the protocol represented a difference of interpretation.

Councillor Declan Murphy asked Mr Peter Rooney whether determining substantial community benefit would be a judgment call. Mr Rooney confirmed that it would be but within the parameters set by the planning policy against which the application was assessed. He explained that the consideration involved weighing substantial community benefit against the permanent loss of open space and the policy was restrictive, as it stated that development resulting in the loss of existing open space was not permitted. He advised that Planners had evaluated all factors and reached a decision, and it was for Members to consider the implications of losing open space and whether one dwelling truly delivered substantial community benefit.

Councillor Finnegan proposed a site visit and this this was seconded by Councillor McAteer

After discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

AGREED: **On the proposal of Councillor Finnegan, seconded by Councillor McAteer it was agreed to defer planning application LA07/2023/3129/F to allow for a site visit.**

Councillor Tinnelly entered the meeting at this stage - 11am

(3) LA07/2021/1398/F

On agenda as a result of the Call-In Process.

Location:

4c Temple Hill Road Newry

Proposal:

Demolition of existing factory buildings and replacement with 11 private dwellings and block of apartments containing a ground floor and first floor unit with associated site works, drainage and new access

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint presentation:

Mr Keane presented the officer's report, which included images of both the current site layout and the proposed changes. The application was recommended for refusal as it conflicted with policies PPS 7, PPS 7 Addendum, and PPS 12. He stated that two letters of objection had been received, while all consultees responded with no objections in principle. He outlined that Environmental Health advised for quality residential living, a minimum distance of 75 metres from farm buildings should be maintained, which the development significantly failed to meet, as the nearest dwelling was approximately 10-15 metres away. He highlighted the application site, situated at the edge of the settlement boundary, meant that the area was better suited for low-density development, with higher-density projects being more appropriate for urban locations. The agent was informed of the Department's concerns some time ago, however there had been no action taken to address same.

Speaking rights:

In Objection:

Mr Tony Haveron, representing his father, the owner of a nearby working farm, expressed concerns about the proposed development. He stated the farm, which had been in the family for three generations, was adjacent to the application site, which could cause potential issues for prospective new occupants, including substantial noise and activity from over 100 cattle, with feeding happening around 4:30 AM and 9:00 PM. Additionally, cattle vehicles delivering new animals would arrive throughout the night. He pointed out that new residents could be unaware of the noise and odour associated with living near a farm, which could lead to complaints that could potentially affect the farm's operations and the family's livelihood. He respectfully requested that the Planning Committee followed the case officer's recommendation to refuse the application.

In Support:

Mr Young spoke in support, noting the site fell within Newry City centre's development limits and was mainly residential in nature. He stated the current brownfield site which housed two factory buildings was an exception making it suitable for housing and the proposed development's footprint was smaller than the existing factories. He stated the plan aligned with PPS7, safeguarding the residential character by replacing the factories with housing. Mr Young highlighted that there was strong local support and the project included a public footpath for safe pedestrian access between Newry and Ballyholland. He stated that any

business it could not be considered an established group of buildings associated with the farm. She highlighted that this was a significant factor in the assessment, as the presence of an established grouping was often crucial in evaluating applications for development. She added that the application was located outside any designated settlement limits and was situated within an Area of Outstanding Natural Beauty.

Speaking rights:

In Support:

Declan Rooney spoke on behalf of the agents and disagreed with the Department's decision that the proposed dwelling lacked a visual connection to existing farm buildings, citing a distance of 90 meters. He stated that the Department's assessment overlooked buildings in the northern yard, where the nearest building was actually just 31 meters away. He stated that visual linkage involved context, not just distance and highlighted paragraph 5.41 of CTY 10 noted that the site appeared interconnected with the buildings from surrounding viewpoints, with minimal separation. He stated that from Rathfriland Road and Slievenaboley Road, the proximity and topography linked the site and farm buildings, meeting Policy CTY10 (c) and Policy CTY13 (g) and that building in the farmyard or to the east/south was impractical due to existing planning permission and challenging topography. He therefore stated that the proposed site, just 31 meters from the nearest building, was the most suitable for visual integration.

Mr Rooney stated the refusal based on Policies CTY13 and CTY14, could be addressed at a later date as this was outline permission and the site's lower elevation ensured that the dwelling would not be prominent as it blended with existing buildings. He added that, from Rathfriland Road, the site's elevation further reduced visibility, complying with Policy CTY13 (a) and Policy CTY1.

Councillor Tinnelly asked about the structure that Ms McAlarney referred to as a shipping container and sought clarification from the agent. Mr Rooney clarified that the structure was a prefabricated building that had been in place for 25 years.

Councillor McAteer inquired about the ownership details for the property at 46 Slievenaboley Road and asked whether the property would be considered in the assessment if occupied by the applicant.

Mr Peter Rooney responded stating the question was irrelevant as the property was not in the ownership of the application and had not been raised by either party in relation to the application.

Councillor Hanna sought clarification around the prefabricated building and Ms McAlarney confirmed that, in her opinion, it was not a building.

Councillor Hanna proposed a site visit and this this was seconded by Councillor McAteer

After discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to defer planning application LA07/2023/3065/O to allow for a site visit.

P/081/2024 **HISTORIC ACTION SHEET**

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

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

There being no further business the meeting ended at 12.07pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 16% of decisions overturned