



May 13th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 15th May 2024 at 10:00 am** in **Boardroom Council Offices Monaghan Row Newry**

Committee Membership 2023-2024:

Councillor D Murphy **Chairperson**

Councillor J Tinnelly **Deputy Chairperson**

Councillor P Byrne

Councillor P Campbell

Councillor C Enright

Councillor A Finnegan

Councillor G Hanna

Councillor M Larkin

Councillor C King

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

For Information

3.0 Declarations of Interest in relation to Para. 25 of Planning Committee Operating Protocol - Members to be present for entire item

For Information

Item 6 - Cllrs Finnegan, Hanna, Larkin, D Murphy and M Rice attended a site visit on 26/03/2024.

4.0 Minutes of Planning Committee held on 10 April 2024

For Approval

 [Planning Committee Minutes 2024-04-10.pdf](#)

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5.0 Addendum List - Planning applications with no representations received or requests for speaking rights

For Decision

 [Addendum list - 15-05-2024.pdf](#)

Page 13

Development Management - Planning Applications for determination (with previous site visits)

6.0 LA07/2022/1696/O - Land approx. 58m East of No.11 Flagstaff Road, Newry - Proposed dwelling and detached domestic garage on an infill site

For Decision

REFUSAL

In line with operating protocol no further speaking rights are permitted on this application

 [6-LA07.2022.1696.O.pdf](#)

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Development Management

7.0 LA07/2022/0546/F - Public footpath to the rear of ASDA, 51 Newcastle Street, Kilkeel - Installation of a 20m pole to host integrated antenna and 2no. 600mm dishes plus associated

ancillary equipment, feeder cables and equipment cabinets

For Decision

REFUSAL - To agree Reasons for Refusal

In line with operating protocol no further speaking rights are permitted on this application

 [LA07_2023_0546.pdf](#)

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Development Management - Planning Applications for determination

8.0 LA07/2023/2455/F - 4 Railway Street, Newcastle, - Change of use of ground floor from retail (Class A1) to hot food takeaway (sui generis), installation of extraction and ventilation equipment, and minor external alterations.

For Decision

APPROVAL

 [LA07_2023_2455.pdf](#)

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9.0 LA07/2020/1567/F - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL - Proposed GAA training pitch, multi Use games area, ball wall along with associated lighting, fencing, ball stops and ground works

For Decision

APPROVAL

Speaking rights have been requested in objection to the application by Sean Connolly and John Collins.


Speaking rights have been requested in support of the application for Jim McMahon, Kevin Loughran and Dermot O'Hagan

 [LA07-2020-1567-F FINAL COR SIGNED 23.02.2022.pdf](#)


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 [LA07-2020-1567-Addendum to COR 29.04.2024.pdf](#)

Page 63

 [9. LA07.2020.1567.F objection.pdf](#)

Page 66

 [9. LA07_2020_1567 - BH support.pdf](#)

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10.0 LA07/2023/1926/F - Site of former St Mary's Primary School (opposite and east of 1-15 Shan Slieve Drive and, south of 32-38 Bryansford Road and 2-8 Tullybrannigan Road), Newcastle - Vary Conditions 2 (Approved Plans) 3 (Access), 5 (Road Works) & 10 (Service Management Plan) of planning approval LA07/2021/0786/RM

For Decision

APPROVAL

Speaking rights have been requested in support of the application for Dermot Monaghan, Stewart Beattie and Simon Tomlinson

LA07_2023_1926.pdf

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10. LA07_2023_1926.pdf

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11.0 LA07/2020/0346/O - Land adjacent to and south of 3 and 25 Carnagat park and NE of 22 and 24 Crannard Gardens, Newry, BT35 8SE - Erection of 4 dwellings

For Decision

APPROVAL

LA07_2020_0346.pdf

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12.0 Item removed due to duplication

For Decision

Item removed due to duplication from previous month.

13.0 LA07/2023/2048/F - Approximately 50 meters North West of 78 Upper Dromore Road, Warrenpoint - Proposed dwelling and detached garage (infill site) (renewal of LA07/2018/0785/O)

For Decision

APPROVAL

LA07_2023_2048.pdf

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14.0 LA07/2023/2407/F - 3 Church Street, Downpatrick - Proposed

**subdivision to existing apartment to form 2 apartments &
change of use of use of store to 1 apartment with amenity
space off existing alleyway**

For Decision

APPROVAL

 **LA07_2023_2407.pdf**

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**15.0 LA07/2023/2543/O - Immediately SW of 99 Bryansford Road,
Kilcoo - Proposed 2no infill dwellings and garages**

For Decision

REFUSAL


Speaking rights have been requested by Declan Rooney, agent, in support of the application.

 **LA07_2023_2543.pdf**

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 **15. LA07.2023.2543.O.pdf**

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 **15. LA07.2023.2543.O Signed Statement.pdf**

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**16.0 LA07/2022/0910/F - 10-12 Scotch Street Downpatrick -
Demolition of existing derelict building in conservation area
and replacement with proposed building incorporating 6
apartments with amenity space. New boundary wall to rear of
building and link to existing alleyway leading to Church Street.**

For Decision

REFUSAL

Speaking rights have been requested in support of the application for Kevin Rogan and Johnathan Maze.

 **LA07_2022_0910.pdf**

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 **16 and 17 LA07_2022_0910_F and LA07_2022_0912_DCA.pdf**

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**17.0 LA07/2022/0912/DCA - 10-12 Scotch Street Downpatrick -
Demolition of vacant buildings at 10-12 Scotch Street**

For Decision

REFUSAL

Speaking rights have been requested in support of the application for Kevin Rogan and Johnathan Maze.

18.0 LA07/2022/1331/F - 42 Quarterland Road, Killinchy - Replacement Dwelling with detached garage, existing listed building retained as ancillary accommodation. New entrance pillars and gate with associated site works.

For Decision

REFUSAL

Speaking rights have been requested by David Donaldson and Conor Brady in support of the application.

19.0 LA07/2023/2511/O - Lands South Of 32 Moneyscalp Road Kilcoo - New dwelling and associated works on a farm.

For Decision

REFUSAL

20.0 LA07/2023/2171/F - Between 28 Forkhill Road and 1 Mountain Road, Newry - Erect 2 dwellings with detached garages & associated siteworks

For Decision

REFUSAL

Speaking rights have been requested by Brendan Quinn in support of the application.

21.0 LA07/2023/2413/F - 15a Wood Road, Newry - Change of use of existing dwelling for additional accommodation for adjacent

hotel


For Decision

REFUSAL

Speaking rights have been requested by John Cole and Mick Boyle in support of the application.

 [LA07_2023_2413.pdf](#)

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 [21. LA07.2023.2413.F.pdf](#)

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Local Development Plan Items - Exempt Information

22.0 Policy Review Report on Housing in Settlements

For Decision

This item is deemed to be exempt under Paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (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.

 [LDP Planning Policy Review - Housing in Settlements - report.pdf](#)

Not included

 [LDP Planning Policy Review - Housing in Settlements - paper.pdf](#)

Not included

For Noting

23.0 Historic Action Sheet

For Information

 [Planning Historic Tracking Sheet - 20240410.pdf](#)

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Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Fionnuala Branagh

Cllr Jim Brennan

Cllr Pete Byrne

Mr Gerard Byrne

Cllr Philip Campbell

Mr Andrew Cassells

Cllr William Clarke

Cllr Laura Devlin

Ms Louise Dillon

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Cllr Aoife Finnegan

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Roisin Howell

Cllr Tierna Howie

Cllr Jonathan Jackson

Cllr Geraldine Kearns

Mrs Josephine Kelly

Cllr Cathal King

Ms Nora Largey (BCC)

Cllr Mickey Larkin

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Cllr Andrew McMurray

Cllr Declan Murphy

Cllr Kate Murphy

Cllr Selina Murphy

Cllr Siobhan O'Hare

Cllr Áine Quinn

Cllr Henry Reilly
.....
Cllr Michael Rice
.....
Mr Pat Rooney
.....
Mr Peter Rooney
.....
Cllr Michael Ruane
.....
Cllr Gareth Sharvin
.....
Donna Starkey
.....
Nicola Stranney
.....
Sarah Taggart
.....
Cllr David Taylor
.....
Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Mrs Marie Ward
.....

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 10 April 2024 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

Councillor P Byrne	Councillor P Campbell
Councillor C Enright	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 Conor Mallon, Director Economy, Regeneration & Tourism
 Mr J McGilly, Assistant Director of Regeneration
 Mr Pat Rooney, Principal Planning Officer
 Mr Peter Rooney, Head of Legal Administration
 Ms A McAlarney, Senior Planning Officer
 Ms P Manley, Senior Planning Officer
 Ms M Fitzpatrick, Senior Planning Officer
 Mr M Keane, Senior Planning Officer
 Ms S Taggart, Democratic Services Manager
 Ms F Branagh, Democratic Services Officer
 Mrs N Stranney, Democratic Services Officer

P/030/2024: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillor Tinnelly.

The Chairperson noted that items 6, 13 and 15 had been deferred to a future date, and that Item 17 had been withdrawn.

P/031/2024: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/032/2024: 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.

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/033/2024: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 6 MARCH 2024

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

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

FOR DISCUSSION/DECISION

P/044/2024: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 10 April 2024. **(Copy circulated)**

Councillor Enright proposed that item 20 be removed from the addendum list and deferred to a future Committee date to allow time for the submission of further detailed documentation from the agent. This was seconded by Councillor Hanna.

The Chairperson noted that this information had been requested by the Planning Department prior to the refusal decision being issued. He advised that should this application be deferred, it would add to the large volume of applications already being processed by the Department.

Councillor Enright's proposal was put to a show of hands vote, and voting was as follows:

For	4
Against	6
Abstention	1

The proposal was lost.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 10 April 2024:

- **LA07/2023/3577/F** - The Health Centre, Summer Hill, Warrenpoint, Newry, BT34 3JD - Proposed extension to the existing Health Centre at Warrenpoint, accommodates a store at ground floor and office space on the first floor. The existing first floor has proposed room layouts. The works will also include proposed site works.

APPROVAL

- **LA07/2023/3188/F** - Existing SRC car park site (formerly Newry Sports Centre) immediately north of Southern Regional College (SRC) 'East Campus' building at no. 61 Patrick Street, Newry, BT35 8DN - Proposed new 2-storey Southern Regional College 'Innovation Centre' to facilitate the relocation of SRC Model Campus at Catherine Street. Building to provide teaching rooms, laboratories, workshops, new management centre and office space. Proposal includes the retention of existing vehicular and pedestrian access.

APPROVAL

- **LA07/2021/0334/F** - Site adjacent to Strangford View, Downpatrick Road Killyleagh - Residential Development comprising of 26no houses. (Renewal of Planning Permission R/2006/1097/F)

APPROVAL

- **LA07/2023/3464/F** - St Moninna Playing Field, St Moninna Park, Meigh, Newry, BT35 8TS - Proposed creation of a new walking track, associated fencing and upgrading of entrance and exits to perimeter of pitch.

APPROVAL

- **LA07/2023/3580/F** - Jim Steen Playing Field, Dungormley Estate, Newtownhamilton, BT35 OHY - Grass football pitch and ball stop.

APPROVAL

- **LA07/2022/0275/F** - Land at 10 Downpatrick Road, Killyleagh - Demolition of existing buildings and erection of 4 dwellings and detached garages, upgraded access, landscaping and ancillary works.

APPROVAL

- **LA07/2022/0411/RM** - Lands located approximately 200m east of no. 25 Greenpark Road, Rostrevor BT34 3EZ - Erection of 100-bedroom hotel and spa.

REFUSAL

DEVELOPMENT MANAGEMENT –

P/035/2024

PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/0546/F

Location:

Lands on public footpath to the rear of ASDA, 51 Newcastle Street, Kilkeel.

Proposal:

Installation of a 20m street pole to host integrated Antenna and 2no. 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets.

Conclusion and Recommendation from Planning Official:

Approval

Power-point Presentation:

Mr Keane presented the application outlining the site location alongside images of the application site from various angles. He advised that 30 objections had been received and noted during the application process, alongside a petition with 64 signatures in objection to the application. He further advised that all statutory consultees had no objections to the application.

Speaking rights:In Objection:

Mr David Campbell outlined his reasons for advising that the policies applied were not applied correctly. He highlighted a number of alternative locations within the area that he believed were suitable for the equipment, which included other telecommunication masts, but noted that these had not been investigated as options within the agent's report. He stated that planning permission had been granted for the mast located at Greencastle Street to increase its height to 19.5m and stated that this had not been investigated as an option by the agent to share the space.

Ms Arlene McMath highlighted a nearby scheduled monument, Cromlech Stone, and stated that enjoyment of the monument by visitors would be impacted by a telecommunications mast in clear view. She further stated that the mast and the seven required associated cabinets would have a detrimental impact on the safety of the footpath users.

Councillor Henry Reilly noted his objections to the proposed mast and advised that there was no local demand for the mast. He noted that the area was already serviced by high-speed fibre broadband, and as such the 5G connections were not warranted. He referenced the UK Government guidelines regarding the number of communication masts and noted the number in place already within the Kilkeel area.

Councillor Rice queried whether the masts already in place were suitable for the equipment proposed within this application.

Mr Keane advised that the supplementary information provided by the agent included consideration of mast sharing, however they advised that the existing coverage capacity would not be filled utilising the existing structures. He advised that the agent submitted further documentation detailing differing technologies requiring different equipment at varying heights, and this had been considered by the planning department.

Mr Campbell advised that while the agent had identified the footpath beside ASDA as the only suitable site, he further noted that the agent's submission did not make reference to any of the other sites within a 2km radius, as he had outlined in his presentation.

Following a statement from Ms McMath regarding the visibility of the mast from the scheduled monument, and a subsequent query from Councillor Hanna regarding automatic refusal when within a certain distance from a monument, Mr Keane advised that the Planning Department had consulted with the Historic Environment Division, monuments, and they had offered no objections to the application.

Following a query from Councillor Hanna regarding the decision of the application regarding the site location being on low ground when there was high ground nearby, Mr Keane advised that the Planning Department had to determine the application on the detail that was submitted and was unable to comment on the agent's choice of location.

Following a further query from Councillor Hanna, Mr Keane advised that the planning department reasonably believed that the agent had demonstrated the requirements of the

mast within the specified location. He further advised that the Planning Department had challenged the agent on the site location, and the agent had advised that the coverage capacity was not sufficient. Mr Campbell responded by advising that he did not believe that the agent's submission adequately confirmed this point, reiterating that the other nearby masts he had identified were not contained within the agent's submission.

Councillor Hanna queried whether the Planning Department had taken into consideration the statements the objectors had referenced regarding the masts being detrimental to the health of local residents.

Mr Keane responded that all applications regarding telecommunications mast must be compliant with relevant guidelines, and this application was compliant in that regard. He further noted that Environmental Health had raised no objections to the application.

Following a query from Councillor Campbell regarding any evidence the agent had supplied regarding the gap in coverage if they made use of existing masts, Mr Keane advised that they had submitted a written statement. He further advised that the Planning Department had challenged the agent following the approval of an increase in height for a nearby mast.

In response to this query, Mr Campbell advised that the mast upgrade was in relation to supplying 5G, and highlighted again that the agent's application did not reference the investigation of mast sharing on this mast.

Councillor Larkin queried whether the cabinets would be required to be installed on the nearby footpath, and if this would therefore cause blockage of the footpath.

Mr Keane noted that the Planning Department had consulted with DFI Roads with all relevant information, and they had no objections.

Ms McMath noted that the proposed seven cabinets on the footpath would be a risk for pedestrians, wheelchair users, parents with prams and the visually impaired.

Councillor D Murphy noted that the installation of the mast would enable those with limited signal to be able to conduct their business and encourage more businesses into the town. He queried if the objectors had engaged with the local businesses to ascertain if they felt it was required.

Councillor Reilly responded and advised that he had not received any complaints from local residents regarding phone coverage, and the fibre broadband was encouraging businesses into the town.

Following a query from Councillor McAteer regarding a condition of allowing the mast to be shared by future applications, Mr Keane advised that any future applications would always include the challenge of site sharing.

Following the discussions, Councillor Hanna proposed to overturn the Planning Department's recommendation for approval, and advised that he believed that it would damage the sensitivity of the nearby archaeological stone, it would have a negative visual impact on the area and there had not been enough of an investigation into the sharing of masts for the equipment, and there had not been enough evidence submitted regarding the alleged coverage hole as detailed by the agent.

Councillor Hanna's proposal was then put to a vote, with the results as follows:

FOR:

8

AGAINST: 3
ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Enright, it was agreed to issue a refusal in respect of planning application LA07/2022/0546/F contrary to officer recommendation as contained in the Case Officer Report.

(2) LA07/2022/1953/O

Location:
Lands at 24 Teconnaught Road Downpatrick

Proposal:
2no infill dwellings and garages including revised access to No 24 Teconnaught Rd and all associated site works.

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:
Ms McAlarney outlined the detail of the application, and noted the recommendation was made based on the detail available at the time. She noted that following the recommendation, the detail on site had changed slightly in that a domestic property nearby had since had a roof installed, and new footings had been placed adjacent to the application site. She outlined the policies that the application was considered against and detailed the reasons for the refusal recommendation, regardless of the changes on site.

Speaking rights:

In Support:
Mr Andy Stephens outlined the reasons he believed that the recommendation should have been an approval and referenced the ongoing construction within the area. He noted that the footings of the adjacent property would be constructed into a house, and as such the three buildings required to allow an infill site would be met. He further advised that the footings did need to be considered as he believed they had three buildings needed as per policy to grant permission for an infill site. He referenced a legal case that he believed would have a bearing on this application. He further noted that the nearby sites were not considered agricultural land as they had live planning permissions and as such, no harm would be inflicted by approving this application, in line with the policy guidance.

A discussion then ensued relating to the consideration of the nearby footings when applying the policy, and what weight they should have been given when applying the policy.

Following this discussion, Councillor Hanna requested legal advice regarding any bearing the live planning permission had on this application when considering the application of the relevant planning policies.

Mr Peter Rooney advised that the planning policy referred to buildings and noted that permission had been granted on the footings as an infill. He alluded to the statement of the applicant that should this get to appeal stage, a building would be in place. He noted that it

was, therefore, a matter for the committee to decide whether to consider the footings as a building.

Councillor Byrne noted difficulty when applying the policy with a shed being considered a building, but the footings were not. He queried the applicant's statement that he considered he had three buildings, regardless of whether the footings were counted or not and requested clarification on the three buildings.

A further discussion ensued regarding these nearby properties, which were considered when applying the policy, and what impact the gap on the frontage had when considering what the three buildings were when applying the policy.

Councillor McAteer asked for legal opinion as to whether it was possible to guarantee that the footings would ever be completed, given the mention of the appeals process. He queried if a condition could be placed on the approval that both buildings be completed.

Mr Peter Rooney advised that a decision could only be made on what was tabled before the Committee. He referenced the applicant's statement of there not being a break in the frontage. He advised that it was a timing issue with respect to this application but noted that this was a decision for the Committee to make when it came to the application of the relevant policies.

Following a further query from Councillor McAteer, Mr Peter Rooney advised that it was one option for the Planning Committee to allow this to revert to the Planning Appeals Commission, or to take the information in front of them and make a decision based on this.

Following the extensive debate and discussion, Councillor Hanna proposed to overturn the Planning Department's decision for refusal to an approval. He noted this proposal was due to the sustainable development in the area and noted the substantial number of buildings in the area. He further noted that this land would not revert back to agricultural land, and as the building on the footings has commenced it would contribute to a built-up frontage. He advised he believed that the requirements of policy CTY8 had been met, as the applicant had advised that there was the required number of properties.

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

FOR:	7
AGAINST:	4
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Enright, it was agreed to issue an approval in respect of planning application LA07/2022/1953/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 Byrne, seconded by Councillor McAteer, it was agreed to exclude the public and press from the meeting during discussions relating to LA07/2022/1953/O which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

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

Legal advice was provided to the Committee during closed session.

The meeting did then recess – 12.20pm

The meeting did then resume – 12.45pm

Councillor Rice left the meeting at this stage – 12.45pm

(3) LA07/2022/1746/F

Location:

145 Central Promenade, Newcastle

Proposal:

Proposed conversion and refurbishment of existing building at no.145 Central Promenade into 3no. self-contained 2-bedroom apartments. Works to include demolition of existing rear return with new rear extension and associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms McAlarney outlined the detail of the application, utilising a site layout plan and proposed floor plans, and detailed the reasons for recommendation of refusal. She noted that there were ten letters of objection to the application, a negative condition placed by NIEA, and DFI Roads had objected to the application on the basis that the existing entrance provision was substandard. She further noted that the site was deficient in private amenity space and car parking for the residents, even when taking into consideration the balconies that had been added on the 1st and 2nd floor.

Speaking rights:

In Support:

Mr Barry Owens outlined the history with the site and put forth his reasons why he believed the application of the policies should have led to an approval decision. He detailed the parking space limitations on site and stated that although Newcastle was a busy seaside location, this should not have too much of an impact on the residents given the number of nearby car parks, and a decrease in demand after 7pm due to tourists utilising day trips to the area. In relation to the previously mentioned limitations on private amenity space as outlined in the application, he advised that the proposed flats were located on a unique

seaside front, and the residents would have access to all the attractions available to the residents.

Following a query from Councillor Hanna regarding the parking space requirements for the application, Ms McAlarney noted that the Planning Department was adhering to published guidance when considering an application for required parking space.

Councillor Campbell queried the provision of amenity space in relation to the policies, and whether it was required to be private amenity space as the applicant had noted that the residents would have access to local amenities.

Ms McAlarney confirmed that the policy advised it could be communal or individual landscaped areas, roof gardens or courtyards.

Following a further query from Councillor Campbell, Mr Owens confirmed that the apartments were for let for people to live in the area.

Councillor McAteer queried the parking space requirements for the application site prior to conversion, and why the requirement for parking spaces had changed, given the number of bedrooms was likely similar. Ms McAlarney noted that the site was once a large family home, but the conversion into apartments required additional parking spaces per apartment.

Councillor McAteer further queried the proposed balcony for amenity space, and the bearing of the nearby amenities. He further queried if the Courtyard was exclusively for the ground floor apartments or if it was accessible to all residents.

Mr Owens advised the courtyard was solely for the ground floor apartments as they would be responsible for maintaining the space. He noted that the balcony area was relatively small, but highlighted the proximity of many other outside amenities that were on the doorstep of the apartments.

Following these discussions, Councillor Hanna proposed to overturn the refusal decision of the planning department on the basis that he believed that quality residential dwellings were being delivered and that there was a large number of amenity spaces within Newcastle for the residents. He further noted that the section of the road alongside the application site was not a fast-moving part of the road, and the existing access would not be prejudiced by the road movement. In relation to the parking issue, he noted similar nearby applications where the planning committee approved on street parking facilities. He stated that the car park nearby was limited to being used when large events were on in Newcastle, and he believed it could accommodate parking for the apartments. This was seconded by Councillor Larkin.

Councillor Hanna's proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Larkin, it was agreed to issue an approval in respect of planning application LA07/2022/1746/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(5) LA07/2021/1631/F

Location:

Lands located approximately 200m east of No. 25 Greenpark Road, Rostrevor BT34 3EZ

Proposal:

Erection of residential care home with site works and landscaping.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the history of the site location, detailed the location of the site and noted that it was situated just outside of the settlement limited. He highlighted that there was a number of zoning and designations within and adjacent to the site, therefore there was a number of policies and guidance applicable to the site when considering the application. He outlined the numerous policies applied by the Planning Department when considering the application and highlighted the reasons for a refusal recommendation. He stressed that the use proposed for the site fell within Part C of the Residential Use Classes Order, therefore the Planning Department did not consider it was a necessary community facility, there were no overriding reasons as to why the application was essential and could not be located within the settlement. He noted that community uses fall under Part D of the Use Classes Order, which the Planning Department does not make use of.

Speaking rights:

In Support:

Mr Colin O Callaghan and Mr Anthony Brennan spoke in support of the application, and outlined the reasons why they believed that the application should have been recommended for an approval decision making reference to the policies that the application was judged against. Mr O Callaghan highlighted that the application, if approved, would cater for the increasing demand for enhanced care within the area, it would boost the construction industry, and create long term employment opportunities within the area. He stressed that this site was the most appropriate based on location, the spread of the site and site security, as this application aimed to cater to dementia patients. He stressed that there was a need for care homes within the area, and the application on this site would go a long way to alleviating that need.

Councillor McAteer queried the need for the site and asked the applicant to elaborate on the need for the home. He further queried if a condition could be attached to the approval, if approved, that the facility catered solely for dementia patients.

Mr O Callaghan noted that a condition would be unduly prohibitive as demand was not always steady and noted that it could limit the use of the venue. He advised that it would be dedicated to dementia patients but would be open for any patients.

Mr Keane noted that the Planning Department could only consider an application based on the detail contained within the application and a condition of specific patients wouldn't be appropriate as this was outside the remit of the department.

Councillor Rice rejoined the meeting – 13.37

Councillor Campbell queried the community benefit as mentioned within the policy, and if there was a geographical parameter on what community it would benefit. Mr Keane advised that the policy mentioned a necessary community facility. Following this, Councillor Campbell noted his concern and queried if there were 110 patients with dementia within the Rostrevor area. Mr O Callaghan noted that they responded to the need as advised by the Southern Trust and stated that the need he was referring to was the need of a larger area, rather than local community.

A lengthy discussion followed a query from Councillor Byrne regarding the policies, and the benefits and risks of a nursing home being located on the edge of a village with access to services.

Councillor Finnegan advised she was aware of the demand and pressure on the trust in relation to care home beds and stated that any alleviation of that would be beneficial. She queried whether the home would cater solely to private patients, or if it would also cater for NHS patients. Mr Brennan advised that the facility would cater to both private and public patients.

Councillor Enright noted the increasing number of dementia patients within the District, and queried which policy would cater to this growing need.

Mr Keane noted that the Planning Department did not dispute the need for nursing homes but stressed that all applications were considered against existing policies with specific requirements, and the Planning Department were not able to make any considerations outside of this remit.

Following extensive debate and discussion, Councillor Finnegan proposed to overturn the Planning Department's recommendation for refusal to an approval, on the basis that it would be difficult to find a 7acre site within a built-up area and the benefits of any alleviation of pressures of the trust this application could provide. She also referenced the benefits of a dementia specific home was also a consideration in her proposal to overturn the recommendation. This was seconded by Councillor Byrne who highlighted the beneficial amenity space for the potential residents.

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 Byrne it was agreed to issue an approval in respect of planning application [LA07/2021/1631/F](#) contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

FOR APPROVAL

P/036/2024 HISTORIC ACTION SHEET

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

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

P/037/2024 LDP PROGRESS – APRIL 2024 UPDATE

Read: Report from Mr J McGilly, Assistant Director Regeneration, regarding the LDP – Progress update for April 2024. **(Copy circulated)**

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

There being no further business the meeting ended at 01.52pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 15 May 2024

The following planning applications listed on the agenda, have received no representations or requests for speaking rights. Unless a Member wishes to have these applications presented and discussed, the Planning Committee will be asked to approve the officer's recommendation and the applications will be taken as "read" without the need for a presentation. If a Member would like to have a presentation and discussion on any of the applications listed below, they will be deferred to the next Committee Meeting for a full presentation:

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

-0-0-0-0-0-0-



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2022/1696/O

Date Received: 20.10.2022

Proposal: Proposed dwelling and detached domestic garage on an infill site.

Location: Approx. 58m East of No. 11 Flagstaff Road, Newry, BT35 8NP.

Site Characteristics & Area Characteristics:

The site includes a roadside portion of a larger agricultural field that is located just outside the development limit for Newry City and within the countryside and designated AONB. The site sits above the public road and the remaining land falls quite significantly to the East. The surrounding area is generally agricultural and residential with economic activity also notable. Development pressure is increasing in the area.

Site History:

Application Number: LA07/2020/0815/O

Decision: Permission Granted

Decision Date: 10 September 2020

Proposal: Off site replacement dwelling and detached garage

Application Number: LA07/2021/0191/RM

Decision: Permission Granted

Decision Date: 05 May 2021

Proposal: Off-site replacement dwelling and detached garage

Consultations:

DFI Roads – No objections subject to compliance with attached condition.

NI Water – approval with standard conditions.

Objections & Representations

7 Neighbours notified on 26.01.2023 and the application was advertised on 15th and 16th of November 2022. No objection or representations received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Planning Policy Statement 2

Building on Tradition

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

The site is located in the countryside / Ring of Gullion AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015. There are no site-specific objections from the Area Plan and decision making is deferred to the retained policies which will be considered below in this report.

Planning Policy Statement 21 – Sustainable Development in the Countryside / Strategic Planning Policy Statement for Northern Ireland

Policy CTY 8 of PPS 21 makes an exception to ribbon development for the development of a small gap site sufficient only to accommodate up to a maximum of two houses provided the dwelling is located within an otherwise substantial and continuously built up frontage and also that it respects the development pattern of the frontage. The definition of the substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

In terms of the gap to be developed, the agent has advised in his supporting statement that he takes this to be between the closest part of the industrial building (Crilly's Sweets) and the new dwelling immediately west of the site recently constructed. This gap amounts to approximately 87m. However, taking out the Brogies Road section which is obviously undevelopable and measuring the frontage between the corner of the field and the boundary fence of the new build to the west of the site, this leaves a road frontage of approximately 90m. The agent describes the average road frontage to be 37m however this figure must be considerably lower given only the newbuild dwelling immediately west of the site is 36m with the remaining development in the mid-20s according to the additional information sent by the agent. Further west towards Nos 9 and 11 the frontage becomes smaller again.

With the above in mind and a field frontage of 90m at least 3 dwellings at 30m each could be accommodated. A shorter site measurement could be used to give more room to the last dwelling in the corner of the field closest to the Brogies Road. Whilst the agent has ruled out this area and it is accepted that it may not neatly match the other dwellings, a smaller 'L' shaped dwelling could be accommodated with a frontage that matches the surrounding area and a refusal on other matters would prove difficult to justify.

The proposed arrangements that are before the Council leave a frontage of 59m which is considerably above any conceived average along the frontage no matter how generous you apply the mathematics to the frontage. For these reasons, I do not consider the gap to represent a small gap sufficient only to accommodate a maximum of two dwellings.

Considering the site in isolation, it is respectful to the pattern of development in that it is very close to the dimensions of the adjacent new build to the west and considerations around size, scale and siting could be conditioned. The issue for the Planning Dept is that the site must be considered in relation to the whole gap and not in isolation.

The policy notes that the definition of the substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The new build dwelling to the west of the site benefits from 2 substantial buildings particularly given the visual appreciation of the garage from the public road. The third building as considered by the agent is the industrial factory further east of the site (Crilly's Sweets). It is the Planning Departments view that the road between Crilly's and the proposed site (Brogies Road) represents a feature that breaks the frontage and therefore the frontage cannot be defined as 'continuous' – rendering the proposal contrary to policy.

The agent contends that this represents a break in the frontage and notes planning reference LA02/2023/1512/O which was an infill dwelling approved in Mid and East Antrim Council. Whilst the retained planning policies are considered province wide (unless a new LDP as been adopted) each Council area is autonomous on how it interprets that policy and similarly are not bound by decisions made by other Council areas. For this reason, the approval of this application does not material affect the decision-making process of Newry Mourne and Down District Council.

Planning Appeal Ref 2017/A0009 an appeal in this Council area and dismissed by the PAC is of particular note which deals specifically with this issue. Quoting from the Commissioner's report he says "Whilst Policy CTY8 does not refer to adjoining roads or mention the word "break" in respect of assessing frontages, the exceptional test refers to a small gap site within an otherwise substantial and continuously (my emphasis) built up frontage. It follows that where there is a feature that interrupts or ends a line of buildings along a frontage, then any development beyond that cannot be considered to lie within that same frontage. In this case, the appeal development would be reliant on buildings along two frontages, albeit along the same road". I consider this PAC decision to reflect the ground conditions of the proposed site and consolidates the Planning Authority's position.

The agent has made reference to the visual linkage referred to by the Agent is misplaced in that the test for the exception to ribbon development is not noted as being a visual test within policy. Where a visual test is noted within policy is when defining ribbon development, not the exception to it.

Consequently, as a result of the above, I do not consider the proposal to meet the guidance in Building on Tradition and the exception test of policy CTY 8 and instead would add to the existing ribbon of development along Flagstaff Road. The proposal is also contrary to policy CTY 1 in that it does not meet any of the exceptions listed and there are no overriding reasons why the proposal could not be located within a settlement.

The site benefits from a good back drop of rising land to the rear. Whilst natural boundaries are poor for the site, I have attached weight to the context of the built up surrounding area and the siting of the newbuild dwelling immediately west of the site that has similar site conditions which would also offer a sense of enclosure to one side of the dwelling. On balance I consider the proposal to meet the policy requirements of policy CTY 13.

Whilst I do not consider the proposal prominent in the landscape, the proposal does not meet the exception test of policy CTY 8 and therefore would contribute to build up when considered with the surrounding development and add to ribbon development. For these reasons the proposal is contrary to policy CTY 14 part (b) and (d).

The applicant proposes to use a Septic Tank to deal with foul waste. Any approval notice could be negatively conditioned to ensure consent to discharge is obtained prior to commencement, this satisfies policy CTY16.

Following consultation with DFI Roads, the Department has responded confirming it has no objections to the proposal in relation to PPS 3 subject to compliance with the attached RS1 form. This will form part of a condition for further consideration at RM stage.

Planning Policy Statement 2 – Natural Heritage

As the site lies within the AONB policy NH 6 is engaged. As the proposal does not meet the exception at policy CTY 8 and policy provisions of CTY 14 of PPS 21 I am not content the siting is sympathetic to the special character of the AONB in general and of the particular locality. The scale of the proposal can be conditioned to ensure it is appropriate for the area and will be a matter reserved. The proposal will not impact on features of importance to the character, appearance or heritage of the landscape and materials, design, colour boundaries and architectural styles will be assessed in further detail at RM stage. The proposal is contrary to policy NH 6 part (a).

The proposal has been considered in light of Planning Policy Statement 2 in terms of priority habitats and species. I have considered the site in light of DAERA guidance and conclude there is no perceived adverse impacts on priority species or habitats.

Planning Policy Statement 3 Parking Movement and Access / DCAN 15

DFI Roads was consulted with regard to the above policy and guidance and has confirmed it has no objection to the proposal subject to compliance with the attached RS 1 form to be conditioned and considered in detail at RM stage. For this reason, I am content the proposal is in compliance with PPS 3/ DCAN 15.

Recommendation:

Refusal – supporting statement from agent considered.

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition to a ribbon development along Flagstaff Road and is not considered to represent an exception to the policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and add to a ribbon of development which would therefore result in a detrimental change to the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH 6 of Planning Policy Statement 2, Natural Heritage in that the siting would, if permitted be unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Ashley Donaldson 11/12/2023

Authorised Officer: Maria Fitzpatrick 12/01/2024

LA07/2022/0546/F-

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

PROPOSAL: Installation of a 20m street pole to host integrated Antenna and 2 600mm dishes plus associated ancillary equipment, feeder cables and equipment cabinets

DRAFT REASONS FOR REFUSAL

Planning Officers recommendation of Approval was overturned at April Planning Committee.

On the basis of the proposal of Cllr Hanna and second from Cllr Enright, please see suggested reasons for refusal:

1. The application is contrary to policy TEL1 of PPS10 Telecommunications, in that the development would, if permitted, result in unacceptable damage to the visual amenity and sensitive features of the area.
2. The application is contrary to policy TEL1 of PPS10 Telecommunications, in that it has not been reasonably demonstrated that the sharing of an existing mast or other structure has been investigated and is not feasible, or that the new mast represents a better environmental solution than other options, and there is no need for the proposal.
3. The application is contrary to policy BH1 of PPS6 Planning, Archaeology and the Built Heritage, in that the development would, if permitted, adversely impact on the setting of 'The Cawtree Stone' a pre historic portal tomb of Regional Importance.

Signed: **M Keane** **29-04-24**

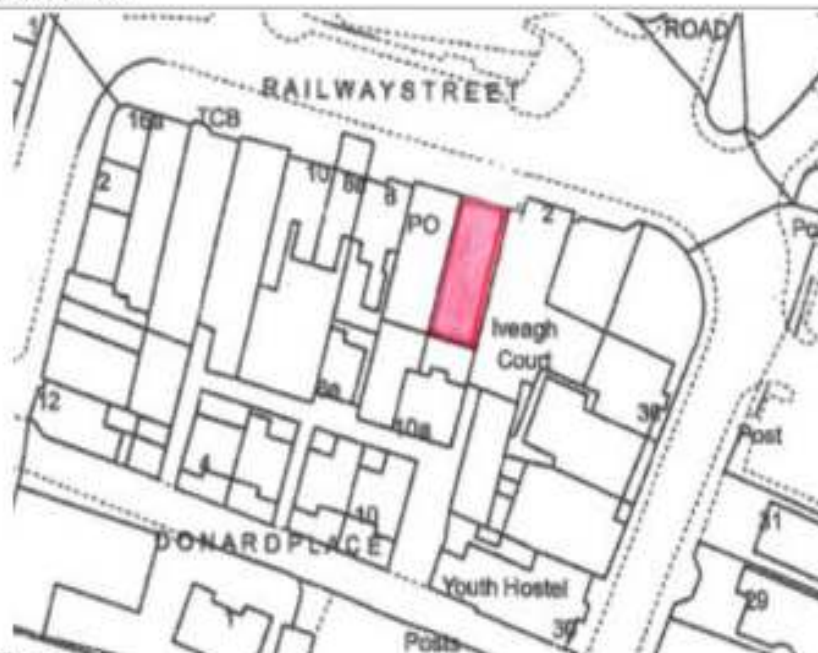
Authorised Officer: **P Rooney** **29.04.2024**

Committee Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2455/F	Target Date:
Proposal: Change of use of ground floor from retail (Class A1) to hot food takeaway (sui generis), installation of extraction and ventilation equipment, and minor external alterations.	Location: 4 Railway Street, Newcastle, BT33 0AL
Applicant Name and Address: Victa DP LTD c/o Agent Bristol	Agent Name and Address: Emma Morrison First Floor, South Wing Equinox North, Great Park Road Almondsbury Bristol BS32 4QL
Date of last Neighbour Notification:	19 June 2023
Date of Press Advertisement:	21 June 2023
ES Requested: No	
Consultations: The following bodies have been consulted <ul style="list-style-type: none"> • DfI Roads • Northern Ireland Water (NIW) • NMDDC Environmental Health 	
Representations: No representations or objections have been received from neighbours or third parties of the site.	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues: <ul style="list-style-type: none"> • Scale, Design & Appearance; • Impact on Amenity of Neighbouring Dwellings; • Impact on Character & Appearance of the Area; • Impact on Landscape Features & Environmental Quality 	

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located along Railway Street Newcastle and is comprised of a vacant retail unit – pictured below. The site is located within the town centre of Newcastle and within its Primary Retail Core as designated in the Ards and Down Area Plan 2015.



Description of Proposal

Change of use of ground floor from retail (Class A1) to hot food takeaway (sui generis), installation of extraction and ventilation equipment, and minor external alterations.

Planning Assessment of Policy and Other Material Considerations

- Ards and Down Area Plan 2015 (ADAP)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement & Parking

PLANNING HISTORY

Planning

R/1990/0186 Decision: Permission Granted Decision Date:

Proposal: Retail unit with 1 1st floor office and 2 2nd floor apartments

R/1989/0400 Decision: Permission Granted Decision Date:

Proposal: Change of use from dwelling to shop

R/2003/1344/F Decision: Permission Granted Decision Date: 27 April 2004

Proposal: Extension and Renovation of existing retail unit and provision of new shop front.

R/2011/0647/F Decision: Permission Granted Decision Date: 15 February 2013

Proposal: Retrospective change of use from retail drapery shop to coffee shop/bistro

R/2013/0367/F Decision: Permission Granted Decision Date: 30 September 2013

Proposal: Proposed ATM to shop frontage.

LA07/2022/0472/F Decision: Permission Granted Decision Date: 21 September

2022 Proposal: First floor extension, with dormer to front and new rear accommodation with flat roof, to accommodate 2No 1 bedroom holiday let, with new access off Railway Street

SUPPORTING DOCUMENTS

The application has been supported with the following

- P1 Application Form
- Site Location Plan
- Site Layout Plan
- Existing and Proposed Elevations & Floor Plans
- Ventilation System
- Plant Noise Assessment
- Supporting Statement
- Noise Calculation Sheet

CONSULTATIONS

- DfI Roads
- NIW
- Environmental Health

REPRESENTATIONS

No objections or representations have been received from neighbours or third parties of the site.

EVALUATION

The site is within the settlement limit of Newcastle and within the primary retail core as designated in the Ards and Down Area Plan 2015.

There are no listed buildings in close proximity, the area is not noted as being of archaeological interest, and there are no environmental designations affected by the development.

The SPPS sets out the guiding principle relating to development. This states that sustainable development should be permitted, having regard to the development plan and all other material consideration, unless the proposed development will cause demonstrable harm to interests of acknowledge importance.

As presented, this application relates to a change of use from a Class A1 Retail Unit to a hot food carry out premises, which is classified under current legislation as a "Sui Generis" land use. (Sui Generis – 'of its own kind': in this context, refers to land uses which do not fall into any particular use class in the Planning (Use Classes) Order (Northern Ireland) 2004.)

Whilst there is no specific planning policy that can be prescriptively applied to a hot food takeaway, it is stated within PPS 4 that guidance contained within that publication may be "useful in assessing proposals for other sui generis employment uses."

The vacant unit was previously occupied by a book and music store which was deemed appropriate in context of the commercial surroundings of the site.

It is considered use as a takeaway premises is equally appropriate to the commercial setting of Newcastle and as a continued source of employment it would be a positive addition to the site.

In this specific case the surrounding use of the site and planning history of the unit are material to assessment and, both should be given considerable and determining weight.

It is likely that an additional takeaway at this location would make a positive economic contribution to the settlement of Newcastle and given the business activity that will inevitably result, it is considered that the principle is acceptable.

Impact on Character of Surrounding Area

There are not considered to be any material change of the local character. The only obvious external alterations relate to changes to the door openings on the front elevation and the additional signage to be erected which will be subject to a separate application. The changes occurring at first floor are outside the scope of this current application and related to LA07/2022/0472/F.



It is considered therefore that the proposed change of use to a hot food takeaway will have a negligible impact upon the character of the surrounding area.

Residential Amenity

The SPPS recognises there are a wide range of environmental and amenity considerations which should be considered by planning authorities when managing development.

Whilst the operations associated with a takeaway premises, may have some potential to impact upon the neighbouring apartments at Iveagh Court, Railway Street and Donard Place, the Planning Authority consulted with Environmental Health who have advised they have no concerns regarding odour and no objections in principle subject to the full implementation of the proposed mitigation measures as detailed in sec 5.3 of the noise report produced by RSK Acoustics, report number 206/1376/R1.

The Planning Authority are satisfied that the proposed takeaway poses no greater threat to residential amenity with regards to noise/general nuisance.

Access and Road Safety

There is no dedicated parking or direct access associated with the subject unit. All parking will remain on street as is the case with other retail units along this portion of Railway Street.

Other issues

Northern Ireland Water has advised through their consultation responses that there are network capacity issues which at present prohibit the connection of this development to the network. As such the applicant has engaged with NIW via a Waste Water Impact Assessment (WWIA) to find a solution. This process is on-going, conditions therefore regarding the commencement of the development and agreement with NIW regarding these issues are deemed appropriate in this case.

Summary

In assessment of the all the material considerations including the responses of consultee it is concluded that the proposal would not cause demonstrable harm to interests of acknowledged importance and is acceptable to prevailing policy requirements, subject to the attached conditions below being met.

Application to be presented to Committee given NIW negative conditions to be attached

Neighbour Notification Checked	Yes
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Summary of Recommendation

Approval

Conditions

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The development hereby permitted shall take place in strict accordance with the following approved plans 3505/01, 3505/02, 3505/03 and 3505/04

Reason: To define the planning permission and for the avoidance of doubt.
3. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

Reason: To ensure the appropriate foul and surface water drainage of the site.

4. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 3, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

5. The proposed mitigation measures as detailed in sec 5.3 of the noise report produced by RSK Acoustics, report number 206/1376/R1, submitted to the Planning Authority, must be implemented in full. The measures shall be retained in perpetuity and maintained in full working order at all times.

Reason: In the interests of public health

6. Hours of operation shall be restricted to 11:00 to 23:00 as advised in the acoustic report number 206/1376/R1.

Reason: In the interests of public health

Case Officer Signature: C COONEY

Date: 17th April 2024

Appointed Officer: A.McAlarney

Date: 19 April 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1567/F

Date Received: 8th October 2020

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

Address: Ballyholland Harps GAA grounds Bettys Hill Road
Ballyholland Newry BT34 2PL

1.0 SITE AREA AND CHARACTERISTICS

- 1.1 The application site is partly located within the development limits of Ballyholland (BH01) and partly on rural lands with no additional designations. The portion of the site within the settlement limit is zoned as a major area of open space, as identified by the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) under Map No. 3/02a.)
- 1.2 The area is varied in terms of character, with recreational and residential uses on and surrounding the site. There is an existing housing development directly north of the application site, with low-medium density development primarily in the settlement limit to the north and additional dwellings located further north-west and east of the site. The site also adjoins an existing community centre building and playground to the east.

Lands to the south, east and west have a more dispersed settlement pattern and are more rural in nature. There are agricultural buildings immediately south of the site, with several detached dwellings further south of these again. The site adjoins open countryside to the west, with a steep drop in ground level at this point. There is a detached dwelling located further west of this area, some 40m west of the application site and which is sited on higher ground.

- 1.3 The site boundary (as amended) encompasses the existing GAA playing fields and associated facilities, together with additional lands directly west of this, currently disused scrub land. This area is largely overgrown and in poor condition at present.

2.0 SITE HISTORY

LA07/2020/0109/PAN - Ballyholland Harps GAA Grounds, Bettys Hill Road, Newry, BT34 2PL - Development of new grass Training Pitch with floodlighting and ball stops, new multi-use games area with ball wall, new walking jogging trail with pedestrian access at Innisfree Park and existing playground/Community Centre – PAN ACCEPTABLE

LA07/2019/1812/PAD - Bettys Hill Road, Newry, BT34 2PL - Proposed New Pitch, PAD CONCLUDED

P/2012/0618/E - Ballyholland GAA, Bettys Hill Road, Newry, BT34 2PL - Proposed alterations, extension and reorientation of existing junior football pitch, with adjacent new 3G multisport pitch, new grass training pitch, provision of new flood lighting, ball stops, PERMISSION GRANTED 10.07.2014

P/2011/0333/E - Ballyholland GAA, Bettys Hill Road, Newry, BT34 2PL - Extension and alterations to existing changing room facilities to provide additional changing rooms gymnasium and public toilet, PERMISSION GRANTED 20.06.2012

P/2007/0208/E - Ballyholland Harps Social Club, Bettys Hill Road, Ballyholland, Newry - Demolition of existing hall and erection of two storey building to include new bar and lounge, PERMISSION GRANTED 10.10.2007

P/2004/2643/E - Playing fields at The Commons,(Park A) Ballyholland, Newry - Erection of additional loop style fencing (1300mm high) within the curtilage of the existing playing field, PERMISSION GRANTED 18.02.2005

P/2002/0618/E - Adjacent to Football Pitch at Betty's Hill Road, Newry - Provision of covered terracing area, PERMISSION GRANTED 29.07.2002

P/1997/0832 - BALLYHOLLAND COMMUNITY CENTRE INNISFREE PARK BALLYHOLLAND - Erection of replacement Community Centre, PERMISSION GRANTED 19.09.1997

P/1996/0691 - BALLYHOLLAND HARPS G.F.C BETTYS HILL ROAD BALLYHOLLAND NEWRY, Extension to existing G.A.A Club to provide a youth club and weights room, PERMISSION GRANTED 16.05.1997

P/1993/0036 – ADJACENT TO (IMMEDIATELY NORTH OF) BALLYHOLLAND GAC BETTYS HILL ROAD NEWRY - New playing field, PERMISSION GRANTED 26.07.1993

P/1987/0674 - NO13 BETTYS HILL ROAD NEWRY - Extension to Social Club, PERMISSION GRANTED 07.08.1987

P/1987/0182 - ADJACENT TO INNISFREE PARK BALLYHOLLAND NEWRY- Temporary Community Centre, PERMISSION GRANTED 09.04.1987

P/1986/0313 - BALLYHOLLAND GAA CLUB, BETTYS HILL ROAD, NEWRY - CHANGING ROOMS, PERMISSION GRANTED 16.05.1986

P/1986/0784 - BALLYHOLLAND GAC, BETTYSHILL ROAD, BALLYHOLLAND, NEWRY - FOOTBALL PITCH, PERMISSION GRANTED 10.10.1986

P/1986/0558 - ADJACENT TO INNISFREE PARK, BALLYHOLLAND, NEWRY, TEMPORARY COMMUNITY CENTRE, PERMISSION GRANTED 31.07.1986

P/1983/1027 - GFC SOCIAL CLUB, BALLYHOLLAND, NEWRY - EXTENSION TO SOCIAL CLUB, PERMISSION GRANTED 18.01.1984

P/1982/0109 - COMMONS UPPER, NEWRY - PROPOSED COMMUNITY HALL AND PAVILION, PERMISSION GRANTED 15.04.1982

P/1977/0561 - BALLYHOLLAND - PROPOSED UPGRADING OF EXISTING PLAYING PITCH, PERMISSION GRANTED 09.08.1977

P/1975/0524 - UPPER COMMONS, NEWRY - PROPOSED EXTENSION TO CLUB ROOMS, PERMISSION GRANTED 09.01.1976

Enforcement records:

LA07/2020/0346/CA - Ballyholland GAA, Bettys Hill Road, Newry, Down, BT34 2LY - Alleged unauthorised floodlighting causing a nuisance to local residents – CASE CLOSED 17.11.2021 (No breach.)

LA07/2015/0016/CA - Ballyholland Football Grounds, Ballyholland Road, Ballynacraig, Newry - Alleged unauthorised development – CASE CLOSED 08.01.2016 (No Breach.)

P/2012/0096/CA - Ballyholland, Newry, Co Down - Alleged unauthorised deposition of waste material, CASE CLOSED 14.08.2014 (Planning permission granted.)

3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

The NI Regional Development Strategy 2035 (RDS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

A Planning Strategy for Rural Northern Ireland (PSRNI) (Policy DES2)

Planning Policy Statements:

PPS2 – Natural Heritage

PPS3 – Access, Movement & Parking

PPS6 – Planning, Archaeology and the Built Heritage

PPS8 – Open Space, Sport and Outdoor Recreation

PPS15 (Revised) – Planning and Flood Risk

Further guidance:

DOE Parking Standards

Other:

Third party representations

Site history

4.0 CONSULTATIONS

NMDDC Environmental Health Dept (final response dated 28/01/2022) – Additional information considered. Proposal acceptable, subject to necessary conditions being adhered to in the interest of residential amenity.

DAERA

- Water Management Unit (WMU) (Response dated 26/01/2021) – WMU has considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained
- Regulation Unit (RU) (response dated 27/08/2021) - A Generic Quantitative Risk Assessment has been provided by MCL Consulting in support of this application. RU has no objection to this development subject to necessary conditions and Informatives being attached to any Decision Notice, should the application be approved.
- Natural Environment Division (NED) (final response dated 15/12/2021) has considered the impacts of the proposal on natural heritage interests and, on the basis of the information provided, has no concerns subject to conditions

DfI Roads (final response dated 25/10/2021) - No objections, on the basis that Planning are content there is sufficient in-curtilage parking for the proposal and that the information supplied in P1 form, Question 25 is deemed accurate.

DfI Rivers Agency (final response dated 09/03/2021) - No objections, with relevant informatives attached to meet PPS15 (Revised) requirements.

NI Water (26/11/2020) - Public water supply within 20m and has capacity to serve this proposal. Application to NIW is required to obtain approval to connect. No foul sewer connection required for this application Applicant proposes to discharge surface water within site soakaway – informatives attached.

5.0 OBJECTIONS & REPRESENTATIONS

- 5.1 The application was initially advertised in one local paper on 10th November 2020 and re-advertised on two occasions (26th January 2021 and 6th October 2021) following receipt of additional and amended information. The statutory advertising period expired on 20th October 2021.
- 5.2 20 neighbouring properties in total were notified of the application by letter on 10th November 2020 and re-notified on four occasions (26th November 2020, 12th January 2021, 21st September 2021 and 26th January 2022) following receipt of amended drawings and additional information. The statutory neighbour notification period expired on 9th February 2022.
- 5.3 7 No. objections have been received at the time of writing this report. This includes 3 no. objections submitted by the same representative and a letter of objection prepared by an independent planning consultant on behalf of a third-party objector.

5.6 Summary of Objections

The following is a summary of the material planning issues raised in the objections to date, with the detailed objections on file for full consideration:

5.6.1 Natural Heritage and Environmental:

- The proposal will have an irreversible detrimental impact on this area of conservation and biodiversity;
- Protected Species rely on this area of biodiversity to breed and survive and the area must be protected;
- An independent environmental study must be carried out;
- An investigation should be carried out into the groundwater level below the proposed field of up to 3m, potential flooding / pollution, biodiversity impact, wildlife habitat and protected species impact, structural ground concerns;
- The construction and positioning of gabion wall/s in relation to the existing watercourse would have a detrimental impact on the existing wildlife and ecosystem;
- The proposed flood lights would shine on water and bogland where protected species feed;
- In relation to PPS2, the proposal will have a detrimental impact on existing habitat due to light and noise pollution and extensive land works along the eastern boundary including removal of grass land and mature vegetation;
- The proposed works (including extensive ground works) will result in pollution to the existing bogland, which must be protected;

5.6.2 Several specialist reports have been prepared by suitably qualified independent consultants (as submitted by the applicant) throughout the processing of this application, to satisfy the necessary planning

policy requirements. This includes a Preliminary Ecological Appraisal, Invasive Species Management Plan, Breeding Bird Survey, Bat Emergence Survey, Newt Survey and Mitigation Plan, Surface Water Management Plan, Preliminary and Generic Quantitative Risk Assessment.

In consultation with DAERA, who are the competent authority on matters relating to Natural Heritage (Natural Environment Division) and impact on the water environment (Water Management Unit,) it has been determined that the proposal would not result in an unacceptable impact on conservation, biodiversity, would not harm any protected species and would not result in any unacceptable risk to the water environment, subject to necessary planning conditions being complied with. Further consideration of these matters is included in the detailed assessment below, with determining weight given to the advice of DAERA, who are the competent authority to advise on these matters.

5.6.3 Sewerage, Flood Risk, Drainage and impact on watercourse and ground water:

- Has the applicant received approval from Rivers Agency for the proposed culvert of land works in close proximity to the existing watercourse?
- The proposed culvert will impact on natural water flow from existing bog land;

5.6.3 DfI Rivers Agency has noted that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973, however the site may be affected by an undesignated watercourse, of which DfI Rivers Agency has no record. DfI Rivers Agency has also advised in their comments dated 9th March 2021 that Policy FLD4 (Artificial Modification to Watercourses) is not applicable to this site, therefore comments in relation to DfI's consent for proposed culverting works are not considered relevant.

DAERA's Water Management Unit has the responsibility for the protection of the water environment whilst DAERA's Inland Fisheries is responsible for the conservation and protection of fishery resources. DAERA has assessed the potential impact on the water environment including the detailed GQRA provided and offer no objection to the proposal, subject to conditions being complied with in relation to the discovery of contaminants or new risks to the water environment, during works being carried out.

In considering these concerns, determining weight is given to the statutory advice of DAERA and DfI Rivers Agency in relation to these matters.

5.6.5 Visual Amenity / Local Character:

- Proposed retaining walls (including up to 6m high) proves the proposal does not fit within the landscape. Extensive land works together with

rising topography will not allow for the development to be readily absorbed into the landscape;

- Major land works are outside the settlement limit and should be compliant with PPS8 Policy OS3;
- There is no indication of any landscape treatment to the north and eastern site boundary;
- Scale of proposal is inappropriate to the local area and is unsympathetic to the surrounding environment in terms of siting and layout

5.6.6 In considering the impact of the development on the local area (including surrounding rural area) the development is considered in the context of the existing development, which includes a substantial terrace structure, readily visible on approach along Ballyholland Road. The proposed development is located on lower ground relative to the existing development and is proposed to be softened with landscaping, including the planting of new native species trees along the western boundary of the application site. The proposal offers a betterment of the site in terms of visual enhancement and for reasons considered in more detail below under both PPS21 and PPS8, on balance, it is concluded that the proposal would not result in any demonstrable visual harm when considered in the context of the existing development and surrounding context.

5.6.7 Residential Amenity / Anti-social behaviour:

- The location and size of the development will cause unacceptable harm (which cannot be mitigated against) to surrounding residents – which can be avoided through a reduction in scale, screening with evergreen trees, reduce the time of and type of lighting used;
- The proposed flood lighting will have a significant impact on neighbouring land and residents, including loss of private amenity;
- Noise pollution will cause unacceptable impact to neighbouring properties. The Noise Impact Assessment indicates that the most noise is measured on the side lines, an area which is close to an existing residential area.
- The development will impact on the privacy of surrounding residents;
- The development will have a detrimental impact on surrounding residents' way of life, mental health and wellbeing;
- The proposal will affect neighbouring land and could give rise to vandalism and litter;

5.6.8. In consultation with the Council's Environmental Health Department, following the provision of additional information to assess these matters in detail (including the provision of clarification on the zoning of the site and additional detailing in relation to the proposed floodlighting) it has been concluded that conditional to the controlled use of the flood lighting, the proposal would not result in any unacceptable degree of noise or light pollution to surrounding residents.

Further consideration of these matters is included in the detailed

assessment below, with determining weight given to the advice and guidance from Environmental Health Department, the competent authority in advising on such matters.

5.6.9 Anti-social Behaviour

- Several residents from Innis Free Park object to the existing pedestrian access gate from the application site leading to Innis Free Park being 're-opened,' (proposed layout plan show this pedestrian access to be maintained,) with the existing gates having been closed over the last two years as a result of the ongoing health pandemic.

The objections relate to high levels of anti-social behaviour and activity arising from this access, including being used as a short cut to the rear of the community centre and playpark. The levels of anti-social behaviour are reported to be unacceptable to the extent where it is impacting on the health and wellbeing of residents. They note that the existing alternative access off Betty's Hill Road is sufficient to access the community centre and playground and urge that the pedestrian gate remains closed. All of the objections concerning this issue stress their support for the development as a whole, with their objections solely relating to the re-opening of the pedestrian gate connecting Innis Free Park and the application site.

5.9.10 Whilst the Local Planning Authority acknowledge the above concerns, the use of the pedestrian gate is a property management issue which is beyond the control or remit of the Planning Department. As a section of the land is owned by Council and leased to Ballyholland GAA Club, these matters will be referred to the Council's Estate Management Department to address going forward.

5.6.11 Agricultural land and activities

- Due to introduction of new flood lighting close to the boundary, there will be light pollution to the existing agricultural land and outbuildings on neighbouring land;
- The noise pollution generated from the western side line of the proposed playing field will impact on neighbouring agricultural land which is used for horse breeding;

5.6.12 The planning policy requirements for flood lighting are set out under PPS8 (OS7.) Whilst the objector's concerns are noted in relation to the impact of flood lighting on neighbouring agricultural land and outbuildings, there is no provision in OS7 which would warrant a refusal on this basis.

As noted under PPS8 (OS5) consideration below, despite the potential for noise disturbance from the proposed development, the proposal is not considered to constitute a 'noisy sport' having regard to the types of 'noise generating' activities outlined in Policy OS5 amplification text (Para 5.41,) which are reflective of sports that rely on the use of motorised or other noise generating equipment by their very nature, unlike Gaelic football, which does not involve the use of any equipment like this.

Whilst the proposal is likely to generate a degree of noise disturbance whilst in operation as detailed in the Noise Impact Assessment, the nature of the proposal is unlikely to be disruptive to livestock and wildlife, including the use of neighbouring agricultural land.

Whilst the concerns are noted and considered, determining weight is given to the planning policy requirements in this regard and there is not considered to be any grounds for concern in relation to the above.

5.6.13 Road Safety and Pedestrian Safety

- The proposal will worsen existing traffic issues in Ballyholland. A smaller development on alternative available land would be much safer;

5.6.14 Following clarification on these matters, including parking availability for the facilities and expected increase in traffic volumes visiting the application site as a result of the development. It has been noted that the proposal is not expected to generate any increase in traffic visiting the site as it relates to an extension of the club's training facilities. DfI Roads offer no objections to the proposal on road safety grounds. Determining weight is therefore given to the advice of the statutory consultee (DfI Roads) in this regard.

5.6.15 Application Detailing

- The proposal description refers to 'training pitch' but the drawings refer to 'playing field' showing a scale of field which would be classified as a 'full sized playing field.' The nature of development is different for competitive games than team members training (i.e. different types of activities, intensity, amount of participants and spectators, operational hours, lighting requirements)
- Drawing No. T-06.17-03 Rev p2 ('Details / Sections') shows a section through the proposed larger gabion wall. However the drawing fails to indicate the application site boundary and relationship to existing out-buildings at 21 Ballyholland Road and surrounding area;
- The 'Proposed Site Plan and Landscaping' drawing indicates a 2m wide jogging trail in close proximity to this wall. Section AA on Drawing No. T-06.17-03 Rev p2 ('Details / Sections') fails to show the required space for it between the training field and gabion wall;
- The Site Plan does not appear to be showing the full footprint of the gabion wall and area required for foundations / groundworks to construct the 6m high gabion wall;
- In relation to luminaire schedule and lux level contours, the proposed Site Plan fails to show location of 25 lux and below as presented on the proposed lighting layout;
- NIEA's comments dated 7th October 2021 were based on inaccurate information showing only 1 lux level outside the applicant's site boundary. Planning should clarify this and reconsult NIEA;
- The accuracy of the Noise Impact Assessment is queried in relation to references to distances between existing properties and the potential impact from side-lines as proposed

- High levels of noise generated at the side of the pitch have not been considered in the Noise Impact Assessment on the boundary with 21 Ballyholland Road, which has agricultural land used for horse breeding;

5.6.15 The Planning Department must assess the proposal as described which in this case is *"Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works."* Should the development be approved, it would have permission only for the operational use as described.

Drawing No.01 – 'Proposed Lighting Layout' has been submitted to the Council since this objection was received (to assess the impact on residential amenity.) This additional drawing details the site layout in relation to surrounding development, including the out-buildings at 21 Ballyholland Road, with a separation distance of c.12.5m from the proposed retaining wall and the closest point of these existing buildings. The Planning Department do not consider any further information is required to assess the proposal in context to the surrounding development and third-party lands in this regard.

The 2m wide jogging trail is included on section AA under the area labelled 'run off.'

Details of the groundworks in relation to the proposed 6m retaining wall are clearly indicated on Section AA of Drawing No. T-96.17-03 which also includes the proposed Site Layout detailing, which is considered sufficient in terms of the proposed detailing;

Since this objection has been submitted, further detailing in respect of lighting has been provided – including Drawing 01 'Proposed Lighting Layout,' which details the lighting plot for floodlighting (including light levels on adjacent residential property amenity spaces.) A photometric report for lighting levels has also been provided. The additional information is considered sufficient to accurately assess the impact of the proposed lighting on residential amenity;

DAERA NED in their comments dated 27th August 2021 requested amended Landscape Plans showing the location of additional tree planting within an area of land subject to no greater than 1 lux of light-spill as a means of compensation for the artificial illumination of existing mature vegetation. Drawing No. BGAA-JNP-00-SI-DR-A-0002 (Proposed Site Plan and Landscaping) has subsequently been provided, which details the 1 lux contour in relation to proposed landscaping. DAERA were consulted on two further occasions since this information was submitted and has raised no further concerns in relation to the artificial illumination, with their comments dated NED are content that the Proposed Site Plan & Landscaping drawing submitted shows light spill of 1 lux around areas of existing vegetation and proposed areas for planting.

The inaccuracy within the Noise Impact Assessment (NIA) is noted. The NIA has been reviewed by Environmental Health, who has considered the expected noise levels associated with the proposed activities (including side line activity) and has no objection in relation to noise impact subject to conditions on the use of the facility (discussed in further detail in PPS8 assessment below.)

The concerns around noise impact on land (including agricultural) to the west are noted, including the suggestion that the NIA fails to consider this element (i.e. the midway from the side-line); the NIA primarily relates to the impact on residential amenity and as noted above, Environmental Health confirm that the impact on all surrounding residential properties has been considered. The proposal is not considered to constitute a 'noisy sport' that would impact on surrounding agricultural activity.

5.6.16 Other

- An alternative site is available which would be more appropriate and acceptable to policy requirements (will not impact on any neighbouring properties, the environment / biodiversity if controlled properly;
- For the 6m high gabion wall to be constructed, foundations would need to be located much closer to the site boundary, which would very close to or within the existing watercourse, leading to structural problems. The works will require excavation works on the boundary of the applicant's land or encroaching onto neighbouring lands. Given the proximity of the wall to third party lands, it is unclear how it will be constructed;
- The edge of the proposed 2m high gabion wall is shown to run along the site boundary. Therefore the base of the wall would need to be constructed on third party lands relating to 23 Ballyholland Road;
- The impact on potential future (including residential) development rear of 23 Ballyholland Road and west of the site, given close proximity of the training field to the shared boundary;

The Planning Department's role is to assess the application as submitted. For reasons set out in the detailed assessment, the proposal is considered acceptable to prevailing planning policy requirements and the Planning Department would have no policy basis to reasonably request an alternative site for the development.

Proposed works in relation to the two retaining walls are shown to be located within the application site boundary, with the 2m high retaining wall close to / on the boundary and the 6m high wall located c.4m from the site boundary. As noted, DAERA Water Management Unit are content with the proposal concerning the ground water environment. Comments in relation to the construction and use of third-party lands is a civil matter, beyond

the remit of the Planning Department. Notwithstanding this an informative will be applied to highlight that works shall be contained within lands of their ownership and control.

The Planning Department must assess the application in the context of the current circumstances including existing and approved development. Planning history records show there are no approvals on the adjacent land that would be impacted as a result of the proposed development.

5.6.17 Non-material concerns:

The following issues are not material planning issues and cannot therefore be afforded any determining weight in this assessment:

- Reference is made to the pledges made by MLAs and Local Councils in protecting all habitats and wildlife (reference to NMDDC's Local Biodiversity Action Plan 2018-2022) – **this document is not Planning Policy and the relevant Planning Policy to assess impact on Natural Heritage is contained within Planning Policy Statement 2 - Natural Heritage – PPS2**
- Reference is made to the proposal being contrary to the 'Countryside Recreation Strategy' – **this document is not Planning Policy**
- Costs involved in developing the proposal, including suggested alternative site
- Impact on surrounding property values

5.6.18 In summary, all objections have been considered in full. Additional and amended information has addressed concerns regarding application detailing. Consideration has been given to the concerns in relation to residential amenity (by way of noise and light pollution,) however it is concluded that these issues can be mitigated / controlled by way of necessary planning conditions as advised by Environmental Health. Concerns around anti-social behaviour are resulting from a management issue which is beyond the remit or control of the Planning Authority, however this issue will be brought before the Council's Estate Management Department. Determining weight also given to the relevant statutory consultees in relation to natural heritage / biodiversity, ground water, contamination, flood risk, drainage, as considered further below.

6.0 CONSIDERATION AND ASSESSMENT:

6.1 Summary of Proposal

6.1.1 The application seeks full permission for a proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works. The site location plan together with existing and proposed site layout plan are included in Annex A.

6.2 Regional Policy Considerations

- 6.2.1 The RDS seeks to create healthier living environments and to support healthier lifestyles by facilitating access to a range of opportunities for recreational and cultural activities and by promoting physical recreation as a basis for good health for all.

6.3 Relevant Planning History and the SPPS

- 6.3.1. The historical approval on this site by virtue of P/2012/0618/F (Proposed alterations, extension and reorientation of existing junior football pitch, with adjacent new 3G multisport pitch, new grass training pitch, provision of new flood lighting, ball stops, permission granted 10/07/2014) is material to this consideration. This former approval includes development both within (on lands zoned as major area of established open space) and out-with the development limits (including a multi-purpose training pitch and larger junior pitch.) The proposal was considered acceptable to both PPS8 and PPS21 requirements.
- 6.3.2 Since this approval, the SPPS has been introduced (September 2015) which is a material consideration in the assessment of all planning applications. Therefore it's necessary to consider whether the SPPS introduces any new policy changes since the previous assessment under P/2012/0618/F.
- 6.3.3 The SPPS reinforces the requirements of PPS8 with a presumption against loss of open space and directs that any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact (Para 6.205.) The requirements of the SPPS are considered below together with the prevailing policy requirements of PPS8.

6.4 Development Plan Considerations (BNMAP 2015)

- 6.4.1 Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.
- 6.4.2 BNMAP 2015 identifies the site as being partly within the settlement development limits of Ballyholland (BH01) and partly in the countryside, with the portion within the settlement limits also identified in the Plan as a major area of existing open space. A copy of the relevant Map is included in Annex B.
- 6.4.3 Policy SMT2 of BNMAP 2015 directs that zoned land will be developed in accordance with all prevailing regional planning policy and with any relevant Plan Policies and Proposals, including, where specified, key site requirements. Major areas of existing open space, sport and outdoor recreation as identified, are safeguarded under Policy OS1 of PPS8 – Open Space, Sport and Outdoor Recreation.

6.4.4 Having regard to The Plan, prevailing planning policy requirements and full list of material considerations above, the determining issues in this assessment relate to the following, with a detailed assessment expanding on each of these considerations below:

- **The principle of development and suitability of proposed detailing, including impact on the countryside and residential amenity (SPPS and PPS21 Policies CTY1, and PPS8 Policies OS1, OS3, OS7)**
- **The impact of the proposed development on natural heritage (SPPS and PPS2);**
- **Access, movement and parking considerations including road safety SPPS, PPS3, DCAN15 and DOE Parking Standards)**
- **Flood risk, drainage and sewerage considerations (SPPS, PPS15 Revised and PPS21 Policy CTY16)**
- **Impact on Archaeology and Built Heritage (SPPS, PPS6)**
- **Development within the urban setting (PSRNI Policy DES 2 - Townscape)**

6.5 The principle of development and suitability of proposed detailing and impact on the countryside (SPPS and PPS21 – Sustainable Development in the Countryside Policies CTY1 and PPS8 (Open Space, Sport and Recreation) Policies OS1, OS3, OS7)

6.5.1 Part of the site is out-with the settlement development limit and the provisions of PPS21 are applicable to this part of the site. Under PPS21 Policy CTY1, planning permission will be granted for non-residential development in the countryside for outdoor sport and recreational uses in accordance with PPS8.

PPS8 policies OS1, OS3 and OS7 are considered the relevant policy tests to be met in order to satisfy both PPS21 CTY1 and PPS8 requirements.

6.6 PPS8 Policy OS1 – Protection of Open Space

6.6.1 Notably only part of the site is zoned as an existing major area of open space, with the remainder of the site being located within the countryside. (An overlay map of the zoning is included in Annex B together with relevant extract from the Area Plan.) Policy OS1 applies to the protection of existing open space – in this case, the policy test of OS1 is only applicable to those parts of the site located within the settlement limit which are zoned as an existing area of major open space.

Proposals as submitted will not result in any loss of existing open space, rather the reconfiguration of this area, with extension, which will bring about substantial community benefit. Proposals fully comply with OS1 for these reasons.

6.7 PPS8 Policy OS3 – Outdoor Recreation in the Countryside

6.7.1 This policy test is applicable given part of the site is within the countryside. Under Policy OS3, the development of proposals for outdoor and recreational uses in the countryside will be permitted where all the following criteria (as set out under i-viii) are met. The Planning Department has assessed all supporting information and third party representations. It has established, in its assessment and in consultation with the relevant statutory bodies, the following:

- I. There will be no adverse impact on nature conservation, archaeology or built heritage (see PPS2, PPS6 assessment.)
- II. The proposal does not result in a permanent loss of agricultural land nor would it impact on any nearby agricultural activities;
- III. The site is bound by a steep embankment to the west and the development requires retaining structures to support part of the development along the western boundary. In the context of the existing stadium structure, the proposed retaining features would not result in any greater detrimental impact by way of visual amenity than the existing built structures on the site and will be set at a lower level so as to integrate satisfactorily into the landscape and prevent any impact on the character of the local landscape.
- IV. Following consideration of additional information in relation to noise and lighting, the proposal subject to operational conditions being adhered to (in relation to hours of operation of floodlighting) would not result in an unacceptable impact on the amenity of nearby and surrounding residents;
- V. The proposed retaining structures will be sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment, which includes new tree planting along the western portion of the site to soften these works;
- VI. The proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car, including accessible pedestrian linkages to and from the site in addition to a proposed walking / running path around the perimeter of the overall site;
- VII. The proposal is not expected to generate any increases in traffic volumes that currently visit / use the site, with no changes proposed to the current access and parking arrangements. In terms of drainage and waste disposal, DfI Rivers Agency are content that the proposal meets PPS15 (Revised requirements) – informatives will be necessary to ensure the

applicant is aware of their responsibilities in relation to drainage. The proposal by its nature, does not comprise any changes to the existing sewerage facilities on the wider site.

- 6.7.2 **Determining weight is also given to an established approval on the site under P/2012/0618/F which included development in the countryside to extend the facility. In summary, conditional to the necessary planning conditions and informatives being adhered to, the proposal is considered acceptable to Policy OS3 in relation to the extension of development into the countryside.**

6.8 **PP8 Policy OS 5 - Noise Generating Sports and Outdoor Recreational Activities**

- 6.8.1 Despite the potential for noise disturbance from the proposed development as considered above under Policy OS3, the proposal is not considered to constitute a 'noise generating sports and outdoor recreational activities' for the purposes of Policy OS5, having regard to the types of "noise generating" activities outlined in Policy OS5 amplification text (Para 5.41,) which are reflective of sports that rely on the use of motorised or other noise generating equipment by their very nature, unlike Gaelic football, which does not involve the use of any equipment like this.

6.9 **PPS8 Policy OS7 - The Floodlighting of Sports and Outdoor Recreational Facilities**

- 6.9.1 Under Policy OS7, the development of floodlighting associated with sports and outdoor recreational facilities will only be permitted where all the following criteria are met:
- (i) there is no unacceptable impact on the amenities of people living nearby;
 - (ii) there is no adverse impact on the visual amenity or character of the locality; and
 - (iii) public safety is not prejudiced.
- 6.9.2 Objectors comments in relation to flood lighting have been considered further above. In considering the nature of the proposed development and its close proximity to residential properties, there is the potential for loss of amenity at these properties due to light pollution. Details of proposed flood lighting were initially submitted to Environmental Health for their consideration who sought additional information and clarification; including details of the lighting plot for the floodlights in use, overlaid on the same scale map of the surrounding residential property and clarification from the Planning Authority as to which Environmental Zone the development should be considered under in relation to lighting.

6.9.3 The Local Planning Authority confirmed the following to Environmental Health by way of clarification and provided a copy of the relevant map (for the avoidance of any doubt:

- There are 6 No. 18m high lighting columns situated in the larger pitch to the north of the site. And that the vast majority of this pitch is within the existing urban settlement of Ballyholland, with exception of a single column located to the SW portion of the site;
- The smaller multi games area located to the southern portion comprises of 4 No. 10m high lighting columns which are located outside the development limits of Ballyholland within a rural area.

6.9.5 In addition, a Proposed Lighting Layout (amended with the required detailing) and Photometric Report on lighting levels has been submitted, which shows the potential light intrusion likely to be experienced at some nearby residential properties when the floodlights are operational. Environmental Health has assessed the Environmental Zone for the application area to be an E2 zone (as described in the 'Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011') and conclude that there is the potential for the floodlighting to be intrusive late at night and would request that a planning condition is attached to any approval to restrict the times of use of the floodlighting in order to protect residential amenity, with the operating hours for all floodlighting to be limited to 14:00hours - 21:00hours Monday to Sunday.

6.9.6 In considering the existing flood lighting on the site and overall context of the proposed development (conditional to restrictions on the hours of use), the proposed flood lighting would not result in an unacceptable degree of adverse impact on the visual amenity or character of the locality and is acceptable to criterion (ii.)

6.9.7 The proposed flood lighting would arguably, improve public safety of the area, by way of surveillance when in use. Environmental Health and DfI Roads have not expressed any concerns in relation to resultant glare from excessively bright or poorly aimed floodlighting that would potentially dazzle transport users and pedestrians. The proposed floodlighting is not considered likely to prejudice public safety in this regard and is acceptable to criterion (iii.)

6.9.8 In summary, following review of the additional information provided and subject to the necessary planning condition being met, the proposal is considered acceptable to PPS8 Policy OS7.

6.10 The impact of the proposed development on natural heritage (SPPS and PPS2)

6.10.1 The proposal does not fall within any of the thresholds listed in Schedule 1 or

2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, therefore an EIA is not required.

- 6.10.2 This proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations) in addition to the Conservation (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015. A Habitats Regulation Assessment (HRA) screening has been carried out (in informal consultation with Shared Environmental Services,) which shows there is no viable pathway links to any European Site feature from the proposed development.
- 6.10.3 The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) as amended. The proposal would not have any likely significant effect on the features of any European site. This is satisfactory to policies NH1, NH3 and NH4 of PPS2.
- 6.10.4 In consultation with DAERA (NED,) it is established that the proposal is unlikely to harm a protected species in accordance with PPS 2 NH2:
- 6.10.5 Following initial assessment, NED requested a breeding bird survey (in relation to waders) and a newt survey to be carried out to enable a full assessment. Further to provision of the breeding bird survey, NED agree with the ecologists recommended mitigation in that any necessary vegetation removal must be completed outside of the bird breeding season (1st March – 31st August inclusive), however if this is not possible, a detailed check for active birds nest may be completed prior to removal and mitigation/protection provided where necessary.
- 6.10.6 NED acknowledge the findings of the submitted bat roost potential survey and whilst there is no bat roost potential, the proposed lighting can impact on foraging / commuting bats, however, acknowledge the use of directional hoods to minimise light-spill. An amended landscape plan was also requested showing the location of additional tree planting within an area of land subject to no greater than 1 lux of light spill as a means of compensation for the artificial illumination of existing mature vegetation. In a further response dated, NED confirm they are content NED are content that the Proposed Site Plan & Landscaping drawing submitted shows light spill of 1 lux around areas of existing vegetation and proposed areas for planting.
- 6.10.7 The newt survey findings conclude a presence of newts on site. In considering the presence of newts on site, within an area likely to be significantly impacted and altered by development both during construction and operation, NED (in consultation with NIEA's wildlife team) requested a Newt Mitigation Plan (NMP) to detail the proposed mitigation for the site in order to minimise the potential impact on newts. A surface Water Management Plan (SWMP) was also required to detail the proposed mitigation to prevent the potential impacts on neighbouring waterbodies, including the prevention of spoil or earthworks entering the waterbodies, and to ensure these areas are protected for newts.
- 6.10.8 From the Surface Water Management Plan submitted, NED are content with the mitigation and management techniques as described in the report and conclude that subject to the implementation of such mitigation, significant

impacts on aquatic habitats will be minimised, which will also minimise the potential significance of impacts on protected/priority species which will utilise such features. NED are content with the mitigation plan proposed for smooth newts and consider the proposed plan suitable to mitigate against significant impacts on newts as a result of the proposal.

6.10.9. Subject to the below recommended conditions, NED are content with the proposal which is considered to be acceptable to Policies NH2 and NH6 in this regard and the relevant requirements of PPS2.

6.11 Access, movement and parking and road safety considerations (SPPS, PPS3, DCAN15 and DOE Parking Standards)

6.11.1 There are no changes proposed to the existing access and parking arrangements at the site. Following an initial assessment by DfI Roads, the site boundary was amended to ensure the application site adjoins the public road network at Betty's Hill Road. Following further consideration, DfI Roads offer no objections on the basis that Planning are content there is sufficient in-curtilage parking for the proposal and that the information supplied in the P1 form, Question 25 is deemed accurate.

6.11.2 The proposal relates to an extension and reconfiguration of the existing training facilities. The application form suggests that there will be no increase in vehicles to the site as a result of the proposal. Regardless of these figures submitted, there are 88 parking spaces at present in the southern part of the facility (at the existing playing fields) and a further 46 parking spaces in the northern part of the facility at the community centre building, equating to 134 spaces, in addition to 50 spaces in a car park along the opposite side of Betty's Hill Road, shown to be in the applicant's ownership. Provided the proposed development is used in accordance with the proposed use, the existing parking provision is considered sufficient to facilitate the proposed development in accordance with PPS3 AMP7 and DOE Parking Standards.

6.11.3 In summary, following amendments and subject to conditions, the proposal is considered acceptable to PPS3, DCAN15 and DOE Parking Standards.

6.12 Impact on Archaeology and the Built Heritage (SPPS, PPS6)

6.12.1 There are no known archaeological sites or monuments in proximity to the application site. There are two listed buildings in the wider locale, at No's 9 and 61 Betty's Hill Road. The proposal is significantly removed from these existing listed features and does not raise any concerns under PPS6 in this regard.

6.15 Flood risk, drainage, sewerage and land contamination (SPPS, PPS15 Revised and PPS21 Policy CTY16)

6.15.1 The proposal seeks the use of public water supply and proposed to use ground infiltration (site soakaway) to dispose of surface water and by its nature will not generate foul sewage or raise any concerns in relation to PPS21 CTY16.

NIW confirm public water supply is available to serve the proposal and that and application to NIW is required to obtain approval to connect.

6.15.2 DfI Rivers Agency initially advised that a Drainage Assessment was required (PPS15 Policy FLD3) as the development is on a site exceeding 1 hectare and it relates to a change of use involving new buildings and or hard surfacing exceeding 1000 square metres. A DA was subsequently prepared and submitted, detailing the use of soil infiltration to drain storm water run-off from the site. As this lies out-with the remit and expertise of DfI Rivers, DfI Rivers Agency has not commented on the viability of the proposed method of storm water discharge.

6.15.3 DAERA's Water Management Unit has the responsibility for the protection of the water environment who having considered the impacts of the proposal on the surface water environment and, on the basis of the information provided, is content with the proposal subject to Conditions, the applicant referring and adhering to Standing Advice and any relevant statutory permissions being obtained.

6.15.4 DAERA's Regulation Unit (RU) in assessing this application consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. RU having reviewed the Preliminary Risk Assessment (PRA) provided, note the potential for unacceptable risks to the water environment and a Generic Quantitative Risk Assessment (QGRA) was subsequently requested in order to conduct a full assessment. Following assessment of the QGRA subsequently provided, RU advise that no unacceptable risks to the water environment have been identified and DAERA RU has no objection to this development provided the necessary planning conditions and informatives as attached are adhered to.

6.15.4 The proposal in summary is acceptable to PPS15 (Revised) and PPS21 CTY16 subject to the necessary conditions and relevant guidance (by way of planning informatives) being followed.

6.16 Development within the urban setting (PSRNI Policy DES 2)

6.16.1 The application site is partly located within the urban area, i.e. the settlement development limit of Ballyholland, as identified by the BNMAP 2015 (see Annex B.) Policy DES 2 requires new development proposals in towns and villages to make a positive contribution to townscape and to be sensitive to the character of the area surrounding the site in terms of design, scale and the use of materials. The proposal comprises of two new pitches and associated items in addition to a new jogging path around the existing and new pitches. The training pitch is 80 x 130m, with a 2.5m run-off around the pitch. The MUGA is 33 x 56m. The training pitch will have 6No. lighting masts, 18m high and the MUGA will have 4No. lighting masts, 10m high. Two retaining walls are proposed along the western part of the site, one 6m high and the other 2m high.

6.16.2 The proposed detailing is considered appropriate in the context of the existing development including GAA pitch, and associated club rooms, in addition to the community centre building. Materials of the materials of the ancillary features such as fencing and lighting have been carefully selected so as to minimise their impact on the landscape. In addition, the proposed ball wall associated with the MUGA is lower than the eaves of the existing spectator stand and located behind it thus minimising any visual impact on the streetscape. The visual impact of the lights and columns will be minimal as the masts are few in number for such a large area of site when viewed from outside the site, they will not appear significant. It is considered that the ancillary elements which are arguably the more prominent features of the proposal, such as lighting, fencing and pathways would be in keeping with the existing features of the same, which are all readily available in the context surrounding the site.

6.16.3 On this basis, the proposal is considered acceptable to the requirements of DES 2 and appropriate in uses and sensitive to the context by way of siting, scale, layout, design and materials and would not conflict with or detract from the character, amenity or design of the surrounding area.

7.0 Recommendation: Approval (subject to conditions)

8.0 Recommended Planning Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

REASON: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:
 - BGAA-JNP-00-XX-DR-A-0003 Rev A - Location Plan
 - T-06.17-06 Rev P1 - Contours
 - T-06.17-03 Rev P2 - Details / Sections
 - BGAA-JNP-00-XX-DR-A-0001 (Version P01) - Existing and Proposed Sections
 - BGAA-JNP-00-XX-DR-A-0002 (Version P01) - Proposed Ball Wall Details
 - BGAA-JNP-00-SI-DR-A-0002 (version P03) - Proposed Site Plan and Landscaping
 - DWG01 - Proposed Lighting Layout

REASON: To define the planning permission and for the avoidance of doubt.

3. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Department shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed in writing with the Local Planning Authority and subsequently implemented in accordance with the approved details and timeframe.

REASON: Protection of environmental receptors to ensure the site is suitable for use.

4. After completing any remediation works required under Condition 3 and prior the development being operational, a verification report shall be submitted to and approved in writing by the Local Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

REASON: For the protection of environmental receptors to ensure the site is suitable for use.

5. All smooth newt mitigation measures as detailed in the Smooth Newt Management Plan (dated November 2021 and prepared by MCL Consulting) shall be completed under an appropriate NIEA Wildlife Licence the details of which shall be submitted to and approved in writing by the Local Planning Authority to the satisfaction of NIEA.

REASON: To protect smooth newts and in accordance with Planning Policy Statement 2 (PPS2) Natural Heritage.

6. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Local Planning Authority within 6 weeks of works commencing.

REASON: To protect breeding birds and in accordance with Planning Policy Statement 2 (PPS2) Natural Heritage.

7. The training pitch hereby approved shall not be used for competitive matches as stated in the noise impact assessment (dated March 2021) and shall be retained thereafter.

REASON: In the interest of residential amenity

8. The use of the development hereby approved shall be strictly restricted to Monday to Friday 14:00hrs-21:30hrs and Saturday and Sunday 09:00hrs-21:30hrs and shall be implemented in accordance with the noise impact assessment (dated March 2021.)

REASON: In the interest of residential amenity.

8. The operating hours for any floodlighting shall be restricted to 14:00hrs-21:00hrs Monday to Sunday.

REASON: In the interest of Residential Amenity.

9. The proposed ball stop fence / wall as detailed on Drawing No. BGAA-JNP-00-XX-DR-A-0002 (Version P01) shall have rubber noise suppression blocks between the panel and post with details to be submitted to the Local Planning Authority and agreed in writing to the satisfaction of Environmental Health.

REASON: To minimise noise impact in the interests of residential amenity.

10. The proposed landscape measures as detailed on the drawing No BGAA-JNP-00-SI-DR-A-0002 date stamp received 28 Sept 2021 (Proposed Site Plan and Proposed Landscaping) shall be implemented during the first available planting season following completion of the development hereby approved and managed and maintained in perpetuity.

REASON: In the interests of visual and residential amenity and natural heritage.

11. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

REASON: To ensure the provision, establishment and maintenance of a high standard of landscape.

12. The retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and the retaining wall design shall accommodate any lateral loading from the retained slope. Any such

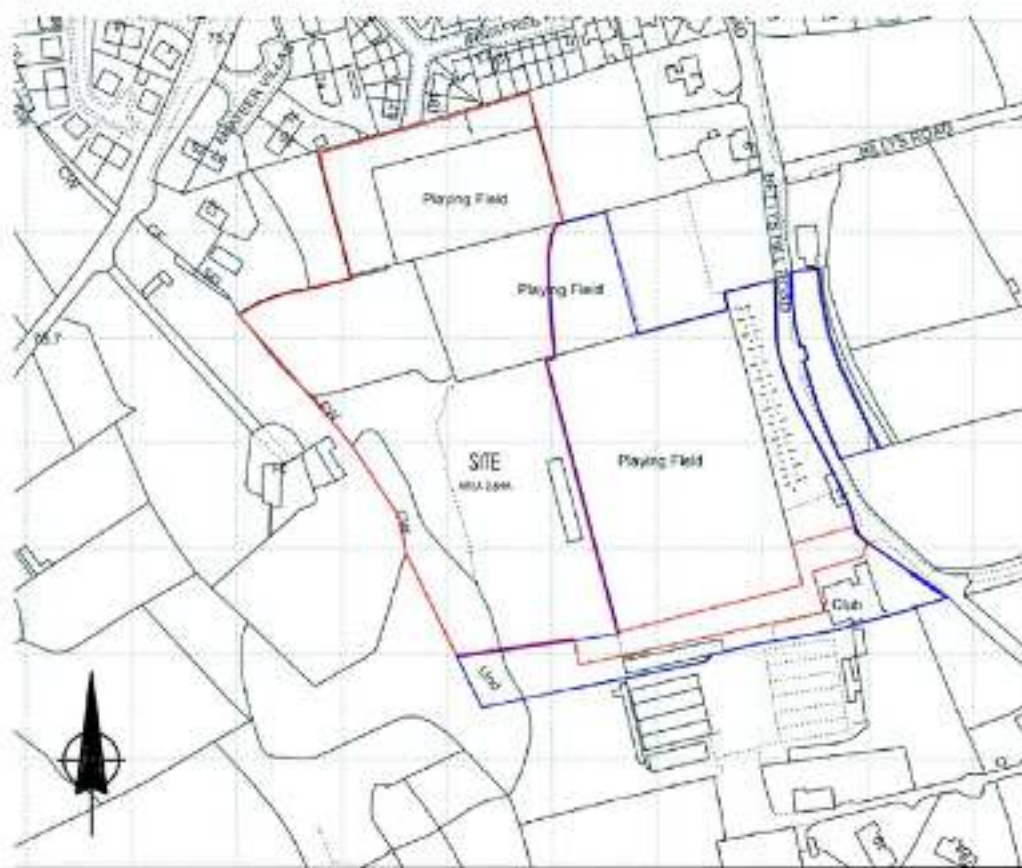
designs and assessments should be certified by an appropriately qualified engineer.

Reason: To ensure that the structure is designed meet relevant British Standards and Codes of Practice

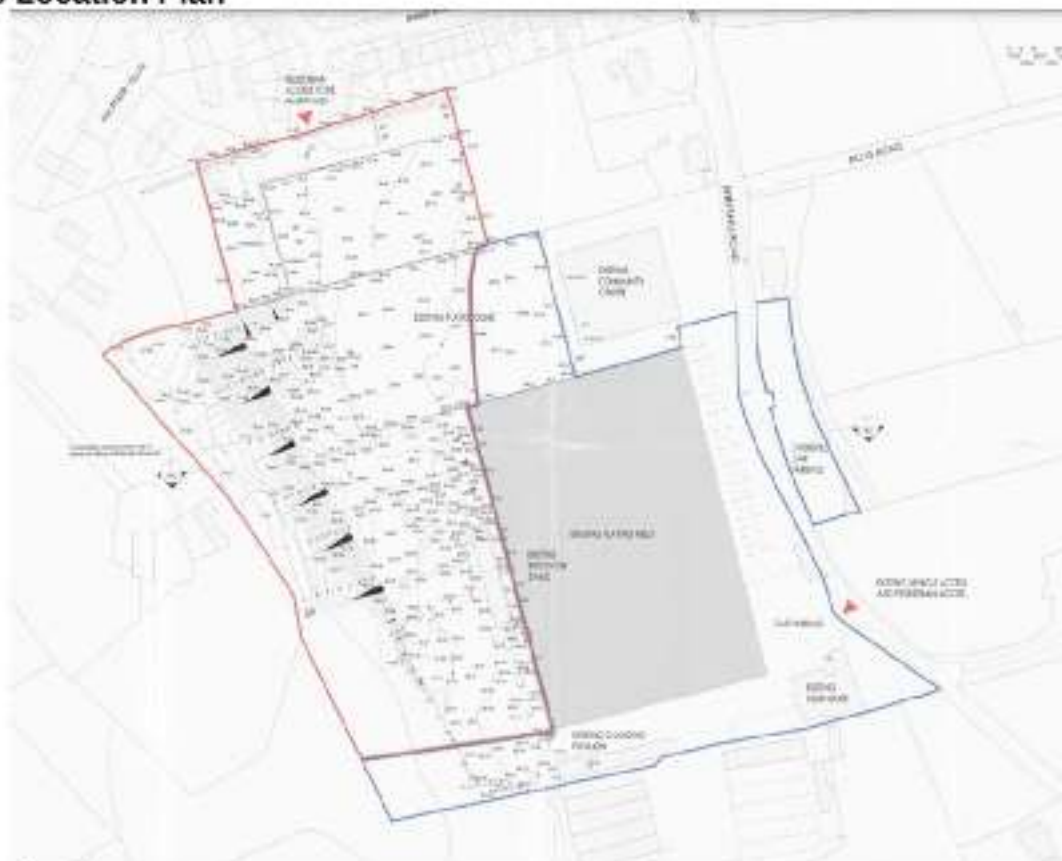
Case Officer Signature: **Orla Rooney** **Date: 23.02.22**

Appointed Officer Signature: **Patricia Manley** **Date: 23.02.22**

Annex A:



Site Location Plan



Existing Layout



Proposed Site Layout

Annex B

Ballyholland



Area of application site zoned as existing area of major open space

Annex C – Case Officer Photographs (22/10/2021 and 16/12/2021)



View from the application site looking west towards No.21 Ballyholland Road



View from the application site towards existing terrace structure



View from the western area of the application site looking south



View from the application site looking south-west towards existing bog area and open countryside



View from Driveway to No. 21 Ballyholland Road



From the driveway of No. 21 Ballyholland Road looking north-east towards No. 23 Ballyholland Road



View from Ballyholland Road looking east towards the application site



View from Ballyholland Road looking east towards the application site



View from Ballyholland Road looking east towards the application site



View from Innisfree Park towards existing pedestrian access gate



View from the southern area of the application site looking north towards terrace seating



View from the south / western area of the application site looking north



View from western area of application site looking south



Existing training field and playpark / community centre (northern section of the site)



Existing training field in the northern section of the site, looking towards Innisfree Park, further north



View from the site of existing pedestrian gate connecting to Innis Free Park



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1567/F

Date Received: 8th October 2020

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

Address: Ballyholland Harps GAA grounds Bettys Hill Road
Ballyholland Newry BT34 2PL

ADDENDUM TO CASE OFFICER'S REPORT

1.0 Further consideration:

This application was scheduled to appear before the Planning Committee on Wednesday 10th April 2024. However in the period following the Council's agenda being issued on Wednesday 27th March 2024 and before the meeting date, an anonymous letter has been received by the Planning Authority on 3rd April 2024 (dated 12th March 2024.)

1.1 This letter queries why correspondence between departments and other information for this application has not and is not being published on the public planning portal for members of the public to view. It suggests that information is being deliberately withheld from public view, requesting that all information is published to the public planning portal immediately so that all members of the public have time to view and respond to information and in the interests of a fair, transparent and independent process.

1.2 The matter of re-advertising an application a matter for the discretion of the council, but which is linked to the nature of the application, the scale of the amendment and the level of public representations.

1.3 Since the last re-advertising of the application on 6th October 2021, and re-notification of neighbours on 6th January 2022, the following details have been provided:

- BGAA-JNP-00-SI-DR-A-0010 (Version P01) – Proposed Site Plan Google

Map Overlay (dated 28th March 2022) **latest published date 26th November 2022**

- DWG01 - Proposed Lighting Layout (dated 14th March 2023) **latest published date 29th March 2024;**
- MCL Comments dated 11/08/23 in response to DAERA; **latest published date 3rd April 2024**
- Smooth Newt Mitigation Plan (MCL Consulting, dated Nov 2021) – **not published publicly (ecologically sensitive;)**
- Flood Light Calculations (Signify, as revised 14.03.2023) – **latest published date 3rd April 2024;**
- Revised Construction and Environmental Management Plan (CEM, as submitted 09.02.2024) **following advice from DAERA in relation to ecological details, published 29th March 2024**

- 1.4 It is also relevant to note that this application originated as a hard copy application (submitted in October 2020) and owing to the Council moving to an online application system and introduction of a new IT system for the Planning Department on 25th November 2022, the new public planning portal indicates the publishing publicly of many documents on 26th November 2022 as this is the date of migration of documents from the old system to this new system, with some documents having been published publicly prior to this date.
- 1.5 The Planning Department has retained all application details on the hard copy file and during the course of processing, objectors have also been made aware of the Freedom of Information Act 2000 and the Council's procedures for requesting public information. This includes email records, which are placed on the file and available under the Freedom of Information Act 2000 procedures. It is noted that in reconsulting consultees, detailed reasons have been outlined for re-consulting and made publicly available. It is also noted that all consultee responses have been made publicly available throughout the processing of this application, which include references to any supporting details considered.
- 1.6 As set out within the detailed planning report, every material planning issue raised by objectors has been fully considered; this has included several re-consultations to the relevant authorities, amended and / or additional supporting details (including in relation to lighting, construction methodologies, environmental mitigation,) a virtual and on site meeting with DAERA and a lengthy assessment process, to further consider these matters.
- 1.7 Having thoroughly reviewed the application details, the Planning Authority are content that all the necessary details have been made publicly available and a reasonable length of time has passed to enable members of the public to review of the details.
- 1.8 The Planning Authority are also satisfied that all material planning issues have been addressed and resolved. This includes removing the application from Council Committee agendas in March 2022 to further consider the issues and most recently in April 2024 to ensure members of the public have had sufficient

time to view all relevant details. In this regard, it is considered unreasonable on the applicant to further delay the progression of this application.

1.9 The Planning Authority's recommendation as set out within the accompanying detailed planning report remains unchanged as a result of this most recent correspondence received on 3rd April 2024, which has been fully considered.

1.10 As is common procedures, objectors will be notified of the outcome of the decision. It is noted that some representations are anonymous however and therefore will not fall within

2.0 Summary :

2.1 Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance (para 3.8.)

2.2 In practice, this means that development that accords with an up-to-date development plan should be approved and proposed development that conflicts with an up-to-date development plan should be refused, unless other material considerations indicate otherwise.

2.3 Having regard to the Development Plan and all other material considerations (including the SPPS, DES2 of PSRNI, PPS2, PPS3, PPS6, PPS8, PPS15, PPS21, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable development proposal which complies with planning policy, for the reasons set out within the detailed planning report.

2.4 Third party representations have been considered and addressed through the receipt of additional and amended detailing.

2.5 The application is therefore recommended for approval subject to the necessary planning conditions outlined below being adhered to.

2.6 Additional guidance will also be attached to the decision notice for the applicant's awareness in the form of informatives.

2.7 Having regard to the development plan and all other material considerations, subject to the compliance with the necessary planning conditions, the proposal is recommended for approval.

Case Officer Signature: Orla Rooney **Date:** 29.04.2024

Appointed Officer Signature: Patricia Manley **Date:** 29.04.2024

Council Meeting date 15/05/24	Planning Application Number : LA07/2020/1567/F	Speaking Rights requested by: John Collins Agent Sean Connolly
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- The Luminaire Maintenance Factors have been based on 6-year cleaning intervals within an E3/E4 Environmental Zone and it is assumed that lamp/luminaire failures will be replaced on a 'spot replacement'.
- Light intrusion / nuisance = quoted

Table 3 (CIE 150 table 2): Maximum values of vertical illuminance on premises

Light technical parameter	Application conditions	Environmental zone				
		E0	E1	E2	E3	E4
Illuminance in the vertical plane (E _v)	Pre-curfew	n/a	2 lx	5 lx	10 lx	25 lx
	Post-curfew	n/a	<0.1 lx*	1 lx	2 lx	5 lx



Comments:

Environmental Health have been re-consulted on the above noted application and have reviewed the information provided by the Planning Office.

Environmental Health after considering this information are content with the comments previously provided in connection with this application.

A drawing DWG01 and a photometric report have been provided for this consultation. This report shows the potential light intrusion likely to be experienced at some nearby residential properties when the floodlighting is in use. Environmental Health have assessed the Environmental Zone for the application area to be an E2 Zone as described in the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. If the Planning Office do not agree with this assessment Environmental Health should be re consulted. Environmental Health would conclude that there is the

Main GAA Pitch

378Lux Maintained Avg achieved with Uniformity

Min/Ave=>0.71

Min/Max=>0.52

MUGA Pitch

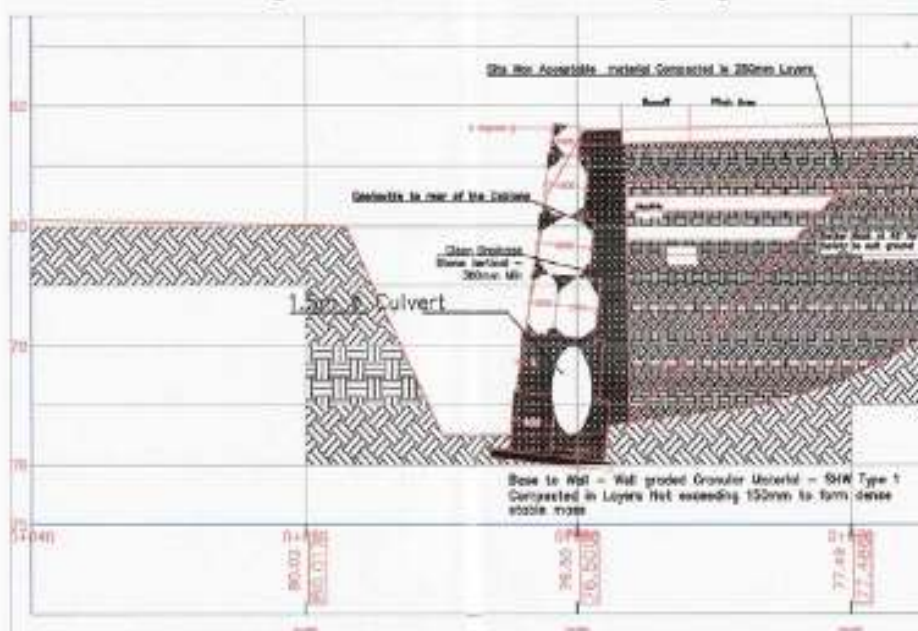
263Lux Maintained Avg achieved with Uniformity

Min/Ave=>0.66

Min/Max=>0.50

	Gaelic Football
Training	75 Lux
Club Matches	250 Lux
Inter-County Matches	300 Lux

Light Spill below 10 Lux Max Vertical on neighbouring house.



New Training Pitch for Ballyholland Harps GAA
Planning Reference: LA07/2020/1567/F

Speaking Right submission notes – Ballyholland GAA Jim McMahon

Ballyholland Harps GAC is a Gaelic Athletic Association Club which has been in existence for almost 70 years. Since its foundation in 1954 Ballyholland Harps has been a significant and consistent provider of community-driven sport, leisure, culture and wellbeing for citizens in "southeast" Newry, which covers a wide geographical area including Ballyholland itself as well as Grinan, Derryleckagh and areas within Newry City.

Ballyholland Harps has a proud tradition of being a forward-thinking and self-funding club, one which has seen us extend beyond our core function of Gaelic Football to include Scor (since the 1960s), camogie (since 1973), Ladies Football (2022) and community-focused activities.

Through our social club premises (est 1979), we have acted as a constant benefactor for our local community, providing a much-appreciated, no-fee location for weddings, funerals, christenings and parties, as well as local elections and charity fundraisers. The club is a focal point for a wide range of social and sporting activities catering for all ages within the community.

With regard to sporting activities, Ballyholland Harps currently competes across three codes including Gaelic Football (GAA), Camogie and Ladies Gaelic Football (LGFA).

The club currently has just over 400 active playing members and up to 250 active non-playing members with many more local families connected to or benefitting from the Harps various facilities.

In Gaelic football we field three adult teams and 9 underage teams u6-u18, with some age grades such as u12's/u14's fielding two teams.

In Camogie we field a single adult senior team and six underage teams u7 & u17.

Our Ladies football is in its inaugural year and will field two underage teams with growing membership in the coming years.

Our membership has doubled in size in the past 15 years. We anticipate this growth to continue due to providing three Gaelic games codes, continued competitive success and surrounding community growth. Overall, the Club now has over 20 Teams, all of which need quality external facilities for playing competitive matches as well as carrying out realistic training exercises throughout the year.

Currently the Club has only one Playing Pitch for use in competitive matches and training. This situation has for sometime created severe difficulties for the Club in meeting the needs of its playing members and maintaining its significant role as a provider of community-based sport and recreation.

Our only pitch must close 6 months/year to recover from current intensive use which is unsustainable and leaves the Club without adequate external training facilities during out of season periods and puts unsustainable pressure on the quality of the main pitch during the playing season.

The Club has recognised for some time that development and provision of additional external training facilities is essential to the continuing success of the Club and to sustain its growing membership within the local community. The priority of the Club, therefore, is to develop a Training Pitch and other associated training facilities that provide a realistic training environment and that can be used all year round and which can serve all playing codes at all ages in a secure and safe manner. The training pitch also needs to facilitate multiple training activities taking place simultaneously throughout the year.

To achieve this objective, the new training pitch must be of a size that is as close as possible to a full-size competitive pitch and have lighting to allow usage during winter months in the evenings and be designed to ensure proper drainage

In 2022, our sole goal is to give our teams the playing facilities that our community needs and deserves. Our proposed new development has two overarching objectives:

1. To ease the extraordinary burden on our primary playing field by giving our players, coaches and mentors an additional facility, open to them 365 days a year.
2. To provide all-age sporting facilities that will enable our community to become better, healthier and closer neighbours.

Our current intake of underage members is unprecedented with up to 60 children taking part in some grades. The modern era of our games requires a year-round calendar. The training facility must be able to cater for this. This requires a facility close as possible to a full-size pitch to make training as realistic as possible and allow for multiple training activities taking place simultaneously throughout the year.

New Training Pitch for Ballyholland Harps GAA
Planning Reference: LA07/2020/1567/F

Speaking Right submission notes – Dermot O'Hagan, JNP Architects

The proposed development will provide much needed training facilities for Ballyholland GAA which is a community-based sporting and cultural organisation enjoying support amongst the local community.

A Public Consultation Event was held during the early design stages and before a Planning Application was made to help inform the design and take account of any issues raised.

The main new facility will be a training pitch designed to replicate a realistic competitive environment in terms of pitch dimensions and to allow use during the winter months will have lighting with lux levels suitable and appropriate for training.

In addition to the new training pitch, the Club also plans to develop other facilities to suit all ages and different playing codes which includes a Multi-Use Games Area and a Ball Wall.

Furthermore, in recognising the Club's contribution to the local community, the design for the new facilities incorporates a new walking and jogging trail within the Clubs grounds and around all its facilities providing a safe environment for local people to exercise.

The location of the new training pitch is partially on grounds leased from Newry, Mourne and Down District Council and partially within lands already owned by the Club. The Council grounds have already been developed for recreational use as an all-weather playing facility with access from the adjacent Innis Free Park.

The design for the new training pitch takes account of a full range of site factors specific to its location including:

- Adjacent existing residential properties:
 - i. Lighting designed not to interfere with houses and gardens close by
 - ii. Ball stops provided to avoid balls landing in nearby gardens
 - iii. Ball stops designed to be low noise
 - iv. Level of pitch is not higher than adjacent houses and gardens to avoid overlooking or loss of privacy
- Adjacent Existing Sporting Facilities
 - i. The layout of the new facility fully integrates with existing surrounding facilities including the Community Centre and playground as well as the Clubs existing main pitch

- Integration:
 - i. The layout of the new facility is such to allow full integration with the local community through provision of a pedestrian entrance from Innis Free Park as well as the existing main entrance at Bettys Hill Road
- Landscape
 - i. The proposed new development will significantly improve the overall visual appearance of this area of the Clubs grounds with the new pitch and new tree planting along the boundary
- Environment
 - i. A full range of detailed surveys and studies have been carried out to assess the environmental impact of the proposed new development including consideration of all flora and fauna issues (especially breeding birds, bats and newts) as well as impact on nearby stream.
 - ii. The results of these details studies and reports have been to the satisfaction of all the Statutory Bodies and a range of mitigation measures agreed.

Committee Application

Development Management Officer Report	
Case Officer: Annette McAlarney	
Application ID: LA07/2023/1926/F	Target Date:
Proposal: Vary Conditions 2 (Approved Plans) 3 (Access), 5 (Road Works) & 10 (Service Management Plan) of planning approval LA07/2021/0786/RM (Amended Plans)	Location: Site of former St Mary's Primary School (opposite and east of 1-15 Shan Slieve Drive and, south of 32-38 Bryansford Road and 2-8 Tullybrannigan Road), Newcastle
Applicant Name and Address: Lidl NI Nutts Corner Dundrod Road Crumlin BT29 4SR	Agent Name and Address: MBA Planning Dermot Monaghan 4 College House Citylink Business Park Belfast BT12 4HQ
Date of last Neighbour Notification:	11 April 2024
ES Requested: No	
Consultations: DFI Consult 14/06/2023 DFI Consult 02/07/2023 DFI Consult 24/11/2023 DFI Consult 24/11/2023 DFI Consult 08/01/2024 DFI Consult 22/04/2024	
Representations: 39 Shan Slieve Drive 38 BRYANSFORD ROAD Don Holdings adjacent landowners 9 Shan Slieve Drive 1A Tullybrannigan Road	
Letters of Support	
Letters of Objection	6
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues: Speed Gun tests, traffic and road safety concerns. Narrowing of the Bryansford Road.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site comprises a 1.43 hectare site accessed off Bryansford Road, Newcastle. The site contains the former St Mary's Primary School and associated grounds and is relatively flat in nature. It is defined along its northern, western and southern boundaries with mature vegetation, the trees of which are subject to a TPO while that to the east has been in recent times defined with temporary fencing. The site is located immediately adjacent to a predominantly residential area known as 'Tullybrannigan' and a number of dwellings within this residential area adjoin the site. In addition, the site is also adjacent to a residential development known as Roslyn Place. A mix of dwelling types and apartments are therefore present within the immediate area. The site is located within the settlement limits of Newcastle as designated in the Ards and Down Area Plan 2015.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Strategic Planning Policy Statement (SPPS),
Ards Down Area Plan 2015,
Planning Policy Statement 3 Access Movement and Parking
Development Control Advice Note 15: Vehicle Access Standards (DCAN15)

PLANNING HISTORY

Application Number: LA07/2016/0840/PAD Decision: Decision Date: 27 September 2016
Proposal: Demolition of school, erection of discount foodstore and community building, provision of car parking, landscaping, new access from Bryansford Road and associated site works

Application Number: LA07/2016/0839/PAN Decision: PAN Concluded Decision Date: 10 October 2019
Proposal: Demolition of school, erection of discount foodstore and community building, provision of car parking, landscaping, new access from Bryansford Road and associated site works

Application Number: LA07/2017/1238/PAN Decision: PAN Concluded Decision Date: 10 October 2019
Proposal: Demolition of former school building, erection of food store, erection of building for Mountain Rescue Team, car parking, landscaping, new access from Bryansford Road, alteration to existing access from Shan Slieve Drive, pedestrian crossings on Shan Slieve Drive, and associated site works

Application Number: LA07/2018/0001/O Decision: Permission Granted Decision Date: 27 November 2020
Proposal: Demolition of former school building, erection of food store and mountain rescue centre, provision of car parking and associated site works (Revised access position Shan Slieve Drive to be no longer used)

Application Number: LA07/2019/0592/RM Decision: Withdrawal Decision Date: 16 March 2021
Proposal: Demolition of former school building, erection of food store and mountain rescue centre, provision of car parking and associated site works

Application Number: LA07/2021/0786/RM Decision: Permission Granted Decision Date: 06 December 2021
Proposal: Demolition of former school building, erection of food store and mountain rescue, provision of car parking, landscaping, and associated site works

SUPPORTING DOCUMENTS

CONSULTATIONS

DFI Consult

REPRESENTATIONS

38 BRYANSFORD ROAD, Am objecting to this work, as there are no details regarding this build and as a resident have not been informed are updated on any details over the past few years, I also object to the drinks licence being moved.

39 Shan Slieve Drive Objects to the narrowing of the Bryansford Road.

Don Holdings Raise issue with Speed Gun Tests, advise this is a holding response and advise a Topographical Survey is being prepared and will be submitted. This was dated 26 July 2023.

9 Shan Slieve Drive raising traffic and road safety concerns

1A Tullybrannigan Road (x2) Concerns regarding Bryansford Road narrowing.

EVALUATION

As indicated above the principle of development has been established through the granting of LA07/2018/0001/O and the conditions attached to the Reserved Matters application LA07/2021/0786/RM

This is a Section 54 application seeking to vary conditions on Reserved matters approval LA07/2021/0786/RM.

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

Condition 2, which relates to the listing of approved drawings.
Amended drawings include

01 Rev F, Site Location Plan

01-02 Rev O Site Plan

L-100 Rev E Development Impact following consent to fell TPO tree granted by Council.

L-101 Rev E Landscaping plan updated following consent to fell TPO tree granted by Council.

Service Management Plan Nov 2023

PSD Rev 01.

Condition 3 which reads

3. The vehicular access, including visibility splay of 2.4m x 70m and any forward sight distance, shall be provided in accordance with Drawing No 01-02E bearing the date stamped 22/04/2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

Condition 5

5. No other development hereby permitted shall become operational until the road works indicated on Drawing No 01-02E bearing the date stamp 22/04/2021 have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the time

Condition 10

10. The development hereby approved shall be operated in accordance with the approved Service Management Plan dated December 2017.

Reason: To ensure that adequate provision has been made for servicing and traffic circulation within the site.

Condition 3

As part of the application the applicant has submitted an amended plans showing revised access arrangements.

The provision of visibility splays of 2.4 x 70m was agreed by DFI Roads at the RM application stage. The applicant has carried out an updated ATC Survey which was undertaken on the Bryansford Road to the south-east of the proposed access between the 18th -24th January 2022. The periods used for assessment were as derived from CA 185 Vehicle Speed Measurement i.e. 10:00-12:00 and 14:00-16:00 for weekday periods.

The overall 85% ile speed for the Bryansford Road over the week from the ATC data was calculated at 27.9mph.

Using both the Radar Gun Speed Survey from March 2020 and the recent ATC data the 85%ile speed is based on a data set of over 14000 readings providing an assessment of the traffic speeds on the Bryansford Road. The overall 85%ile speed has been calculated at 27.8mph.

In accordance with the requirements of Design Manual for Roads and Bridges CA185 Vehicle Speed Measurement the overall 85%ile speed is 27.8 mph.

Therefore in accordance with Development Control Advice Note 15: Vehicular Access Standards the value of the y-distance for the worst case scenario, is taken from Table B, for a speed of 27.8mph relates to a visibility splay of 56.6m.

The visibility splays required to service this access is therefore 2.4 x 56.6m. However, as approved under applications LA07/2018/0001/O and LA07/2021/0786/RM the access has sight lines of 2.4 x 70m.



Approved layout under Reserved matters application LA07/2021/0786/RM

In terms of the X distance, DCAN 15 states

"The x-distance is measured along the centreline of the minor road from the edge of the running carriageway of the priority road. The y-distance is measured along the edge of the running carriageway of the priority road from the centreline of the minor road."

According to Lisbane Consulting in the Access Report, from observation of the operation of the Bryansford Road it is clear that the edge of the running carriageway is actually not the existing kerbline but a location some 600mm into the carriageway. Cars don't drive along the kerb line but along a line beyond the gulleys and double yellow lines. The visibility splay as per the recommendations of DCAN 15 should then be measured to this point

Extensive surveys were undertaken on the Bryansford Road in the vicinity of the proposed site access. These surveys were undertaken on the Bryansford Road on Thursday 4th and Friday 5th August 2022. These surveys were undertaken early in the morning between 08:00-09:00 which ensured there was no traffic parked on the development side of the Bryansford Road which could have impacted on the running line of the surveyed traffic. A marker was placed 500mm from the edge of the existing road kerb on the Bryansford Road.

The surveys confirmed that traffic drives along a line at least 600mm out from the kerb line, meaning that the edge of the running carriageway is removed from the actual kerb line.

Therefore the new access as proposed is at the same location but its design has changed slightly in terms of its width (now 7m) and radii (10 metres on both sides). The pedestrian crossing remains at the same location. A visibility Splay of 2.4 x 64.875m to the south-east (right hand side when emerging) and a splay of 2.4 x 70m to the north-west.

These are in excess of splays in accordance with DCAN15 (2.4 x 56.6m as explained above). The splays are measured from the edge of the running carriageway in accordance with DCAN15 which is 600mm from the kerb line as discussed above. Lisbane Consulting note that the splay to the south-east would be much larger but for the temporary hoarding that has been erected.

To conclude Lisbane Consulting are of the opinion that a visibility splay of 2.4x64.875m can be delivered to the south-east of the access and a splay of 2.4x70m can be provided to the north-west.

The letter of representation received from No.39 Shan Slieve and 1A Tullybrannigan Road refers to the narrowing of the Bryansford Road. DFI Roads are aware that the road width will be reduced, the betterment is in terms of the 2m wide footpath provided for pedestrians. DFI do not normally allow for reductions in road widths only where there is exceptional benefit to public safety.

Policy AMP2 of PPS3 states that permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where
(a) such access will not prejudice road safety or significantly inconvenience the flow of traffic and
(b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Bryansford Rd is not a protected route and so there is no conflict with Policy AMP3.

The access arrangements have previously been approved under the RM application and accepted that it complied with Policy AMP2.

This Section 54 application seeks to amend the access arrangements. The Access Report by Lisbane Consulting seeks to demonstrate that it will not prejudice road safety or significantly inconvenience the flow of traffic.

Policy AMP7 requires development proposals to provide adequate provision for car parking and appropriate servicing arrangements. This application does not alter the approved parking arrangements. The revised SMP submitted with this application demonstrates that the proposed servicing arrangements will ensure that the store will be serviced efficiently and safely.

DFI Roads have been consulted in terms of the new access arrangements. The Planning Department have also received representation in objection from Don Holdings in relation to the revised access arrangements and the surveys supporting the revised arrangements, DFI Roads are fully aware of the content of Don Holdings representation and have reviewed and commented on them. These will be considered if full below.

Condition 5

Required

No other development hereby permitted shall become operational until the road works indicated on Drawing No 01-02E bearing the date stamp 22/04/2021 have been fully completed in accordance with the approved plans.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the time

As above the altered access arrangements have been found to be acceptable by DFI Roads and therefore the condition shall be amended accordingly to refer to the amended drawing 01-02 Rev O. The requirement that the development does not become operational until the necessary road works have been completed in full in accordance with the approved plan remains applicable.

Condition 10

A Service Management Plan dated December 2017 was approved under the outline and reserved matters approvals.

A revised SMP submitted with the current application supports the amendments to the approved access under condition 3 above. It is proposed that the November 2023 SMP would supersede the approved SMP dated December 2017.

The revised report considers the measures to be implemented to ensure the servicing of the proposed development will be managed in a safe and efficient manner.

Car parking for 147 cars will be available in the surface car park to the front of the new store. This car park will be free of charge, well-lit and secure. There will be one vehicle access to the site at Bryansford Rd which will serve both customers and service vehicles. The existing access to the site from Shan Slieve Drive will be closed.

The food store will be serviced by one of the stores own articulated vehicles per day. The HGV will deliver goods from Lidl's Regional Distribution Centre (RDC) at Nutts Corner and any waste from the store will be taken back to the RDC in the same vehicle for recycling. Lidl will use their own drivers and HGVs to service the store and their drivers will therefore gain familiarity with the servicing operations and programme.

The potential for conflict with customers and pedestrian traffic is low because the food store will only have one delivery per day. Nevertheless, to minimise this the store will be serviced outside of both normal peak traffic hours (i.e. morning peak of 08:00-09:00 and evening peak of 17:00-18:00) and store opening hours (08:00-21:00). Servicing will be undertaken between the hours of 07:00-08:00 and 21:00-23:00. This accords with condition 12 of LA07/2021/0786/RM which states that deliveries shall not occur between 23:00 and 07:00. Deliveries will be made via the loading bay at the south of the food store building.

An operations manager will be appointed at the site. They will oversee and manage the servicing of the development and ensure it is completed as per the recommendations of this SMP.

Any service vehicle will not be permitted to park on the Bryansford Road.
All articulated vehicles exiting the site will head for Shimna Road.

DFI Roads have been consulted on the revised SMP and have commented as below.

First DFI consultation dated 14 June 2023 requested

- Details and Justification to include auto tracking that the reduction in access width and entry radii will accommodate the largest vehicle attending the site, without conflicting with traffic leaving the proposed site.

This information was submitted by the applicant. DFI were again consulted and responded on 02 July 2023 with no objections based on the following drawings and submitted information 01-02 rev M ,Aecom Speed survey, updated Service Management Plan, access report, agent letters, Planning, Design & Access Statement, updated autotracking.

Don Holdings (DH) registered a number of concerns on 26 July 2023, including the following:--

1. Speed Gun tests. To independently audit reports tabled by Lisbane Consultants, DH commissioned their own sample tests. Report [A] dated 14th June 2023.
2. Inaccurate dimensions as tabled with LIDL / Lisbane's Submissions. Report provided. Maintains evidence provided by independent surveyors LSS runs contrary to that submitted within the application. Report [B] dated July 2023.

DH requested that Council & DFI consider this submission preliminary until final LSS drawings are formally tabled.

At the time of writing no further information has been submitted for consideration by DH re Final LSS drawings.

3. Matters pertaining to LIDL's proposal to shift a hard-edge concrete kerb edge to a virtual kerb edge displaced 600mm towards the centre-line of the Bryansford Rd creates a particularly unusual precedent if and where this application is approved. No statistical percentile data base profiling has been provided, that accurately reflects the true width of all vehicles passing along the carriageway at this point

DH wished to alert Council that they were currently in the process of having previous LSS 2021 Topographical Survey exercises re-vouched and re-certified – with a view to release this exercise to Council & DFI in the near future for review. They wished this submission to be treated as preliminary. Report pending/ to be released Report [C]

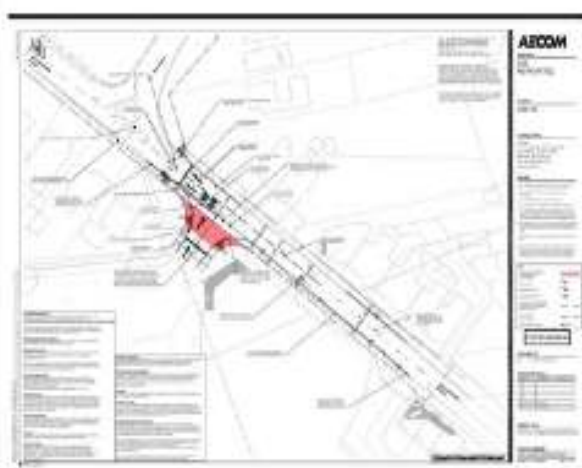
The Planning Department has received no further contact from DH from the date of this representation on 26 July 2023. It is noted above that Report C was pending at that time. The Planning Department have received nothing further to date.

DFI Roads were furnished a copy of this representation on the 27th July 2023 for their full consideration.

Further amendments dated 03 Nov 2023 were submitted showing the footway widened to 2m and splays of 54.6m (as per AECOM's speed survey report) drawn to the kerb, with slight adjustment to road lane widths but at a minimum width of 3.1m.



Site Layout 01-02 Rev O



PSD 0100 Rev P01

DFI responded on 08 January 2024 based on drawings 01-02 Rev O, PSD P01, Revised SMP dated Nov 2023 and representations received from Don Holdings and 38 Bryansford Road.

Dfi confirmed the width of adopted footway referred to in the representation letter is approximately 1.31m

Dfi Roads is satisfied with the new proposed sightlines of 2.4m by 56m based on the information provided within the two Automatic Traffic Counter speed survey's provided by AECOM and Lisbane consultants on behalf of the applicant, this type of survey is more reliable than a speed gun survey.

Dfi Roads is satisfied that the amended proposal is now providing a 2m adopted footway along Bryansford road which will improve safety for non-motorised users at this location.

Based on the above DFI Roads is satisfied with the amendments and would offer varied conditions.

DFI Roads were further consulted following a late representation from 39 Shan Slieve, this rep raised issue with the width of the public road. Other matters raised referred to an FOI which has no direct

bearing on the consideration of this application and can be dealt with by the Planning Office in due course.

DFI Roads responded to the matters raised in this rep and comment that "Dfi Roads notes the latest representation and previous comments remain applicable as the Department is satisfied that the amended proposal is providing a 2m adopted footway along Bryansford Road. This will improve safety for non-motorised users at this location with slight narrowing along the Bryansford Road which will still remain within acceptable design standards."

A further later rep was received by 1A Tullybrannigan Road, raising similar issue with the narrowing of the roadway. This has been addressed above.

Variation of conditions is recommended for the reasons given above.

Neighbour Notification Checked

Yes

Summary of Recommendation

Variation of conditions agreed.

Conditions

1. The development to which this approval relates must be begun by 23 November 2025

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans 01 Rev F, 01-02 Rev O, L-100 Rev E, L-101 Rev E, Revised Service Management Plan Nov 2023, PSD Rev 01 and the following drawings approved under LA07/2021/0786/RM 02-01, 02-02, 03-01, 03-02, S100, 0006, Bat Mitigation Plan April 2021, Landscape Management & Maintenance Plan March 2019, Travel Plan dated 19 December 2017, Noise Impact dated December 2017 and Lighting Impact Assessment Report dated 13 November 2017.

Reason: To define the planning permission and for the avoidance of doubt.

3. The vehicular access, including visibility splay and any forward sight distance, shall be provided in accordance with Drawing No **01-02 Rev O** and **PSD Rev 01** prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriage way and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4.The access gradients to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users

5.No other development hereby permitted shall become operational until the road works indicated on Drawing No **01-02 Rev O** and **PSD Rev 01** have been fully completed in accordance with the approved plans.

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the site are carried out at the time.

6.The net retail floorspace of the food store hereby approved shall not exceed 1338sqm. No goods or merchandise shall be stationed or displayed on the forecourt of the premises.

Reason: To control the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres

7. The food store hereby permitted shall be limited to the sale and display of convenience goods with the exception of an area not exceeding 268sqm of the total net retail floorspace that may be used for non-convenience retailing. Convenience goods for this purpose are hereby defined as the sale of:

- (a) food and drink including alcoholic drinks;
- (b) tobacco, newspapers, magazines and confectionery;
- (c) stationery and paper goods;
- (d) toilet requisites and cosmetics;
- (e) household cleaning materials; and
- (f) other retail goods as may be determined in writing by the Council as generally falling within the category of convenience goods or as generally being appropriate to trading in these premises.

Reason: To control the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

8.The food store hereby approved shall be operated as a single unit and shall not be subdivided without the prior permission in writing of the Council.

Reason: To control the nature, range and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres.

9. No internal operations including the installation of mezzanine floors shall be carried out to increase the gross retail floorspace available for retail use without the prior written consent of the Council.

Reason: To control the nature, range, and scale of retailing activity so as not to prejudice the continued vitality and viability of existing retail centres

10. The development hereby approved shall be operated in accordance with the approved Service Management Plan dated November 2023.

Reason: To ensure that adequate provision has been made for servicing and traffic circulation within the site.

11. The food store hours of opening shall be limited to hours of 08:00 - 01:00 Monday to Saturday and 13:00-18:00 Sunday as specified in Noise Impact Assessment dated December 2017.

Reason: To protect the amenity of neighbouring dwellings

12. Deliveries to the site shall not occur between the hours of 23:00 and 07:00 as specified in the Noise Impact Assessment, dated December 2017.

Reason: To protect the amenity of neighbouring dwellings.

13. A maximum of 2 mushroom vents shall be located as shown in Figure 2 page 5 of Noise Impact Assessment dated December 2017. Each unit shall not exceed a sound pressure level of dBLAeq at 5m. There shall be no additional external plant installed without prior consultation and agreement in writing with the Council.

Reason: To protect the amenity of neighbouring dwellings.

14. The acoustic screening as shown on Drawing No 01-02 Rev O shall be erected prior to operation of the food store and retained as such thereafter.

Reason: To protect the amenity of neighbouring dwellings

15. All Floodlighting on site shall be installed and maintained in accordance with the Lighting Impact Assessment Report dated 13 November 2017.

Reason: To protect the amenity of neighbouring dwellings

16. Floodlighting on site shall only operate within the hours of 07:00 to 23:00 and as specified on page 6 of the Lighting Impact Assessment Report dated 13 November 2017.

Reason: To protect the amenity of neighbouring dwellings

17. The approved Bat Mitigation Plan (BMP) shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise agreed in writing by the Council.

Reason: To protect bats.

18. The landscaping as indicated on Drawing No L-101 Rev E shall be managed and maintained in accordance with the Landscape Management and Maintenance Plan dated March 2019. Any changes or alterations to the approved landscape management & maintenance arrangements shall be submitted to and agreed in writing by the Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the landscaped areas in the interests of visual amenity.

19. The Travel Plan as submitted date stamped 19 December 2017 shall be implemented in line with the provisions set out within the Plan upon any part of the development hereby approved becoming operational.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling.

20. The development hereby approved shall not be occupied until the foul water and surface drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with the approved design.

Reason: In the interest of public health.

Informatives

1. This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.
2. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.
3. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of DFI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DFI Roads Section Engineer whose address is Newcastle Rd Seaforde. A monetary deposit will be required to cover works on the public road.
4. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
5. If during the course of developing the site the developer uncovers a pipe not previously evident, NI Water should be contacted immediately via Waterline 03457 440088. NI Water will carry out an investigation, and, provide guidance and direction in respect of any necessary measures to deal with this issue.
6. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Commercial or Industrial Developments. Pollution Prevention Guidance Discharges to the Water Environment Abstractions and Impoundments Water Management Unit would recommend the applicant refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Sustainable Drainage Systems All standing advice referred to unless otherwise stated can be found at the following link www.daera-ni.gov.uk/water-environment-standingadvice
7. The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for site drainage during the construction phase and operational phases of the development.
8. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.
9. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.
10. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
11. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
12. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Appointed Officer: A.McAlarney

Date: 29 April 2024

Statement to Planning Committee

on behalf of the Applicant, Lidl Northern Ireland

Proposed Food Store & Mountain Rescue Centre, Bryansford Road, Newcastle – Section 54
Application to Vary Conditions of LA07/2021/0786/RM relating to access, road works and
servicing arrangements (ref: LA07/2023/1926/F)

May 2024

1. The Applicant supports the Planning Department's recommendation to approve this Section 54 application for the variation of conditions 2, 3, 5 and 10 of reserved matters approval LA07/2021/0786/RM for a food store and mountain rescue centre at Bryansford Rd, Newcastle.
2. The Committee will be aware that the extant approval confirms the acceptability of the food store and the separate mountain rescue centre on the site.
3. The Committee will note that there has been extensive assessment of the issues, and the statutory consultee, DfI Roads has been closely involved in the assessments. It has confirmed that the arrangements will **"improve safety for non-motorised users"**. That is clearly a significant betterment for pedestrians in the area, and a very significant material consideration in this matter.
4. DfI Roads is also satisfied that the sightlines proposed are safe and satisfactory.
5. DfI Roads has also confirmed that the proposed lane widths on Bryansford Rd are to acceptable design standards.

6. The approved access to the site is from Bryansford Road. The adopted footway to the south-west of this is only approximately 1.3m wide and a third party has erected hoarding adjacent to it, which limits visibility from the access.
7. However, this application proposes amendments to the design of the approved access together with footway widening to the south-west of the access. The **proposed footway is 2m wide**, which satisfies design guidance because this allows enough space for two wheelchair users to pass.
8. AECOM Engineers have prepared a new Service Management Plan which demonstrates that the proposed development can still be safely serviced with the new access in place.
9. Their letter of 24th October 2023 concludes that the proposal complies with Planning Policy Statement 3 in that it will:
 - provide a safe access to the site with visibility splays to the required standard;
 - not significantly inconvenience the flow of traffic; and
 - enhance the surrounding pedestrian environment through the provision of (i) footways compliant with recommended standards and (ii) a controlled pedestrian crossing over Bryansford Road.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0346/O

Date Received: 17.02.2020

Proposal: Erection of 4 no dwellings.

Location: Land adjacent to and South of 3 and 25 Carnagat Park and North East of 22 and 24 Crannard Gardens, Newry, BT35 8SE.

Site Characteristics & Area Characteristics:

The site includes an 'L' shaped area within a maintained grassed area that slopes from southwest to the northeast and opens out on to Hospital Road. The area is surrounded by housing with car parking associated with Daisy Hill Hospital opposite the site. The site which is located within the Newry City development limited has been designated as committed Housing Zone NY 35.

Site History:

Application Number: P/1987/0647

Decision: Permission Refused

Proposal: Change of use of domestic garage to video-library shop

Application Number: P/1987/0187

Decision: Permission Granted

Proposal: New hip roof to existing domestic garage

Application Number: P/1987/0748

Decision: Permission Granted

Proposal: Replacement roofs to garages and porches

Application Number: P/1997/0893

Decision: Permission Granted

Proposal: Site for Housing Development (30 Dwellings)

Application Number: P/1998/4106

Decision: Permitted Development

Proposal: Extension

Application Number: P/1973/0152

Decision: Permission Granted

Proposal: proposed sub-station drawing no. Mc/t 5191

Application Number: P/1979/0169

Decision: Permission Granted

Proposal: proposed 33kv o/h line (drawing no. Cra 3132)

Application Number: P/1984/0618

Decision: Permission Granted

Decision Date: 17 September 1984

Proposal: site for housing development

Application Number: P/2001/1179/F

Decision: Permission Granted

Decision Date: 22 April 2002

Proposal: Erection of 2 no. dwellings to replace No. 32 Hospital Road, Newry

Application Number: P/2009/0278/F

Decision: Permission Granted

Decision Date: 26 October 2009

Proposal: Proposed residential development (14 no units) with associated site works

Application Number: P/2010/0484/F

Decision: Permission Granted

Decision Date: 01 April 2011

Proposal: Erection of 10 no dwellings

Application Number: P/2011/0608/LDP

Decision: Permission Refused

Decision Date: 17 October 2011

Proposal: Proposed extension to dwelling

Application Number: P/2011/1040/F

Decision: Permission Granted

Decision Date: 01 March 2013

Proposal: Extension to dwelling

Application Number: P/2013/0593/F

Decision: Permission Granted

Decision Date: 11 November 2014

Proposal: Erection of replacement dwelling (with demolition of existing dwelling known as No. 32 Hospital Road).

Application Number: LA07/2017/1335/DC

Decision: Approval

Decision Date: 21 September 2017

Proposal: Discharge of condition 10 "Access shall be afforded, as and when required, to any relevant authority, to the area of open space"

Application Number: LA07/2017/1333/DC

Decision: Approval

Decision Date: 21 September 2017

Proposal: Discharge of condition 10 "Access shall be afforded, as and when required, to any relevant authority, to the area of open space"

Application Number: LA07/2018/1537/DC

Decision: Application Invalid

Decision Date: 19 October 2018

Proposal: Discharge of condition No. 9 of planning approval P/2009/0278/F

Application Number: LA07/2022/1131/DC

Decision: Refusal

Decision Date: 21 October 2022

Proposal: Discharge of condition 9 on P/2014/0286/F

Planning Policies & Material Considerations:

Planning Act NI 2011

SPPS – Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry and Mourne Area Plan 2015

PPS 3 – Access, Movement and Parking

PPS 12 – Housing in Settlements

PPS 7 – Quality Residential Environments – Policy QD 1

PPS 7 - Safeguarding the Character of Established Residential Areas

PPS 15 – Planning and Flood Risk

PPS 6 – Planning Archaeology and the Built Heritage

Planning Policy Statement 2 – Natural Heritage

Planning Strategy for Rural Northern Ireland

Creating Places

DCAN 15 & Parking Standards

Consultations:

Environmental Health – no objection subject to compliance with conditions.

DFI Roads – following amended plans no objection subject to compliance with conditions.

NI Water – no objection subject to compliance with attached conditions.

NIEA – No objection subject to compliance with the attached condition.

DFI Rivers – no objections

Historic Environment Division – no objections.

Objections & Representations

15 neighbours notified on 31.08.2022 and the application was advertised in the press on 6th and 5th April 2022. 6 objections received and noted below.

Area of Objection

1. Area is already over developed and the green space should be left for residents' enjoyment.
2. Increase further traffic congestion due to the lack of parking.
3. Increase of pollution in the area.
4. Loss of open space
5. Social and environmental impact.

Consideration and Assessment:

Banbridge Newry and Mourne Area Plan 2015

The site is located within the development limit for Newry City. The site is also within committed housing zone NY 35 South-east of Carnagat Park. Newry and Mourne districts proposals Volume 3 remind the reader that the policy for the control of development on zoned sites is contained in policy SMT 2 in the Plan Strategy and Framework.

Policy SMT 2 – development on zoned land, confirms planning permission will be granted for the specified uses as well as any range of uses included within the Key Site Requirements and specified complimentary uses.

The plan does not stipulate key site requirements for committed sites because they are bound by the conditions attached to the original approval. The principle of housing is consistent with the land zoning and therefore in compliance with policy SMT 2. Further consideration of the details of the proposal will be assess below under the retained policies.

PPS7/SPPS/PSRNI/PPS12

With no distinct differences between the SPPS and PPS7 and PPS7 being the more prescriptive text, the lead policy consideration for the application will be policy QD1 of PPS7. New housing in settlements will be expected to meet the criteria tests (a-i) of policy QD 1 as discussed below;

- (a) The surrounding area is predominately residential and therefore a housing development at this site would respect the context of the area. This is consistent with the provisions of the area plan. The proposal includes a reduced scheme of 4 dwellings from the previous approval of 10 dwellings. The topography of the site is relatively steep and rises up from the public road. For this reason, retaining structures are required. I consider the reduced scheme to ensure that the layout of the buildings fit more comfortably in the site improving separation distances and reducing parking requirements. The scale and proportions of the buildings which are 2 storey and split level are modest and in keeping with the built form in the surrounding area. The landscaping is appropriate to the site and includes trees and a grassed open space area which helps soften the appearance of the hard surfaced areas. The retaining structures although necessary have been soften in appearance by the use of a green earth wall of Green terramesh or equivalent.
- (b) The site is within the consultation zone for Historic Monuments dept. of HED. HED (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements. The existing natural boundary to the south eastern of the site is to be retained.

- (c) The proposed dwellings will have at least 92sqm of private space which is well beyond the minimum standard. Whilst not required by policy, a substantial portion of public open space has been retained by the development. Tree planting has been proposed at the majority of the boundaries to help soften the impact and help integrate the development into the site.
- (d) Not applicable given the site's close proximity to the city centre.
- (e) The proposal would support walking and cycling and those with mobility so far as is practicable for the topography of the site. DFI Roads has no objections to the proposal subject to compliance with the attached conditions and the site is convenient to local transport links.
- (f) 2 in curtilage parking spaces have been made available for each dwelling which is consistent with the guidance contained in Parking Standards.
- (g) The form and materials consisting of red brick and pebbledash render is consistent with the surrounding built form and appropriate for the site. The design of the dwelling whilst simplistic is characteristic of the dwellings in the surrounding area.
- (h) The proposal is acceptable in terms of land use as proscribed by the extant Area Plan. Whilst the dwellings at Crannard Gardens are approximately 17.4m from the proposed dwellings, I consider the significant difference in levels and the fact that the dwellings in Crannard Gardens which sit higher than the proposed site are single storey, amenity is not compromised by either the proposed dwellings or existing dwellings. In terms of the proposed dwellings located closest to the Hospital Road, there are no perceived issues regarding residential amenity due to the spatial relationship with surrounding development.
- (i) The development is part of a larger residential development and overlooked by some degree to deter crime and promote personal safety.

The proposal is in general compliance with the above policy considerations.

Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas.

With a lower density than that previously approved in 2011 and a similar density to that found in the surrounding established residential area, I do not consider the proposal before the Council to represent a significant increase in density. The pattern of development is consistent with the built development along Carnagat Park, and the dwellings are consistent with the space standards set out in Annex A. The proposal is in general compliance with APPS7.

Planning Policy Statement 15

DFI Rivers has been consulted as part of the application. The Department has confirmed policies FLD1, FLD2, FLD4 and FLD5 are not applicable to the application. Following the submission of a drainage assessment DFI Rivers has no objection to policy FLD 3. I conclude the proposal to be in compliance with PPS 15.

Planning Policy Statement 2

Following the submission of a biodiversity checklist, ecological statement, lighting plan and an invasive species management plan (due to the presence of Giant Hogweed on site) Natural Environment Division of NIEA has no objections to the proposal. A negative condition is proposed to include a full invasive species management plan prior to the commencement of development.

Planning Policy Statement 3 and DCAN 15

Following amended plans, DFI Roads has no objections to the proposal in terms of PPS 3 / DCAN 15 subject to compliance with attached conditions and RS1 form. Parking of 2 vehicles per dwelling is considered acceptable for the scheme. Whilst parking to the side of the properties is preferred, weight has been given to the existing arrangements at Carnagat Park, where parking is mainly on street. I consider the in curtilage parking of this scheme albeit to the front of the properties an improvement to the surrounding context and on this basis content with the parking layout.

The application has been considered against a Habitats Regulation Assessment. Given the nature and the location of the proposed site with an adequate curtilage buffer separating it from any local watercourses, it's unlikely that there will be any significant impacts on the site features/conservation objectives of any European site, and further assessment is not required.

PPS 6 – Planning Archaeology and the Built Heritage

The site is within the consultation zone for Historic Monuments dept. of HED. HED (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements I concur with this position and am content the proposal is compliance with the above policy criteria.

Council response to objections

1. The development of the area has been considered in the Plan making decision and the site has been zoned for housing..
2. DFI Roads has no objection and each dwelling has two in curtilage parking spaces.
3. There is no evidence provided that the proposal would result in the increase of pollution to an unreasonable level.
4. The area has been zoned for housing in the extant Area Plan. The Planning system operates under a Plan – led system.
5. No evidence has been produced to confirm the proposal would result in a demonstrable social and environmental impact, if approved.

Recommendation:

Approval

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans; NM182-G-1-15, NM182-G-1-14a, NM182-G-1-14b, NM182-G-1-13 rev A, NM182-G-1-17, NM182-G-1-11 revB, NM182-G-1-12 rev C, NM182-G-1-12 PSD (rev C) and NM182-G-1-16 rev B.

Reason: To define the planning permission and for the avoidance of doubt.

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. NM182-G-1-12 PSD (rev C), bearing the date stamp 26 September 2022

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

4. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

5. The access gradient to the dwelling hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

6. No dwelling shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking (and turning) of private cars as shown on the approved plan.

Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users.

7. The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG300 of Design Manual for Roads and Bridges.

8. The development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure's Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

9. The Street Lighting scheme, including the provision of all plant and materials and installation of same, shall be implemented as directed by the Department for Infrastructure's Street Lighting Section

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

10. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwellings in accordance with the details on the approved plans.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

11. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

12. Prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site, to be agreed in writing by the Planning Authority.

Reason: To prevent pollution and to ensure public safety.

13. NIW public sewer/s traverse the development site. No construction to be made, trees planted or other obstruction permitted over this sewer, or within the permitted wayleave width. No development shall commence until the applicant has demonstrated to the satisfaction of the Council, that NIW are content that the proposed development will not affect this sewer, and sufficient drawings have been submitted, which clearly indicate the required wayleaves.

Reason: To prevent disturbance / damage to existing sewers and in the interest of public safety

14. The development hereby permitted shall not be occupied until the foul water drainage works on-site and off-site have been submitted to and approved by the relevant authority and constructed by the developer in line with approved design.

Reason: In the interest of public health.

15. The development hereby permitted shall not be occupied until the surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

Reason: To safeguard the site and adjacent land against flooding and standing water.

16. A detailed Landscape Management & Maintenance Plan shall be provided and agreed in writing by the Planning Authority prior to the occupation of the development. The Landscape Management Plan shall be implemented as approved.

This plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all communal open and landscaped spaces within the scheme, along with any private pathways (including between dwellings) and other hard surface areas. It shall cover existing landscaping (where applicable) and proposed planting. The plan shall show what arrangements have or will be put in place to ensure the proper and long-term management and maintenance of all aspects of the development. Such a plan shall normally cover a minimum period of 20 years.

If a management company is proposed to be used / employed, it shall be demonstrated what fall-back measures would be provided in the event of the management company breaking down (re. para. 5.19, part (iii) - Page 23 of the Department's Planning Policy Statement (PPS) 8: Open Space, Sport & Outdoor Recreation.

Reason: To ensure the successful establishment and long-term maintenance of public open space and landscaping in the interests of visual and residential amenity.

17. No development activity, including ground preparation or vegetation clearance, shall take place until an Invasive Species Management Plan (ISMP) has been submitted to and approved in writing by the Council. The approved ISMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved ISMP, unless otherwise agreed in writing by the Council. The Plan shall include the following:

- a. Site description
- b. Site management objectives
- c. Limitations and threats
- d. Control options
- e. Treatment plan
- f. Monitoring plan
- g. Verification reporting

Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site.

Case Officer: Ashley Donaldson 17/04/2024

Authorised Officer: Maria Fitzpatrick 23/04/2024



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2023/2048/O

Date Received:

January 2023

Proposal:

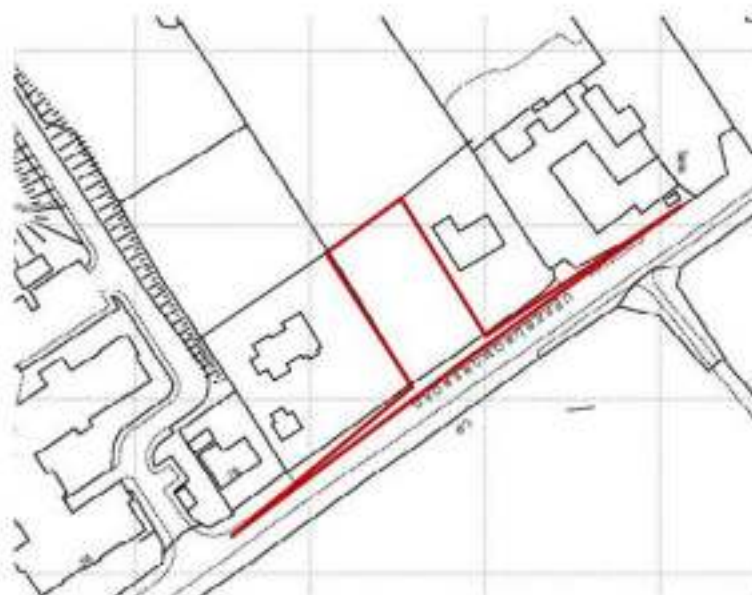
Proposed dwelling and detached garage (infill site) (renewal of LA07/2018/0785/O)

Location:

Approximately 50 meters North West of 78 Upper Dromore Road
Warrenpoint

Site Characteristics & Area Characteristics:

The site is located approximately 0.8 miles north-west of Warrenpoint Town Centre in an area which is classified as rural adjacent to the settlement development limit boundary of Warrenpoint / Burren. This area is also designated under Mourne Area of Outstanding Natural Beauty (AONB.) The site comprises a roadside portion of a larger field, fronting onto Upper Dromore Road which increases in level to the southwest. Two recently constructed 1 ½ storey dwellings bound the site to the north and south, Nos. 82 and 80 Upper Dromore Road respectively. Beyond No. 80 is a single storey roadside bungalow, No. 78 Upper Dromore Road and Carlingford Lodge Care Home further south-east. North-west of No. 82, there is an existing yard and farm style building group. The lands directly opposite the site, falls within the settlement development limits of Warrenpoint / Burren and is zoned for economic development.



Site location map

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Environment
- PPS 21: Sustainable Development in the Countryside
- Building on Tradition

Site History:

The historical records on this site go back to P/2013/0537/O by virtue of which outline permission was granted for a dwelling on a farm on 26/09/2013. The site location map associated with this approval encompassed both the site and adjacent field to the north-west. The corresponding reserved matters application P/2014/0040/RM for the erection of said dwelling and detached garage was subsequently approved on 14/02/2014.

Further to this, through application P/2014/0699/O, permission was sought for two infill dwellings – this site location map associated included the current site and adjacent field to the south-east, excluding the approved site area of P/2013/0537/O and P/2014/0040/RM. Approval was granted for one infill dwelling only on 17/07/2015. The corresponding reserved matters application LA07/2016/0442/RM was subsequently approved on 07/09/2016.

LA07/2018/0785/O sought approval for an infill dwelling and detached garage on land which formed part of the garden area as approved by between the approved P/2014/0669/O and LA07/2016/0442/RM. LA07/2018/0785/O was refused by the

Council on 15th April 2019 and subsequently approved by the PAC on 19th February 2020 – 2019/A0064.

The renewal application currently under consideration was submitted on 6th January 2023, which is prior to the expiry date, therefore the approval is extant, and is a material consideration, whereby the principle of development has currently been established.

Consultations:

- DfI Roads – No objections subject to conditions.
- NI Water – Recommended refusal as assessment has indicated network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed.

The Applicant was advised to consult directly with NI Water to ascertain whether an alternative drainage / treatment solution can be agreed whereby an Impact Assessment is required.

The agent has engaged with NIW whereby a waste water impact assessment application has been submitted (reference no. provided to the Planning Department), and remains ongoing between parties.

While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

- Environmental Health - No objections
- DfI Rivers – No objections as per Policies FLD 1-5 of PPS 15.
- HED HM - content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
- NIEA – WMU refer the Planning Authority to DAERA Standing Advice - Single Dwellings.

Objections & Representations:

4 neighbouring addresses were neighbour notified in March and April 2024.

The application was advertised in the local press on 22nd February 2023 and re-advertised on 10th April 2024.

No representations have been received to date (25.04.24)

Consideration and Assessment:

Section 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge

Newry and Mourne Area Plan 2015, the site lies outside any defined settlement and within the rural countryside outside Rostrevor. It also lies within a designated Area of Outstanding Natural Beauty (AONB). A determining material consideration in this case is current planning policy and in particular Planning Policy Statement 21 – Sustainable Development in the Countryside which is the determining policy in dealing with single dwellings in the countryside.

This application was received before the permission expired; thus the meets the legislative requirement, as set out in Article 3(5)(a) of the Planning (General Development Procedure) Order (NI) 2015 for consideration as a renewal of permission.

In consideration of a renewal application applicants/developers who are not in a position to commence development within the required timeframe may choose to apply for renewal of planning permission as the expiration of the time limit for implementation of the planning approval approaches. Under section 54(5) of the 2011 Act the time limit cannot be extended.

Under Article 3(5)(a) of the GDPO applications for such a renewal may be made simply by letter, referring to the existing planning permission.

In consideration of the above, there has been no material change in the planning circumstances since the original planning permission was granted in 2020, no new planning policies have been introduced, no new roads considerations and no publication of new planning policy guidance which would be material to the renewal application. The policy context remains the same whereby the application site constitutes a small gap site sufficient only to accommodate 1 dwelling within an otherwise substantial and continuously built-up frontage.

Planning Policy Statement 2 – Natural Heritage

The application site is within the Mourne Area of Outstanding Natural Beauty (AONB) Policy NH6 – Areas of Outstanding Natural Beauty (AONB) of PPS 2 must also be considered given that the proposal is situated within the Mourne AONB. It lays out the relevant criteria to be met by new development which must be of an appropriate design, size and scale for the locality. Given the nature of the proposal and in consideration of the existing adjacent properties whereby a precedent has been set, the Department is content the proposal complies with Policy NH 6. Given the planning history associated with the application site and the proposal's compliance with CTY 8 of PPS 21, the development of this site would not be considered contrary to NH 6, subject to consideration of matters reserved.

While this is an Outline application with no detailed plans, it is acknowledged that the proposal will not require the removal of any hedgerows/trees/vegetation given that the roadside boundary consists of a post and wire fence. Given the above and in

regard to NH 5 it is considered that the removal of this boundary will not result in any unacceptable impact or loss of any important habitat, due to its nature and condition.

Planning Policy Statement 3 – Access, Movement and Parking

DfI Roads issued a final response offering no objections subject to pre-commencement condition.

Summary

Having taken into account the relevant planning policies and as the circumstances and policy context have not changed and are all the same as the previously approved application, it is therefore deemed that this renewal is considered acceptable, subject to the conditions set out below.

Recommendation: Approval

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with drawing no. 3336 PL LP REV A.

Reason: To define the planning permission and for the avoidance of doubt.

3. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

5. The permission herein conveyed is granted solely as an alternative to the consent previously granted on 19th February 2020 under reference LA07/2018/0785/O (2019/A0064) for a dwelling comprising the application site. This consent is not a permission to create an additional dwelling and it may only be implemented in substitution of the previous permission referred to above.

Reason: To ensure that only one dwelling is created on the site.

6. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. These works shall be completed prior to any other development commencing.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

7. The dwelling and garage hereby permitted shall be sited in and its curtilage restricted to the area shown shaded green on drawing no. 3336 PL LP REV A.

Reason: To ensure that the proposal is in keeping with the character of this designated Area of Outstanding Natural Beauty and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

8. The dwelling and garage hereby permitted shall have a ridge height not exceeding 6m above finished floor level and underbuilding shall not exceed 0.45m.

Reason: To ensure that the proposal is in keeping with the character of this designated Area of Outstanding Natural Beauty and satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

9. Any application for approval of reserved matters shall include plans indicating floor levels of the proposed dwelling and garage in relation to existing and proposed ground levels, all in relation to an identified datum point on Upper Dromore Road and cross sections through the site.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

10. No development shall take place until there has been submitted to and approved by the Planning Authority a landscaping scheme showing hard and

soft landscaping, including trees and hedgerows to be provided along the boundaries of the proposed curtilage shown shaded green on drawing no. 3336 PL LP REV A, including to the rear of the visibility splays, the location, numbers, species and sizes of trees to be planted within the site during the first planting season after the dwelling is occupied. Trees or shrubs dying, removed or becoming seriously damaged shall be replaced during the next planting season with others of a similar size unless the Planning Authority gives written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

11. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council.

Reason: To ensure the appropriate foul and surface water drainage of the site.

12. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 11, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

Case Officer Signature: Eadaoin Farrell



Date: 25.04.24

Appointed Officer Signature: M Keane

Date: 25-04-24

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/2407/F	Target Date:
Proposal: PROPOSED SUBDIVISION TO EXISTING APARTMENT TO FORM 2 APARTMENTS + CHANGE OF USE OF STORE TO 1 APARTMENT WITH AMENITY SPACE OFF EXISTING ALLEYWAY	Location: 3 CHURCH STREET DEMESNE OF DOWN ACRE DOWNPATRICK DOWN BT30 6EH
Applicant Name and Address: KEVIN ROGAN 180 DUNMORE ROAD BALLYNAHINCH BT24 8QQ	Agent Name and Address: COLETTE MAZE 5 Wateresk Road DUNDRUM Dundrum BT33 0NL
Date of last Neighbour Notification:	05 June 2023
Date of Press Advertisement:	17 May 2023
ES Requested: No	
Consultations: see report	
Representations: None	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report	
Site Location Plan: 3 Church Street, Demesne Of Down Acre, Downpatrick.	
	
Date of Site Visit: 7 th September 2023	
Characteristics of the Site and Area <p>The application site was formerly known as Central Bar located within the town centre of Downpatrick. The building is three storey and is attached to Fitzpatrick's bar to the northside. To the south is a gated entry and adjacent to this is an off licence. The ground floor front elevation has a centralised pedestrian door with two large windows on either side with residential accommodation on the first and second floors. The first and second floors have 3 vertically emphasised pvc windows which face onto Church Street. The walls are finished in painted render with quoins at each corner. The site backs onto a public car park. The site lies within the Downpatrick Conservation Area and also lies within the AONB.</p> <p>The area is characterised by a mixture of land uses ranging from retail, restaurants, banking, residential and other businesses. It is noted that a portion of the site fronts onto a Council owned public carpark. The site is located within a Conservation Area, Area of Archaeological Potential and Area of Outstanding Natural Beauty. The site is located within close proximity to listed buildings.</p>	
Description of Proposal <p>Proposed subdivision to existing apartment to form 2 apartments + change of use of store to 1 apartment with amenity space off existing alleyway.</p>	
Planning Assessment of Policy and Other Material Considerations	

The application site is located within the settlement of Downpatrick. The site is located within a Conservation Area, Area of Archaeological Potential and Area of Outstanding Natural Beauty.

The application is assessed using the following policies:

Ards and Down Area Plan 2015

Regional Development Strategy (RDS)

Strategic Planning Policy Statement (SPPS)

PPS 3 – Access, Movement and Parking

PPS 6 – Planning Archaeology and the Built Environment

PPS 7 – Quality Residential Environments

PPS 7 – Addendum Safeguarding the Character of Established Residential Areas

PPS 12 – Housing in Settlements

Guidance

Creating Places

Development Control Advice Notes -

DCAN 8 Housing in Existing Urban Areas

DCAN 15 Vehicular Access Standards

Parking Standards

PLANNING HISTORY

Planning

Application Number: LA07/2022/0063/F

Decision: Permission Granted

Decision Date: 10 March 2022

Proposal: Proposed Alterations to Existing Windows. Plaster repair and painting to Front Elevation of existing Public Bar (The Central bar)

Surrounding area

Application Number: R/1989/1065

Decision: Permission Granted

Proposal: Change of use from shop to amusement arcade

Application Number: R/1990/0346

Decision: Permission Granted

Proposal: Facade alterations to dwelling and replacement cuppola

Application Number: R/1986/0758

Decision: Permission Granted

Proposal: Change of use from cake shop to coffee lounge.

Application Number: R/1992/0302

Decision: Permission Granted

Proposal: 2 shop fronts

Application Number: R/1994/0456

Decision: Permission Granted

Proposal: Facade Alteration

Application Number: R/1994/0663

Decision: Permission Granted

Proposal: Change of use to Hot Food Take-Away and alterations to front façade

Application Number: R/2003/1223/F

Decision: Permission Granted

Decision Date: 30 September 2004

Proposal: Change of use from shop/dwelling to shop on ground floor with two apartments above.(8 Scotch Street)

Application Number: R/2005/1171/F

Decision: Withdrawal

Decision Date: 21 September 2006

Proposal: Change of use including alterations to provide off-licence. (6 Scotch Street – Quoile Tavern)

Application Number: R/2007/0391/F

Decision: Permission Granted

Decision Date: 13 August 2007

Proposal: Change of use from shop to extension to Public House with alterations to Public House (6-8 Scotch Street)

Application Number: R/2007/1059/F

Decision: Permission Granted

Decision Date: 26 June 2009

Proposal: Alterations to 2no. hot food carryout shops to form restaurant with hot food carryout facility with rear extension and 3 apartments.(10 & 12 Scotch Street)

Application Number: R/2011/0320/F

Decision: Permission Granted

Decision Date: 05 April 2012

Proposal: Change of use from public house lounge and toilets to adult gaming and amusements lounge (8 Scotch Street)

Application Number: LA07/2020/1569/DCA

Decision: Consent Granted

Decision Date: 14 May 2021

Proposal: Demolition of roofs and internal walls to rear

Application Number: LA07/2021/0274/F

Decision: Permission Granted

Decision Date: 14 May 2021

Proposal: Renovation of existing adjoining yard to provide Beer Garden for existing Public House. New doorway between existing Bar & proposed Beer Garden.

Application Number: LA07/2022/0910/F

Decision: Under Consideration

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

Application Number: LA07/2022/0912/DCA

Decision: Under Consideration

Proposal: Demolition of vacant buildings (already partially demolished with approval) at 10-12 Scotch Street including facade

Application Number: LA07/2022/1079/F

Decision: Permission Granted

Decision Date: 31 January 2023

Proposal: Change of use of former bar to off-licence, storage area, additional toilets and link to existing Fitzpatrick's bar plus changes to previously approved beer garden (LA07/2021/0274/F).

Application Number: LA07/2023/2826/NMC

Decision: Under consideration

Proposal: change of position of toilets & storage areas to rear of premises opening into beer garden

Application Number: LA07/2023/3247/F

Decision: Pending

Decision Date: Pending

Proposal: changes to existing planning approval LA07/2022/1079/f @ rear of building; re-arrangement of servery, toilets & storage areas to beer garden.

Enforcement – surrounding area

Application Number: R/2008/0199/CA

Decision: Consent Granted

Decision Date: 26 June 2009

Proposal: Demolish internal walls within number 10. Demolish internal walls within 12 & roof to single storey return.

Consultations:

NI Water – Statutory Response – Refusal while the WwTW are currently available to serve this proposal, there are capacity constraints. A waste water impact assessment has been submitted for the proposal.

Historic Environment Division – No objections

Environmental Health – No further objections subject to recommendations regarding noise

DFI Roads – No objections provided planning are content with the parking arrangements.

Objections & Representations

In line with statutory requirements neighbours have been notified on 05/06/2023. The application was advertised in the Down Recorder on 17.05.2023.

No letters of objection/support have been received in relation to the proposal.

Consideration and Assessment:

The Regional Development Strategy 2035 (RDS) acknowledges that housing is a key driver of physical, economic and social change and emphasises the importance of the relationship between the location of housing, jobs, facilities, services and infrastructure. The RDS recognises that there are significant opportunities for new housing on appropriate vacant and underutilised land and sets a regional target of 60% of new housing to be located within appropriate 'brownfield' sites within the urban footprint of sites greater than 5000 population.

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. The provision of amenity space within a proposed new development is a design consideration that falls within this section of the SPPS.

Planning Policy Statement 7 Quality Residential Environments

The proposal is therefore assessed against the criteria under the listed criteria A-L under Policy QD1 of PPS 7.

Specific policy relating to the provision of private open space in residential development can be found in Policy QD1 of PPS7. It states that planning permission will be granted for new residential development where it is demonstrated that the proposal will create a

quality and sustainable residential environment. It goes on to state that all such proposals will be expected to conform to a series of criteria. Criterion (c) is that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is anticipated that all new residential units are provided some level and form of private amenity space.

The application is for 3no. apartments on the first and second floors above what was formerly the Central Bar. There is an existing use of residential on the first and second floors. Apartment 3 involves the change of use from an existing storage area to residential accommodation. The proposal involves a layout to accommodate all 3 apartments. No new windows are proposed to the rear due to the location of the beer garden associated with Fitzpatrick's Bar (approved under LA07/2023/3247/F). New roof lights are proposed and new windows to the side alleyway. There is ground floor access to the apartments via an existing door which leads onto Church Street. The existing access to first floor from the communal hallway is to be retained with 2 apartments (1bed) on 1st floor & 1no. apartment (1bed) on 2nd floor.

Addendum to Planning Policy Statement 7 - Safeguarding the Character of Established Residential Areas

Policy LC 2 The Conversion or Change of Use of Existing Buildings to Flats or Apartments is also relevant to the proposal. Planning permission will only be granted for the conversion or change of use of existing buildings to flats or apartments (including those for multiple occupancy) where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- (a) there is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area;
- (b) the proposal maintains or enhances the form, character and architectural features, design and setting of the existing building;
- (c) the original property is greater than 150 square metres gross internal floorspace;
- (d) all flats or apartments are self-contained (i.e. having separate bathroom, w.c. and kitchen available for use only by the occupiers); and
- (e) the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street.

There will be provision for a shared bin store, amenity area and a secondary escape route for the rear apartment onto the shared alleyway. This will be accessed directly from Church Street. The agent was asked to look at the internal layout of apartment 3 given

that the only source of light to the living area was through rooflights and one escape door, while this layout provides for an additional window for the living area, the only bedroom relies solely on rooflights.

Given the historical use of residential accommodation on the upper floors and the addition of this 3rd apartment, it is deemed that the proposal meets the minimum requirements and is, on balance, acceptable. The apartments are of a suitable size and in line with Policy LC1 (c) of APPS 7- Annex A – Space Standards . There is adequate amenity space provided and given that the windows are directed toward the alleyway, there would be no overlooking, overshadowing or lack of privacy for either proposed or existing neighbouring properties.

Environmental Health have been consulted with regard to amenity issues including noise or odour and they note the proposed development is located in close proximity to the public house and a main road. Care should be taken to ensure future occupants of the apartments are not adversely impacted by noise. Environmental Health would therefore request that a condition is attached to any planning permission granted so that future occupiers of the development are not adversely affected by noise and that any noise mitigation measures as per the plan can be implemented.

Parking

Policy AMP7 of Planning Policy Statement 3 relates to car parking and service arrangements and states that development proposals will be required to provide adequate provision for car parking. The proposal is for 3 one bedroom flats. Creating Places requires 1.25 unassigned spaces for a one bedroom apartment which is 3.75 spaces in total. The proposal does not involve any in curtilage car parking. Historically no parking is associated with the existing residential accommodation. Policy AMP7 continues to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in certain circumstances. There is on street parking within walking distance and a public carpark to the rear of the site. While there cannot be a reliance on public car parks to provide parking for private housing developments, given the scale of this proposal along with history of no parking associated with the site and given its location within the town centre location where there is access to public transport, then on balance the parking arrangements are considered acceptable. This scheme in terms of the required level of parking can be distinguished from LA07/2022/0910/F (same applicant) due to the scale of the scheme.

PPS 6 – Planning Archaeology and the Built Heritage

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage sets out planning policy for the protection and conservation of archaeological remains and features of the built heritage.

The potential impact of the proposal on the archaeological heritage of the site needs to be assessed. The application site is within the Area of Archaeological Potential as designated within the Ards and Down Area Plan 2015.

HED (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. The proposed scheme will not impact upon any buried or upstanding archaeological remains of the historic settlement.

HED – Historic Buildings were also consulted and have considered the application in terms of its impact on listed buildings in the immediate vicinity including impact on HB18/19/001 Down Arts Centre (former Assembly rooms), which is a Grade B1 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. The proposal satisfies the requirements of SPPS para 6.12 & PPS6 Policy BH11 as, based on the information provided, it appears there are no alterations to the exterior, although services will be required with change of use (drainage and ventilation). Provided these can be concentrated to the rear of the building, the scheme poses no greater demonstrable harm to the setting of the listed building.

Conservation Area

The site is located within the Conservation Area of Downpatrick. The boundary of the Conservation Area is as detailed below.



Policy BH 12 New Development in a Conservation Area from PPS 6 – Planning Archaeology and the Built Environment details that the Department will normally only permit development proposals for new buildings, alterations, extensions and changes of

use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents

Given that there are no changes to the external appearance of the front facade with only minor changes to the rear including the introduction of rooflights, a repositioned window at first floor level and an escape door. The proposal would comply with BH12 of PPS 6.

Other matters

NI Water have confirmed that while the WwTW are currently available to serve this proposal, there are capacity constraints. A waste water impact assessment has been submitted for the proposal. On this basis it is important to put a negative condition on any decision notice, that no development commences until the upgrade has begun, and NIW have agreed to a connection.

The application is subject to Planning Committee agreement on imposition of negative planning conditions to address NIW concerns.

Conclusion:

Taking into account all material considerations and positive responses from all consultees the proposal complies with relevant planning policies and it is recommended that the application be approved, subject to conditions as detailed below.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:

site location and site plan CKA-23-571-01

proposed ground & first floor plans - CKA-23-571-04a REV C

proposed second floor plans & Elevations - CKA-23-571-04c REV C

Reason: To define the planning permission and for the avoidance of doubt.

3. The development hereby approved shall not commence on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

Reason: To ensure the appropriate foul and surface water drainage of the site.

4. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 4, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure the appropriate foul and surface water drainage of the site.

5. No part of the development hereby permitted shall be occupied until all noise mitigation measures have been implemented as per drawing CKA - 23- 571- 04c rev C dated February 2024.

Reason: In the interest of residential amenity

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Neighbour Notification Checked	Yes
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Summary of Recommendation - Approval

Case Officer Signature: C Moane	Date: 05 April 2024
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Appointed Officer: A.McAlarney	Date: 05 April 2024
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Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2543/O	Target Date:
Proposal: Proposed 2no infill dwellings and garages	Location: Immediately SW of 99 Bryansford Road, Kilcoo, Newry, BT34 5LN
Applicant Name and Address: Ryan Murray 18 Slievenagarragh Hilltown BT345BF	Agent Name and Address: Declan Rooney 32a Bryansford Avenue Newcastle bt330lg
Date of last Neighbour Notification:	19 June 2023
Date of Press Advertisement:	14 June 2023
ES Requested: No	
Consultations: DfI Roads Northern Ireland Water (NIW)	
Representations: No representations or objections have been received from neighbours or third parties of the site.	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues: Principle of two infill dwellings	

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site is located along the minor Bryansford Road Kilcoo and is comprised of a roadside field approximately 0.3ha in size. The site slopes steadily upwards away from the road in a south-easterly direction. It is defined at the roadside by a grass verge and cut hedgerow with a number of trees. The remaining boundaries are defined and post and rail/ wire fence with low hedging.



The site is located within rural area and Area of Outstanding Natural Beauty (AONB) as designated in the Ards and Down Area Plan 2015. The character of the area is typically rural and predominantly used for agriculture, there are however a number of single dwellings and farm groups dispersed throughout the area.

Description of Proposal

Proposed 2no infill dwellings and garages

Planning Assessment of Policy and Other Material Considerations

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS2, 3, and 21 (CTY 8, 13 and 14), in addition, to the history and any other material consideration.

PLANNING HISTORY

There is no previous history on the site.

SUPPORTING DOCUMENTS

The application has been supported with the following

- P1 Application Form
- Design and Access Statement
- Site Location Plan
- Concept layout plan

CONSULTATIONS

Consultations were carried out with DfI Roads and Northern Ireland Water (NIW) no objections have been received.

REPRESENTATIONS

No representations have been received from neighbours or third parties of the site.

EVALUATION

Section 45(1) of the Act requires regard to be had to the Local Development Plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) of the Act states that where regard is to be had to the LDP, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Ards and Down Area Plan 2015 (ADAP) operates as the local development plan (LDP) for the area where the appeal site is located. In ADAP, the site is located in the countryside and outside of any settlement limit or special countryside area defined in the plan. There are no other provisions in the ADAP that are material to the determination of the application.

The Strategic Planning Policy Statement 'Planning for Sustainable Development for Northern Ireland' (SPPS) sets out the transitional arrangements that will operate until such times as the local Council adopts a Plan Strategy for the whole of the Council area. As no Plan Strategy has been adopted for the Newry, Mourne and Down District Council area, both the SPPS and the retained Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) and Planning Policy Statement 2 'Natural Heritage' (PPS 2) apply. In line with the transitional arrangements, as there is no conflict or change in policy direction between the provisions of the SPPS and retained policy, PPS 21 provides the policy context for determining this application.

Policy CTY 1 and 8

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are stated. One of these is a small gap site in accordance with Policy CTY 8 of PPS 21.

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception to the policy will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

To establish whether the site represents an infill opportunity, it is first necessary to determine whether it is within an otherwise substantial and continuously built-up frontage. Policy CTY8 advises a substantial and built-up frontage is a line of 3 or more buildings along a road frontage without accompanying development to the rear. In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane. In this case No 97 Bryansford Road and the adjacent out-building to the south-west, which the proposal is relying on, do not share a frontage with Bryansford Road, given that they are separated from the road by agricultural land. The curtilage of No.97 does not adjoin the Bryansford Road.

The site is not therefore an exception to policy in that it is not located within an otherwise substantial and continuously built-up frontage.

Policy CTY 1 of PPS 21 goes on to state that other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a nearby settlement. No evidence has been provided of any overriding reasons to demonstrate why the development is essential and could not be located in a nearby settlement.

As the proposed development would fail to meet the requirements of Policy CTY 8 of PPS 21 and it has not been demonstrated that it is essential in this location, the proposal is not acceptable in principle in the countryside and fails to meet the requirements of Policy CTY 1 of PPS 21.

CTY 14 – Rural Character

This policy states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of and area.

A new building will be unacceptable where:

- (A) It is unduly prominent in the landscape; or
- (B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (C) It does not respect the traditional pattern of settlement exhibited in that area; or
- (D) It creates or adds to a ribbon of development

<p>As it has been deemed above that the proposal would not meet the infill policy of CTY 8, it follows that the proposal if approved would create a ribbon of development along this section of Bryansford Road when read with Nos 97 and 99 Bryansford. For this reason, the Council consider the proposal to be contrary to CTY 14 of PPS 21.</p>	
<p>Drawings</p> <p>The Drawings considered as part of this assessment are as follows A01 REV A and C01 REV A</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation</p> <p>REFUSAL</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site is not located within a substantial and continuously built up frontage. 3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if approved, it would create a ribbon of development. 	
Case Officer Signature: C Cooney	Date: 6 February 2024
Appointed Officer: A.McAlarney	Date: 12 February 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures

Date

Reference	LA07/2022/2543/O
Location	SW of 99 Bryansford Road, Kilcoo
Proposal	2no infill dwellings and garages.

Response to Refusal Reasons

This is an application for an infill development consisting of 2no dwellings and garages in accordance with Policy CTY8.

The application has been recommended for refusal by the planning department as they consider the gap site is not located within a substantial and continuously built up frontage, therefore contrary to Policy CTY 1, 8 and 14. This is a result of the Department not accepting that nos. 97 and the outbuilding to the south west as having frontage to the road, as they consider agricultural land to separate the buildings from the road.

It is our assertion that the gap site is within a substantial and continuously up frontage, which comprises of no.101 Bryansford Road, 99 Bryansford Road following by the gap site and no.97 Bryansford Road and outbuilding to the southwest.

The images shows the proposed site layout and how the gap site can accommodate the two dwellings. As we can see the buildings either side of the gap site all have a frontage to the road.

The first question that the refusal reasons have raised is whether or not agricultural land prevents a building having a road frontage.

The Planning Department consider that no.97 and the outbuilding building to the south-west do not present a frontage onto the laneway as agricultural land separates it.

In terms of dealing with the departments view that the agricultural land prevents buildings from having a frontage to the road, it is a widely accepted principle by both the PAC and the Planning Authority, that where agricultural land exists between the building and the road, **this does not preclude it from being counted as a building within the frontage** (see for example recent decisions made by both the Council and PAC LA07/2020/0988/O; 2016/A0082; 2018/A0183).

It is common for agricultural out buildings sited within agricultural field to form part of a road frontage, however with the Department adopting this alternative view it essentially says that all buildings situated within a field do not count towards the frontage as there would be a field between it and the road.

The outbuilding to the south-west has a direct frontage onto the road, therefore forms part of the substantial and continuously built-up frontage.

The second question which the case officers report raises is whether or not the plot of no.97 extends to the road.

The Department's assertion that the curtilage of no.97 does not join the road has been rebutted by the owner of this property- Mr. Francis Morgan

The area to the front of no.97 (shaded red) has been described as agricultural land by the Department, however Mr. Morgan has confirmed that this is the front garden area of no.97, and he recollects time spent playing in this garden as a child. Mr. Morgan has provided a signed statement which confirms this.

This statement reads:

"I, Francis Morgan, own the property at no. 97 Bryansford Road, Kilcoo, BT 34 5LN (hereby known as no.97). I inherited this property of my uncle, Hugh Morgan, in April 1984. The plot of no.97 has always extended to the roadside, the area shaded red on the attached image (Figure 1) was always known and used as the front garden of no.97. The front garden was accessed via a domestic gate from the house. There was no other means of access to it. I remember visiting the property as a child and I would play in the front garden with my family. The garden was not used as an agricultural field"

This was provided to the Case Officer before the scheme of delegation list had been published however the case officer recommend addressing this matter via the call in process.

The Department have assumed this to be agricultural land without any clarification requested from the applicant. Given the length of time the application has been in the system (over 9 months), it would have been reasonable to offer the applicant this chance to address this. We are now requesting that the committee offer this material consideration appropriate weight in the determination of this application.

It is our assertion that the plot of no.97 includes the front garden area, which extends to the roadside and therefore shares a boundary with the road, forming part of the substantial and continuously built up frontage.

To conclude, the Department's assertions that agricultural land precludes a building from fronting onto the road is at odds with recent PAC decisions as well as Council decisions. The outbuilding has a direct frontage to the road therefore is considered to count towards a building within a continuously built up frontage.

The area to the front of no.97 which the council allege to be Agricultural land has been proven to be the garden area of no.97 by the owner of this property.

The proposed gap site therefore consists of 101 Bryansford Road , 99 Bryansford Road , The gap site, 97 Bryansford Road, and The outbuilding to the south west.

This represents a suitable gap site, capable of accommodating up to two dwellings.

The application therefore conforms to Policy CTY8 of PPS21, it therefore falls that CTY 1 and 14 are also addressed.

Francis Morgan

57 Bryansford Road
Cabra
Newry
Co. Down
BT345RD

I, Francis Morgan, own the property at no. 97 Bryansford Road, Kilcoo, BT 34 5LN hereby known as no.97). I inherited this property of my uncle, Hugh Morgan, in April 1984. The plot of no.97 has always extended to the roadside, the area shaded red on the attached image (Figure 1) was always known and used as the front garden of no.97. The front garden was accessed via a domestic gate from the house. There was no other means of access to it. I remember visiting the property as a child and I would play in the front garden with my family. The garden was not used as an agricultural field.

Kind regards,

Francis Morgan






Figure 1.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/0910/F	Target Date:
Proposal: Demolition of existing derelict building in conservation area and replacement with proposed building incorporating 6 apartments with amenity space. New boundary wall to rear of building and link to existing alleyway leading to Church Street.	Location: 10-12 Scotch Street Downpatrick
Applicant Name and Address: CBD Developments Ltd 180 Dunmore Road Ballynahinch BT24 8QQ	Agent Name and Address: 5 Wateresk Road Dundrum Newcastle BT33 0NL
Date of last Neighbour Notification:	5 July 2022
Date of Press Advertisement:	12 April 2023
ES Requested: No	
Consultations: see report	
Representations: see report	
Letters of Support	0.00
Letters of Objection	2
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report	
Site Location Plan: 10-12 Scotch Street Downpatrick.	
	
Date of Site Visit: 20 th April 2023 and 26 th January 2024	
Characteristics of the Site and Area <p>The site is located along the pedestrianised Scotch Street and is located approximately half way along the street on the northern side. The building is two storey and forms part of a terrace of two and three storey buildings along Scotch Street. The building had previously been used for business on the ground floor and living accommodation above but is currently vacant and in a state of disrepair. The rear return has previously been demolished and is currently secured off at the rear close to a council owned public car park.</p> <p>The proposal lies inside the settlement limit for Downpatrick, within both the Town Centre and Primary Retail Core. It is also within the Downpatrick Conservation Area.</p>	
Description of Proposal <p>Demolition of existing derelict building in conservation area and replacement with proposed building incorporating 6 apartments with amenity space. New boundary wall to rear of building and link to existing alleyway leading to Church Street.</p>	
Planning Assessment of Policy and Other Material Considerations	

The following documents have been taken into account:

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 3 - Access, Movement and Parking

PPS 6 – Planning Archaeology and the Built Environment

PPS 7 – Quality Residential Environments

PPS 7 – Addendum Safeguarding the Character of Established Residential Areas

PPS 12 – Housing in Settlements

Guidance

Downpatrick Conservation Area Guide (March 1985)

PLANNING HISTORY

Planning

Application Number: LA07/2022/0912/DCA

Decision: Pending

Proposal: Demolition of vacant buildings (already partially demolished with approval) at 10-12 Scotch Street including facade

Location: 10-12 Scotch Street

Application Number: LA07/2020/1569/DCA

Decision: Conservation Area Consent Granted

Decision date: 13/05/2021

Proposal: Demolition of roofs and internal walls to rear

Location: 10-12 Scotch Street

Application Number: R/2007/1059/F

Decision: Permission Granted

Decision Date: 25/06/2009

Proposal: Alterations to 2no. hot food carryout shops to form restaurant with hot food carryout facility with rear extension and 3 apartments.

Location: 10-12 Scotch Street

Application Number: R/2008/0199/CA

Decision: Conservation Area consent granted

Decision Date: 25/06/2009

Proposal: Demolish internal walls within number 10. Demolish internal walls within 12 & roof to single storey return.

Location: 10-12 Scotch Street

Application Number: R/1994/0663

Decision: Permission granted

Decision Date: 25/05/1995

Proposal: Change of use to hot food take way and alteration to front façade

Location: 10 Scotch Street

Application Number: R/1986/0758

Decision: Permission Granted

Decision Date: 10/11/1986

Proposal: Change of use from cake shop to coffee lounge

Location: 10-12 Scotch Street

Application Number: R/1992/0302

Decision: Permission Granted

Decision Date: 05/06/1992

Proposal: 2 shop fronts

Location: 10-12 Scotch Street

Enforcement

Application Number: LA07/2024/0073/CA

Proposal: Unauthorised Change of Use from Barbers to residential

Location: 16 Scotch Street

Consultations:

DFI Roads – No objections subject to Planning content with on street parking

NI Water – Refusal

Development Plan – Non-Committal

Historic Environment Division (Historic Buildings) – No objections

Historic Environment Division (Historic Monuments) – No objections subject to conditions

Environmental Health – further information required

Objections & Representations

In line with statutory requirements, neighbours have been notified on 21/06/2022. The application was advertised in the Down Recorder on 29/06/2022 and again on 12/04/2023. Two objections have been received. These are the main points from the letters which are available to view on the planning portal.

Philip Campbell Downpatrick Town Committee - objects

Downpatrick Town Committee is objecting on the basis that the submitted proposals are not in keeping with the Downpatrick Conservation Area Guide. The Committee would raise concerns that the applications do not comply with:

- 6.6 Where permission is sought to demolish or alter a building which has been listed under the Planning (Northern Ireland) Order 1972 as being of special architectural or historic interest, or to demolish any other building, it will be necessary to demonstrate that such works would in themselves be an

enhancement or that they are required for overriding and exceptional reasons relating to the development of the area.

- 6.9 Changes of use necessitating a planning application which are likely to have an adverse effect on land or buildings which contribute significantly to the character of the Conservation Area will not normally be permitted.

Neale Weir QUOILE TAVERN -objects

Comment: objects to the proposal on the following grounds:

*Conservation area - This would constitute loss of continuous retail frontage in a conservation area

* Detrimental to Regeneration Plans - NMD council and the Dept of communities have on-going plans to regenerate parts of Downpatrick and Scotch Street has been identified as a potential beneficiary of these plans. Removing further commercial spaces could run contrary to such works.

* Effect on local businesses - Ground floor apartments cannot replace commercial units in terms of footfall potential

*Traffic - Despite being a pedestrianised street Scotch Street (a street flanked by 2 car parks) has now become a car park in its own right after 6pm, particularly by ground floor dwellers (as the owner of No.6 Scotch Street I am qualified to make this observation)

* Conservation Area Fabric - The buildings of Scotch Street are very old, losing any building is a veritable loss to the conservation area's architectural fabric and heritage.

* Domino effect - If commercial-to-residential conversion is seen as a viable and more profitable alternative to commercial letting then it will behove other commercial landlords to do similarly leading to an compounding of the above listed material concerns (landlords are often forced to lower their commercial rents to gain tenants rather than have the privilege to opt out to the path of least resistance).

*Commercial Options Not Investigated - As the owner of the commercial unit 6 Scotch St I am aware of the commercial potential of the street but not aware of any attempt by the owner of 10 - 12 Scotch to rent out the ground floor premises to new commercial tenants.

*Engineer's Report - The report does not state the structural NEED to demolish the buildings, only the potential expense of not doing so.

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance

with the Plan unless material considerations indicate otherwise. This proposal is for the demolition of the existing derelict building and replacement with proposed building incorporating 6 apartments with amenity space. The proposal also includes a new boundary wall to rear of building and link to existing alleyway leading to Church Street.

The site is located within the settlement limit of Downpatrick within the Ards & Down Area Plan 2015 within both the Town Centre and Primary Retail Core. It is also within the Downpatrick Conservation Area.



Downpatrick Town Centre

Ards and Down Area Plan 2015

This site is located within the 'Town Centre' and 'Primary Retail Core' (PRC) of Downpatrick as identified on the Area Plan. Volume 1 of the ADAP states that the purpose in identifying a PRC within a Town Centre is to provide control over development inside that area, to ensure the continuance of a compact, lively and attractive shopping environment, offering both choice and convenience. It states that proposals within PRCs will be assessed in the context of prevailing regional planning policy and other relevant policies contained in the relevant settlement sections. The site lies within the following designation:

- DK 01 – Settlement Limit
- DK 23 – Downpatrick Town Centre
- DK 24 – Downpatrick Primary Retail Core

The ADAP points out that development proposals within Town Centres and PRCs will be assessed in the context of prevailing regional planning policy. Reference is made to Planning Policy Statement 5: Retailing and Town Centres, and other relevant policies contained in the relevant settlement sections. Proposal DK 23 and DK 24 define the extent of the town centre and PRC, however, they do not contain policy. There are no operational plan policies relevant to this assessment.

SPPS

The SPPS cancelled PPS 5. The SPSS provides strategic subject planning policy for a wide range of planning matters, including town centres and retailing.

Paragraph 6.267 of the SPPS states that town centres are important hubs for a range of land uses and activities. It notes that they provide a wide variety of retailing and related facilities; including employment, leisure and cultural uses. Paragraph 6.269 states that it is important that planning supports the role of town centres and contributes to their success. Paragraph 6.270 states that the aim of the SPPS is to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions consistent with the RDS.

The premise that underpins the regional strategic objectives for town centres and retailing, set out in Paragraph 6.271 of the SPPS, is the town centres first approach for the location of future retailing and other main town centre uses. Footnote 58 of the SPPS confirms that town centre uses "includes cultural and community facilities, retail, leisure, entertainment and businesses".

It is noted that the proposal is for town centre housing. The site is not located within an area of protected housing, ADAP 2015 Policy HOU3 – Protected Housing Areas highlights the benefits that town centre housing can bring. An area of protected town centre housing is located on the upper part of Scotch Street (33-77 Scotch Street), to the east of the application site, it is however, located outside the Primary Retail Core (PRC) designation.

Development Plan were consulted regarding the proposal. They make reference to a Retail and Commercial Leisure capacity Study in 2020 which notes "Although public realm improvements have been made in Scotch Street, the level of vacancies along with

several derelict buildings are detrimental to this area of the centre." Whilst the overall vacancy level in Downpatrick town centre (18.3%) is comparable to the NI average (18.1%), as set out in Appendix C, the Retail Study also noted "Vacancies are generally spread throughout the centre, although small concentrations of vacant units can be found in Market Lane and Scotch Street. "

Development Plan referenced a 2019 Health Check, contained within the Retail Study, which highlights that "Scotch Street is dominated by vacant premises (8 units) and leisure services (5 units). Retail provision (2 units) book end the northern half of the street with very limited convenience (1 unit) and comparison (1 unit) use on offer (see Appendix E). The position has deteriorated since then with the loss of the comparison use and this unit remains vacant".

The study concludes with a number of policy recommendations based on the study findings. In respect of proposals for the loss of town centre uses in town centre locations it suggests that the Council could *"...ask applicants to demonstrate that there would be no undue impact on the vitality or viability of the centre through a qualitative exercise focusing on why the unit would more beneficially be given over to another use, and that a period of marketing should be appropriately evidenced to demonstrate that there is no demand for the unit under its existing permitted use."*

In response to this the applicant has included an email from his estate Agents 'Ulster property Sales' confirming that this property has been vacant for approx. 4 years having formerly operated as a pizza and Chinese takeaway, there is now an over supply of takeaway outlets on Scotch Street and adjacent streets. He also provides an email from Ciaran Fitzpatrick Estate Agents, reiterating same. One advises pursuing a residential development as there is considerable demand for rental property within the Downpatrick area and a limited supply. The other advises pursuing against a further retail use given the over supply in the town at present. The applicant has also conversed over the phone regarding this, that there is no demand to rent it out as a commercial unit.

Planning assessment

Under the Use Class (NI) Order 2015, the use as apartments would fall under part C this would involve a loss of retail at ground level in the Primary Retail Core of Downpatrick. The applicant has put forward a case as to why it should be given over to another use and while it is acknowledged that it is an unpredictable market, and that the applicant has had difficulties letting out the unit, allowing a wholly residential use at ground floor could also add to this issue and would reduce further the footfall to the area.

Paragraph 6.271 of the SPPS, details the town centres first approach for the location of future retailing and other main town centre uses, with footnote 58 confirming that town centre uses "includes cultural and community facilities, retail, leisure, entertainment and businesses".

It is recognised that the recent floods that Downpatrick Town Centre has experienced have had a huge impact on the businesses within Downpatrick especially within the primary retail core. Given that Market Street and St Patricks Avenue were severely impacted by the floods, this has resulted in at least two premises relocating to Scotch Street (which was not impacted by the flooding). The Planning department would therefore have to adopt a precautionary approach in this instance, as once retail is given over to residential use at ground level, it will undoubtedly have an impact on the other businesses in the immediate area.

The residential use is not even one of the categories mentioned under Paragraph 6.271. On this basis, the proposal is contrary to paragraph 6.276 of the SPPS in that the proposal would result in the loss of retail development within the Primary Retail Core of Downpatrick.

Impact on Listed Buildings

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage sets out planning policy for the protection and conservation of archaeological remains and features of the built heritage.

Historic Environment Division (HED) (Historic Buildings) were consulting as part of the planning process and they have considered the impact of the proposal on the listed building (HB18/19/021- 62 Scotch Street, Downpatrick, County Down, Grade B2) which is a listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. The proposal satisfies the requirements of SPPS para 6.12 & PPS6 Policy BH11 as the listed building is sufficiently removed from the application site to remain unaffected by development of this scale.

In addition, HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

While HED is content with regard to the impact on listed building, the assessment in terms of the impact on the Conservation Area, lies with the Council.

Conservation Area

Policy BH 14 states that 'The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition'.

An application for the demolition of No 10-12 Scotch has been submitted (LA07/2022/09212/DCA) and will be considered in conjunction with this full application.

Planning are firmly of the opinion that these buildings materially contribute to the Conservation area and Planning would be seeking their retention and renovation as opposed to their demolition.

The agent was advised that Planning would be seeking retention of the buildings unless evidence was provided to justify their demolition. The agent was instructed by the applicant to submit an engineer's report by PD Savage. The report, however, is based on visual inspection only and no opening up of the structure had been carried out. Given that the building is within a Conservation Area, the agent was advised that and structural/condition report would need to be completed by an Engineer accredited in the field of Conservation. Such a report would enable Planning to make a decision on the building's suitability for conversion and renovation which is the first step in consideration of the application and whether the building warrants demolition (BH 14 of PPS 6).

A visual structural inspection was then submitted by Albert Fry Associates. They consider the fabric of the building to be deteriorated but not to a state of gross instability and consider refurbishment of the building to be a feasible option, this may require half the width of Scotch Street to be closed during the duration of the works. The report also cautions regarding the challenge of maintaining the stability of the adjoining properties when considering any demolition of 10-12 as the adjacent buildings are likely to rely on each other for lateral stability.

On this basis neither report confirms that demolition is necessary. The applicant has highlighted the financial implications of retaining such buildings and that it would be financially more viable for him to rebuild. This however, would not be a material justification for their demolition.

Policy BH 12 New Development in a Conservation Area from PPS 6 – Planning Archaeology and the Built Environment details that the Department will normally only

permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents

Paragraph 7.7 of this policy states that the development of new buildings in a conservation area should be a stimulus to imaginative, high quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, rather that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own. Therefore, while development of a gap site in a traditional terrace may require a very sensitive design approach to maintain the overall integrity of the area in other cases modern designs sympathetic and complimentary to the existing character of the area may be acceptable.



Notwithstanding the consideration under BH 14, the proposal also needs to be considered under BH 12. The proposed 3 storey redevelopment scheme is inappropriate for this part of Scotch street and is considered over development of the site. This portion of Scotch street is quite unique in character with its shops/offices at ground level with pedestrian only access. It has an intimate and busy feeling, the loss of an active frontage (dealt with above) would be detrimental to the street as a whole. Living above shops is however encouraged. In terms of the elevations, its increasing to 3 floors with a pedestrian underpass to access the apartments on first and second floor, the rooflines all rise gradually west to east to correlate with the steep rise of Scotch street,

the eaves are the same height as the building next door. Scotch street has quite a bit of variation in rooflines along here, however the massing of the proposed building would dominate the frontage.

The scale, form, massing and detailing of the proposed development would not respect the characteristics of adjacent buildings which are at varying heights along Scotch street. The development would not preserve and enhance the character and appearance of the area and is not in sympathy with the characteristic built form of the area. Important views into and within the area would not be protected as a result of the proposal. The development would not conform with all elements of the guidance set out in the conservation document (Downpatrick Conservation Area Guide (March 1985))

Planning Policy Statement 7 Quality Residential Environments

The proposal is therefore assessed against the criteria under the listed criteria A-L under Policy QD1 of PPS 7.

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

Given that the principle of demolition has not been accepted the redevelopment scheme still requires to be fully assessed. For the reasons given above the redevelopment scheme is not appropriate to the surrounding context in terms of scale, layout, proportions, massing and appearance.

This new building accommodates six apartments in total, two on the ground floor, two on the first floor and two on the second floor. The arrangement is such that all 6 apartments look out the front of the building. All apartments have front and rear access. There is an existing return proposed to the rear which will accommodate communal stairs and lobby.

The acceptability of the proposal, however, is dependent on the site characteristics and proposed layout plan with particular regard to the proposed amenity space and parking provision.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

HED have been consulted with regard to impact on listed building in the immediate vicinity and have no objections. The proposal has been considered in relation to the Conservation area and as detailed above is found to be contrary to policy.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is anticipated that all new residential units are provided some level and form of private amenity space.

Two yards for the ground floor apartments has been provided, however, the four upper apartments have not been provided with sufficient amenity space. The plans do provide balconies at 1st floor and 2nd floor levels to the rear of the site with 7sqm of amenity space. The balconies are less than the recommended minimum 10sqm and they have the potential for increasing the level of noise and general disturbance given that a proposed beer garden has been approved to the rear of the site residents of adjacent properties. The proposal is contrary to part (c).

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

All the necessary services are located in close proximity to the site given its town centre location.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The site provides a good location in terms of providing a movement pattern that supports walking and cycling. Proposal offers proximity to good public transport links and neighbourhood facilities.

(f) adequate and appropriate provision is made for parking;

DfI Roads have been consulted. In assessment of the parking provision please see under PPS 3 that it has been considered that the parking provision required for this development would rely on parking from Council owned car parks for a private development. The proposal is contrary to part (f).

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

For the reasons stated above the form and detailing of the redevelopment scheme is not sympathetic to properties along Scotch Street . The materials and finishes include dark slate roof to match existing, white/grey painted rendered walls, chimneys: white / grey painted render, windows: white/grey timber/aluminium/ windows doors: hardwood timber/composite concrete cills painted white or grey. reconstituted stone surrounds. Wall to Church St - painted render. Doors to Church Street - H/W timber. It is deemed the materials and finishes are acceptable however the form and detailing of the block itself does not draw upon the unique character of the properties in Scotch Street and the wider Conservation Area. Proposal is contrary to Part (g).

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

In terms of the first and second floor apartments there are living areas to the front of the property so no issues in terms of overlooking. All apartment bedrooms are located to the rear of the property. On balance it is considered acceptable in this context.

Environmental Health have been consulted and have stated that the proposal is in close proximity to existing public houses with an entertainment licence for late night entertainment. Environmental Health Dept would have concerns that the residents of the proposed apartments may be affected by noise disturbance from patrons leaving the adjacent premises late at night and use of the smoking shelter. The applicant should at a minimum provide a high level of attenuation to the building and this would include the provision of acoustic glazing and acoustic trickle vents to the windows of apartments.

The EHO would request that the applicant provide detailed information on the how they propose to mitigate against noise and odour from the adjacent property the department may request a noise impact assessment to be submitted. This information was requested via email on the 04/07/2022 but has not been received.

(i) the development is designed to deter crime and promote personal safety.

No issues have been identified.

Parking

Policy AMP7 of PPS3 relates to car parking and service arrangements and states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The proposal is for 6 one bedroom flats. Creating Places requires 1.25 unassigned spaces for a one bedroom apartment which is 7.5 spaces in total. The proposal does not involve any in curtilage car parking. Historically no parking is associated with the existing retail or living accommodation. Policy AMP7 continues to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in certain circumstances. There is a public carpark to the rear of the site and a car parking survey has been submitted as justification for the reduced level standard of parking. However, there cannot be a reliance on public car parks to provide parking for private housing developments, given the scale of this proposal with 6 apartments. Flexibility has been shown on small schemes, however the site which cannot accommodate the required parking. On balance the parking arrangements are considered unacceptable and is contrary to PPS 3 AMP 7.

NI Water

NI Water have confirmed that there is available capacity at the Waste Water Treatment works, however, an assessment has indicated network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed. NI Water have therefore requested a Wastewater Impact Assessment. NI Water will assess the proposal to see if an alternative drainage or treatment solution can be agreed. The agent has submitted a WWIA. Any approval would be subject to a negative condition on any decision notice, that no development commences until the NIW have agreed to a connection.

Conclusion

After assessment of all material considerations including objections, the proposal involves a loss of retail which will have an impact on the vitality and viability of the Town Centre. This approach is consistent with the Planning Committee who recently refused permission opposite the site for a change of use from retail unit to residential (LA07/2023/1934/F). The existing building contributes to the Conservation area, notwithstanding this the 'put back' scheme is wholly inappropriate for the conservation area inappropriate in terms of layout, scale, massing and appearance and is contrary to QD 1 (a) (b) (c) (f) (g) and (h) in that the proposal and parking arrangements would amount to overdevelopment of the site with an inadequate level of parking to serve the

proposal. It is therefore recommended that the application be refused for the reasons below.

Recommendation:

Refusal

Refusal Reasons

1.The proposal is contrary to paragraph 6.276 of the Strategic Planning Policy Statement for Northern Ireland and the Ards and Down Area Plan in that the proposal would result in the loss of retail development within the Primary Retail Core of Downpatrick.

2.The proposal is contrary to the SPPS and Policy BH 14 – Demolition in a Conservation Area of PPS 6 Planning, Archaeology and the Built Environment in that the buildings to be demolished are considered to make a material contribution to the character and appearance of the Conservation area and the redevelopment of the scheme is deemed to be inappropriate.

3.The proposal is contrary to the SPPS and Policy BH 12 – New Development in a Conservation Area of PPS 6 Planning, Archaeology and the Built Environment in that the proposed development fails to preserve or enhance the overall character of the area, nor would it be in sympathy with the characteristic built form. The scale and form and detailing of the development would not respect the characteristics of adjoining buildings in the area.

4.The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7 – Quality Residential Environments in that it would fail to respect the surrounding residential context and would be inappropriate in terms of layout, scale, massing and appearance and is contrary to QD 1 (a) (b) (c) (f) (g) and (h) in that the proposal would amount to overdevelopment of the site.

The plans to which this refusal relate include:

Site location plan & proposed site plan 22-554-01a

Proposed ground floorplans – 22-554-15a

Proposed 1st floor plans 22-554-16a

Proposed 2nd floorplans 22-554-17a

Proposed elevations 1- 22-554-18a

Proposed elevations 2 - 22-554-19a

Neighbour Notification Checked

Yes



Case Officer Signature: C Moane	Date: 28 March 2024
Appointed Officer: A.McAlarney	Date: 05 April 2024

LA07/2022/0910/F / LA07/2022/0912/DCA

- Planners originally requested a structural report which was provided by PD Savage who considered the building unsound but this was deemed not sufficient and a conservation engineer report was then requested.
- Conservation Engineer said if he were visiting the site as a 'structural engineer' his recommendation would be to demolish.
- Building costs are too high to retain buildings.
- It would require half of Scotch Street to be closed off for 1.5 years.
- Demolition would reduce that time to three months and be more cost effective.
- Traditionally some businesses on Scotch Street and Irish Street would have had mixed residential and retail.
- Leaving the site in its current state will lead to further deterioration of the streetscape.
- The adjacent building is 3 storey and the proposal would be the same. That building has a chimney that requires additional support which would be provided by and hidden by the proposed building.
- Application will make the streetscape better.
- Affordable residential accommodation is needed in Downpatrick.
- Mixed use will help towards a vibrant town centre.
- The building needs to be residential to stack up financially.
- Retail units will not be viable because there is no demand.
- The building needs to be demolished for financial and health & safety reasons.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/0912/DCA	Target Date:
Proposal: Demolition of vacant buildings (already partially demolished with approval) at 10-12 Scotch Street including facade	Location: 10-12 Scotch Street Downpatrick (amended address)
Applicant Name and Address: CBD Developments Ltd 180 Dunmore Road Ballynahinch BT24 8QQ	Agent Name and Address: 5 Wateresk Road Dundrum Newcastle BT33 0NL
Date of last Neighbour Notification:	
Date of Press Advertisement:	12 April 2023
ES Requested: No	
Consultations: none	
Representations: none	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report	
Site Location Plan: 10-12 Scotch Street Downpatrick.	
	
Date of Site Visit: 20th April 2023 and 26th January 2024	
Characteristics of the Site and Area <p>The site is located along Scotch Street and is located approximately half way along the street on the northern side. The building is two storey and forms part of a terrace of two and three storey buildings along Scotch Street. The building had previously been used for business on the ground floor and living accommodation above but is currently vacant and in a state of disrepair. The rear return has previously been demolished and is currently secured off at the rear close to a council owned public car park.</p>	
Description of Proposal <p>Demolition of vacant buildings (already partially demolished with approval) at 10-12 Scotch Street including façade.</p>	
Planning Assessment of Policy and Other Material Considerations <p>The proposal lies inside the settlement limit for Downpatrick, within both the Town Centre and Primary Retail Core. It is also within the Downpatrick Conservation Area.</p> <p>The following documents have been taken into account:</p>	

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

PPS 6 – Planning Archaeology and the Built Environment

Guidance

Downpatrick Conservation Area Guide (March 1985)

PLANNING HISTORY

Planning

Application Number: LA07/2022/0910/F

Decision: Pending

Location: 10-12 Scotch Street

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

Application Number: LA07/2020/1569/DCA

Decision: Conservation Area Consent Granted

Decision date: 13/05/2021

Proposal: Demolition of roofs and internal walls to rear

Location: 10-12 Scotch Street

Application Number: R/2007/1059/F

Decision: Permission Granted

Decision Date: 25/06/2009

Proposal: Alterations to 2no. hot food carryout shops to form restaurant with hot food carryout facility with rear extension and 3 apartments.

Location: 10-12 Scotch Street

Application Number: R/2008/0199/CA

Decision: Conservation Area consent granted

Decision Date: 25/06/2009

Proposal: Demolish internal walls within number 10. Demolish internal walls within 12 & roof to single storey return.

Location: 10-12 Scotch Street

Application Number: R/1994/0663

Decision: Permission granted

Decision Date: 25/05/1995

Proposal: Change of use to hot food take way and alteration to front façade

Location: 10 Scotch Street

Application Number: R/1986/0758

Decision: Permission Granted

Decision Date: 10/11/1986
Proposal: Change of use from cake shop to coffee lounge
Location: 10-12 Scotch Street

Application Number: R/1992/0302
Decision: Permission Granted
Decision Date: 05/06/1992
Proposal: 2 shop fronts
Location: 10-12 Scotch Street

Enforcement

Application Number: LA07/2024/
Proposal: Unauthorised Change of Use from Barbers to residential
Location: 16 Scotch Street

Consultations:

No consultations required.

Objections & Representations

In line with statutory requirements the application was advertised in the Down Recorder on 29/06/2022 and again on 12/04/2023 and published on the council website. No objections were received.

Consideration and Assessment:

With regard to development in Conservation Areas, Section 104 (11) states that special regard must be had to the desirability of;

- (a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;
- (b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise.

With reference to Conservation areas the SPPS states that 'in managing development within a designated Conservation area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance when an opportunity to do so exists or preserve its character or appearance where an opportunity to enhance does not exist'.

Para 6.19 of the SPPS sets out the criteria which should be applied when determining such development.

As stated above the site is located within the settlement village of Downpatrick, and in the Conservation Area, as identified in the Ards and Down Area Plan 2015.

It is proposed to demolish the buildings at 10-12 Scotch street and replace with a three storey apartment block. An associated Full application has been submitted for the works that are to be carried out. See associated report for LA07/2022/0910/F for consideration of the full works that this scheme entails.

HED (Historic Buildings) were consulted on the full application LA07/2022/0910/F in relation to impact on the listed building in close proximity and offer no objections.

As HED no longer comment on Conservation Area Consents, comment on the demolition rests with Council under conservation policy which is Policy BH 14 Demolition in a Conservation Area, relevant to the application of PPS 6.

Policy BH 14 Demolition in a Conservation Area

Policy BH 14 states that 'The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition'.

Planning would be of the opinion that these buildings materially contribute to the Conservation area and Planning would be seeking their retention and renovation rather than their demolition.

The agent was advised that Planning would be seeking retention of the buildings unless evidence was provided to justify their demolition. The agent was instructed by the applicant to submit an engineer's report by PD Savage. The report, however, is based on visual inspection only and no opening up of the structure had been carried out. Given that the building is within Downpatrick Conservation Area, the agent was advised that report would need to come from an engineer who is suitably qualified in areas of conservation, this will enable Planning to make a decision on the building's ability to withstand conversion and renovation which is the first step in consideration of the application and whether the building warrants demolition (BH 14 of PPS 6).

A visual structural inspection was then submitted by Albert Fry Associates. They consider the fabric of the building to be deteriorated but not to a state of gross instability and consider refurbishment of the building to be a feasible option, this may require half the width of Scotch Street to be closed during the duration of the works. The report also cautions regarding the challenge of maintaining the stability of the adjoining properties when considering any demolition of 10-12 as the adjacent buildings are likely to rely on each other for lateral stability.

On this basis neither reports state the structural need to demolish the buildings. The applicant has highlighted the financial implications of retaining such buildings and that it

would be financially more viable for him to rebuild. This however, would not be justification for their demolition.



Proposed Front and rear elevations

Policy BH 12 New Development in a Conservation Area from PPS 6 – Planning Archaeology and the Built Environment details that the Department will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents

Paragraph 7.7 of this policy states that the development of new buildings in a conservation area should be a stimulus to imaginative, high-quality design, and seen as an opportunity to enhance the area. What is important is not that new buildings should directly imitate earlier styles, rather that they should be designed with respect for their context, as part of a larger whole which has a well-established character and appearance of its own. Therefore while development of a gap site in a traditional terrace may require a very sensitive design approach to maintain the overall integrity of the area in other cases modern designs sympathetic and complimentary to the existing character of the area may be acceptable.

Notwithstanding the consideration under BH 14, the proposal also needs to be considered under BH 12. The 3-storey redevelopment (put back) scheme is inappropriate for this part of Scotch street and is considered over development of the site. This portion of Scotch street is quite unique in character with its shops/offices at ground level with pedestrian only access. It has an intimate and busy feeling, the loss of an active frontage would be detrimental to the street as a whole. In terms of the elevations, it is increasing to 3 floors with a pedestrian underpass to access the apartments on first and second floor, the rooflines all rise gradually west to east to correlate with the steep rise of Scotch street, the eaves are the same height as the building next door. Scotch street has quite a bit of variation in rooflines along here, however the massing of the proposed building would dominate the frontage.

The scale, form, massing and detailing of the proposed development would not respect the characteristics of adjacent buildings which are at varying heights along Scotch street. The development would not preserve and enhance the character and appearance of the area and is not in sympathy with the characteristic built form of the area. Important views into and within the area would not be protected as a result of the proposal. The development would not conform with all elements of the guidance set out in the conservation document (Downpatrick Conservation Area Guide (March 1985))

Recommendation: Refusal

Neighbour Notification Checked

N/A

Summary of Recommendation -Refusal

Reasons for Refusal:

1.The proposal is contrary to the SPPS and Policy BH 14 – Demolition in a Conservation Area of PPS 6 Planning, Archaeology and the Built Environment in that the buildings to be demolished are considered to make a material contribution to the character or appearance of the Conservation area and the redevelopment of the scheme is deemed to be inappropriate.

2.The proposal is contrary to the SPPS and Policy BH 12 – New Development in a Conservation Area of PPS 6 Planning, Archaeology and the Built Environment in that the proposed development fails to preserve or enhance the overall character of the area, nor would it be in sympathy with the characteristic built form. The scale and form and detailing of the development would not respect the characteristics of adjoining buildings in the area.

Case Officer Signature: C Moane	Date: 29 March 2024
Appointed Officer: A.McAlarney	Date: 05 April 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures

Date

LA07/2022/0910/F / LA07/2022/0912/DCA

- Planners originally requested a structural report which was provided by PD Savage who considered the building unsound but this was deemed not sufficient and a conservation engineer report was then requested.
- Conservation Engineer said if he were visiting the site as a 'structural engineer' his recommendation would be to demolish.
- Building costs are too high to retain buildings.
- It would require half of Scotch Street to be closed off for 1.5 years.
- Demolition would reduce that time to three months and be more cost effective.
- Traditionally some businesses on Scotch Street and Irish Street would have had mixed residential and retail.
- Leaving the site in its current state will lead to further deterioration of the streetscape.
- The adjacent building is 3 storey and the proposal would be the same. That building has a chimney that requires additional support which would be provided by and hidden by the proposed building.
- Application will make the streetscape better.
- Affordable residential accommodation is needed in Downpatrick.
- Mixed use will help towards a vibrant town centre.
- The building needs to be residential to stack up financially.
- Retail units will not be viable because there is no demand.
- The building needs to be demolished for financial and health & safety reasons.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/1331/F	Target Date:
Proposal: Replacement Dwelling with detached garage, existing listed building retained as ancillary accommodation. New entrance pillars and gate with associated site works.	Location: 42 Quarterland Road Killinchy Newtownards
Applicant Name and Address: Mr & Mrs Moorhead 42 Quarterland Road Killinchy Newtownards BT23 6TX	Agent Name and Address: 100 Deramore Avenue Belfast BT7 3ES
Date of last Neighbour Notification:	4 October 2022
Date of Press Advertisement:	14 September 2022
ES Requested: No	
Consultations: see report	
Representations: None	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: 42 Quarterland Road Killinchy Newtownards



Date of Site Visit: 22 October 2022

Characteristics of the Site and Area

The site comprises a single storey thatched vernacular dwelling, with a 1990's extension to the rear. There is an ancillary building to the east of the site which is a converted barn, with mature gardens to the side and rear. The area is rural in character and lies close to Strangford Lough bay.



Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

The site is located within the rural area within the AONB, as identified in the Ards and Down Area Plan 2015.

The proposal has been assessed against the following policies and plans:

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
- Planning Policy Statement 15 Planning and Flood risk
- Planning Policy Statement 21: Sustainable Development in the Countryside

Guidance

Building on Tradition - A sustainable Design Guide for the Northern Ireland Countryside

PLANNING HISTORY

Planning

Application Number: LA07/2022/1332/LBC

Decision: pending

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

Application Number: LA07/2017/1604/LBC

Decision: Consent Granted

Decision Date: 23 February 2018

Proposal: Proposed works to existing converted barn: Enlargement of window to form a new external doorway, installation of 2 Conservation style roof lights, and replacement of 1 roof light, installation of wood burning stove with metal flue, internal alterations including kitchenette.

Application Number: R/1995/0874

Decision: Permission Granted

Proposal: Refurbishment and internal alterations to existing dwelling and extension to existing dwelling

Application Number: R/1995/0873

Decision: Permission Granted

Proposal: Refurbishment and internal alterations to existing dwelling and extension to existing dwelling

Application Number: R/1992/0122

Decision: Permission Granted

Proposal: Alterations and extension to dwelling

Application Number: R/1975/0315

Decision: Permission Granted

Proposal: Bungalow

Application Number: R/1989/0302

Decision: Permission Granted

Proposal: Relocation of back door

Application Number: R/1991/0635

Decision: Permission Granted

Proposal: Conversion of outhouses and extension to dwelling and outhouses, to provide an additional residential unit to be used in association with existing dwelling.

Application Number: R/1992/0065

Decision: Permission Granted

Proposal: Conversion of outhouses and extension to dwelling and outhouses to provide an additional residential unit to be used in conjunction with existing dwelling (amended plan)

Application Number: R/1991/0636

Decision: Permission Granted

Proposal: Conversion of outhouses and extension to dwelling and outhouses, to provide an additional residential unit to be used in association with existing dwelling

Application Number: R/1974/0283

Decision: Permission Refused

Decision Date:

Proposal: Bungalow.

Consultations:

DFI Roads – No objections

Ni Water - Statutory Response

Rivers Agency – No objections – discussed in report

Shared Environmental Services – No objections subject to a condition

NIEA NED – no objections subject to conditions

NIEA – Water Management Unit – No objections – refer to DAERA Standing advice

Objections & Representations

In line with statutory requirements neighbours were notified 20-09-2022. The application was advertised in the Down Recorder 14.09.2022 in line with statutory requirements. No letters of objection or representation have been received in relation to the proposal to date.

Consideration and Assessment:

Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP).

Until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of replacement dwellings the policy is broadly consistent with the policies set out in PPS21 apart from a tightening of policy in relation to the replacement dwelling being located within the curtilage of the existing dwelling and not having a visual impact significantly greater than the existing building. Whereby the emphasis has moved from 'should' within CTY 3 to 'must'. 'Replacement dwellings must be located within the curtilage of the original dwelling where practicable'....'Replacement dwellings must not have a visual impact significantly greater than the existing building'.

CTY 1 Development in the Countryside

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. One such instance is a replacement opportunity in accordance with Policy CTY 3 of PPS 21.

CTY 3 Replacement Dwellings

Policy CTY 3 of PPS 21 provides the policy context and states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

In assessment of this initial criterion, it is considered that the dwelling exhibits the essential characteristics of a dwelling and is currently being occupied. The first part of the policy is met. The proposal involves the replacement of a listed building at No 42 Quarterland Road with an off site replacement dwelling while still retaining the listed building (demolishing the add on extensions) and retaining the outbuilding also.

Policy CTY 3 provides criteria for instances where a non-listed vernacular building is present. The dwelling in this case is listed.

Listed Dwellings are referred to under CTY 3 whereby the policy provisions of PPS 6 state that there is a presumption in favour of the retention of buildings listed as being of special architectural or historic interest. **Planning permission will not therefore be granted for the replacement of a listed dwelling unless there are exceptional circumstances** (my emphasis).

Planning would be in agreement with the agent that the application is an unusual case in that it seeks to replace an existing dwelling, which is listed which will remove the modern extension elements of the existing dwelling while retaining the listed cottage building as ancillary accommodation.



The agent states that it is noted that Policy CTY 3 of PPS21 sets out a presumption in favour of the retention of listed buildings and comments that it is highly unlikely that

permission would be given to proposals which seek to remove a listed building given the legislative and policy context. He deems the policy wording has clearly been formulated to make clear to prospective developers that the normal principles applicable to replacement dwellings will not apply in cases that would result in the removal of a listed building. He states that in this case the material considerations are distinguishable from other replacement proposals, whereby there is no proposal to demolish the listed building and that the listed building will remain in situ and will be retained in residential use. As a consequence, he deems that the policy provisions of PPS6 will be entirely satisfied; by removing the existing extension to the listed building and redeveloping the site in the manner proposed, the setting of the listed building will actively be enhanced. He notes that it is an important material consideration that HED has offered no objections to the proposed development. He deems that this proposal complies with overriding policy principles, in the following respects: - It will not result in removal of the listed building; - It will not result in any loss of historic fabric; and - It will actively enhance the setting of the listed building. No harm will be caused and planning permission should therefore be granted.

However, policy CTY 3 is clear in relation to Listed Buildings, planning permission will not be granted for the replacement of a listed dwelling unless there are exceptional circumstances. This will be discussed further below.

All Replacement Cases

proposals for a replacement dwelling will only be permitted where all the following criteria are met:

the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;
- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;
- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

It is accepted that not the entire listed building is being demolished, but the listed building is known as 42 Quarterland Road which currently has an extended element which has existed in this form for quite a number of years. The agent does not go into any detail

with regard to CTY 3 and the rationale as to why this off-site dwelling must all take place at all, more a desire to off-site so that the thatched cottage will have its own setting.

It has not been demonstrated that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits, moreso the new dwelling will have a significantly greater impact in the landscape than the 'extension element' that it is replacing. While it is acknowledged that the proposed new dwelling will have a backdrop of trees to the rear, however, given that there is currently limited awareness of a significant portion of the current dwelling due to its typography, orientation and location to the rear of the original cottage, this would not be deemed sufficient to overcome the policy tests of CTY 3.



Travelling southwards along Quarterland Road

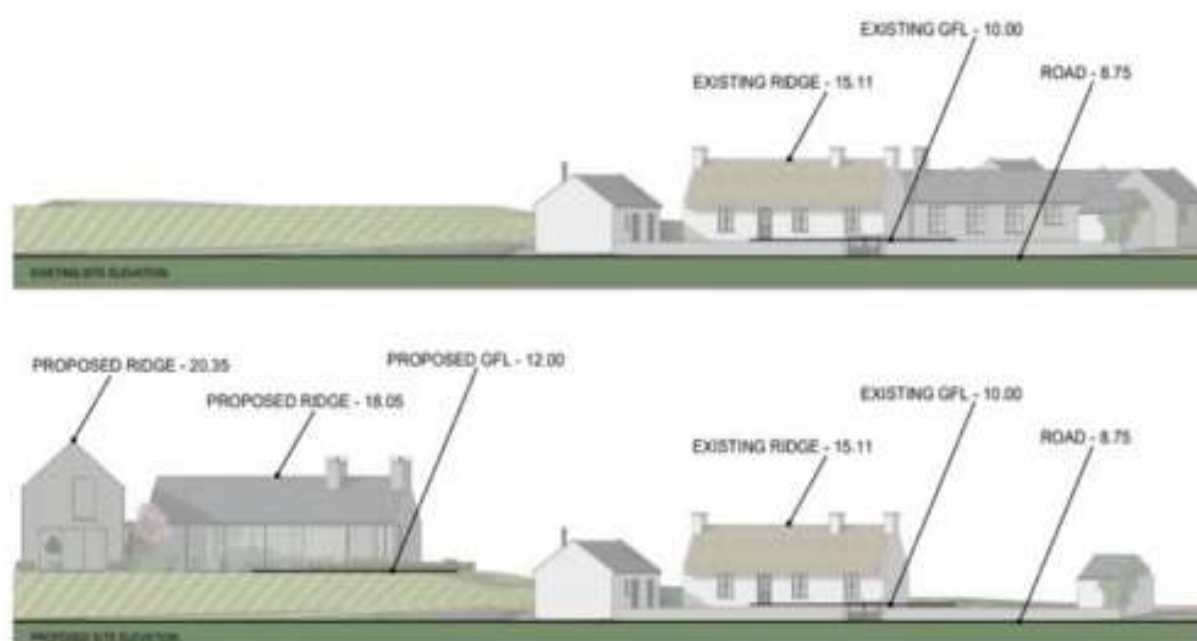
Granting permission for the replacement would lead to a situation where there is an unnecessary additional building in the landscape, something that PPS 21 advises against under CTY 14 (discussed below). The agent himself has indicated that by off siting the replacement dwelling this will allow the listed cottage to have its own setting, therefore, the buildings, including the cottage, converted barn and new replacement dwelling would read together as linear development and could not be described as being incorporated into an overall development.

Whilst the materials and design of the dwelling are considered acceptable, however, given the location of the totality of the development it has already been considered that the new dwelling will have a significantly greater impact on the landscape.

Given that there is an existing dwelling being occupied at present, in terms of services and access there are no issues.

Policy CTY 13 – Integration and Design of Buildings in the Countryside

There is mature planting and rising land to the rear of the site which does provide some backdrop to the proposal when viewed from the Quarterland Road when coming from the north which would help with its visual integration. However, given the views across the bay along Quarterland road, the new dwelling would be elevated, and have a higher ridge height in the landscape than the cottage and would be considered a prominent feature in the landscape.



Policy CTY 14 - Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed access arrangements use the existing access (with new walls and gates) with a new sweeping driveway extending to around 125m in length from the Quarterland Road running to the rear of the cottage, and outbuilding eastwards towards the new dwelling. The access would mainly run adjacent to existing planting over most of its length, and given the topography, the access would not be appreciable in the landscape. Notwithstanding this, a new off-site dwelling would be viewed as unduly prominent, lead

to an unnecessary build-up of buildings in the landscape and would therefore have a detrimental impact to the rural character of the area.

CTY 16 Development relying on non main sewerage

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. There is an existing septic on site which will be replaced with a bio disc sewerage treatment plant. The granting of planning permission does not negate the need for other consents outside of planning remit.

PPS 2 – Natural Heritage

The proposal is subject to the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).

Policy NH 1 - European and Ramsar Sites - International

The application site is adjacent to the following national, European and international designated sites:

1. Strangford Lough SAC/SPA, which is designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).
2. Strangford Lough Part 3 ASSI, which is declared under the Environment Order (Northern Ireland) 2002 (as amended).

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority should ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives, on this basis Shared Environmental were consulted. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval. NIEA have also considered the proposal in relation to designated site and have no objections subject to conditions.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

In terms of other natural heritage issues, there was concern about potential bat roosts on the eastern and southern boundaries, however, the agent has clarified this by showing the retention of these ash and sycamore trees, thus there will be no impact on bats. NED had also requested an Outline Construction Environmental Management Plan, should approval be granted on the site, Planning are content that this can be dealt

with by way of a negative condition if Planning are minded to approve the development. Also in relation to Pollution prevention plan, water quality monitoring, environmental emergency plan, which could all be submitted prior to any development, should the planning office be minded to approve the proposal.

NH 6 – Area of Outstanding Natural Beauty (AONB)

The proposal would fail to conserve or enhance the character and features of the AONB. Whilst the proposal would involve the conservation of a listed existing structure in the landscape, it also entails a new off site build. For reasons outlined above, it would be detrimental to the rural character of the area and hence by extension to the AONB.

The proposal is contrary to NH6 of PPS 2.

PPS 6 - Planning, Archaeology and The Built Heritage

HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

HED (Historic Buildings) has considered the impacts of the proposal.

Policy BH 10 Demolition of a Listed Building

There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where, exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.

Under the justification and amplification section, it states that consent will not be given for the total or substantial demolition of any listed building without clear and convincing evidence that all reasonable efforts have been made to sustain existing uses or find viable new uses.

Historic Environment Division (HED) has been consulted as the proposal affects HB18/02/004 - 42 Quarterland Road Rathgorman Killinchy Co. Down, a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

HED Historic Buildings had asked for additional information on the proposed works to the listed building and clarification on its proposed future use to ensure its ongoing viability and maintenance once the dwelling is relocated. HED requested a method statement for any repairs proposed, including the making good of the area where the

existing extension joined the listed building. In light of the additional information, HED reconsidered the effects of the proposal on the listed building and advises that subject to conditions, it satisfies the policy requirements of the SPPS (Para 6.12 & 6.13) and Policies BH8 & BH11 of PPS6.

From the response of Historic Buildings section of Historic Environment Division, it is apparent that the scheme to remove the add on extension from the 1990's is acceptable subject to the control of the proposed works with a number of conditions listed, HED would agree that the overall setting of the listed building would improve as a result of the removal of the rear part of the dwelling. In this context, while planning would agree this could be viewed as an improvement, this is not of itself demonstrative of the acceptability of the scheme as a whole. The acceptability of the overall proposal is dependent on CTY 3 of PPS 21 which has already been discussed above.

Impact on Residential Amenity

The new dwelling is not located a sufficient distance from the glamping pods at Ringdufferin. Consequently, it is considered that the proposal will have no adverse impact on neighbouring properties.

PPS 3 – Access, Movement and Parking

DFI Road have been consulted and have no objections. It is considered that there is no intensification of use, provided the existing cottage remains as an ancillary building.

PPS 15 – Planning and flood Risk

The D&AS indicates that the site is in a flood risk area and that is primary the reason for the replacement dwelling.

Planning Policy Statement, PPS 15 'Planning and Flood Risk' sets out the Planning Authority's planning policies to minimise and manage flood risk to people, property and the environment. It adopts a precautionary approach to development and the use of land that takes account of climate change and emerging information relating to flood risk.

FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Maps (NI) indicates that the proposed development lies outside the 1 in 100 year fluvial flood plain but part of the site (access lane) is within 1 in 200 year coastal flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – not applicable based on the information provided.

FLD3 - Development and Surface Water – PPS 15 FLD3 states that a Drainage Assessment will be required for all development proposals that exceed the following thresholds:

1. Residential development comprising 10 dwelling units or more.

2. A Development site in excess of 1 hectare.

3. New hard-surfacing exceeding 1000m².

DfI Rivers have reviewed the current information on the Planning Portal and the proposals don't appear to be exceeding any of the above thresholds. Therefore, although a Drainage Assessment is not required by the policy, the developer should still be advised to appoint a competent professional to carry out their own assessment of flood risk and to construct in a manner that minimises flood risk to the proposed development and elsewhere.

FLD4 - Artificial Modification of watercourses – not applicable based on the information provided.

FLD5 - Development in Proximity to Reservoirs – DfI Rivers reservoir inundation maps indicate that this site is not in a potential area of inundation emanating from a reservoir.

Rivers Agency were consulted as part of the application and have no objections to the proposal. Rivers Agency would reiterate that it is the Developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

While it is noted that the existing property and part of the access is within the 1 in 200 year coastal flood plain, no evidence has been submitted (e.g. historical flooding/ flood damage to the existing dwelling etc) that would warrant replacement of the dwelling out of the coastal flood zone. There are many houses located in the coastal flood zone within the district, and this proposal is not considered to be an exceptional case.

Conclusion

As outlined above, Policy CTY1 of PPS21 indicates that other types of development will only be permitted where there are overriding reasons why the development is essential and could not be located in a nearby settlement. There was no persuasive evidence to demonstrate that the proposal is essential. It is therefore also at odds with Policy CTY1 of PPS21. On this basis, having taken into account all the relevant planning policies, the proposal fails to comply with relevant planning policies CTY 1, CTY 3, CTY 13 & 14 and it is recommended that the application be refused.

Recommendation:

Refusal

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policies CTY1 and CTY3 of Planning Policy Statement 21,

Sustainable Development in the Countryside, as it has not been demonstrated that there are overriding reasons why this development is essential in this rural location.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling is listed and it has not been demonstrated that there are exceptional circumstances to allow its replacement.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY 3 in that the overall size of the new dwelling would have a visual impact significantly greater than the existing dwelling to be replaced.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY 13 & CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would be a prominent feature in the landscape, fails to integrate would lead to a build-up of development which would be damaging to the rural character.

4. The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the proposal fails to conserve or enhance the character and features of the AONB.

Informative

1. This refusal notice relates to the following plans:

site location plan – 21-05-01 REV B

proposed site layout – 21-05-05 REV A

Proposed floor plans – 21-05-06

Proposed elevations – 21-05-07

Proposed garage – 21-05-08

Cottage and outhouse floor plans and elevations – 21-05-09

Proposed site sections – 21-05-10

Neighbour Notification Checked

Yes

Case Officer Signature: C Moane

Date: 22 March 2024

Appointed Officer: A. McAlarney

Date: 28 March 2024

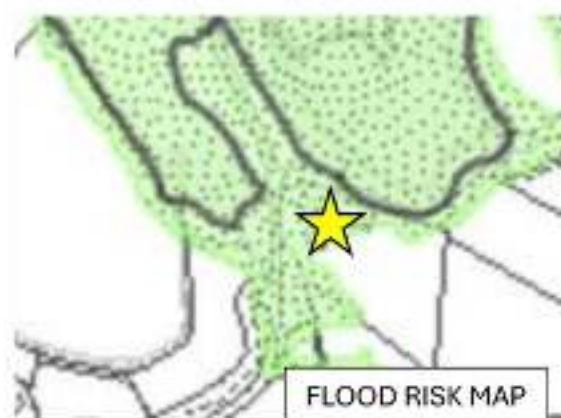
PLANNING COMMITTEE SPEAKING NOTE

LA07/2022/1331/F Replacement Dwelling with detached garage, existing listed building retained as ancillary accommodation. New entrance pillars and gate with associated site works at No 42 Quarterland Road.

Why has this Application been made?

This is an unusual application. It seeks to replace a dwelling which lies just within the coastal floodplain of Strangford Lough. The application is not for financial gain – due to the threat of future flooding (climate change), the family wish to guarantee the safety of their home for future generations and facilitate the continued upkeep of the Listed building.

The listed building cannot be demolished, nor is there any intention to do so. We are seeking to remove the larger modern element of the dwelling and replace it on slightly higher ground just to the east of the existing buildings. The Listed Building will remain in situ and will be retained as ancillary accommodation.



So why do we disagree with the Officer Recommendation?

The Officers consider that it fails to comply with CTY3 mainly because the proposal involves the replacement of a listed building, which CTY3 states will not be acceptable unless there are exceptional circumstances.

The circumstances here **are** exceptional:

- 1) The proposal does **not** seek to demolish the listed building. It seeks only to relocate the large modern extension to an area of the curtilage which is not at risk of flooding;
- 2) The Listed Building will be retained;
- 3) HED have confirmed that the overall setting of the listed building will **improve** as a consequence of removal and re-siting of the modern elements. This plainly meets the CTY3 'test' for there to be heritage benefits as a consequence of the siting; and
- 4) The Officers have no issues with the proposed design of the new dwelling.

In relation to integration, the Officers consider that the proposal will create an additional building in the landscape.

However the Committee Report accepts the site is well enclosed, and the development will retain a backdrop of rising ground.

Significantly, the existing building close to the public road will be removed and the new development will be sited further back, allowing the setting of the Listed Building to **be enhanced**, this should be viewed as a **positive** of the proposed development, rather than a negative. HED support the proposal and indeed Listed Building Consent has been recommended for the works to the Listed Building. **Accordingly the main historic component of this building group will be secured for the benefit of future generations.**

The new dwelling will not be prominent, but will nestle into the local landscape – a fact again recognised by HED in its consultation response:

Additional drawing 'Site Elevation' (agent's ref: 21-05-10) illustrates the proposal in the context of the listed building, without planting, as requested by HED. This demonstrates, however, that the retention of existing trees, augmented by further planting will be important to ensure the proposal nestles sensitively within the setting of the listed building. A condition is therefore requested below in this regard.

The overall building group will not read as 'linear development' as suggested, but as a building group, with the historic cottage now becoming the primary focus.

Conclusions

This development will not result in harm. On the contrary, the proposal will allow the owners to safeguard their dwelling from flooding. But more importantly, the public interest will be served by allowing the setting of the Listed Building to be enhanced. This is clearly a case where the planning balance must lie in favour of the development.



David Donaldson BSc Hons MRTPI

May 2024

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/2511/O	Target Date:
Proposal: New dwelling and associated works on a farm.	Location: LANDS SOUTH OF 32 MONEYSALP ROAD KILCOO DOWN BT34 5JZ
Applicant Name and Address: Martin McClelland 32 Moneysalp Road Kilcoo Newry BT34 5JZ	Agent Name and Address: Nicholas O'Neill 147 Main Street Dundrum Newcastle
Date of last Neighbour Notification:	17 July 2023
Date of Press Advertisement:	21 June 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • DAERA • DfI Roads • Northern Ireland Water • DfC Historic Environment Division • Environmental Health 	
Representations: No objections or representations have been received from neighbours or third parties of the site.	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues: <ul style="list-style-type: none"> • Principle of development in the countryside • Integration 	

- Rural Character
- Access and parking
- Historic Environment
- Impact on neighbours
- Impact on natural environment
- Impact on AONB

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 24 Jan 2024	
Characteristics of the Site and Area	
<p>The site is comprised of a rectangular 0.14hectare portion of land cut out of a roadside field on Moneyscalp Road. It is fairly level with the public road falling gently in a west to east direction. The site is defined at the roadside and along the lane to No 32 by a low dry-stone wall and post and fence. The rear boundary to the north is currently undefined while that to the west is comprised of a dry stone wall and some scrappy vegetation.</p> <p>Moneyscalp Road is located within the rural area, outside any settlement limit as identified in the Ards and Down Area Plan 2015. The site is located within the Mourne Area of Outstanding Natural Beauty (AONB) and is affected by a local monument - Rath and Soutterain DOW043:075.</p> <p>The area is characterised by agricultural land predominantly used for grazing with small farm holdings and single dwellings dispersed throughout the area.</p>	
Description of Proposal	
New dwelling and associated works on a farm.	
Planning Assessment of Policy and Other Material Considerations	
<p>In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 3, PPS 21 (CTY 10, 13 and 14), in addition, to the history and any other material consideration.</p> <p><u>PLANNING HISTORY</u></p>	

Planning

R/1999/0772/F Decision: Permission Granted Decision Date: 27 November
1999 Proposal: Retirement Farm Dwelling & Garage

LA07/2017/0919/F Decision: Permission Granted Decision Date: 04 September
2017 Proposal: Variation of condition No. 2 of planning approval R/2013/0253/RM
regarding visibility splays

SUPPORTING DOCUMENTS

- Application form
- Design and Access Statement
- Site Location Plan
- Site Layout Plan – Existing & Proposed
- Farm Maps

CONSULTATIONS

The following bodies were consulted regarding the proposal

- DAERA
- DfI Roads
- NMDDC Environmental Health Dept
- Northern Ireland Water

REPRESENTATIONS

No objections or representations have been received from neighbours or third parties of the site.

EVALUATION

Ards and Down Area Plan 2015

Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Ards and Down Area Plan 2015 as the Council has not yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the

transitional period planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal seeks outline planning permission for the erection of a farm dwelling within the countryside.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is therefore applicable. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

There is no conflict between the SPPS and Policy CTY 10 of PPS 21, therefore it provides the policy context for the proposal.

Policy CTY 10 of PPS 21 – Dwellings on Farms

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) has been met.

The applicant has stated on the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has confirmed this Criteria B has been met.

The proposed site is located to the immediate south of the applicants dwelling at No 32 Moneyscalp Road and the associated farm buildings.



The site is considered to be visually linked or sited to cluster with established buildings on the farm as can be seen in the image above,

Policy CTY 8

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. The justification and amplification section of CTY 8 states clearly that ribbon development has been consistently opposed and will continue to be unacceptable in the countryside. It continues that a 'ribbon' does not necessarily have to be served by individual access not have a continuous or uniform building line. Buildings staggered or at right angles and with gaps between them can still represent ribbon development, if they have a common frontage or are visually linked.

This is the case here, a dwelling on the proposed site would be visually linked with Nos 32, 32a, 34, 38 and 40 Moneyscalp Road and their associated out buildings / garages etc when travelling in both directions along the road. As such the proposal would create ribbon development along this part of the road contrary to Policy CTY 8 of PPS 21 and the related provisions of the SPPS.

CTY13

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (B) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

When travelling along Moneyscalp Road in both directions, it is considered that a dwelling on the proposed roadside site would be a conspicuous feature given the lack of established natural boundaries. As described above the site and apparent in the attached photo, the site is absent of vegetation on 3 of its boundaries. Given the reliance on new planting as shown on indicative site layout Drawing No.P02, which would take time to mature, the development would not visually integrate into the landscape and is therefore contrary to Policy CTY 13 of PPS 21.

CTY14

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

As discussed above, the proposed development would result in the creation of ribbon development. This would result in a detrimental change in the rural character of the area contrary to Policy CTY 14 read as a whole and the related provisions of the SPPS.

PPS 2

Policy NH 6 of PPS 2 titled 'Areas of Outstanding Natural Beauty', states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and where the following circumstances are met.

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape;
- and c) the proposal respects:
- local architectural styles and patterns;
 - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - local materials, design and colour.

Although the proposal in itself would not undermine the AONB designation as a whole, for reasons discussed above the siting of the proposal would be detrimental to the rural character of this particular locality, and in this respect would therefore be unsympathetic to the AONB and contrary to Policy NH 6 of PPS 2.

PPS 3

The proposal seeks to create a new access onto Moneyscalp Road.

Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

(A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic

(B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable.

The access and necessary visibility splays can be provided within the site and the land adjacent controlled by the applicant. Following a consultation with DfI Roads, they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

PPS 6

The site is located within the vicinity of a Rath & Soutterain DOW043:075. DfC Historic Environment Division : Monuments were consulted regarding the proposal and have no objections advising HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Neighbour Notification Checked

Yes

Summary of Recommendation

On balance and taking into account all the supporting information and consultation responses, it is concluded that the proposal would cause demonstrable harm to interests of acknowledged importance and is therefore unacceptable to prevailing policy requirements.

Reasons for Refusal:

1. The proposed development is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that no over-riding reasons have been provided to justify that the proposed development is essential in this rural area.
2. The proposal is contrary to the SPPS and Policy CTY13 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that the proposal lacks long established natural boundaries and relies primarily on the use of new landscaping for integration;
3. The proposal is contrary to the SPPS and Policies CTY8 and CTY 14 of Planning Policy Statement 21 – Sustainable Development in the Countryside in that the proposal would create a ribbon of development along this section of the Moneyscalp Road.
4. The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2 – Natural Heritage in that it could not be accommodated within the landscape without detriment to local rural character of the AONB.

Case Officer Signature: C COONEY

Date: 22 March 2024

Appointed Officer: A.McAlarney

Date: 28 March 2024

Development Management Consideration

Details of Discussion:

Letter(s) of objection/support considered: Yes/No

Group decision:

D.M. Group Signatures

Date



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2171/F

Date Received: 30/01/2023

Proposal: Erect 2 dwellings with detached garages & associated siteworks.

Location: Between 28 Forkhill Road and 1 Mountain Road, Newry.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015, the site is within an Area of Outstanding Natural Beauty.

The site is positioned on the edge of the busy Forkhill Road which runs along the northwest site boundary, the site rises quite steeply from this boundary to the rear southeastern boundary. To the northeast of the site is No 28 and 26 properties which front onto Forkhill Road. The southern boundary of the site is bounded by Mountain Road, opposite the site and on the opposite side of Mountain Road is No 1 and to the west an outbuilding, both the dwelling and outbuilding front onto Mountain Road.

The surrounding area has a semi-rural character, with agricultural lands and several single dwellings in the immediately vicinity, the properties in the vicinity range in their size, scale and design.

Site History:

LA07/2022/0606/O - Site for 2 infill dwellings with detached garages - Between 28 Forkhill Road and 1 Mountain Road, Newry – Permission Refused 03/11/2022.

This recent application was refused as the proposal was not considered an infill opportunity, the previous refusal was not appealed, and this current application is on the same site as the previous refusal.

Planning Policies & Material Considerations:

The following policy documents provide the primary planning context for the determination of this application:

- Banbridge / Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)

- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections raised following the submission of amended plans, conditions suggested.

NI Water – No objections raised.

Objections & Representations:

The application was advertised on 21st and 22nd February 2023, four (4) neighbours were notified on 9th February 2024 (initial notifications failed to send), no representations or objections have been received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for a gap site which is accordance with policy CTY8.

Principle of development – PPS21 Policies CTY1, CTY8

Policy CTY1 of PPS21 sets out six circumstances where a new dwelling in the countryside may in principle, be acceptable. This includes the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8. As there is no significant change to the policy requirements for infill dwellings following the publication of the SPPS, and it is arguably less prescriptive, the retained policy of PPS21 will be given substantial weight in determining the principle of this application, in accordance with paragraph 1.12 of the SPPS.

The exception under Policy CTY8 permits the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage, provided it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and

meets other planning and environmental requirements. The reference to 'substantial and built-up frontage' includes a line of three or more buildings along a road frontage without accompanying development to the rear.

In assessing such proposals, the PAC sets out four steps to be followed (e.g. in appeal decision 2016/A0040):

1. **Identify whether there is a substantial and continuously built up frontage.**
2. **Establish whether there is a small gap site.**
3. **Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.**
4. **Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).**

Using this 4-step approach, the below is considered:

1. **Identify whether there is a substantial and continuously built up frontage.**

The relevant area of road frontage along Forkhill Road runs south-west to north-east.

In the context of the site working from south-west; there is No. 1 Mountain Road (a two-storey farm dwelling and outbuildings and sheds to the rear). The dwelling and outbuildings have dual frontage onto both Forkhill Road and Mountain Road. This is then adjoined to the northeast by Mountain Road, followed by the application site. To the north-east of the site, there are several detached dwellings fronting onto the road, including No's 28, 26, 24 Forkhill Road. This is followed by a field and access, with additional dwellings and buildings further north-east again.

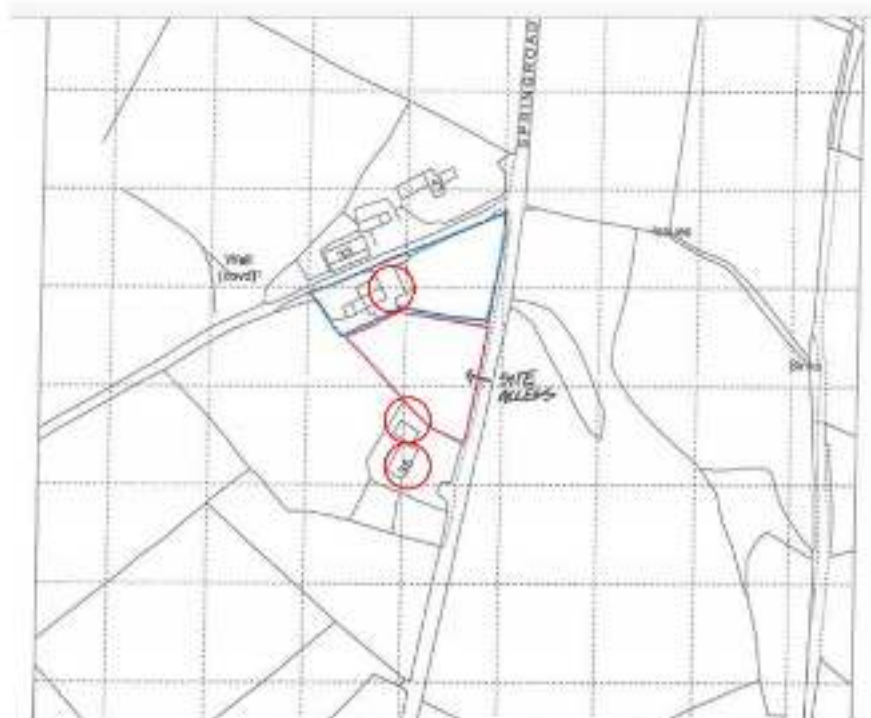
For the purposes of this initial test, whilst there are three or more existing buildings along this road frontage, the frontage is broken by Mountain Road, which lies between the site and No.1 Mountain Road. Mountain Road is a named public road and not a minor laneway. As such, the proposal is relying on two separate road frontages to meet the exception to ribbon development. This does not equate to a "*substantial and continuously built up frontage*" as required by policy.



The design and access statement submitted with the current application references the policy requirements in this regard in the section entitled *"Is the site located within a substantial and continuously built up frontage?"* and seeks to demonstrate how the policy is met, and it acknowledges the existence of Mountain Road within the reliant frontage and goes on to note that The Council (and similar planning authorities) have argued that a road running within a frontage creates a break in the ribbon of development. The statement refers to an Appeal (reference 2018/A0186) whereby the PAC accepted the road within the ribbon did not break the ribbon and allowed the appeal.

When reviewing the details of this appeal case, it is considered incomparable to the circumstances of the current application; in this appeal, the PAC accepted that the application site and the adjacent plot form part of a line of three buildings along that section of road frontage i.e. the continuously built-up frontage incorporates the buildings within the curtilage of No. 35 and outbuilding related to No.33 which has dual frontage onto Spring Road, not the dwellings further north of the minor road at No. 31 Spring Road. It is therefore considered inaccurate to suggest the PAC accepted there was one continuous frontage for the purposes of the initial test under CTY8, as suggested.

It should also be noted in this particular case (PAC decision 2018/A0186) the gap is sandwiched between buildings on one continuous and substantially built up frontage and is not broken by a public road. In contrast the proposed application is at the end of a continuous build up frontage and bounded by Mountain Road, as such there is no gap between buildings.



Above: Site Location Plan considered in Appeal ref 2018/A0186 whereby the buildings highlighted in red were accepted by the PAC as forming a line of 3 or more buildings in a substantially built up and continuous frontage.

The statement also goes on to provide examples of recent applications submitted to the Council for consideration, including:

LA07/2020/1103/O



Site location of LA07/2020/1103/O

The Planning Authority recommended refusal on the basis of a break in road frontage, but the Council's Planning Committee approved the application on the basis that the site was located within a frontage of development and that the presence of Drummill Road did not break the ribbon of development.

LA07/2022/0243/F



Site location of LA07/2022/0243/F

For the above application the Planning Authority again felt that the application should be refused as there was not a continuous frontage but that the laneway provided a break, the application was approved by the Planning Committee.

Whilst the contents of the design and access statement are acknowledged, it's important to emphasise that each application is considered on its own merits. The circumstances of this application are considered more comparable to the circumstances in Appeal reference 2017/A0221 whereby the road frontage was broken by the existence of a Road. The PAC's consideration in this case was clear that this fundamentally fails policy:

(Para 13) *"Even if the Appellant had argued that the proposal satisfied the exception for infill development within Policy CTY8, I do not concur. This is because the proposal would have to rely on development along two frontages, not one, as required by the policy. In this case, the frontage is broken up by the Greencastle Pier Road. Consequently, there is no substantial and continuously built up frontage which is fundamental to satisfying the policy exception." (emphasis added.)*

Also of note is Planning Appeal Ref 2017/A0009 another appeal in this Council area which was again dismissed by the PAC. Quoting from the Commissioner's report he says "Whilst Policy CTY8 does not refer to adjoining roads or mention the word "break" in respect of assessing frontages, the exceptional test refers to a small gap site within an otherwise substantial and *continuously* (my emphasis) built up frontage. It follows that where there is a feature that interrupts or ends a line of buildings along a frontage, then any development beyond that cannot be considered to lie within that same frontage. In this case, the appeal development would be reliant on buildings along two frontages, albeit along the same road". I consider this PAC decision to reflect the ground conditions of the proposed site and consolidates the Planning Authority's position.

In applying the approach of the PAC in these appeals, and in the specific context of the application site, there is not considered to be 'a *substantial and continuously built up frontage*' owing to the fact the reliant frontage is broken by Mountain Road, similarly to the above appeal. The proposal therefore is considered to fail this initial test of Policy CTY8.

2. Establish whether there is a small gap site.

The second test of whether this is a small gap is related to the issue of plot size under the third test.

The subject 'gap' (as measured between buildings) is in this case, taken to be between No.28 Forkhill Road and the outbuilding to 1 Mountain Road, measuring approximately 74.9m. The average width of plot along this frontage is c.48.18m. In this scenario, the 'gap' is capable of accommodating less than 2 dwellings based on established plot sizes, therefore it would be difficult to sustain a refusal on this basis.

However since the proposal fails to meet the initial test of CTY8, complying with this part of the test in itself is insufficient when considering the policy test as a whole.



3. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.

The proposal is for two dwellings set back from the road, this will broadly align with the settlement pattern of No's 1 Mountain Road and 28 Forkhill Road. The comments within the supporting statement in relation to size and scale, siting and plot sizes are noted.

However, it is established that the application site does not sit within a substantial and continuously built up frontage and therefore does not qualify as an exception to CTY8, rather its development as proposed, would result in the addition of ribbon development along this road frontage. The proposal does not respect the existing development pattern along the frontage. The site provides a visual break in the developed appearance of this locality, which is evidently already eroded by ribbon development.

The agent in their submission referenced an appeal 2019/A0027 where questions are asked of what an acceptable plot size is. Although the proposal may be similar to plot sizes in the surrounding area as stated above the proposal is not considered as an exception to CTY8 and therefore would add to ribbon development.

As the site does not merit a small gap within an otherwise substantial and continuous frontage, the infilling of this site should not be permitted, in accordance with para 5.34 CTY8 (justification and amplification text).

The proposed siting will add to the existing ribbon of development and furthermore, requires extensive excavation works to construct the dwellings, which is completely unacceptable and should be resisted (considered further below under CTY13, CTY14.)

4. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

In addition to the above tests, Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that *"All development in the countryside must integrate into its setting, respect rural character and be appropriately designed."* These considerations will be further assessed under policies CTY13 and CTY14 of PPS21.

Policy CTY13 – Integration and Design of Buildings in the Countryside

The critical views of this site are considered to be from Forkhill Road travelling in both directions.

The application site is set on the edge of the busy Forkhill Road and as such owing to the sharp increase in ground levels together with lack of long established natural boundaries or landscaping, the site is extremely open to views and the proposed dwellings would appear as prominent features in the landscape.

It would be difficult to achieve a satisfactory degree of integration without relying primarily on the use of new landscaping, in addition to an unacceptable degree of excavation works. The proposed development would see an inclining dual access driveway which would appear as suburban in form, the necessary ancillary works to achieve access to the dwellings will be visually obtrusive, given the changes in levels on the site and lack of natural screenings to achieve a suitable degree of integration. The proposed dwelling and garages are modest in their size and scale, properties are to be single storey in design and positioned centrally within the site. Given existing properties in the vicinity of the site it is considered that the design is appropriate for the site and its position surrounded by a range of differing house types.

Whilst cross sections have not been provided, it is evident from the ground levels, that the proposal will require a degree of engineering works to achieve the proposed construction which will not blend with the existing landform and sloping nature of the site.

For the above reasons, the proposal is considered contrary to criteria a), b), c), d) and f) of Policy CTY13.

Policy CTY14 – Rural Character

In considering the requirements of Policy CTY14, the new dwellings and garages would appear unduly prominent in this landscape, as previously considered under CTY13.

When viewed with the existing surrounding buildings, the proposed development would result in a suburban style build-up of development and would add to the extensive ribbon of development which exists along this road frontage. The site represents an important visual break in the developed appearance of the locality which helps to retain a degree of rural character. CTY8 confirms that the infilling of such gaps will not be permitted, except where it comprises the development of a small gap within an otherwise substantial and continuously built-up frontage (Para. 5.34), as previously outlined the proposal is not considered an infill opportunity.

As outlined above the development of the site will require substantial engineering works which will damage the character of the area.

For these reasons, the proposal is also considered contrary to criteria a,) b,) d) and e) of Policy CTY14 in that the buildings would if permitted, further erode the rural character of this area.

CTY16 – Development relying on non-mains sewerage.

The application form indicates foul sewage will be disposed of via a waste water treatment plant at each dwelling. The application complies with this policy.

A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Impact on Amenity

Given the nature of the site there are no concerns of the proposal resulting in unacceptable overlooking resulting from the new proposal.

PPS2 Natural Heritage

The impact of the proposed development on the AONB is tested under PPS2 Policy NH6. Whilst the size and scale of the proposed dwellings and garages are modest, the proposed siting of the proposal is considered unsympathetic to the special character of Ring of Gullion AONB in general and of this particular locality and the proposal would add to build up and the existing ribbon of development and further erode the rural character of the surrounding area.

Access and Parking

DFI Roads stated in their latest response that there are no objections to the proposal following the submission of amended plans. It is considered that the proposed access and parking provisions are acceptable.

As such the proposal is considered acceptable in terms of access and parking and is in line with PPS3.

Recommendation: Refusal

Refusal Reasons;

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) Paragraph 6.73 Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) Paragraph 6.73 and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Forkhill Road and is not considered an exception to the policy.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) Paragraph 6.70 and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:
 - a) the proposed buildings will be a prominent feature in the landscape;

- b) the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
- c) the proposed buildings will rely primarily on the use of new landscaping for integration;
- d) the ancillary works will not integrate with their surroundings;
- f) the proposed buildings fail to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) Paragraph 6.70 and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

- a) the dwellings will, if permitted, be unduly prominent in the landscape;
- b) the dwellings will, if permitted result in a suburban style build-up of development when viewed with existing buildings;
- d) the dwellings will, if permitted add to a ribbon of development;
- e) the impact of ancillary works would if permitted, damage rural character and the proposal would if permitted, further erode the rural character of the countryside.

5. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) Paragraph 6.187 and Policy NH6 of Planning Policy Statement 2: Natural Heritage in that the siting of the proposed dwelling will have an adverse visual impact and is unsympathetic to the designated Area of Outstanding Natural Beauty (AONB).

Case Officer:	Wayne Donaldson	Date: 20/03/2024
Authorised Officer:	Maria Fitzpatrick	Date: 22/03/2024

Application LA07/2022/2171/F. 2 dwellings with detached garages at Forkhill Road, Newry.

This application proposes 2 infill dwellings, which would front onto Forkhill Road in a gap which could accommodate 2 houses. The site represents the only gap in a ribbon of development which extends to 325m long and consists of several dwellings, a funeral parlour, several domestic buildings, a building used as a golf academy and a farm building.

The junction between Mountain & Forkhill Roads is located within the frontage of buildings. Mountain Road runs away from Forkhill Road at a 90 degree angle. The officer's report contends that Mountain Road **breaks** the frontage of buildings which, in the eyes of the Council removes the opportunity for an infill dwelling to be approved.

Policy CTY 8 and the justification text which follows **does not advise** that a road or lane running between buildings creates a break in a ribbon of development. This is an issue that has been raised by the planning department. This Council has approved applications for infill dwellings in cases where a road or lane is located within the frontage of development.

On 10th February 2021, the planning committee approved application LA07/2020/1103/O at Newry Road, Silverbridge. In that case, Drummill Road joined Newry Road within the frontage of development. As such, the planning dept took the view that the presence of Drummill Road, "**broke the frontage**". The committee readily accepted that the frontage of development extended across the junction and approved permission for an infill dwelling and detached garage.

Application LA07/2022/0243/F was decided by the planning committee in March 2023. The application proposed 2 infill dwellings along a private lane close to GAA club at Atticall close to Kilkeel. The application was recommended for refusal because a junction between 2 private lanes was located within the frontage of buildings. The planning dept took the view that the junction between the 2 lanes broke the frontage of development. Notably, the site had been the subject of **2 previous refusals for infill dwellings and an un-successful appeal**.

Despite the site's negative planning history, the Committee took the view that the site was located within a continuous frontage of buildings and that the junction between the 2 lanes located within the frontage did not break the frontage of buildings.

In deciding to refuse this application at Forkhill Road, the Council has relied heavily on the circumstances and the outcome of an unsuccessful planning appeal, 2017/A0009 for an infill dwelling at Drumaness. In this case a Commissioner concluded that a junction which was located within the frontage of buildings broke the frontage. As the frontage was broken, a new dwelling was therefore seen as an extension to a ribbon of development and not an infill opportunity.

For an appeal to be relevant to the consideration of a planning application, the circumstances of the appeal must be exactly the same, or "*on all fours*" with the circumstances of the application. The appeal referred to by the officer is clearly not "*on all fours*" for 2 reasons.

Firstly, the applicant was relying on an expired approval for a dwelling where no building had been constructed. Secondly, the dwelling which the Commissioner took as being the "*book end*" of the ribbon of dwellings fronted onto another road. The Commissioner has used the

fact that the dwelling fronted 2 roads along with the existence of the junction to create/establish a break in the frontage of development which proved fatal to the appeal. In contrast, all of the buildings at Forkhill Road front Forkhill Road and the applicant is not relying on any other approvals being constructed.

The statement, which was submitted with this application referred to Appeal 2018/A0186 relating to an infill dwelling in the Omagh area. Unlike the Drumaness appeal referred to by the planning officer, this successful appeal is "*on all fours*" with the subject application in that all of the buildings that comprised the ribbon of development fronted onto one road and a junction was located within the frontage of development.

Unfortunately, the officer's report for the Forkhill Road application appears to have misinterpreted the findings of the commissioner who decided the Omagh appeal in a way which prevents the applicant from relying on the findings of this successful appeal. Whilst I am very sure this is a simple error, the error, none the less needs to be highlighted.

It is noteworthy that the successful Omagh appeal which I have referred to was decided in August 2019, **2 years after** the unsuccessful Drumaness appeal to which the Council has referred. Against this background, the Omagh appeal represents a more recent insight into the manner in which the PAC might consider an appeal on the Forkhill Road site if the planning committee decide to refuse the application.

What happens if we approach this from a different angle?

If an application were submitted for a dwelling at the end of a row of 3 houses, it would be considered as an extension of a ribbon of development and refused contrary to CTY 8.

If an application were submitted in exactly the same circumstances but with a road running between 2 of the houses, it would still be refused contrary to CTY 8. No planning authority would overlook the extension of a ribbon of development just because there is a road located within the frontage.

If the presence of a road or lane would not affect the outcome of such an application, logic and administrative fairness would and should dictate that a similar road within a frontage of houses would not prevent the approval of an infill dwelling.

The officer's report has been authored in a manner which suggests that the application would comply with the remaining criteria in CTY 8 provided that the site is deemed to be located within a substantial & continuous frontage of buildings. If the committee decide that the application site **is located** within a substantial & continuous frontage of development, the application will automatically comply with CTY 8. In this circumstance, the remaining refusal reasons could be easily set aside and the application could be approved.

During my presentation to the Committee, I will use some maps and drawings to further explain the situation at Forkhill Road and explore the circumstances of the relevant appeals.

Finally, I hope to demonstrate that the Council's decision to use the presence of Mountain Road as a reason to refuse this application is not well founded.

Brendan Quinn. BSc Hon's ICIOB



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin
**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2413/F

Date Received: 07.03.2023

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

Location: 15a Wood Road, Newry, BT35 8LN

Site Characteristics & Area Characteristics:

The site takes in an existing dwelling as described in the application form that includes a two-storey detached dwelling situated on a spacious plot with views towards the village of Meigh. The site is located within the rural area / Ring of Gullion AONB as designated in the extant Banbridge Newry and Mourne Area Plan 2015.

Site History:

Application Number: P/1993/6043

Decision: Decision Date:

Proposal: New entrance Belfast Road Newry

Application Number: P/1993/6044

Decision: Permission Granted

Decision Date:

Proposal: Replacement dwelling Wood Road Killeavy

Application Number: P/1988/1224

Decision: Permission Granted

Decision Date:

Proposal: Site for replacement dwelling

Application Number: P/1995/0716

Decision: Withdrawal Decision Date:

Proposal: Site for replacement dwelling

Application Number: P/1995/1355

Decision: Permission Granted

Decision Date:

Proposal: Erection of Replacement Dwelling

Application Number: P/1995/0581

Decision: Permission Granted

Decision Date:

Proposal: Erection of replacement dwelling

Application Number: P/1999/2180/O
 Decision: Permission Granted
 Decision Date: 16 August 2000
 Proposal: Site for replacement dwelling

Application Number: P/2002/1222/RM
 Decision: Permission Granted
 Decision Date: 19 November 2002
 Proposal: Replacement Dwelling.

Consultations:

DFI Roads –no objections in principle subject to Planning being content that vehicular movements are likely to decrease.

NI Water – approval with standard conditions

Environmental Health – no objection in principle.

Objections & Representations

2 Neighbours notified on 04.05.2024 and the application was advertised on 17th May 2023. No objections received.

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3 / DCAN 15.

Consideration and Assessment:

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

The site is located in the countryside and Ring of Gullion AONB as depicted in the Banbridge Newry and Mourne Area Plan 2015. There are no site-specific objections from the Area Plan and decision making is deferred to the retained policies which will be considered below in this report.

Planning Policy Statement 16 – Tourism

I consider the SPPS to be less prescriptive and therefore the retained policy of PPS 16 which is more prescriptive is the correct policy to consider the merits of the application.

Whilst policy CTY 1 of PPS 21 points the reader to PPS 16 for tourism proposals, paragraphs 5.0-6.0 of PPS 16 reminds the reader that applications for conversion of an existing building in the countryside for a tourism purpose will be assessed against the policy provisions of policy CTY 4 of Planning Policy Statement 21.

Planning Policy Statement 21 – Sustainable Development in the Countryside / Strategic Planning Policy Statement for Northern Ireland

Policy CTY 4 of PPS 21 is applicable for the conversion and reuse of existing buildings. The Council remains within the 'transitional arrangements' due to the fact a Plan Strategy has not been adopted. Under paragraph 1.12 the SPPS states that 'Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS'.

I note under paragraph 6.73 the SPPS states that provision should be made for the sympathetic conversion and re-use of a *suitable locally important building of special character or interest (such as former schoolhouses, churches and older traditional barns and outbuildings)* for a variety of alternative uses... This aspect of the policy is more proscriptive than the retained policy and therefore will be material and considered along with the policy provisions of CTY 4.

The site which includes an existing dwelling originally approved in 2002 is not considered a locally important building of special character or interest and therefore fails the initial test within the SPPS.

Notwithstanding the initial policy test failure, I will consider the remaining policy provisions of policy CTY 4 below.

(a) the building is of permanent construction;

(b) save for the building up of one window, the existing dwelling will remain untouched and therefore any existing character will not be affected by the proposal.

(c) There are no extensions associated with the proposal.

(d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings. This is further evidenced by Environmental Health responding with no objections to the proposal.

(e) The justification and amplification at paragraph 5.21 does make reference to planning permission possibly being granted for the reuse of existing buildings for appropriate tourism uses. Whilst there is no policy provision to measure the acceptability of this tourism use within PPS 16, as it points the reader to policy CTY 4 of PPS21 – I do consider that the proposed tourism amenity may be acceptable at this site due to the minimal impact on the surrounding area, environment and amenity. If all the policy provisions of policy CTY 4 / SPPS were met, a refusal on the basis of the appropriateness of the use at this site would be difficult to sustain.

(f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

(g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. I would tend to agree with the agent in that the cumulative vehicle movements over the longer term are likely to be less than the consistent movements of a dwelling house over the same period. DFI Roads has confirmed it has no objection to the proposal on the basis that planning is content with the vehicle movements.

Consequently, because of the above assessment, the proposal is contrary to paragraph 6.73 of the SPPS in that the existing dwelling is not considered a locally important building of special character or interest. Further to this, as the proposal does not meet the exceptions as noted

within policy CTY 1 and no overriding reasons why the proposal cannot be established within the settlement limit, the proposal is contrary to policy CTY 1 of PPS 21.

The applicant proposes to use a septic tank to deal with foul waste. Any approval notice could be negatively conditioned to ensure consent to discharge is obtained prior to commencement, this satisfies policy CTY16.

As the proposal is existing with only minimal changes which are in the vast majority internal, I do not consider policies CTY8, CTY13 or CTY14 are compromised by the proposal.

Planning Policy Statement 3 / DCAN 15

As noted above, DFI Roads have confirmed they have no objection to the proposal on the basis that Planning accept the vehicle movements are likely to be lower than that of the single dwelling. I accept vehicle movements are likely to be lower particularly given the property would not necessarily be occupied all the time and therefore it is not envisaged there would be any intensification at the site. The proposal is in general compliance with PPS 3 / DCAN 15.

Agent additional information considered however opinion remains unchanged.

Recommendation:

Refusal

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland in that the building to be converted is not considered to be a suitable locally important building of special character or interest.

Case Officer: Ashley Donaldson 21/03/2024

Authorised Officer: Maria Fitzpatrick 05/04/2024

Cole Partnership
Architecture and Project Management
 12A Duke Street Warrenpoint
 Co.Down BT34 3JY

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Proposed change of use of existing dwelling for additional accommodation for adjacent hotel. Ref: LA07/2023/2413/F

This is a planning application for the reuse of an existing rural dwelling to provide additional accommodation for larger groups who wish to stay together when attending events such as weddings and functions at Killeavy Castle Estate. With minor modification the existing 4-bedroom dwelling will become a 7-bedroom dwelling, which will include a ground floor bedroom and ensuite for those with restricted mobility. The dwelling is positioned 100m from Killeavy Castle and has direct access via an entrance lane way at the top of Wood Road. The dwelling is owned by Killeavy Castle Estate and is positioned within grounds under their ownership.

The application was determined under PPS 21 sustainable development in the

The planning department are of the opinion that the proposal should be recommended for refused on two reasons:

- The proposal is contrary to PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located in a settlement.
- The proposal is contrary to paragraph 6.73 of SPPS in that the building to be converted is not considered to be a locally important building of special character or interest.

CTY1 of PPS 21 states '*Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement*'. The dwelling to be converted is in the grounds of the hotel.

It is not feasible to have accommodation associated with the hotel located within the settlement limit which is over one a half kilometres away. To have accommodation linked with the hotel over a kilometre and a half away is not feasible and would defeat the purpose of having accommodation for families or larger groups who wish to attend events at the resort while being located near the hotel.

To provide accommodation within the development limit would require the Killeavy Castle Estate to purchase land within the development limit and construct a new building incurring significant costs. If they were to do so the accommodation would be located over a kilometre from the events venue would not attract many visitors

The dwelling to be reused was granted planning permission in 2002 which would indicate it meets the criteria of being designed and sympathetically integrated with the surrounding countryside and meets environmental considerations. The appearance of the dwelling to be converted will not be altered in the conversion.

The case officer's reports also refers to policy CTY4 of PPS21 and is content that the proposal meets the criteria set here and as there is only minimal changes to the dwelling the proposal would meet the criteria set out in CTY4 PPS21

Paragraph 6.73 of SPPS refers to the conversion and reuse of buildings for non-residential building which should be of local importance or of special character. The dwelling to be re used was constructed approximately 2002 and has influenced the character of the area.

Consideration should be given to the section from SPPS document which deals with tourism. This section of the SPPS document states that the planning system and should '*ensure that development is sustainable and achievable without damaging those qualities in the environment which are of acknowledged public value and on which tourism itself may depend*'. The conversion of the existing dwelling to provide accommodation will safeguard surrounding tourism assets from unnecessary extra development and will provide sustainable development by the reuse of an existing building. One of the key objectives for tourism as part of SPPS is to '*facilitate sustainable tourism development in an environmentally sensitive manner*' the reuse of an existing dwelling is clearly sustainable tourism development as there will be no requirement for a new build to provide additional accommodation.

SPPS goes further to state that planning authorities 'must carefully manage tourism development'... *'The guiding principle should be to ensure policies and proposals facilitate appropriate tourism development in the countryside'* which includes *'the reuse of rural buildings and appropriate development'* This paragraph highlights the re use of rural buildings for tourism purposes, the dwelling to be converted is located in the countryside policy area making it a rural building.

We feel that the information presented would show that this proposal meets the criteria set out in PPS21.

Additional comments by Mick Boyle owner of Killeavy Castle Estate

Killeavy Castle Estate is a 365 acre estate on the slopes of Slieve Gullion. As the owners we are 10 years into a 25 year restoration project. All work that has been carried out to date, and planned into the future, has been carried out carefully, respectfully and sympathetically to showcase the best of South Armagh.

The original heritage building castle and the farm buildings which were derelict have been restored and are the centrepiece of a 4 star luxury 45 room hotel and events centre that was the 2023 winner of the AA award for the best hotel in Northern Ireland. The farm which was just as derelict as the buildings has been more than half restored and now produces a lot of the produce sold in the bistro bar, restaurant and farm store on the estate. The final piece of the restoration project is to remove the plantation sitka spruce on the upper part of the estate and replant that area with native broadleaf woodlands. That work has now commenced and will be completed over the next 10-15 years.

The ethos of the hotel is sustainability and Killeavy Castle Estate Limited was the winner of the 2024 Business Post Most Sustainable Medium Sized Business, not just hospitality business, on the island of Ireland. Killeavy Castle Estate, as well as having the hotel accommodation, also offers accommodation in Killeavy Castle which has 4 bedrooms, and the Killeavy Gatelodge which has 3 bedrooms. Both properties provide 4 star self catering accommodation and are an important supplement to the hotel rooms and are generally used by families and groups.

The properties on 15A Wood Road sits within Killeavy Castle Estate and overlook the estate farmland. They are very close to the hotel, much closer than the Killeavy Gatelodge. The buildings on the property are not proposing to be significantly changed externally except to be cleaned and tidied up. Internally they are to be modified slightly to provide 4 star self catering accommodation with 7 double bedrooms.

The proposed development a 15A Wood Road will be a high quality addition to the accommodation offering at Killeavy Castle Estate that will generate more visitors and more employment for the area. The proposed work, reutilising existing buildings rather than building new buildings is in line with the Estates sustainable ethos, which has made Killeavy Castle Estate the Tourism NI's showcase property for eco tourism in Northern Ireland.

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 09 MARCH 2022					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley	On May agenda	Y
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 08 FEBRUARY 2023					
LA07/2021/1995/F	Proposed 2no Detached Dwellings with associated Car Parking and Landscaping - Lands to North	Defer until the February Meeting as objector unable to attend		Tabled at Planning Committee 23.08.23	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle.				
PLANNING COMMITTEE MEETING 08 MARCH 2023					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carnivekeney Road Newry Co. Down.	Defer	P Rooney/A Donaldson	Planning Application being held, to enable submission of bat emergency surveys, until May 2024.	N
PLANNING COMMITTEE MEETING 26 JULY 2023					
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick	Planning Application being held to enable applicant to be amended to social housing provider	N
PLANNING COMMITTEE MEETING 23 AUGUST 2023					
LA07/2022/1261/F	Proposed side extension to dwelling and new vehicular access – 4 Majors Hill, Annalong	Defer determination to explore further options regarding the development of a lay-by for the proposed application.	M Keane	Revised proposals submitted for lay-by. Ongoing with agent/DFI Roads	N
PLANNING COMMITTEE MEETING 13 DECEMBER 2023					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works	Defer for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit.	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit	N
PLANNING COMMITTEE MEETING 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castlewellan	2no. infill dwellings and garages	A McAlarney	Deferred to allow the applicant time to amend the access route as outlined on the application	N
PLANNING COMMITTEE MEETING 6 MARCH 2024					
LA07/2023/2331/F	Lands 80m to the West of Moss road, Ballynahinch	Dwelling on a farm	A McAlarney	Deferred for legal advice	N
PLANNING COMMITTEE MEETING 10 APRIL 2024					
LA07/2022/1696/O -	Lands approx. 58m east of No.11 Flagstaff Road, Newry, BT35 8NP -	Proposed dwelling and detached garage on an infill site	P Rooney	On May agenda	Y
LA07/2020/1567/F	Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Proposed GAA training pitch, multi Use games area, ball wall along with associated lighting, fencing, ball stops and ground works	P Manley	On May agenda	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2023/2543/O	Immediately SW of 99 Bryansford Road Kilcoo	Proposed 2no infill dwellings and garages	A McAlarney	On May agenda	Y