

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 8 January 2025 at 10am 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 C King
Councillor M Larkin	Councillor D McAteer
Councillor S Murphy	Councillor M Rice

Officials in attendance: Mr C Mallon, Director Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director Regeneration
Ms A McAlarney, Development Manager: Planning
Ms M Fitzpatrick, Senior Planning Officer
Ms P Manley, 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/001/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor Tinnelly. It was noted that Councillor Rice was delayed.

P/002/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/003/2025: 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 Feehan, Finnegan, Larkin, D Murphy, S Murphy & M Rice attended a site visit on 4 December 2024.

MINUTES FOR CONFIRMATION

P/004/2025: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 4 DECEMBER 2024

Read: Minutes of Planning Committee Meeting held on Wednesday 4 December 2024. **(Copy circulated)**

AGREED: **On the proposal of Councillor Campbell, seconded by Councillor McAteer, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 4 December 2024 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/005/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 8 January 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor McAteer, 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 8 January 2025:**

- **LA07/2023/2199/F** - Lands to the south of No.s 1 & 2 Knockanoney Heights, north of Nos 1 & 63 The Demesne, east of Carnagat Road and west of No. 8 Daisy Hill, Newry - Proposed erection of social-led, mixed tenure residential development comprising 24 no. dwellings and 24 no. apartments, open space, landscaping, associated site works, parking and access arrangements from Carnagat Road.
APPROVAL
- **LA07/2021/1258/RM** - To the rear of 11 Hilltown Road, Newry and adjacent and south of 'Ardfreelin' Hilltown Road Newry - Erection of 42 residential dwellings comprised of 28no. semi-detached, 14no. detached dwellings, provision of hard and soft landscaping including communal amenity space, provision of in curtilage car parking spaces, and all associated site works
APPROVAL
- **LA07/2023/2635/F** - Lands approximately 250m north east of MJM Group, Unit 1 Derryboy Road, Carnbane Business Park, Newry, BT35 6QH - Proposed manufacturing facility, 2 storey welfare & office facilities, associated site works including yard storage areas, boundary fencing, vehicular & pedestrian entrances.
APPROVAL

- **LA07/2023/1996/F** - Lands between 3 and 9 Scaddy Road, Crossgar, BT30 9BW - 2 infill dwellings
REFUSAL

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 Enright, 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 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:

FOR DECISION

P/006/2025: **NOTICE OF MOTION – SECTION 76 ORDER, DOWNPATRICK EASTERN DISTRIBUTOR ROAD**

Read: Report from Mr J McGilly, Assistant Director of Economy, Regeneration & Tourism, regarding Notice of Motion – Section 76 Order, Downpatrick Eastern Distributor Road. **(Copy circulated)**

Councillor Enright queried why the item was to be held in closed session, to which Mr McGilly advised that it was a matter of policy that was to be debated with potential references to lands that were currently subject to development.

AGREED: On the proposal of Councillor Campbell, seconded by Councillor D Murphy it was agreed to note the recommendations as contained in the Officer’s Report and that more information be brought back on the issue.

Councillor Rice joined the meeting during the above discussions – 10.23am

DEVELOPMENT MANAGEMENT

P/007/2025: **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

(1) 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:

Mrs Fitzpatrick reminded Members of the salient points of the application, noting that it had been assessed against Planning Policy CTY2a which required 6 criteria to be met prior to permission being granted for a dwelling at an existing cluster. She reminded Members of the two criteria that the Planning Department did not believe were met; that the proposal did not round off a cluster but rather extended it, and that the structure the applicant was relying on was a temporary structure and was not considered to represent buildings in line with the intention of policy. She also reminded Members that the application was contrary to CTY14 as it would result in a suburban style development that would erode the rural character of the countryside.

Speaking rights:

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

Mr Colin O'Callaghan was present to answer any questions that Members may have had.

Councillor Larkin proposed to overturn the officer's recommendations, stating that he didn't believe that the structure was temporary as it had been constructed on site, was attached to a concrete base and could not be removed easily. He confirmed that he believed this ensured that the application was compliant with CTY2a.

Councillor Finnegan seconded the proposal.

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

FOR:	4
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Larkin, seconded by Councillor Finnegan, it was agreed to issue an approval in respect of planning application LA07/2023/2827/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

DEVELOPMENT MANAGEMENT

P/008/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2023/3740/F

On agenda as a result of the call-in process

Location:

Site adjacent to and to the W of 15 Tullymacreeve Road, Mullaghbawn, BT35 9RD

Proposal:

Dwelling and attached garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Fitzpatrick utilised images to outline the site and its location, which was outside the settlement limit of Mullaghbawn within an Area of Outstanding Beauty (AONB), confirming that there had been no objections following neighbourhood notifications, nor from statutory consultations subject to conditions. She advised that due to the location, the Planning Department had undertaken a site inspection alongside an assessment of all relevant regional policies and other material considerations, and given the site's location it was considered against PPS21.

Mrs Fitzpatrick then stated that SPPS and PPS21 both outlined circumstances where planning permission could be granted for an individual dwelling in the countryside under a number of exception clauses, however, despite requests, the agent had not confirmed which exception clause he wished the application to be considered against, therefore the Planning Department had considered the application against all outstanding policies, CTY1, 2A, 3, 6, 7, 8, 10 and 15.

Mrs Fitzpatrick confirmed that the application was considered to offend all relevant policies as there was no overriding reason why the development was essential at this rural location, it would mar the clearly defined distinction between urban Mullaghbawn and the surrounding rural area, and it was also considered to offend NH6 of PPS2 as the development was considered unsympathetic to the special character of the AONB.

Speaking rights:

In Support:

Mr Barney Dinsmore spoke in support of the application, noting that he believed that the Planning Department had dismissed the principle of rounding off and consolidation of the settlement limit of Mullaghbawn. He stated that he believed that the application complied with all relevant policies and highlighted three examples of applications that he believed

were similar to this application that had all been approved. He further advised that conditions could be placed on the application to ensure that it did not offend the special character of the AONB.

Councillor Larkin queried the examples provided by the agent, to which Mrs Fitzpatrick confirmed that two of the examples had been recommended for refusal by the Planning Department but had subsequently been overturned by the Committee, and the third example was regrettable in that it was a poor decision by the Planning Department as the Case Officer's report made no mention of CTY15, and it was not something that warranted repeating.

Councillor Larkin queried an instance where a large development had been recommended for approval on the edge of a settlement limit that had not been considered to mar the distinction of the settlement limit. Mrs Fitzpatrick confirmed that allowing a single dwelling would set a dangerous precedent regarding the erosion of the rationale of a settlement limit. She advised that the extension of a settlement limit, in the case referenced by Councillor Larkin, was better addressed through the development plan process.

Councillor Larkin queried if there were any remaining areas available within Mullaghbawn that had been zoned for housing, to which Mrs Fitzpatrick confirmed that there was still availability within Mullaghbawn for housing development.

Following the discussions, Councillor Larkin proposed a site visit to better see and understand the application site. This was seconded by Councillor Finnegan.

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 Finnegan, it was agreed defer planning application LA07/2023/3470/F to allow for a site visit.**

(2) LA07/2023/3475/F

On agenda as a result of the call in process

Location:
60m S of 68 Jericho Road, Crossgar, Downpatrick

Proposal:
Proposed new dwelling on a farm (under PPS21 CTY10)

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:

Mrs McAlarney outlined the application, confirming that there had been no objections following neighbourhood notifications and statutory consultations. She advised that the application had been considered against CTY10, 13 and 14 and although the farm business had been confirmed by DAERA as active and established, the application offended policy as the proposal was not cited or visually clustered with an established group of farm buildings. She confirmed that there was an existing group of farm buildings located in close proximity to the registered business address of the farm at number 68, however the distance was too great to be considered as visually linked or cited to cluster. It was also recommended for refusal as it was deemed to add to an existing ribbon of development .

Speaking rights:

In Support:

Mr Brendan Starkey spoke in support of the application, highlighting his belief that the critical issue regarding this recommendation for refusal was the separation distance between the proposed dwelling and the established group of buildings on the farm. He noted that amended drawings had been submitted to the Planning Department on 5 November 2024, alongside evidence of the planned legal extension to a neighbouring farm building, the impact of which was that the proposed dwelling was now 30m from the neighbouring buildings, which would allow for visual linkage. He detailed three similar applications that had been recommended for approval that had separation distances greater than proposed in this application.

Councillor Larkin queried whether the images utilised by Mr Starkey were the original drawings as submitted or if they were proposing new drawings for the Committee to determine.

Mr Starkey confirmed that the images utilised for his presentation had been submitted to the Planning Department on the 5 November 2024 and stressed his dismay that they had not been included within the case officer's report, confirming that he had sight of the email communication with the previous agent regarding receipt of these.

Ms McAlarney confirmed that the Planning Department had assessed the information that was submitted in August 2024, which had included intentions of planned shed extensions, but stressed that the Planning Department had to assess the situation as it was at the time of the inspection and could not take account of buildings under construction that did not have any associated certificates of lawfulness. She further stressed that the drawings of 5 November 2024 had been considered but were not uploaded as they were considered by the Planning Department to be inaccurate in terms of the buildings as the shed extensions had not been completed and confirmed that this had been communicated with the agent. She acknowledged that with the change of agent, this communication could have been missed by Mr Starkey.

Following this, Councillor Larkin proposed to defer the application to allow for further consideration by the Planning Department, stressing that it should be addressed in a timely manner.

Mr Peter Rooney interjected to highlight that this had become a situation where amended drawings had been submitted late and the accuracy of what was tabled before the committee was under question. He advised that it may be better to defer the item to allow

an addendum report to be brought forward to see if the amended plans made a material difference to the views of the Planning Department.

Mr Starkey argued that the information had been presented to the Planning Department in November, stating that he had confirmation of safe receipt and urged the Committee to overturn the application, rather than ask the Planning Department to reassess the information.

Councillor Larkin acknowledged the agent's frustration but stressed that the Planning Department needed to consider the updated and revised plans, noting his hope that should the recommendation of the Department change, then the application would not need to be referred back to committee.

Following a query from Councillor McAteer, Mr Starkey confirmed that the shed was due to be completed in the coming weeks, and should an officer carry out a site visit now they would be able to see the work near completion with the shorter separation distance to the proposed dwelling.

Councillor Hanna noted the examples provided by the agent and sought clarity on the separation distance for this application, to which Mr Starkey confirmed that the proposal had now been cited 24m closer the existing farm buildings which would be even closer when the proposed extension was complete.

Councillor Hanna then proposed to overturn the officer's recommendation in light of the decreased separation distance, highlighting his confusion as to why a recommendation for refusal was put forward when the Planning Department knew the shed was under construction.

Councillor D Murphy noted that a proposal had been put forth by Councillor Larkin that needed to be considered before any new proposals could be discussed.

Councillor Larkin's proposal was seconded by Councillor McAteer and 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 McAteer, it was agreed to defer planning application LA07/2023/3475/F to allow for the consideration of additional information.**

The meeting did then recess – 11.40am
The meeting did then resume – 11.47am

(3) LA07/2024/0022/O

On agenda as a result of the call in process

Location:

Lands between 20 and 24 Carnalroe Road, Ballyward, Castlewellan

Proposal:

Proposed dwelling and garage and associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs McAlarney outlined the application, confirming that no objections had been raised following neighbour notification and statutory consultations. She utilised images to outline the red line boundary of the application site, noting that the application had been considered against CTY1, 8, 14 and 15.

Ms McAlarney confirmed that the site was compliant with CTY8 in terms of a substantial and continuously built-up frontage but fell afoul of CTY8 when considering the frontage of the application as at 32m, it did not respect the pattern of development of the area. She confirmed that the application was recommended for refusal when considered against policies CTY1, 14 and 15 as there was no overriding reason that it could not be located within a settlement limit, it would result in the addition of ribbon development along the Carnalroe Road and lacked established natural boundaries and was therefore unable to provide a suitable degree of integration into the countryside.

Speaking rights:

In Support:

Mr Wallace spoke in support of the application, noting that although CTY8 was a restrictive policy, it did allow exceptions where approvals could be made and argued that this application was one such exception. He referenced a Planning Appeals Committee (PAC) decision whereby approval was granted for an application when the associated plot frontages were non-uniform and eclectic, which he argued was the case in this instance. He referenced the refusal reason as related to CTY13, noting the proposal's plans for planting to allow integration and further noted other PAC decisions whereby approvals had been granted that had less integration measures.

Mr Wallace argued that the case officer had noted that a triangular plot of land at no. 20 was being utilised as grazing and had not been considered within the curtilage of no. 20 and stated that this was incorrect as while 'curtilage' had no official definition, it did include domestic animals, further stressing that the one goat within this plot was a domestic animal, therefore should be considered as domestic curtilage.

Councillor McAteer queried whether there was a definition of curtilage in law, to which Mr Peter Rooney noted that CTY8 made no reference to curtilage. He summarised that the agent was arguing that the grazing area should be included in the curtilage of no. 20 and therefore the gap site would be smaller, while the Planning Department did not consider the area as curtilage therefore considered the gap site to be larger. He stated that it would be up to the Committee to make a decision on this themselves, suggesting a site visit to view the area.

Following a query from Councillor Larkin, a discussion ensued regarding the triangular piece of land where the agent argued that it should be considered within the curtilage of no. 20, and with Ms McAlarney advising that the land had been applied for and approved as a domestic garden area but had not been implemented and was now considered as a grazing field.

Councillor Larkin queried the remaining refusal reasons aside from the triangular patch of land, to which Ms McAlarney noted that a proposed plot frontage of 32m was not in keeping with the pattern of development of the area while Mr Wallace argued that he had a measured frontage of 40m. He further noted the PAC ruling regarding eclectic frontages that had been approved, stressing its relevance to this application.

Following the discussion, Councillor Larkin proposed a site visit to view the triangular patch of land on site. 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:	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 defer planning application LA07/2024/0022/O to allow for a site visit.**

FOR NOTING

P/009/2025: **REGIONALLY SIGNIFICANT PLANNING APPLICATION UNDER SECTION 26 OF THE PLANNING ACT (NORTHERN IRELAND) 2011 – GRUGGANDOO WIND FARM**

Read: Communication from the Department of Infrastructure regarding the Planning Appeals Communication in relation to Gruggandoo Wind Farm. **(Copy circulated)**

AGREED: **It was agreed on the proposal of Councillor Larkin, seconded by Councillor Finnegan, to note the communication.**

P/010/2025: **HISTORIC ACTION SHEET**

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

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

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

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 20% of decisions overturned