

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 2 October 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 A Finnegan Councillor G Hanna
Councillor C King Councillor M Larkin
Councillor McAteer Councillor S Murphy
Councillor M Rice Councillor J Tinnelly

Officials in attendance: Mr J McGilly, Assistant Director Regeneration
Ms A McAlarney, Development Manager: Planning
Ms M Fitzpatrick, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Ms P Manley, Senior Planning Officer
Mr Peter Rooney, Head of Legal Administration (Acting)
Ms S Taggart, Democratic Services Manager (Acting)
Ms F Branagh, Democratic Services Officer
Mrs N Stranney, Democratic Services Officer

Also in attendance in Chamber: Ms Nora Largey, Belfast Legal Services

P/082/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Feehan.

The Chairperson advised that due to a submission that had been received at 11pm on the night prior to the meeting, items 11, 12 and 13 were to be deferred in order to allow officers sufficient time to consider the submission. He apologised to those who had made the effort to attend the Committee Meeting but advised that the items would be deferred until a future Committee Meeting.

Councillor Tinnelly advised he would have to leave the meeting by 12 noon.

P/083/2024: DECLARATIONS OF INTEREST

Councillor Enright stated that he was unclear whether he had a conflict of interest relating to item 11, noting that in the absence of any legal opinion he was unsure whether he should declare an interest.

The Chairperson Councillor D Murphy advised that it was up to the Member to decide whether they had a conflict of interest and advised Members to review the Councillor's Code of Conduct with regards to conflicts of interest.

P/084/2024: 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 Feehan, Finnegan, Hanna, Larkin, King, McAteer, D Murphy and S Murphy attended the site visit on 12 September 2024.

Councillor D Murphy noted that while Councillor Feehan was absent, there was still a quorum with regard to considering the application.

MINUTES FOR CONFIRMATION

P/085/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 4 SEPTEMBER 2024

Read: Minutes of Planning Committee Meeting held on Wednesday 4 September 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 4 September 2024 as a true and accurate record.

FOR DISCUSSION/DECISION

P/086/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 2 October 2024. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Finnegan, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 2 October 2024:

- **LA07/2023/2210/F** - 25 Knockchree Avenue Magheramurphy Kilkeel -Demolition of no. 25 Knockchree Avenue, Kilkeel, BT34 4BP and erection of 5 no. detached two-storey dwellings with associated site works

APPROVAL

- **LA07/2023/3001/F** - 58 Warrenpoint Road, Rostrevor, Newry, BT34 3EB - Replacement Dwelling and 3 no. ancillary outbuildings and all associated site works

APPROVAL

DEVELOPMENT MANAGEMENT

P/087/2024 **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

(1) **LA07/2023/3129/F**

On agenda as a result of the Call-In Process

Location:

Land directly adjacent to 11 Lismore Park, Crossmaglen

Proposal:

Proposed single social housing dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint Presentation:

Ms Maria Fitzpatrick reminded Members of the details of the application, submitted by the Rural Housing Association, and outlined the site layout, available green space and noted that the application had been recommended for refusal as it was contrary to Planning Policies SPPS and Policy OS 1 of PPS8, which noted that development on green space was prohibited unless the community benefit substantially outweighed the loss of the green space.

Councillor Finnegan proposed to overturn the officer's recommendation, stating that while some green space would be lost there would still be 95% remaining, all access to nearby facilities would still be in place and that the 79 letters in support of the application highlighted a community value.

This was seconded by Councillor Hanna who noted that the exception clause existed within the policy for applications such as this and that it would bring substantial benefits to the area.

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

The proposal was declared carried.

AGREED:

On the proposal of Councillor Finnegan, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/3129/F contrary to officer recommendation as contained in the Case Officer Report.

DEVELOPMENT MANAGEMENT

P/088/2024

PLANNING APPLICATIONS FOR DETERMINATION

(1)

LA07/2022/3186/F

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

Location:

Lands adjacent to 127A Shore Road Kilclief, Strangford.

Proposal:

Proposed new dwelling and detached garage with associated hard and soft landscaping.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Ms Annette McAlarney outlined the details of the application and confirmed that the application had been considered against Planning Policy CTY8 as an infill dwelling. She confirmed that the relevant neighbourhood notifications had been carried out, resulting in 7 objections, which were all considered within the case officer's report, and that statutory consultations had all been returned with no objections raised. Ms McAlarney noted that the proposal met the infill policy of CTY8, and all amendments as requested by the Planning Department were deemed acceptable by the agent and applicant and had been submitted accordingly.

Speaking rights:

In Support:

Mr John Lavery noted that the amended plans as requested by the Planning Department had a lower ridge height than the outline planning application, and the minor changes to the façade of the building led the applicant to believe that the dwelling would integrate with the countryside setting and urged Members to support the officer's recommendation for approval.

Councillor Larkin then proposed to accept the officer's recommendation, which was seconded by Councillor Campbell.

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

The proposal was declared carried.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Campbell, it was agreed to issue an approval in respect of planning application LA07/2022/3186/F supporting officer recommendation as contained in the Case Officer Report.

Mr Peter Rooney left the chamber for discussion on the following item, having declared an interest – 10.16am

(2) LA07/2022/1683/F

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

Location:

Site adjacent to 16 Kilfeaghan Road, Rostrevor

Proposal:

Erection of 3 glamping pods with associated access, parking, turning, recycling/waste and cycle store and landscaping

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Mark Keane outlined the application details advising that it had been tabled due to the volume of objections received, 3 of which had been received following the publication of the agenda on the Council website. He outlined the basis of the objections to include concerns regarding road safety, the visual impact of the application, its lack of integration within the natural area, the loss of amenity space, the impact on the AONB, potential disruption to farming activity and health and safety concerns and noted that these had all been considered and detailed within the Case Officer's Report.

Mr Keane advised that the application was located within an AONB but was set well back from the main road, the pods were 6m x 4m and 3m in height and would include new planting to enclose and integrate the site. He further noted that the original application had been reduced from 6 pods following consultation with the Planning Department. He advised that the application had been considered against Planning Policies SPSS 2, 3, 6, 16 and 21 and was recommended for approval, subject to conditions.

Speaking rights:

In Support:

Mr Tom Franklin outlined that the location was a family site and the opportunity to build a home on the site had not arisen, however this application would allow the land to remain within the family and also bring some benefit to the local area. He further confirmed that attendees at the site would be encouraged to enjoy the site, respect the landscape and residents at all times and highlighted his flexibility and engagement with the Planning Department as an example of this respect for the area.

Councillor McAteer then proposed to accept the Officer's Recommendation, which was seconded by Councillor Tinnelly.

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

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Tinnelly, it was agreed to issue an approval in respect of planning application LA07/2022/1683/F supporting officer recommendation as contained in the Case Officer Report.

Mr Peter Rooney re-entered the Chamber at this stage – 10.21am

(3) LA07/2023/2374/F

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

Location:
Abbey Way Car Park, Abbey Way, Newry

Proposal:
Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.

Conclusion and Recommendation from Planning Official:
Approval

AGREED: This item was deferred to a future committee date.

(4) LA07/2023/2193/F and LA07/2023/2213/LBC

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

Location:
1 Town Hall, Bank Parade, Newry

Proposal:
Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar Island, portion of Needham bridge, portion of East side of Newry Canal, area around Bank Parade and Kildare Street.

Conclusion and Recommendation from Planning Official:
Approval

AGREED: These items were deferred to a future committee date.

(5) LA07/2022/0382/F

On agenda as a result of the Call-In Process

Location:

Immediately West of 14 Martins Lane Newry

Proposal:

Proposed boarding kennels to include reception and induction kennel.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Maria Fitzpatrick outlined the application proposal including the statutory consultations and neighbourhood notifications which were all returned with no objections. She advised that the application had been considered against a number of Planning Policies as it was located outside the development limit for Newry and lay within the countryside, those policies were SPPS, PPS 2, 3, 4, 6, 15 and 21 alongside Rural Planning Policy, CTY 1, 8, 13, 14 and 15.

Ms Fitzpatrick further advised that the application was recommended for refusal in accordance with PED 3, 4, 5 and 6 of PPS4 in that economic development in the countryside would only be permitted in exceptional circumstances, confirming that it remained the opinion of the Planning Department that the application as tabled did not meet the exceptional circumstances requirement, and that there was not a specific need for this type of facility in this location. She further outlined that the agent had highlighted that this application was exceptional in all the services offered but confirmed that there were a number of veterinary clinics and hospitals located within the local area. She summarised by advising that Planning Policies were strict when allowing economic development within the countryside, and that this application would be better suited to the redevelopment of existing buildings within the countryside or relocated within a settlement.

Speaking rights:

In Support:

Mr Colin O'Callaghan advised that the application was for a specialist kennelling facility that required this remote location so as to not impact on neighbours, stating that the application was unique in that it included boarding kennel facilities, recovery facilities, 24 hour supervised recreational access, an onsite vet living on the premises, facilities for a variety of animals including exotic pets, and offered services such as hydrotherapy, a dog spa, recovery massages, etc. He advised the application would create 6 jobs initially and due to the range of services that would be offered, was not typical of the veterinary clinics or hospitals within the area.

Mr O Callaghan noted that there had been no third-party objections, and no objections raised by statutory consultees, there were on site specific concerns raised and the only issue as outlined by the Planning Department was that there was no reason this application could not be situated within the settlement limit. He ended by noting that Planning Policies provided no explanation or guidance on what the exception to the policy was, therefore, he believed that the ordinary meaning of the word exceptional should be applied here, stating that it was not normal to have dog kennels located in residential areas.

Councillor Rice requested clarification on why the Planning Department felt that this application was recommended for refusal when considered against Policy PPS4, to which Ms Fitzpatrick advised that PPS4 considered economic development and had a number of subsections that considered different types of development in both settlements and within the countryside. She confirmed that the policies were strict on economic development within the countryside, which could only be permitted in exceptional circumstances and stated that the Planning Department did not agree that this application was exceptional and there was no reason as to why it could not be situated within the settlement.

Councillor Rice asked the applicant why they felt that the application was exceptional, to which Mr O'Callaghan advised that PED2 did not provide a definition, and the application was exceptional in that the nearest premises that offered anything similar within one facility was 45 miles away. He stated that were this application to be situated within the settlement limit, there would potentially be noise complaints and parking issues and further reminded Members that there had been no objections raised in relation to the application as situated.

Councillor Hanna queried why the Planning Department were insisting that the application needed to be located within an urban area and whether common sense should prevail regarding the siting of the application, to which Ms Fitzpatrick confirmed that the Planning Department were not insisting on a specific location, rather were providing alternative options following the recommendation for refusal. She further reminded Members that as per Planning Policy, the bar was extremely high in relation to economic development within the countryside and it was the opinion of the Planning Department that it had not been demonstrated that this application was exceptional. She stated that as per PED2, this type of development would be better suited to the re-use of existing buildings as allowed by Planning Policy.

Following a further query from Councillor Hanna regarding the location of the nearest facility that offered similar services, Ms Fitzpatrick advised that the Planning Department did not feel that the District was at a disadvantage not having these facilities under one roof when there were a number of veterinary facilities within Newry.

Following this discussion, Councillor Hanna asked for some information from Mr Peter Rooney as to whether it was for Members to decide on the application.

Mr Peter Rooney noted that the Committee had heard both the Planning Department's opinion along with the opinion of Mr O'Callaghan and stated that while the application was unique, that did not warrant the need to build in this location. He advised that it was up to Members whether they were satisfied that the reasons for refusal could be overruled, and while there was an element of judgement in that, it had to be based on the guidance provided in relation to Planning Policies.

Councillor Tinnelly then queried whether the application could be described as a surgery rehabilitation facility, and whether rehabilitation services would be offered to other veterinary surgeries within the District that didn't have that facility.

Mr O'Callaghan advised that would be correct, and the applicant also intended to offer pound facilities to assist the Council in dealing with temporary housing for animals.

Following this discussion, Councillor Tinnelly queried why the Planning Department did not feel that the application was exceptional, to which Ms Fitzpatrick advised that according to planning Policies, this application would be better suited to the reuse of existing buildings within the countryside as per planning policy.

Councillor Finnegan queried whether the Planning Department had carried out a distance measurement within the District with regard to similar facilities, to which Ms Fitzpatrick advised that this wasn't carried out in terms of services within the District but confirmed that as contained within the Case Officer's Report, the Planning Department had taken consideration of facilities within the locality that offered the relevant services.

Following a query from Councillor McAteer, a discussion ensued with regard to the expected clientele, and what research had been carried out in relation to potential need within the

area, with the outcome being that the supporting statement as submitted by the applicant in conjunction with two other local vets outlined the need within the area.

Following a further query from Councillor McAteer relating to the word exceptional within Planning Policy, Ms McAlarney noted that as already stated, the policies were quite restrictive when considering economic development within the countryside and that the onus was on the applicant to demonstrate the exceptional circumstances and it was for the Committee to consider if they considered this application and location as exceptional, or whether it could be sited in a different location.

Councillor D Murphy queried whether all the services offered as listed within the application had been considered by the Planning Department, to which Ms Fitzpatrick confirmed that they were considered at every stage throughout the processing of the application, and it remained the Planning Department's opinion that the application was not warranted at the noted location, as per planning policies.

Councillor Hanna queried whether a community benefit was considered by the Planning Department due to the lack of similar facilities within the area to, with Ms Fitzpatrick confirming that Planning Policy did not allow for community benefits when considering against economic development within the countryside.

Following the extensive debate and discussion, Councillor Hanna proposed to overturn the case officer's recommendation, stating that while he understood the opinion of the Planning Department, he felt that common sense should prevail given the scope of the facility proposed, to find suitable existing premises would be difficult, and the services on offer were unique in comparison to the services on offer through other facilities, to have a vet located on site and the level of expertise required for the training rooms proposed, and given the location of the nearest similar facility being 45 miles away all rendered the application exceptional, and the community benefit outweighed any concerns of the Planning Department.

Councillor D Murphy seconded the proposal, stating that he believed the facility to be exceptional in relation to Planning Policies, noting that the location was close to a motorway but far enough away from the city to not be an inconvenience for residents, was in an accessible location and noted his concern that a similar facility was quite a distance away.

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

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 LA07/2022/0382/F contrary to officer recommendation as contained in the Case Officer Report.**

(6)

LA07/2023/2237/O

On agenda as a result of the Call-In Process

Location:

15 Brackenagh East Road, Ballymartin, BT34 4PT

Proposal:

Proposed site for an off-site replacement dwelling and domestic garage.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Mark Keane detailed the applications to Members, advising it was located within an AONB, was a 2 storey semi-detached dwelling, included a front and rear garden with gated vehicular access from the road to the front garden and access to the rear beyond the outbuildings shown on screen, highlighted to Members that the red line of the application had omitted the rear garden portion of the site and confirmed that there had been no statutory or third party objections received.

Mr Keane highlighted to Members that the original application had a description of a "replacement dwelling" but this had been amended in agreement with the previous agent to "offsite replacement dwelling" due to the fact that the existing dwelling was a semi-detached building. He advised that the proposed new dwelling was a detached building located in the front garden, therefore off-site had a more reflective description of the application.

Mr Keane outlined that the application was considered against PPS21, noted the Planning Department had no objections to a replacement dwelling, the only concern was the siting of the proposed new build, advising that as per Planning Policy CTY3, replacing existing semi-detached or terraced dwellings would only be acceptable if replaced in situ and remaining attached to the existing development, unless mitigating circumstances were taken into consideration. He further outlined that although the agent had raised that the building was in bad condition, had little amenity space and little space to extend with peculiar parking, the Planning Department still felt that there were no overriding mitigating circumstances. He confirmed that while there was an error as listed on the presentation in the first refusal reason, the Planning Department felt that the proposed new build would have a more prominent visual impact and would result in ribbon development along the road.

Speaking rights:

In Support:

Mr Brendan Starkey outlined his reasons as to why the application should have been recommended for an approval, stating that he believed that CTY3 had been misapplied and that the replacement dwelling was wholly within the established curtilage of the existing dwelling, explaining that this was why he believed that the application was for an on-site replacement dwelling, and not an off-site as noted earlier. He further stated that there were mitigating circumstances that had not been considered by the Planning Department which included that the current dwellings were narrow and wide, unduly prominent and lacked symmetry, were extremely dilapidated and had clashing finishes to the local area, while the new proposed build would have a positive impact on the rural character of the area. He also outlined that the proposed access arrangements would improve road safety with regard to the outbuildings blocking sight lines to the road. He advised that the Planning Department

stated that they had no objection to a replacement in principle, just the location of the proposed new builds.

Following a query from Councillors Rice and Tinnelly regarding the curtilage boundary and the red line boundary, it was established that the red line related to the application site and the curtilage was related to the ownership of the land on which the application was based, therefore they could overlap but were not necessarily the same.

Following a query from Councillor Rice regarding the replacing of a semi-detached dwelling with a detached house, Mr Starkey stated that the area was comprised of a number of detached properties and would not be unduly prominent as it was set against a back drop of trees which would help integrate the new build, further advising that should the application be refused, the applicant would not be able to afford to repair the existing dwelling, which would fall into further disrepair and remain an eye sore within the area.

Following the discussions, Councillor Hanna proposed to overturn the officer's recommendation, stating that a common-sense approach was required and that he believed that the application was on-site, the existing dwelling looked out of character for the area and the proposed dwellings would integrate better. He further stated that he welcomed the improved road safety measures as the blind spot was dangerous for drivers.

Councillor Rice seconded this proposal.

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

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to issue an approval in respect of planning application LA07/2023/2237/O contrary to officer recommendation as contained in the Case Officer Report.**

Planning Officers be delegated authority to impose any relevant conditions.

(7) LA07/2023/2804/O

On agenda as a result of the Call-In Process

Location:

Approx 140m East of 71 Bishopscourt Road, Downpatrick

Proposal:

Farm dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney outlined that the application had been amended to be located East of the address, not West, confirmed that no objections had been received regarding the application, and that it had been considered against CTY10 of PPS21 for farm dwellings and also against CTY13 and 14, which related to integration and rural character. She confirmed that the farm business was active and established as per policy, but advised that as per Criteria B of CTY10, which required that no development opportunity sold be off from the farm holding within ten years of the application, an issue arose relating to number 63 and its associated garage. She outlined that the registered address of the farm was not at this address, but was registered elsewhere, and therefore the buildings could not be considered linked with the farm, and therefore the proposed site was not visually linked or sited to cluster with an established group of buildings on the farm holding.

Speaking rights:

In Support:

Mr Gerry Tumelty outlined that the main reason for refusal was due to weight applied to the ownership of number 63 and the associated garage in their consideration to being linked to the farm. He provided background information in that the previous owner of the farm had resided at the address and confirmed that following Mr Magee's death, the residence passed to the ownership of his partner, while his son took on ownership of the farm and registered the farm at his current residence. He detailed that while the ownership of the residence was not officially linked with the farm, it had not been sold off and put forth his argument as to the consideration of this with regard to the policy as outlined, advising that the farm holding had not sold off any property or land and therefore the application should have been recommended for approval.

Councillor Hanna requested clarification regarding the siting of number 63 to the farm, and queried some details regarding the stable and ruinous structure, the outcome of which was that the Planning Department were of the opinion that number 63 was not connected to the farm as previously outlined and could not be considered in line with policies, the stable was one building and the roofless structure was not considered a building, therefore there was no cluster for the new build to integrate with.

Further discussion then ensued between Councillor Hanna, Councillor Tinnelly and Ms McAlarney regarding the use of the ruinous structure, the possibility of the stable being considered as one or two dwellings given that the inside was separated by a stone wall similar to that of a semi-detached dwelling, to which Ms McAlarney confirmed that the stable was considered by the Planning Department as one building, not two, and that the roofless ruinous structure was not considered as a building.

Following this discussion, Mr Tumelty advised that the roofless structure exhibited characteristics of a dwelling and should have been considered as such but highlighted that the crux of the issue was what constituted a sell off of property from the farm, as no property or land had been sold off.

Councillor Hanna then requested legal advice regarding the consideration and weight applied to the stable as one or two buildings and to the roofless structure, to which Mr Peter Rooney advised that the Committee may wish to view the site for themselves.

Councillor Campbell queried whether Planning Policy was lenient or not regarding the building being considered as part of the farm holding or not, and Mr Peter Rooney advised that in terms of policy it was a black and white condition, but the situation being put forward here was the dwelling was still a farmhouse, the original farmers wife resided within, and it hadn't technically been sold off. He outlined that policy did reference family, advising that there were particular circumstances that had been articulated by the agent regarding the

background of ownership of the property, and further highlighted that this instance strayed into the technical area of law regarding property disposal following probate with the potential that the policy was open to interpretation but cautioned that this had all been considered by the Planning Department when reaching their decision.

Councillor Campbell further queried the blue line boundary as detailed on the case officer's report, to which it was confirmed that the land at number 63 was still within the farm ownership, but the registered farm business address was no longer at this address, and this had led to the refusal recommendation.

Councillor Enright then queried if the applicant were to move back to number 63 and declare ownership at that address, would the application have been recommended for approval.

Ms McAlarney noted that the Planning Department could not consider a hypothetical situation and reiterated the salient points in that number 63 was not part of the farm business in relation to Planning Policy.

Following a further enquiry from Councillor Enright regarding the wishes of the applicant in relation to an outcome from the Committee, Mr Tumelty confirmed that he wished for number 63 to be seen as an extension of the family farm as the applicant's mother currently resided there and to take note that should something happen to her, the building would revert to the ownership of the applicant.

Councillor D Murphy advised Members that it was the remit of the Committee to consider the application as submitted and not to speculate on any future changes to the situation.

A discussion then ensued regarding the consideration of the stable as either 2 or more buildings, similar to the previous application that had been discussed, to which Ms McAlarney confirmed that it was the opinion of the Planning Department that the stable was one building, while Councillor Hanna and Councillor Tinnelly stated they believed that it was at least two buildings similar to a semi-detached house as the interior was separated by a stone wall and the building had two entrances.

Councillor D Murphy then queried whether the derelict building could be considered a building if a roof had been applied, to which Ms McAlarney advised again that the Planning Department had considered the situation on the ground and could not speculate on any potential changes to existing buildings.

Following the discussions, Councillor Enright then proposed to overturn the officer's recommendation stating that he believed that the property was clearly a farm dwelling within the meaning of planning policy.

Councillor Hanna seconded the motion, stating that in his opinion the stable was more than one building, and should the derelict building be roofed to make a shelter for horses it would be considered a building, and therefore policy requirements would be satisfied.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: On the proposal of Councillor Enright, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/2804/O 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 Campbell, seconded by Councillor Hanna, it was agreed to exclude the public and press from the meeting during discussion on the following item, which related to exempt information by virtue of para. Five of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information in relation to which a claim to legal professional privilege could be maintained in legal proceedings and the public may, by resolution, be excluded during this item of business.

Agreed: On the proposal of Councillor Finnegan, seconded by Councillor Rice, it was agreed the Committee come out of closed session.

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

P/089/2024 LEGAL OPINION FOLLOWING DEFERRAL OF APPLICATION LA07/2023/2331/F

Read: Legal Counsel's opinion was shared at the meeting.

AGREED: It was agreed on the proposal of Councillor Rice, seconded by Councillor S Murphy, to note the legal opinion shared.

Councillor Tinnelly left the meeting during the above discussion – 11.57am
Councillor Enright left the meeting during the above discussion – 12pm

P/090/2024 DRAFT DUNDALK AREA PLAN 2024 – 2030

Read: Report dated 02 October 2024 from Mr J McGilly, Assistant Director Economy, Regeneration & Tourism, regarding a Draft Dundalk Area Plan 2024 – 2030 **(Copy circulated)**

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

P/090/2024

HISTORIC ACTION SHEET

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

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

There being no further business the meeting ended at 12.08pm.

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 50% of decisions overturned