

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

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

Chairperson: Councillor D Murphy

Committee Members in attendance in Chamber:

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| Councillor P Campbell | Councillor C Enright |
| Councillor A Finnegan | Councillor G Hanna |
| Councillor M Larkin | Councillor D McAteer |
| Councillor S Murphy | Councillor M Rice |
| Councillor J Tinnelly | |

Officials in attendance: Mr C Mallon, Director of Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director Regeneration
Ms A McAlarney, Development Manager: Planning
Ms M Fitzpatrick, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Mr Peter Rooney, Head of Legal Administration (Acting)
Miss S Taggart, Democratic Services Manager (Acting)
Ms F Branagh, Democratic Services Officer

P/101/2024: APOLOGIES AND CHAIRPERSON’S REMARKS

An apology was received from Councillor King.

The Chairperson advised that as Councillor King was an apology, item 9 would have to be deferred as there was no quorum following the site visit on 28 November 2024, and item 10 had to be deferred due to not having a quorum at the site visit on the 28 November 2024.

P/102/2024: DECLARATIONS OF INTEREST

Councillor Feehan advised that he was a relative of the applicant on item 8, and although he wasn't at the site visit, he wanted it on the record.

P/103/2024: 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 7: Cllrs Campbell, Finnegan, Hanna, King, Larkin, McAteer & D Murphy attended a site visit on 28 November 2024.

Item 8: Cllrs Campbell, Finnegan, Hanna, King, Larkin, McAteer & D Murphy attended a site visit on 28 November 2024.

Item 9: Cllrs Campbell, Hanna, King, Larkin, McAteer & D Murphy attended a site visit on 28 November 2024.

MINUTES FOR CONFIRMATION

P/104/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 6 NOVEMBER 2024

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

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

FOR DISCUSSION/DECISION

P/105/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 4 December 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 December 2024:

- **LA07/2022/0841/F** - 98 Dominic Street, Newry BT35 8BW - Proposed demolition of existing beauty salon and erection of 4no. apartments

APPROVAL

- **LA07/2022/1357/O** - Land to the east of 31 Chancellors Road and 55m to the southwest of 5 Carnagat Lane, Newry - Proposed site for industrial/storage units (Use classes B2 and B4) and associated road improvement works

APPROVAL

- **LA07/2016/0898/O** - Lands at Carnmeen Farm (to the east of the A27 Tandragee Road and to the east and south of the A1 Newry bypass) Newry and land comprising a small section of southbound road verge on the A28 Armagh Road, Newry on the approach to the roundabout junction with the A1 - Outline planning permission, with some matters reserved, for a period of 5 years for proposed development of light industrial, distribution and storage use on lands at Carnbeen Farm

APPROVAL

Councillor Larkin seconded the proposal, stating that he believed that the proposed layout was already replicated throughout the District in relation to a road dividing a farm holding.

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

FOR: 6
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 LA07/2023/2507/O contrary to officer recommendation as contained in the Case Officer Report.

(3) LA07/2023/3370/O

On agenda as a result of the Call-In Process

Location:

To the rear of 44 Bavan Road, Mayobridge, BT34 2HS

Proposal:

Infill dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Speaking rights:

In line with Operating Protocol, no further speaking rights were permitted on this application.

Councillor D Murphy noted that as Councillor King was an apology for today's meeting, there was therefore not a quorum following the site visit and the application would have to be deferred to a future meeting date.

AGREED: The item was deferred to a future committee meeting on the proposal of Councillor Campbell, seconded by Councillor McAteer.

(4) LA07/2023/2376/O

On agenda as a result of the Call-In Process

Location:

60m SW of 131 Derryboy Road, Crossgar, BT30 9DH

Proposal:

Proposed dwelling on a farm under Policy CTY10 of PPS21

Conclusion and Recommendation from Planning Official:

Refusal

Councillor D Murphy noted that this item had to be deferred to a future committee meeting following a site visit, as the site visit scheduled for the 28 November was not quorate.

AGREED: **This item was deferred to a future committee meeting on the proposal of Councillor McAteer, seconded by Councillor Hanna.**

DEVELOPMENT MANAGEMENT

P/108/2024 PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2023/0275/O

On agenda as a result of the Call-In Process

Location:

Land 205m SE of 7 Dunturk Road Castlewellan

Proposal:

1 ½ storey replacement dwelling and detached garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Annette McAlarney outlined the application, confirming that no objections had been received following statutory consultations and neighbourhood notifications. She advised that the relevant Planning Policies were CTY 3, 13 and 14 with the application being recommended for refusal as it did not comply with CTY13, which required the building being replaced to have the characteristics of a building, with all external walls to be intact. She then confirmed that the Planning Department did not believe that the building to be replaced had the required characteristics of a dwelling. She advised the Planning Department were also concerned that the proposed new dwelling would have a greater visual impact on the landscape as it was considerably larger than the existing building.

Speaking rights:

In Support:

Mr Barry Fletcher spoke in support of the application, stating that he believed the building did display characteristics of a dwelling and while there may have been no chimney, there was a former doorway entry into the main floor and window openings could be seen, despite them now being covered. He further stated that while the Planning Department believed this building to have been an outbuilding to a larger dwelling, he argued that a barn would not have had a flue, the remnants of which could be clearly seen within the existing building.

Refusal

Power-point presentation:

Ms McAlarney advised Members that the application had been considered against Planning Policy CTY8, reminding Members that this was a restrictive policy that required a continuous and built-up frontage of three or more properties. She advised that there had been no objections following statutory consultations and neighbourhood notifications. Ms McAlarney confirmed that the agent had provided minor design changes following concerns raised by the Planning Department but stated that the Planning Department remained of the opinion that the design was not appropriate to the area of outstanding natural beauty.

Ms McAlarney noted that the application did not comply with CTY8 as the required continuous and built-up frontage was not met, as 97 Bryansford Road did not have frontage to the road and therefore could not be counted as one of the three required buildings.

Speaking rights:

In Support:

Mr Declan Rooney outlined the reasons that he believed the application should have been recommended for approval, focusing on whether or not 97 Bryansford Road was considered to have frontage to the road, reminding Members that the Committee had decided that it did so at a Planning Committee meeting in May 2024. He further referenced several nearby dwellings that had similar design features to the application design, stating that the proposed design would not offend the rural character of the area.

Councillor Tinnelly queried the application in May 2024, and why number 97 Bryansford was considered to have frontage to the road then, but not for this application.

Ms McAlarney reminded Members that the application in May had been recommended for refusal as the Planning Department did not consider 97 Bryansford Road to have frontage to the road and the Committee had voted to overturn that application. She further reminded Members that the Planning Department had a duty to assess applications against the relevant Planning Policies, and the correct interpretation of CTY8 indicated that number 97 did not have frontage to the road.

Councillor Rice then proposed to overturn the recommendation as he believed that the application did comply with CTY8, taking account of the previous decision regarding 97 Bryansford Road, and all remaining refusal reasons would fall as a result.

Councillor Hanna seconded the proposal, stating that he believed that 97 did have frontage to the road and that the design of the proposal was traditional to the area.

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

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|--------------|----|
| FOR: | 11 |
| AGAINST: | 0 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/3491/F contrary to officer recommendation as contained in the Case Officer Report.

(3) LA07/2024/0411/O

On agenda as a result of the Call-In Process

Location:

Lands between 69 & 73 Crawfordstown Road, Drumaness, Ballynahinch

Proposal:

Infill dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms McAlarney confirmed that although no objections had been raised following statutory consultations and neighbourhood notifications, the Planning Department had recommended the application for refusal. She stated that the application had been considered against CTY 1, Development in the Countryside, and CTY 8 as an infill application and had been recommended for refusal as it did not meet the exception policy of CTY8 as the site could accommodate more than two dwellings, with a measurement of 179m. It also failed policy CTY 1 as there was no overriding reason as to why the development could not be located within a settlement.

Speaking rights:

In Support:

Mr Gerry Tumelty spoke in support of the application, stating that he believed that the application was compliant with CTY 1 and 8 as the gap site was suitable for an infill dwelling and this application would be the first of the two dwellings, which he believed was standard practice when considering infill dwellings. He further stated that the plot size was within the average size for the area at 52.5m and therefore would not offend the character of the area.

Following a query from Councillor Hanna regarding clarification on a laneway subdividing the site, Mr Tumelty confirmed that this was an existing laneway that serviced the buildings to the rear of the site, with the intention that it would service the proposed build, along with the second infill dwelling when someone wished to build there. He stated that the laneway consisted of fully mature hedgerows that were maintained, and further stressed that DFI Roads had no objections to the proposals.

A lengthy discussion then ensued regarding the size of the gap site, the average plot size of the area and the potential location of a third or fourth dwelling being placed within the gap site, with the gap site being confirmed at 179m and the average plot size of the area measuring 55m. Ms McAlarney further confirmed that Members should be mindful of the gap size, which could accommodate three dwellings with a plot size of 55m and therefore the

application fell afoul of CTY 8, which was not a visual test, but rather a test of accommodation within the site.

Mr Peter Rooney then interjected to advise that the gap was measured between the buildings at 179m, and the Planning Department believed that this could accommodate more than two dwellings, which meant that the application failed the exception policy of CTY 8. He advised that the Members may wish to defer the application for a site visit.

Following the discussions, Councillor Larkin proposed to accept the officer's recommendation, stating that he believed the gap was too large to accommodate only two dwellings. This 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: | 6 |
| AGAINST: | 5 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Campbell, it was agreed to issue a refusal in respect of planning application LA07/2024/0411/O supporting officer recommendation as contained in the Case Officer Report.**

(4) LA07/2023/2827/F

On agenda as a result of the Call-In Process

Location:

Lands immediately NW of no. 48 Maytown Road, Bessbrook

Proposal:

Erection of dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Fitzpatrick confirmed that there were no objections to the application, following neighbourhood notifications, and that statutory consultations offered no objections subject to a number of conditions. She confirmed that the application site was located outside of the settlement limit and was defined by an area of hardstanding.

Ms Fitzpatrick noted that the application had been considered against Planning Policy CTY 2a, which stated that permission would be granted for a dwelling at an existing cluster provided that six set criteria were met, however the Planning Department felt that the application failed to meet two of the required criteria. The two relevant criteria required the site be bounded on two sides with other development and required the proposal to round off or consolidate an existing cluster. She outlined that the application failed when

considered against these criteria as the shed the applicant was relying on was considered a temporary structure that could be easily removed from the site and was therefore not considered to represent buildings or development in line with the intentions of policy. She further explained that the application failed when considered against rounding off the cluster as the proposal was not considered to consolidate or round off the existing cluster but would in fact extend it, and visually intrude into the countryside as the Planning Department considered the cluster to end at Number 48.

Speaking rights:

In Support:

Mr Colin O Callaghan spoke in support of the application, stating that although the structure was considered by the Planning Department to be a temporary structure, he believed that it should still be considered development as referenced within the Planning Act, which did not stipulate that the development was required to be permanent buildings. He further stated that he believed that the application was compliant with policy as the referenced structure had recently received a certificate of lawfulness and was supported by an interior steel support frame, which would make it difficult to remove.

He further stated that the structure fell within the statutory definition of a building, and therefore was compliant with all relevant planning policies, further arguing that it was sited and built on site and following the recent certificate of lawfulness being granted, it would not be in the applicant's interest to remove it.

Following a query from Councillor D Murphy, a discussion ensued regarding the weight given to the structure and the recently granted certificate of lawfulness, the outcome of which was that despite Mr O Callaghan's photographs showing the steel support beams inside the structure with a concrete base, the Planning Department believed that the structure was temporary as it had no foundations that physically attached it to the ground, rendering it easily removable.

Following a query from Councillor Finnegan regarding the recently granted certificate of lawfulness and how the Planning Department could now state that the building was not permanent, Ms McAlarney stressed that the building had been assigned a temporary status, and the Planning Department did not consider that temporary buildings were included within Planning Policy CTY 2a and therefore were considered excluded from the cluster.

Following these discussions, Mr Peter Rooney noted that there had been a lot of discussion regarding policy and the intention of the authors regarding permanent and temporary structures, further advising that the planning act was wide ranging to encapsulate a broad range of development. He outlined the wording of the relevant policy, stating that the applicant had highlighted sections and overlooked other sections, but stressed that a cluster of development was clearly defined within the policy. He stated that the Committee Members may wish to see the site to decide for themselves.

Following the discussions, Councillor Finnegan proposed a site visit, which was seconded by Councillor Feehan.

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

FOR: 10

AGAINST: 0
ABSTENTIONS: 1

The proposal was declared carried.

AGREED: On the proposal of Councillor Finnegan, seconded by Councillor Feehan, it was agreed to defer planning application LA07/2023/2827/F to allow for a site visit.

Following the above proposal for a site visit, a further discussion ensued regarding attendance at site visits following the proposal for these at Planning Committee meetings, with Councillor D Murphy noting that the four site visits arranged for the 28 November had taken up most of the day, with the last site visit subsequently cancelled as one Member did not advise that he was unable to attend.

Councillor Finnegan noted that the site visits arranged for the 28 November had already been rescheduled twice due to Members not being able to attend, which caused some difficulty when trying to arrange meetings with constituents. She further stressed that if Members were committed to the Planning Committee that they should make an effort to attend as many site visits as possible, with the result being that should a Member be an apology for a meeting, an application should not have to be deferred due to a lack of quorum, as had happened today.

Councillor Rice queried whether it was possible for any proposed site visits to be attended following the meeting as his work commitments made it difficult for him to attend on other days, to which Mr Mallon advised that this would be dependent on the agenda and locations of the applications. Councillor D Murphy further noted that this may prove difficult as a Case Officer also had to be in attendance, and this was dependent on their diary.

Miss Taggart advised that arranging site visits was an item that was being considered further, and a report would be brought to a future Planning Committee meeting for consideration and decision.

Following this discussion, Councillor Hanna queried whether it was possible for Members to be supplied with safety equipment, such as high visibility vests, as some site visits were along busy and dangerous roads.

Mr Mallon advised that this was possible and would be arranged.

FOR CONSIDERATION

P/109/2024 LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

Read: Communication from the Department of Communities regarding the listing of a site as a special architectural building and historical sites.
(Copy circulated)

AGREED: It was agreed on the proposal of Councillor D Murphy seconded by Councillor McAteer, to note the list as approved.

P/110/2024

HISTORIC ACTION SHEET

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

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

There being no further business the meeting ended at 11.48am

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 25% of decisions overturned