



November 28th, 2024

### **Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 4th December 2024** at **10:00 am** in **Council Chamber, O' Hagan House, Monaghan Row, Newry**

#### **Committee Membership 2024-2025:**

Councillor D Murphy **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor P Campbell

Councillor C Enright

Councillor K Feehan

Councillor A Finnegan

Councillor C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Councillor J Tinnelly

# Agenda

## 1.0 Apologies and Chairperson's Remarks

## 2.0 Declarations of Interest

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

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

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

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

## 4.0 Minutes of Planning Committee held on 6 November 2024

 *Planning Committee Minutes 2024-11-06.pdf*

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

*For Approval*

 *Addendum list - 04-12-2024.pdf*

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***Items deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014***

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## 6.0 Notice of Motion - Section 76 Order, Downpatrick Eastern Distributor Road

*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.

Report to follow

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**7.0 LA07/2023/2457/O - 40m of 66 Silverbridge Road, Silverbridge Newry - Infill dwelling and detached garage under CTY8**

*For Decision*

**REFUSAL**

On agenda as a result of the call-in process

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

In line with Operating Protocol, no further speaking rights are permitted on the application.

 **LA07-2023-2457-O - Case Officer Report.pdf**

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**8.0 LA07/2023/2507/O - 40m SW of no, 58 Kiltybane Road Newry - New dwelling and garage on a farm**

*For Decision*

**REFUSAL**

On agenda as a result of the call-in process

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

In line with Operating Protocol, no further speaking rights are permitted on the application.

Mr John Feehan will be present to answer any questions that Members may have.

 **LA07-2023-2507-O Case Officer Report.pdf**

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**9.0 LA07/2023/3370/O - To the rear of 44 Bavan Road, Mayobridge, BT34 2HS - Infill dwelling and garage**

*For Decision*

**REFUSAL**

On agenda as a result of the call-in process

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

In line with Operating Protocol, no further speaking rights are permitted on the application.

 **LA07-2023-3370-O - Case Officer Report.pdf**

**Page 34**

**10.0 LA07/2023/2376/O - 60m SW of 131 Derryboy Road, Crossgar, BT30 9DH - Proposed dwelling on a farm under Policy CTY10 of PPS21**

*For Decision*

**REFUSAL**

On agenda as a result of the call-in process

In line with Operating Protocol, no further speaking rights are permitted on the application.

Mr Gerry Tumelty will be present to answer any questions Members may have

 [LA07-2023-2376-O - Case Officer Report.pdf](#)

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***Development Management - Planning Applications for determination***


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

*For Decision*

**APPROVAL**

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

 [LA07.2022.0841.F - Case Officer Report.pdf](#)

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

*For Decision*

**APPROVAL**

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

 [LA07.2022.1357.O Case Officer Report.pdf](#)

*Page 63*

**13.0 LA07/2016/0898/O - Lands at Carnmeen Farm (to the east of the A27 Tandragee Road and to the east and south of the A1 Newry bypass) Newry and land comprising a small section of**



**southbound road verge on the A28 Armagh Road, Newry on the approach to the roundabout junction with the A1 - Outline planning permission, with some matters reserved, for a period of 5 years for proposed development of light industrial, distribution and storage use on lands at Carnbeen Farm**

*For Decision*

**APPROVAL**

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

 [LA07.2016.0898.O Case Officer Report.pdf](#)


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- 14.0 LA07/2024/0824/F - Existing all weather 2G floodlit sports pitch and Tollymore FC grass pitch, 100m west of Donard car park and 60m east of Shanlieve Drive, Donard Park, Newcastle Co. Down BT33 0EU - Upgrade of existing sports pitch facility to provide covered seating (for 200 spectators). Proposal includes all associated site works**

*For Decision*

**APPROVAL**

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

 [LA07.2024.0824.F - Case Officer Report.pdf](#)

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- 15.0 LA07/2024/0275/F - Land 205m SE of 7 Dunturk Road Castlewellan - 1 ½ storey replacement dwelling and detached garage**

*For Decision*


**REFUSAL**

On agenda as a result of the Call In Process

Speaking rights have been requested by Barry Fletcher in support of the application.

 [LA07-2024-0275-F - Case Officer Report.pdf](#)

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 [LA07-2024-0275-F.pdf](#)

*Page 141*


- 16.0 LA07/2023/3491/F - Adjacent to 97 Bryansford Road, Kilcoo - Proposed infill dwelling & detached garage in accordance with CTY 8: PPS21**

*For Decision*


## REFUSAL

On agenda as a result of the Call In Process

Speaking rights have been requested by Mr Declan Rooney, agent, and Mr & Mrs Hogg, applicants.

 [LA07-2023-3491-F - Case Officer Report.pdf](#)

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 [LA07.2023.3491.F.pdf](#)

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### **17.0 LA07/2024/0411/O - Lands between 69 & 73 Crawfordstown Road, Drumaness, Ballynahinch - Infill dwelling and garage**

*For Decision*


## REFUSAL

On agenda as a result of the Call In Process

Speaking rights have been requested for Mr Gerry Tumelty and Mr Ryan Lawlor in support of the application.

 [LA0-2024-0411-O - Case Officer Report.pdf](#)

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 [LA07.2024.0411.O.pdf](#)

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### **18.0 LA07/2023/2827/F - Lands immediately NW of no. 48 Maytown Road, Bessbrook - Erection of dwelling**

*For Decision*


## REFUSAL

On agenda as a result of the Call In Process

Speaking rights have been requested by Mr Colin O Callaghan in support of the application.

 [LA07-2023-2827-F Case Officer Report.pdf](#)

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 [LA07-2023-2827-F.pdf](#)

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## *For Consideration and/or Decision*

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### **19.0 Listing of Buildings of Special Architectural or Historic Interest**

Advance Letter of Listing

 [HB16 22 047 Advance Listing Letter to Council.pdf](#)

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***For Noting***

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## **20.0 Historic Action Sheet**

*For Information*

# Invitees

Cllr Terry Andrews  
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Cllr Callum Bowsie  
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Fionnuala Branagh  
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Cllr Jim Brennan  
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Cllr Pete Byrne  
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Cllr Philip Campbell  
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Cllr William Clarke  
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Cllr Laura Devlin  
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Ms Louise Dillon  
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Cllr Cadogan Enright  
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Cllr Killian Feehan  
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Cllr Doire Finn  
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Cllr Aoife Finnegan  
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Ms Joanne Fleming  
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Cllr Conor Galbraith  
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Cllr Mark Gibbons  
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Cllr Oonagh Hanlon  
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Cllr Glyn Hanna  
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Cllr Valerie Harte  
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Cllr Roisin Howell  
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Cllr Tiarna Howie  
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Cllr Jonathan Jackson  
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Cllr Geraldine Kearns  
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Miss Veronica Keegan  
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Mrs Josephine Kelly  
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Mrs Sheila Kieran  
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Cllr Cathal King  
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Cllr Mickey Larkin  
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Cllr David Lee-Surginor  
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Cllr Alan Lewis  
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Cllr Oonagh Magennis  
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Mr Conor Mallon  
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Cllr Aidan Mathers  
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Cllr Declan McAteer  
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Cllr Leeanne McEvoy  
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Jonathan McGilly  
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Cllr Andrew McMurray  
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Maureen/Joanne Morgan/Johnston  
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Cllr Declan Murphy  
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Sinead Murphy  
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Cllr Kate Murphy  
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Cllr Selina Murphy  
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Cllr Siobhan O'Hare  
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Mr Andy Patterson  
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Cllr Áine Quinn  
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Cllr Henry Reilly  
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Cllr Michael Rice  
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Mr Pat Rooney  
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Mr Peter Rooney  
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Cllr Michael Ruane  
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Cllr Gareth Sharvin  
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Donna Starkey  
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Nicola Stranney  
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Sarah Taggart  
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Cllr David Taylor  
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Cllr Jarlath Tinnelly  
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Cllr Jill Truesdale  
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Mrs Marie Ward  
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Cllr Helena Young  
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## NEWRY MOURNE AND DOWN DISTRICT COUNCIL

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**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council  
held on Wednesday 6 November 2024 at 10.00am  
in the Boardroom Council Offices, Monaghan Row, Newry**

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**Chairperson:** Councillor D Murphy

**Committee Members**

**In attendance in Chamber:**

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

**Officials in attendance:**

Mr C Mallon, Director of Economy, Regeneration & Tourism  
 Mr J McGilly, Assistant Director Regeneration  
 Mr Pat Rooney, Principal Planner  
 Ms A McAlarney, Development Manager: Planning  
 Ms L Jackson, Development Plan and Enforcement Manager  
 Mr M McQuiston, Senior Planning Officer  
 Ms M Fitzpatrick, Senior Planning Officer  
 Mr M Keane, Senior Planning Officer  
 Mr G Murtagh, Planning Officer  
 Mr Peter Rooney, Head of Legal Administration (Acting)  
 Ms F Branagh, Democratic Services Officer  
 Mrs N Stranney, Democratic Services Officer

**P/091/2024: APOLOGIES AND CHAIRPERSON'S REMARKS**

An apology was received from Councillor Feehan.

The Chairperson noted that item 19 had been removed from the agenda.

Councillor D Murphy congratulated Ms Annette McAlarney on her appointment as Development Manager for Planning, and these sentiments were echoed across the Chamber.

**P/092/2024: DECLARATIONS OF INTEREST**

There were no declarations of interest.

**P/093/2024: DECLARATIONS OF INTEREST IN ACCORDANCE  
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

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

Item 8: Cllrs Finnegan, Hanna, Larkin, King, D Murphy & Tinnelly attended a site visit on 29 August 2024.

Item 9: Cllrs Campbell, Finnegan, Hanna, Larkin, McAteer and D Murphy attended a site visit on 19 September 2024.

# MINUTES FOR CONFIRMATION

**P/094/2024:** **MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 2 OCTOBER 2024**

**Read:** Minutes of Planning Committee Meeting held on Wednesday 2 October 2024. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Hanna, seconded by Councillor King, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 2 October 2024 as a true and accurate record.**

# FOR DISCUSSION/DECISION

**P/095/2024:** **ADDENDUM LIST**

**Read:** Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 6 November 2024. **(Copy circulated)**

**AGREED:** **On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 6 November 2024:**

- **LA07/2021/1258/RM** - Lands to the rear of 11 Hilltown Road Newry and adjacent and south of 'Ardfreelin' Hilltown Road, Newry - Erection of 42 residential dwellings comprised of 28no. semi-detached, 14no. detached dwellings, provision of hard and soft landscaping including communal amenity space, provision of in curtilage car parking spaces, and all associated site works

## **APPROVAL**

- **LA07/2024/0541/F** - Lands at Ballydugan Retail Park, Ballydugan Road, Downpatrick, BT30 6AJ - Proposed erection of an ASDA superstore (replacement) with associated Petrol Filling Station including shop; and 4 no. retail units (replacement). Development includes car parking, service yard and all associated ancillary, site and access works

## **APPROVAL**

- **LA07/2023/3677/F** - Lands north of Unit 2G Carnbane Gardens, Carnbane Industrial Estate, Newry BT35 6FY - Proposed 3no. light industrial units and associated site works  
**APPROVAL**
- **LA07/2021/2043/F** - Lands 10m SW of 27 Low Road, Newry, BT35 8RH - Conversion of existing farm outbuildings to one self-catering holiday chalet, with extensions and alterations and proposed new building for the provision of toilet and wash facilities and use of adjoining land for caravan pitches (short term use) with associated landscaping and site works  
**APPROVAL**

**ITEMS RESTRICTED IN ACCORDANCE WITH PART 1 OF SCHEDULE 6 OF THE LOCAL GOVERNMENT ACT (NI) 2014**

**Agreed:** On the proposal of Councillor Enright, seconded by Councillor Campbell, it was agreed to exclude the public and press from the meeting during discussion on the following items, which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

**Agreed:** On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed the Committee come out of closed session.

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

**FOR DECISION**

**P/096/2024      COUNTRYSIDE POLICIES FOR DRAFT PLAN STRATEGY**

**Read:** Report from Mr J McGilly, Assistant Director of Economy, Regeneration & Tourism, regarding Countryside Policies for Draft Plan Strategy **(Copy circulated)**

**AGREED:** On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to consider comments from Members and review the final text of the enclosed draft Countryside Policies, with amendments to be brought back to a future Planning Committee Meeting.

**FOR NOTING**

**P/097/2024      CLIMATE CHANGE POLICY**

**Read:** Report from Mr J McGilly, Assistant Director of Economy, Regeneration & Tourism, regarding LDP Climate Change Policy. **(Copy circulated)**



**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to note the contents of the report.

Councillor Enright left the meeting at this point– 11.29am

## DEVELOPMENT MANAGEMENT

**P/098/2024** **PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

**(1)** **LA07/2023/2956/F**

On agenda as a result of the Call-In Process

**Location:**  
Land between 34 & 36 Flagstaff Road, Newry

**Proposal:**  
2no. infill dwellings

**Conclusion and Recommendation from Planning Official:**  
Refusal

Councillor Hanna proposed that the applicant should be afforded the opportunity to present their reasons why they believed the application should be recommended for approval, noting that the site visit had occurred some three months prior. This was seconded by Councillor D Murphy.

### **PowerPoint Presentation:**

Ms M Fitzpatrick reminded Members of the details of the application, outlining that the application was recommended for refusal as it was contrary to Planning Policies CTY1, 8, 13 and 14, along with PPS2 NH 6 as the application was located within an Area of Outstanding Natural Beauty (AONB) and was deemed unsympathetic to the special character of the AONB. She further outlined to Members that a similar application on the same parcel of land had been refused by Council in July 2017, and an appeal had been dismissed by the Planning Appeals Commission (PAC) for the same refusal reasons as relevant to the application.

Ms Fitzpatrick stated that the gap relating to the application site was approximately 120m which could readily accommodate three dwellings with a frontage of 40m, therefore the application failed to meet the exception requirement of CTY8, and the development would add to the existing ribbon of development that defined the section of the Flagstaff Road.

### **Speaking rights:**

#### **In Support:**

Mr Cole confirmed that there was a gap of 120m relating to the application site but stated that should three dwellings be situated within the gap, in keeping with the character of the area, each would be 44m, with the end result being two of the three dwellings would have to include the curtilage of the neighbouring dwellings. He stated that two dwellings as

proposed, one at 42m and one at 45m, would be in keeping with the character of the area. He further stated that any reasons for refusal relating to prominence should be disregarded as all the dwellings within the area were prominent and confirmed that the proposal was situated in the middle of a cluster of 14 dwellings and a number of agricultural and industrial buildings.

Mr Peter Rooney interjected at this stage to highlight that the PAC had already determined that this site was capable of siting three properties and that the situation on the ground had not changed in that regard, as highlighted within the officer's report. He further highlighted to Members that the exception to CTY8 would only apply for gaps that could accommodate no more than two dwellings.

Following this, Councillor Larkin proposed to overturn the recommendation for refusal, stating that following the site visit and having viewed the site plans, he believed that the site was only capable of holding two dwellings. He stated he believed that the proposal would not be unsympathetic to the character of the area, that it would comply with PPS2, and would comply with CTY13 and 14 with adequate planting out of the site. This was seconded by Councillor Hanna.

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

FOR:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/2956/O contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

**(2) LA07/2023/3065/O**

On agenda as a result of the Call-In Process

**Location:**

Site located to NE of No. 46 Slievenaboley Road, Dromara, Co. Down, BT25 2HW

**Proposal:**

Proposed farm dwelling, access and site works

**Conclusion and Recommendation from Planning Official:**

Refusal

**PowerPoint Presentation:**

Ms A McAlarney reminded Members of the details of the application, noting that the application did not comply with CTY10 Criterion C, as the proposed siting did not visually link

or cluster with an established group of buildings on a farm and reiterated to Members that number 46 was not within the farm holding.

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

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

FOR:	4
AGAINST:	1
ABSTENTIONS:	1

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Larkin, seconded by Councillor Campbell, it was agreed to issue a refusal in respect of planning application LA07/2023/3065/O supporting officer recommendation as contained in the Case Officer Report.

Councillor Finnegan left the meeting at this point – 11.50am

## DEVELOPMENT MANAGEMENT

### P/099/2024 PLANNING APPLICATIONS FOR DETERMINATION

#### (1) LA07/2023/2507/O

On agenda as a result of the call-in process

#### **Location:**

40m SW of 58 Kiltybane Road Newry

#### **Proposal:**

Dwelling and garage on a farm

#### **Conclusion and Recommendation from Planning Official:**

Refusal

#### **Power-point presentation:**

Ms M Fitzpatrick outlined the details of the application, confirming that no statutory consultees had raised any objections, no responses had been received following neighbourhood notifications, and the application was still recommended for refusal in line with Planning Policy CTY10, Criterion C that stated that any new building must be visually linked or sited to cluster with an established group of buildings on the farm. She stated, as the proposed site was located across the road from the existing established group of buildings, it was not considered to be visually linked to any existing buildings and would read as a stand-alone dwelling with no obvious physical or functional connection with the farm holding. She reiterated that the Planning Department's recommendation was supported by numerous PAC decisions and noted that the application had also been considered against Planning Policies CTY 8, 13 and 14.

Ms Fitzpatrick went on to outline the exceptions to the Policy, noting that the exception clause could only be applied where other sites at the farm or out-farm were not available, and confirmed that there were buildings on the farm located at Alina Road, 2 miles or 5 minutes' drive away that had not been evidenced as having been explored as an alternative site.

### **Speaking rights:**

#### In Support:

Mr John Feehan outlined the reasons that he believed the application should have been recommended for approval, stating that should visual linkage be proven in line with CTY10 then all other reasons for refusal would fall and stated that a drive along Kiltybane Road alone would prove visual linkage. He noted that paragraph 5.41 of PPS21 stated that planning permission could be granted for a new dwelling even though the degree of visual linkage was either very limited or virtually non-existent due to the amount of screening vegetation and reiterated that CTY10 did not stipulate that a dwelling across a road or accessway could not be visually linked.

Mr Feehan referenced an application within another Council area that was similar to this application, and referenced the PAC decision to allow that application to be approved as the road separating the dwellings in that situation was not prominent and therefore were visually linked when travelling along the road. He then requested that the Committee consider an alternative site elsewhere on the farm, not the out farm, as the applicant had advised him that the 2-mile journey was impassable in extreme weather and therefore the Alina Road siting would not be suitable.

Councillor Larkin queried the access to the proposed site, to which Mr Feehan noted that the entrance did previously overlap with the flood plain but had been amended to avoid this.

Councillor McAteer queried whether the field to the south of the group of buildings was part of the farm holding and in the flood plain and whether an application on that site would have been approved.

Ms Fitzpatrick noted that she was unable to comment on a theoretical application and confirmed that the out farm at Alina Road could have been a suitable alternative location but noted that it had not been evidenced as having been explored as an option despite a request from the department to do so.

Councillor D Murphy queried the location of the out farm, to which Mr Feehan noted that it had been explored as an option and was rejected due to the inability to travel on the road in extreme weather conditions, and this should have been evidence enough for the Planning Department.

Councillor D Murphy then queried the visual linkage, to which Ms Fitzpatrick confirmed that the road separating a proposed site from the main group of farm buildings stopped any potential visual linkage, and that this position was supported by several PAC decisions as outlined.

Councillor D Murphy then proposed a site visit, which was seconded by Councillor Larkin.

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

FOR:	9
AGAINST:	0

ABSTENTIONS: 0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor D Murphy, seconded by Councillor Larkin, it was agreed to defer planning application LA07/2023/2507/O to allow for a site visit.

**(2) LA07/2023/2457/O**

On agenda as a result of the call-in process

**Location:**  
40m of 66 Silverbridge Road, Silverbridge Newry

**Proposal:**  
Infill dwelling and detached garage under CTY8

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Power-point presentation:**

Mrs Fitzpatrick outlined the application, noting that the site was located outside the settlement area and was therefore assessed under PPS 21, specifically CTY 1 and CTY 8. She advised that no objections had been raised following statutory consultations and neighbourhood notifications.

Mrs Fitzpatrick highlighted that CTY 8 was a restrictive policy aimed at preventing ribbon development and allowed exceptions only in the case of a small gap site which must be capable of accommodating no more than two houses within a substantial and continuously built-up frontage. She advised that the policy stated that this must respect the existing development pattern in terms of size, scale, siting and plot size and must meet other planning and environmental requirements. She confirmed that a substantial and continuously built-up frontage for the purposes of the policy was defined as a line of at least three buildings along a road frontage with no significant development to the rear.

Mrs Fitzpatrick stated that as the site did not form part of a substantial and continuously built-up frontage and it did not meet the policy exception, stating that the proposed development would contribute to an existing ribbon of development along this section of Silverbridge Road. She stated this view was supported by the policy's subtext in paragraph 5.34, which stated that certain gaps in the countryside should be preserved as visual breaks.

Mrs Fitzpatrick continued, stating that as a result of the previous consideration and notwithstanding the lack of the required 3 buildings, the gap was taken to be between No. 66 and 72 which measured approximately 298m. She stated this could therefore accommodate a large number of houses and would not be considered a small gap sufficient only to accommodate a maximum of 2 dwellings.



In conclusion, Mrs Fitzpatrick stated that the proposal did not qualify as an exception to the policy on ribbon development and therefore was contrary to PPS 21 specifically CTY 14, criteria B and D.

### **Speaking rights:**

#### In Support:

Mr Barney Dinsmore spoke in support of the application, highlighting the Planning Appeals Commission's four-step approach for assessing proposals under CTY 8:

1. Identify whether there is a substantial, continuously built-up frontage.
2. Establish whether the site is a small gap.
3. Determine if the proposal respects the existing development pattern in terms of size, scale, siting, and plot size.
4. Assess the proposal against other planning and environmental requirements, particularly regarding its integration with the rural character.

Regarding step 2, Mr Dinsmore stated that the Planning Officer's report suggested the small gap should be large enough for two dwellings that respected the existing size, scale, and plot size. He advised that these details could be addressed with conditions and considered further at the reserved matters stage and stated he was confident that the size, scale, and siting could be managed to align with surrounding development.

Mr Dinsmore commented that for step 3 the officer's report confirms that the proposal satisfied PPS 13.

In relation to Step 4 concerning other planning and environmental requirements especially PPS 14, Mr Dinsmore stated the Planning Officer had set this aside citing the inability to meet step 1—identifying a substantial continuously built-up frontage.

On the matter of built-up frontage Mr Dinsmore disagreed with the planner's assessment stating that the annotated map showed a distinct frontage of three or more buildings (numbers 64, 66, 70 and 72).

Mr Dinsmore concluded that the proposed site complied with CTY 8 as it was part of a continuously built-up frontage with at least three buildings, the gap of approximately 8 meters wide was in keeping with the existing context along Silver Bridge Road which followed the contours of the land.

He asked that the Planning Committee overturn the Planning Department's recommendation and approve the application as reasons for refusal 1, 3, 4 and 5 were unsustainable.

Following a query from Councillor Larkin regarding the frontage of the application site, a discussion ensued where Ms Fitzpatrick outlined the Planning Department's opinion of the frontages and the detail regarding the application site alongside the map for visual reference, confirming that it was the opinion of the Planning Department that there was a break in the frontage and therefore the application was not compliant with Planning Policy.

Following the discussion, Councillor McAteer proposed a site visit, which was seconded by Councillor Larkin.

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

FOR: 9  
AGAINST: 0  
ABSTENTIONS: 0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Larkin it was agreed it was agreed to defer planning application LA07/2023/2457/O to allow for a site visit.

(3) LA07/2023/2516/F

On agenda as a result of the call-in process

**Location:**  
22m NE of 54a Foxfield Road, Crossmaglen, Newry

**Proposal:**  
2 semi-detached dwellings and 1 garage

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Power-point presentation:**

Mrs Fitzpatrick outlined the details of the application, stating that the application had been considered against CTY8 of PPS 21, CTY13 and 14, confirmed that no objections had been raised following statutory consultations and neighbourhood notifications and reminded Members that the site had been recommended for refusal.

Mrs Fitzpatrick highlighted the site history as LA07/2017/0893/F had been granted approval for 2 infill dwellings and another application LA07/2019/0979/F had been approved to substitute plot 1 from the 2017 application.

Mrs Fitzpatrick reminded Members of the restrictive nature of CTY8, and confirmed that while the proposed site qualified as a small gap, the application for 2 semi-detached dwellings exceeded the policy's limit of 2 dwellings for the entire gap, stating that it appeared that the site had been artificially subdivided to accommodate a third dwelling, which was contrary to the intent of the policy

She stated that the proposed semi-detached dwellings would not align with the existing development pattern in terms of size, scale and plot size and advised that the Department believed the proposal represented overdevelopment as it included excessive hardstanding, shared driveways and a large garage which would detract from the site's ability to integrate with its surroundings.

**Speaking rights:**

In Support:

Mr O'Callaghan stated that Policy CTY 8 of PPS 21 defined a built-up frontage as a line of 3 or more buildings along a road or lane and stated that the site in question was a gap in such a frontage, with two co-joined dwellings to the immediate southwest. He stated that officers argued that the site was only suitable for one dwelling, based on the original form of the adjacent buildings as traditional barns, however he advised that the buildings were now recognised as two separate dwellings, making it appropriate to consider two dwellings on the site.

Mr O'Callaghan stated that officers had recommended refusal, referencing previous decisions that authorised one dwelling, however, the context had changed since the previous approvals, with the adjacent site now containing two attached dwellings, and confirmed that the converted barn did appear as two attached dwellings. He further outlined that the required number of buildings was in place as per CTY8, regardless of whether an application was for separate or co-joined buildings and stated that the proposal also respected the development of the area as there were co-joined buildings on adjacent sites.

Councillor Hanna requested clarification regarding the application in relation to the two previous infills to which Mrs. Fitzpatrick clarified that plot 1 had already been developed, while plot 2 pertained to the new application to change the plan from 1 dwelling to 2 dwellings.

Councillor Hanna requested legal opinion on the matter, with Mr Rooney noting that the policy clearly allowed for 2 dwellings with the first dwelling having been completed, this application now sought to amend the approval for the second plot to a co-joined dwelling, which was essentially a third dwelling being requested.

Councillor D Murphy sought clarity regarding the original application having been granted approval for two buildings and whether it was the same applicant now requesting three dwellings.

Mr O'Callaghan explained that the original applicant had sold the plot for the second dwelling and the new applicant had requested a change of house type which was approved and given the financial cost of construction felt that a co-joined dwelling was more cost effective.

Following the discussions, Councillor Hanna proposed to accept the officer's recommendation, and this was seconded by Councillor Campbell.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor Campbell it was agreed to issue a refusal in respect of planning application LA07/2023/2516/F supporting the officer recommendation as contained in the Case Officer Report.

(4) LA07/2023/3370/O



On agenda as a result of the call-in process

**Location:**

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

**Proposal:**

Infill dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Mr Keane noted that the site was located in the rural countryside and therefore key Planning Policies were PPS21 and CTY8 and highlighted that no objections had been raised following statutory consultations and neighbourhood notifications. He further reminded Members that CTY8 was a restrictive policy that did allow for the development of small gap sites sufficient to accommodate up to a maximum of two dwellings within a continuously built-up frontage and confirmed that it was the opinion of the Planning Department that the site was not within an otherwise continually built-up frontage as Ballykeel Road was considered to break the frontage.

Mr Keane confirmed that the Planning Department did not consider this was a gap site within an otherwise continuously built-up frontage, as continuous meant unbroken or un-interrupted and stated that it was the opinion of the Planning Department that Ballykeel Rd broke and interrupted the frontage along Bavan Rd, therefore there was no continuous frontage

Mr Keane highlighted a number of PAC decisions whereby the Commissioner ruled that a road did break the frontage, alongside the examples submitted by the agent in support of the application, confirming that these had all been considered by the Planning Department when processing the application.

**Speaking rights:**

In Support:

Mr Martin Bailie outlined why he believed that the application should have been recommended for approval, stating that the test of frontage was while traversing the public road and stated that a driver would be unaware of the Ballykeel Road until next to it. He further referenced a number of PAC decisions that had ruled that a road did not break the frontage. He stated that the application site was situated in an already built-up area and would not be prominent as it was surrounded by a large farm to the rear with mature hedges and trees to the boundaries. Mr Bailie then referenced the planning history of the site, stating that there had been no mention of prominence when those applications were being considered, but did advise that he was aware of the change in policy relating to CTY8.

Councillor Larkin queried the consideration given to the topography of the road and the weight applied to this when considering the application, to which Mr Keane noted that the Ballykeel road did break the frontage, and the topography and alignment of the Bavan Road drew the person's awareness to this break and that the site was effectively at a crossroads

Councillor Larkin then queried what the three or more buildings as required by policy were, to which Mr Bailie referenced the nearby farm complex that hosted a number of buildings and stated that the proposed application added to the character of the area

Councillor Tinnelly confirmed with the applicant that there were PAC decisions submitted to the Planning Department that ruled a road was not considered a break in frontage and further queried of Mr Keane that the Planning Department had given equal weight to each ruling of the PAC in support of and in objection to a road being considered a break in frontage.

Mr Keane advised that all relevant material considerations had been considered by the Planning Department, including the information submitted by the agent, the PAC decisions referred to by the agent and other relevant PAC decisions, and further outlined the detail of each of the 4 PAC decisions referred to by the agent, where one was in relation to a private driveway and not a public road, another had been overturned by a Planning Committee in this Council area having been recommended for Refusal, and 2 further rulings did not take into consideration the issue of the road as it had not been raised by that Authority.

Councillor McAteer then proposed a site visit to allow the Committee to view the situation on the ground, which was seconded by Councillor Hanna.

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

FOR: 9  
AGAINST: 0  
ABSTENTIONS: 0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed defer planning application LA07/2023/3370/O to allow for a site visit.

(5) LA07/2023/3151/F

On agenda as a result of the call-in process

**Location:**  
160 Downpatrick Road, Ballynahinch

**Proposal:**  
Proposed replacement vehicular access to dwelling

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Power-point presentation:**

Ms Annette McAlarney outlined the details of the application, advising that the application was for a proposed new vehicular access within an enlarged curtilage of the dwelling, with no objections raised following statutory consultations and neighbourhood notifications, and one letter of support being received. She advised the application had been assessed against Planning Policies PPS21, CTY1 and PPS 3 for roads consideration and was recommended for refusal as it was not justified in terms of need within the countryside.

**Speaking rights:**  
In Support:

Mr Michael Smith advised the Committee that the current entrance was substandard, and the proposed entrance was an attempt to make the entrance compliant with current road safety standards. He noted that in 2018, the applicant had been involved in a road traffic collision and subsequently met with a DFI Roads representative who had recommended the entrance be located as proposed. He advised that for this stretch of road the stopping distance of a car travelling at the speed limit was some 73m and highlighted that the curve in the road did not allow for this line of sight, further stating that should the Committee approve the application, it would allow full visibility for 95m, resulting in improved road safety standards for the public and the applicant and their family.

Mr Smith then noted that the Case Officer's Report referred to the amended curtilage size in relation to an application for an extension on the property and confirmed his belief that the full curtilage was in domestic use and was within the red line of the application.

Councillor Campbell queried a recent application that had been tabled before the Planning Committee where it had been noted that DFI Roads had adjusted their interpretation of visibility splay requirements and whether this amendment had been taken into consideration here.

Ms McAlarney advised that those amendments were in relation to agricultural applications, and as such were not applicable to residential applications.

Councillor McAteer noted that the collision had occurred in 2018 and queried the delay in this application to 2024 given the alleged safety concerns of the stretch of road.

Mr Smith stated that the applicant had moved into the dwelling 6 months prior to the accident, had a young family to look after and during Covid had submitted a parallel application seeking an extension on the property.

Councillor Rice then queried if DFI Roads kept an accident record for that stretch of road, to which Mr Smith advised he was aware of two accidents on that stretch of road but stated that records kept by DFI Roads and the PSNI were incomplete.

Following a query from Councillor Tinnelly regarding the parallel application referenced by the agent, a discussion ensued regarding the impact of this application and the siting of the entrance on the parallel application, along with the impact of the curtilage enlargement between the two applications, with the outcome being that if the parallel application was for extension only and not involving the entrance way then there would be no impact. However, if the parallel application relied on the entranceway being relocated, then the application as tabled would have an impact on the parallel application.

Mr Smith then advised that the application for an extension did not depend on any alleged extended curtilage and advised that the parallel application had been assessed utilising the existing entrance therefore was not dependent on this application to proceed, stressing that this application was in relation to public safety and making the entrance compliant with current road safety standards.

Ms McAlarney then advised that the two applications were interdependent as the parallel application did show the proposed amended access and therefore one was reliant on the other, to which Mr Smith noted that the entrance had been excluded from the parallel application and therefore the two were not linked.

A further discussion ensued regarding the curtilage on both applications, with the outcome being that Ms McAlarney confirmed that regardless of the omission of the entrance way, the

two applications were linked as the curtilage boundary was differing for both applications and therefore dependent on this application being recommended for approval.

Following the discussions, Councillor Larkin proposed to overturn the officer's recommendation, stating that he believed that the application was essential for road safety reasons and believed that the red line shown was the current residential curtilage of the property.

Councillor Hanna seconded the motion, stating that a condition be applied in that the existing entrance should be permanently closed.

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

FOR:	9
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2023/3151/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

Councillor Larkin left the meeting at this stage – 1.18pm

The meeting did then recess – 1.18pm

The meeting did then resume – 1.53pm

(6) LA07/2024/0470/F

On agenda as a result of the Call-In Process

**Location:**

4 Cargagh Road Annacloy, Downpatrick, BT30 9AG

**Proposal:**

Retention of existing granny flat with single storey flat roof extension to side

**Conclusion and Recommendation from Planning Official:**

Refusal

Mr Peter Rooney advised that this application was to be deferred in line with Operating Protocol as there was a live enforcement matter under consideration which was referenced in the Case Officer's Report, to allow the issue to be resolved before the application was considered.

**AGREED:** It was agreed to defer this item in line with Operating Protocol until such time as the live enforcement issue had been resolved.

(7) LA07/2023/2376/O

On agenda as a result of the Call-In Process

**Location:**  
60m SW of 131 Derryboy Road, Crossgar

**Proposal:**  
Proposed dwelling on a farm under Policy CTY10 of PPS21

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Power-point presentation:**

Ms McAlarney detailed the application, noting that it had been recommended for refusal following consideration against Planning Policies CTY10, 13 and 14, and confirmed that there were no objections following neighbourhood notifications and statutory consultations. She advised that the farm holding was located at 130 Derryboy Road and the proposed site was adjacent to 131, which was not part of the farm business and would not be visually linked or sited to cluster with already existing buildings on the farm, further outlining that the proposed site would add to a ribbon of development within the area.

**Speaking rights:**

In Support:

Mr Gerry Tumelty stated that the crux of the application relied upon an active farm business being entitled to a dwelling on the farm and noted that the farmer's son was present in the chamber who had the intention of residing in the proposed dwelling on the farm. He advised that although there was an alternative site that could be utilised on the farm, the applicant preferred not to use this as it would result in a large amount of cutting and requested that if this application was recommended for refusal, could the Planning Department suggest an alternative location for the application.

Councillor Campbell queried if the applicant had sought suggestions of other sites with the Planning Department or if it was first mentioned at the meeting today, to which Ms McAlarney advised that she was not aware of any request and that the application had to be considered as received.

Following a query from Councillor Tinnelly regarding how the Planning Department came to the conclusion that the application did not visually cluster, a discussion ensued regarding the road dissecting the farm and the implication of the road being a dissecting feature despite the farm being located on both sides of the road. Members were reminded that 131 Derryboy was not registered as part of the farm holding and therefore could not be deemed to be visually linked.



Following a query from Councillor McAteer regarding 131 Derryboy road, a further discussion ensued regarding the lands opposite 131 Derryboy Road on the same side as the farm holding as being a potential site, with the outcome being that it was a preference of the applicant not to build there as it would deprive both residents of privacy due to the orientation of the existing building.

Councillor McAteer then queried the entitlement of a farmer to have a dwelling on a farm, to which Ms McAlarney noted that there was no given entitlement to a house on a farm, it relied on compliance with Planning Policies.

Councillor D Murphy queried how much consideration was given to the alternative site as an option given that the proposal was for a bungalow and would not result in a large loss of privacy, to which Mr Tumelty advised that it was a concern of the applicant that had to be taken into consideration.

Following the discussions, Councillor McAteer proposed a site visit to allow the Committee to see the siting of the buildings on the ground. This was seconded by Councillor D Murphy.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** On the proposal of Councillor McAteer, seconded by Councillor D Murphy, it was agreed to defer planning application LA07/2023/2376/O to allow for a site visit.

Councillor Larkin rejoined the meeting during the above discussion – 2.31pm

(8) LA07/2024/0054/F

On agenda as a result of the Call-In Process

**Location:**  
Lands to the north of 28 Crabtree Road Ballynahinch

**Proposal:**  
Infill dwelling and garage

**Conclusion and Recommendation from Planning Official:**  
Refusal

**Power-point presentation:**

Ms McAlarney confirmed that the principle of an infill on site had been established, with permission being granted in April 2022, but advised that the issue regarding granting approval on the site lay with the bulk and scale of the proposed dwelling. She confirmed to Members that during the processing of the application the Planning Department had requested that the agent reduce the bulk and scale of the dwelling and confirmed that while

changes had been made, they didn't go far enough to address the Planning Department's concerns regarding this.

Ms McAlarney confirmed that the proposal was being recommended for refusal as it was deemed to have an unacceptable visual impact on the rural character, in line with CTY13 and 14.

### **Speaking rights:**

#### In Support:

Mr. Scally stated that the reasons for refusal were related to Integration, Design, and Rural Character, with the Planning Department asserting that the proposal did not meet Policy CTY 13 of PPS 21, specifically Criteria (a) and (e). Mr. Scally noted that the Case Officer's report confirmed the front elevation design was acceptable, and the main concern of the Planning Department related to the impact of the rear returns, stating that he believed the appearance of the property from Crabtree Road was appropriate as it integrated with the area.

In relation to prominence, Mr. Scally referenced Paragraph 5.81 of PPS 21, which explained that the impact of a new building on rural character should be assessed from critical viewpoints such as public roads and rights of way, stating that the site was only visible from Crabtree Road, where it was screened by existing and approved buildings and mature vegetation.

Following a query from Councillor D Murphy regarding the proposed cut, a discussion ensued regarding the required cut and the proposed bulk of the dwelling on site, the outcome of which was Ms McAlarney confirming that the proposed cut was not the issue, rather the Planning Department's concerns related to the bulk of the dwelling on the site, which she believed could have been reduced to work better than what had been proposed. She further confirmed that the proposed house type would require a more extensive excavation on site, whereas a modified design would not require such a significant cut.

Following this, Mr Scally stated that the depth of the cut on the approved land was 5.7m while the proposed cut was just under 5.6 metres so was slightly less in depth, and further explained that although the plans may appear to show a deeper cut due to the building's design the actual level of excavation required was similar.

Following the discussions, Councillor Hanna proposed to overturn the refusal recommendation, stating that the design of the houses within the area were larger than the proposed application and therefore the application would integrate well, and stated that the level of cut was acceptable. This was seconded by Councillor Campbell.

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

FOR:	8
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

**AGREED:** **On the proposal of Councillor Hanna, seconded by Councillor Campbell it was agreed to issue an approval in**

respect of planning application LA07/2024/0054/F contrary to officer recommendation as contained in the Case Officer Report.

(9) LA07/2023/3259/F

On agenda as a result of the Call-In Process

**Location:**

Between 116 - 118 Finnis Road, Dromara, Dromore, BT25 2HT

**Proposal:**

Dwelling and garage

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Ms McAlarney outlined the details of this application, confirming no objections had been received following statutory consultations and neighbourhood notifications. She advised that the application was assessed against CTY 8 of PPS21, reiterating to Members the restrictive nature of CTY8 following the High Court ruling. She confirmed that the application complied with policy in that it met the requirement of a substantial and continuously built-up frontage, however as the gap was 103m, it failed to meet the exception requirement of CTY8 and could accommodate more than two dwellings without disrupting the existing settlement plan. She further advised that the gap was considered by the Planning Department to be an important visual break that contributed to the rural character of the area, and as the site was located within an AONB the applications failure to integrate into the landscape was another key reason for the recommendation for refusal.

**Speaking rights:**

In Support:

Mr Starkey outlined why he believed the application should have been recommended for approval, noting in particular the 103m building to building gap as assessed by officers and considered against the 96m site frontage stating that the frontages of No. 118 (50m) and No. 116 (40m) were smaller, and while the proposed 38m frontage aligned closely with No. 116, the site size of 1,615sqm was consistent with neighbouring properties, making the proposal in keeping with the built form.

Mr Starkey further explained that while the site lacked significant existing vegetation, CTY13 did not require established boundaries for integration, stating that the proposal would blend well with nearby development benefiting from the mature hedge at No. 118 and the site's slope.

Mr Starkey stated that the proposed ridge height of 6.5m was appropriate, advising that Officers had incorrectly identified the neighbouring dwellings as single storey when they



were 1.5 storeys with ridge heights between 6.2m and 6.5m and confirmed that the proposed dwelling was modest in scale and comparable to the surrounding properties.

Following a query from Councillor D Murphy, a discussion ensued regarding the 103m gap, the peculiar shape of the site and the impact of fitting two or three dwellings into that, the outcome of which was Ms McAlarney confirming that for the purposes of Policy, the measurement required was that of building to building on either side of the gap site and was the pertinent measure in terms of assessing the number of dwellings a site could accommodate and while the application site would differ as it was drawn, the gap was the important measure in terms of Policy.

Following a further query from Councillor D Murphy regarding the shape of the application site and if a second dwelling would be contorted in size and whether this was taken into account by the Planning Department, Ms McAlarney highlighted the restrictive nature of CTY8 and confirmed that one of the two dwellings if approved would be a contorted size and would not respect the development pattern of the area, hence the recommendation for refusal.

Mr Starkey then stated that the PAC had repeatedly advised that it was not a mathematical exercise when considering planning applications, further stating that common sense should prevail in situations such as this where it was clearly not possible to accommodate two dwellings on the unusually shaped application site, regardless of gap size.

Councillor Hanna then proposed to overturn the application to an approval, stating that the size of the house was akin to the neighbouring property on a small gap site within a continuously built-up frontage, and would integrate well with the current houses in situ, further advising that he believed the application was compliant with NH6, PPS21 and CTY1, 8, 13 and 14.

Councillor D Murphy seconded the proposal, stating that he believed the application should be considered as submitted, and consideration should not be given to what may happen with neighbouring properties or further dwellings on the site.

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

FOR:	6
AGAINST:	2
ABSTENTIONS:	1

The proposal was declared carried.

**AGREED:** On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2023/3259/F contrary to officer recommendation as contained in the Case Officer Report.

(10) LA07/2023/3521/O

On agenda as a result of the Call-In Process

**Location:**

Land between 16a and 22 Raleagh Road, Crossgar

**Proposal:**

Dwelling, garage and associated siteworks as per CTY 8 PPS21 - Ribbon Development.

**Conclusion and Recommendation from Planning Official:**

Refusal

**Power-point presentation:**

Ms McAlarney outlined the details of the application, stating that the application had been considered against CTY8, 13 and 14 and was recommended for refusal for several reasons, one being that CTY8 was a restrictive policy, and the application failed to meet the exception clause as the gap of 121m could accommodate more than 2 dwellings while still respecting the existing settlement pattern. She further outlined that previous approvals were noted on the site but had expired, and the current application was considered in light of the Duff High Court ruling that highlighted the restrictive nature of Planning Policy CTY8.

**Speaking rights:**

In Support:

Mr William Wallace outlined his reasons that he believed the application should be recommended as approval, confirming that the recent high court decision as referenced by the Planning Officer did show the restrictive nature of CTY8, but also highlighted conditions whereby exceptions could be made such as the development of a small gap site that was within a substantial and built up frontage and respected the existing settlement pattern, which he stated this application did, and further stated that he believed the gap site could only accommodate one dwelling, not three as stated by the Planning Department.

Councillor Larkin then queried the time delay since 2021 and confirmed if it had lapsed.

Mr Wallace confirmed that the farmer had originally sold the land to the applicant where the application approval had lapsed, with Ms McAlarney confirming that the latest application was a change of house type, which would have had a restrictive time frame alongside the expiry date of the full application.

Councillor Hanna then proposed to overturn the officer's recommendations, stating that he believed the application complied with CTY8 as the continuously built-up frontage and site layout were in line with the Policy, and that all other reasons for refusal reasons fell in light of this.

This was seconded by Councillor Larkin, who stated he also believed that the previous approvals for the same site should have been given more weight when the application was being considered.

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

FOR:	9
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 LA07/2023/3521/O contrary to officer recommendation as contained in the Case Officer Report.

**P/100/2024**                      **HISTORIC ACTION SHEET**

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

Councillor McAteer requested an update on applications that had been on the action sheet for some time.

Mr Pat Rooney noted that LA07/2019/0868/F had been tabled as an approval but following objections was now being progressed without the retail element, which was being considered by the Planning Department; LA07/2022/0309/O was still awaiting some detail to be provided by the applicant and LA07/2021/1479/F was awaiting legal advice which had been received recently and would be progressed.

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

There being no further business the meeting ended at 2.54pm.

Signed: \_\_\_\_\_ Chairperson

Signed: \_\_\_\_\_ Chief Executive

**NB: 45% of decisions overturned**

## Item 5 – Addendum List

### **Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 4 December 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:

- **LA07/2022/0841/F** - 98 Dominic Street, Newry BT35 8BW - Proposed demolition of existing beauty salon and erection of 4no. apartments  
**APPROVAL**
- **LA07/2022/1357/O** - Land to the east of 31 Chancellors Road and 55m to the southwest of 5 Carnagat Lane, Newry - Proposed site for industrial/storage units (Use classes B2 and B4) and associated road improvement works  
**APPROVAL**
- **LA07/2016/0898/O** - Lands at Carnmeen Farm (to the east of the A27 Tandragee Road and to the east and south of the A1 Newry bypass) Newry and land comprising a small section of southbound road verge on the A28 Armagh Road, Newry on the approach to the roundabout junction with the A1 - Outline planning permission, with some matters reserved, for a period of 5 years for proposed development of light industrial, distribution and storage use on lands at Carnbeen Farm  
**APPROVAL**
- **LA07/2024/0824/F** - Existing all weather 2G floodlit sports pitch and Tollymore FC grass pitch, 100m west of Donard car park and 60m east of Shanlieve Drive, Donard Park, Newcastle Co. Down BT33 0EU - Upgrade of existing sports pitch facility to provide covered seating (for 200 spectators). Proposal includes all associated site works  
**APPROVAL**

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



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

**Application Reference:** LA07/2023/2457/O

**Date Received:** 10.05.2023

**Proposal:** Infill Dwelling and Detached Garage Under CTY8

**Location:** 40m north of 66 Silverbridge Road, Silverbridge, Newry, BT35 9NU

**Site Characteristics & Area Characteristics:**

The site as defined in red takes in a large triangular shaped portion of land which appears rough and over grown with an uneven and rising topography towards the NW. The site is located within the Ring of Gullion AONB and within the rural areas as defined in Banbridge Newry and Mourne Area Plan 2015. The surrounding area is primarily agricultural with a number of dwelling houses located in close proximity.

**Site History:**

Application Number: P/1991/0554

Decision: Permission Granted

Decision Date:

Proposal: Site for dwelling

Application Number: P/1994/0677

Decision: Permission Granted

Decision Date:

Proposal: Renewal of Outline Planning Permission for site for dwelling

Application Number: P/1986/0840

Decision: Permission Granted

Decision Date: 03 November 1986

Proposal: SITE FOR DWELLING

Application Number: P/1994/1526

Decision: Permission Granted

Decision Date: 28 April 1995

Proposal: Erection of bungalow

Application Number: P/2002/1643/F

Decision: Permission Granted

Decision Date: 11 March 2003

Proposal: Replacement dwelling and garage

Application Number: P/2003/1526/F



Decision: Permission Granted  
Decision Date: 16 October 2003  
Proposal: Erection of bungalow

Application Number: P/2003/1789/O  
Decision: Withdrawal  
Decision Date: 09 February 2004  
Proposal: Site for dwelling and garage

Application Number: P/2004/0485/O  
Decision: Permission Granted  
Decision Date: 30 December 2004  
Proposal: Site for dwelling and garage

Application Number: P/2005/0143/F  
Decision: Permission Granted  
Decision Date: 12 April 2005  
Proposal: Erection of dwelling and garage

#### **Consultations:**

DFI Roads – following amended plans DFI Roads has no objections subject to compliance with RS1 form and compliance with attached condition.  
NI Water – approval with standard conditions  
NIEA – No concerns subject to compliance with attached conditions.

#### **Objections & Representations**

2 Neighbours notified on 04.06.2024 and the application was advertised on 24<sup>th</sup> May 2023. No objections 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 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 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 of a small gap 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.

No. 66 Silverbridge Road and No. 72 Silverbridge Road share a common frontage with the site along the Silverbridge Road. Nos 70 and 70a only benefit from an access point to the Silverbridge Road and do not share a common frontage with the subject site. Whilst No. 64 has a common frontage to the Silverbridge Road, the gap between this property and No. 66 ensures it is not continuous and therefore cannot be relied upon. Consequently, the site does not share an otherwise substantial and continuously built-up frontage, which fails this policy criterion for an exception to ribbon development.

The 'small gap' should only be sufficient to accommodate a maximum of two dwellings that respects the size, scale, siting and plot size. In terms of size and scale this can be dealt with by condition and considered in detail at RM stage. I am content that the size, scale, and siting could be detailed in a way that respects the existing built development surrounding the site.

As a result of the above consideration and notwithstanding the lack of the requisite 3 buildings, the gap can only be between Nos.66 and 72 Silverbridge Road which amasses approximately 298m. This being the case, the gap could accommodate a large number of dwelling houses and would not be considered a small gap sufficient to accommodate a maximum of two dwellings.

On consideration of the above assessment, I conclude that the proposal before the Council does not meet the exception to ribbon development as prescribed in policy CTY 8 due to the lack of an otherwise substantial and continuously built-up frontage and because the gap is large enough to accommodate a large number of dwellings. Instead, the proposal would add to an existing ribbon of development along Silverbridge Road between Nos 64 and 72 Silverbridge Road when the existing dwellings and accesses are considered, which is contrary to policy CTY 8.

The site is critically viewed from the approach to the site in either direction from the main Silverbridge Road. With the rising and undulating topography of the site which includes a strong back drop to the rear of the site. There is mature boundaries and foliage associated with the site which ensures a dwelling could integrate successfully into the landscape – particularly with the retention of the natural landscaping features. With a sensible design consistent with Building on Tradition, a dwelling could be sited without featuring prominently within the landscape. I am satisfied that the proposal is in general compliance with policy CTY 13.

In terms of policy CTY 14, it has been established that the dwelling could be designed without featuring prominently in the landscape. I do not consider the likely ancillary works to be fatal to the application and through use of conditions the dwelling could be sited at this location, whilst remaining respectful to existing development pattern exhibited in the area. As assessed above, the proposal would result in the addition of ribbon development along Silverbridge Road and therefore is contrary to part (d) of this policy. When cleared, the site will read with Nos 70, 66 and shed opposite No. 64 Silverbridge Road. With these buildings being read together with the site, this will result in suburban style build up which is contrary to part (b) of policy CTY 14.

As result of the above consideration, the proposal is contrary to parts (b) and (d) of policy CTY 14.

The applicant proposes to use a treatment plant 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.

Concluding the assessment against policy PPS 21, the proposal is contrary to policies CTY8 and CTY 14 (b) and (d). As the proposal does not meet the exceptions as noted within policy CTY 1 in totality and with no overriding reasons why the proposal is essential and cannot be located within a settlement, the proposal is contrary to policy CTY 1 of PPS 21.

#### Planning Policy Statement 3

Following the provision of amended plans, DFI Roads has responded to consultation confirming they have no objection to the proposal in relation to PPS 3 / DCAN 15 subject to compliance with the attached RS1 form. This would form part of a condition for further consideration at RM stage.

#### Planning Policy Statement 2

A Biodiversity Checklist and Ecologist's statement has been received and reviewed for this application site, which concludes with no further survey work required. Subsequently NIEA – NED were consulted and have responded with no objections subject to compliance with the attached condition that will required the submission of and landscaping and planting plan with any RM application. On this basis I am content the proposal is in general compliance with policies NH 1 – NH 5.

Policy NH 6 of PPS2 is applicable given the siting of the proposed dwelling within the Ring of Gullion AONB. The scale of the proposed dwelling can be conditioned and considered in detail at RM stage. Given the siting fails to meet the policy criteria for infill development and result in build up and add to ribbon development, I consider the siting is unsympathetic to the special character of the AONB.

The proposal is in general compliance with (b) and (c) insofar as can be considered at Outline stage. This would be assessed in greater details at RM stage.

#### **Recommendation:**

Refusal.

#### **Refusal:**

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 CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted add to a ribbon development along Silverbridge Road and does not meet the exception to ribbon development.

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 (b) of Planning Policy Statement 21, Sustainable



Development in the Countryside in that the proposed dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 (d) of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would, if permitted result in the addition of Ribbon development along Silverbridge Road.

5. 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 of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

**Case Officer:** Ashley Donaldson 19/09/2024

**Authorised Officer:** Maria Fitzpatrick 20/09/2024



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

**Application Reference:** LA07/2023/2507/O

**Date Received:** 20.03.2023

**Proposal:** New dwelling and garage on a farm.

**Location:** 40m south west of no 58 Kiltybane Road, Newry, BT35 0LW

**Site Characteristics & Area Characteristics:**

The site as defined in red takes in a square portion of agricultural land opposite No. 58 Kiltybane Road. The proposed access is to be taken from Drumlougher Road. The field undulates gradually and rises gently away from the Kiltybane Road with a mature hedgerow and scattered trees notable along the boundaries. The site is located within the rural area where development pressure remains relatively low.

**Site History:**

Application Number: LA07/2020/1124/F

Decision: Permission Refused

Decision Date: 13 October 2021

Proposal: New dwelling house and garage on farm.

**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

Planning Policy Statement 15

Building on Tradition

### **Consultations:**

SES - Eliminated from further assessment because it could not have any conceivable effect on a European site.

NI Water – No objection.

DFI Roads – No objection subject to compliance with the attached conditions.

DFI Rivers – No objections.

DAERA Countryside Management Inspectorate – Category 1 business, subsidies paid for the last 6 years including this year. Application site on land for which payments are currently being claimed by the farm business.

NI Water – approval with standard conditions.

### **Objections & Representations**

2 neighbours notified on 23.08.2023. The application was advertised on 31.05.2023. No objections or representations received.

### **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 European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site

#### Banbridge Newry and Mourne Area Plan 2015

The site lies within the Rural Area as designated in the Banbridge Newry and Mourne Area Plan 2015. There are no site-specific objections to the proposal with regard to the Area Plan and decision making is designated to the retained policies below.

#### PPS21 – Sustainable Development in the Countryside / SPPS

Policy CTY1 restricts new development in the countryside but makes an exception for farm dwellings which are acceptable if in accordance with policy CTY10.

The farm business is currently active and has been established for over 6 years. This has been confirmed by consultation with DAERA.

The farm holding has been checked for potential development opportunities which has provided a negative result.

The proposed site is located across the Kiltybane Road from the existing established group of buildings associated with the farm business. The proposed dwelling would therefore not cluster with the existing buildings and the physical detachment by virtue of the intervening road, eliminates the ability to visually link the proposed dwelling with the existing farm buildings. Rather, the proposal would read as a standalone dwelling and garage on open land with no obvious physical or functional connection with the farm holding at No. 58 Kiltybane Road when viewed from the Drumlougher Road and in both directions from the Kiltybane Road. This position is supported by PAC decisions 2020/A0022, 2019/A0188 and 2017/A0177.

The policy provides for demonstrable health and safety reasons or verifiable plans to expand the business as justification for an alternative site from the farm holding *where there are no other sites available at another group of buildings on the farm or out-farm and* where there are demonstrable health and safety reasons or verifiable plans to expand the farm business.

The policy is clear that the exception clause only applies where other sites at the farm or out-farm are not available. Buildings on the farm are located at Alina Road. The agent has stated that the applicant lives at Kiltybane, looks after her grand mother and must remain there to winter sheep and calves which only happens at Kiltybane. During the winter and calving the applicant would be up all night and therefore need to be nearby.

The alternative sites not explored are 2 miles or 5 minutes drive and I do not consider that an unreasonable distance to look after livestock for the above purposes. There is no evidence submitted that the availability of a site at Alina Road has been explored in detail and therefore the proposal does not meet the exception test.

The agent has made reference to the flood plain designation immediately adjacent to No.58 Kiltybane Road to justify the siting across the road. However in the absence of a robust appraisal of Alina Road the exception clause is not engaged.

The proposal is therefore contrary to policy CTY 10 (c) and with no overriding reasons why the development is essential and could not be located in a settlement, is contrary to policy CTY 1.

#### Policy CTY 13

Given the low lying natural of the site I do not consider the proposal to be prominent in the landscape. Natural boundaries exist at the site which would help a dwelling to integrate into the surrounding area. Ancillary works would generally follow field boundaries and there is an adequate backdrop of surrounding land to aid integration. Design would be considered at RM stage. However, as the farm dwelling is not visually linked or sited to cluster with an established group of buildings on a farm, the proposal fails part (g) of CTY 13.

#### Policy CTY 14 / CTY 8

Whilst the proposal is not prominent and broadly respects the pattern of development in the area, the proposal would lead to suburban style build up when viewed with the existing buildings at No. 58, the dwelling immediately north of No. 58 and No.59

Kiltybane Road which is contrary to part (b) of CTY 14. The proposal would also create ribbon development along Kiltybane Road given the site shares a common frontage with Nos 59 and 61 Kiltybane Road, rendering the application contrary to part (d) of CTY 14 and policy CTY 8.

The proposal is therefore contrary to part (g) of CTY 13, parts (b) and (d) of CTY 14 and contrary to policy CTY 8.

Any approval notice would contain a negative condition for the applicant to provide the Council with the consent to discharge before work commences. The proposal is in general compliance with CTY16.

### PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access

Following amendments to the access details, DFI Roads has confirmed they have no objections to the proposal regarding the above policy criteria, subject to compliance with the attached conditions.

### Planning Policy Statement 2 Natural Heritage

The agent has sent in a Biodiversity checklist for the site. Having visited the site I am mindful that a small section of hedgerow will be required to be removed to facilitate the proposal. Hedgerows are a NI Priority habitat, and the planning department recommends that existing hedgerow are retained wherever possible as per NIEA NED guidelines and standing advice. Where NI Priority hedgerow is removed, this must be compensated for by new planting of an equal or greater length of mixed native species hedgerow.

Having considered the subject hedgerow, the planning department would have no objections to the proposal given the small amount required to be removed for visibility, subject to conditions regarding time of removal and details of compensatory planting at the time of reserved matters application. The proposal meets the requirements of this policy.

I am content there will be no significant harm to protected or priority species or habitats as a result of the proposal or that any International, European, National or local sites of acknowledged importance would be compromised by the proposal.

### Planning Policy Statement 15 Planning and Flood Risk

Following consultation with DFI Rivers, the Department has advised policies FLD1, FLD2, FLD4 and FLD5 are not applicable to the application. A drainage assessment is not required under FLD3 as none of the thresholds are met and therefore the responsibility for flood risk is deferred to the applicant / developer. The proposal is therefore in general compliance with PPS 15.



## **Recommendation: Refusal**

### **Reasons:**

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 in that there are no overriding reasons why the development is essential and could not be located in a settlement.

2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY10 (c) of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

3. 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 of ribbon development along Kiltybane Road.

4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 part (g) of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm, and therefore would not visually integrate into the surrounding landscape.

5. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and parts (b) and (d) of 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 further erode the rural character of the countryside.

**Case Officer:** Ashley Donaldson 13.08.2024.

**Authorised Officer:** Maria Fitzpatrick 12.09.2024



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

<b>Application Reference:</b>	<b>LA07/2023/3370/O</b>
<b>Date Received:</b>	<b>20.09.2023</b>
<b>Proposal:</b>	<b>Infill dwelling and garage</b>
<b>Location:</b>	<b>To the Rear of 44 Bavan Road Mayobridge BT34 2HS</b>

#### **1.0 Site Characteristics & Area Characteristics:**

**1.1** The application site is located out-with the defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The area is rural although it has become quite built up along the Bavan & Ballykeel Roads.

**1.2** The application site is an agricultural field accessible via a field-gate along Bavan Road. The application site is relatively flat and is bounded by a post and wire fence, a wooden fence and hedgerow. The site shares a common boundary with No. 44 to the west and abuts Ballykeel Road to the east. To the north there is a laneway and mature trees. Directly opposite the site on the Ballykeel there is a farm complex.



**Image 1 Photo of applicant's site**



## **2.0 Planning Policies & Material Considerations:**

**2.1** The planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Environment
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

**3.0 Site History:****3.1** The site history includes:

- Application P/2000/1196/O – This was an outline application for a site for a dwelling. This was approved.
- P/2003/1945/O – This was an outline application for a site for dwelling with garage with an amended access to the previous application. This was also approved.
- P/2008/0824/RM – This was the reserved matters application for the erection of a dwelling and garage. This was approved.
- P/2010/1082/F – This application was a change of house type for P/2008/0824/RM proposed dwelling and garage. This was also approved.

*Note:* All the previous applications were approved prior to the introduction of current policy PPS 21: Sustainable Development in the Countryside which was introduced in 2010 and the SPPS introduced in 2015.

The Case Officer's report for P/2008/0824/RM acknowledged that the application did not meet PPS 14 at the time but due to an extant outline application, greater weight was given to the history on the site.

These permissions were never enacted and have now expired, and with the publication of new policy, do not carry determining weight.

**4.0 Consultations:****4.1** Consultations were issued to the following consultees:

- NI Water – No objections to the proposal
- DFI Roads – No objections to the proposal
- Environmental Health - No objections to the proposal

**5.0 Objections & Representations:****5.1** 3 Neighbours were notified on 20<sup>th</sup> February 2024.

**5.2** The application was advertised in the local press on 11<sup>th</sup> of October 2023. No objections received to date (30-09-24).

**Correspondence with agent**

**5.3** On 12<sup>th</sup> June 2024, the Department advised the Agent of concerns regarding the principle of development whereby it is considered that there is no substantial and continuously built up frontage given the intervening road, Ballykeel Road.

**5.4** The Agent provided a response referring to appeal decisions.

- 2019/A0038 – 30m NE of 75 Benagh Road, Newry.

The break in frontage for the above appeal was a small laneway/driveway to a dwelling. This can be seen in the image below. The Council considered that the proposed development failed Policy CTY 8 as the access lane/driveway breaks the frontage. The Commissioner disagreed with the Council's position: "on the ground the buildings presently read as a continuously built-up frontage I do not agree with the Council that the access lane to No.75A breaks up this frontage and the appeal site represents a small gap in this frontage. The Council's concerns in this respect are not upheld."

**Image 2 showing the appeal site 2019/A0038**



- 2022/A0003 - Approx. 30m south of 89 Magheralane Road, Randalstown, BT41 2PA. The concern raised by the Council in relation to this appeal was the presence of 3 or more buildings within the frontage. No question was raised regarding the road breaking the frontage.



**Image 3 showing the appeal site 2022/A0003**



- 2019/A0138 – 70m south east of 119 Rathkeel Road, Broughshane. The concern raised by the Council in relation to this appeal was the presence of a building within the application site (therefore no gap existing). Concerns were also raised regarding the intervisibility between the buildings (particularly the building to the SE of the application site) along the 'frontage'. No questions were raised in relation to the presence of the intervening road.

**Image 4 showing the appeal site 2019/A0138**



- LA07/2022/1809/F – Infill site between 10 & 10A Islandmoyle Road, Cabra. This application was initially recommended for refused by the Planning Department for failing to meet the provisions of the SPPS, and CTY 1, 8 and 14 of PPS 21 as it was considered that Close Road broke the frontage and therefore there was not a line of 3 or more buildings along a continuous and built up frontage. The application was later approved by Cllrs at Planning Committee.

**Image 5 showing application site LA07/2022/1809/F**



I do not consider the above examples to stand on all fours with the application site given the differing site characteristics. Whilst the Department does acknowledge that permission has been granted for the infilling of a site with a dwelling along a frontage that is dissected by a road/laneway; the circumstances on ground must be considered whereby the examples referred to above are located along relatively flat and straight sections of road. The topography and alignment of the road is important as it contributes to the intervisibility between the buildings along the frontage.

The application site is located at a crossroads (similar to 2019/A0138). However, what differs is the topography and alignment of Bavan Road which magnifies the presence of the intervening road (Ballykeel Road) thus breaking the frontage and separating the adjacent farmyard from the application site and dwelling at No. 44 Bavan Road.

## **6.0 Assessment:**

**6.1** As set out above this is an outline application and therefore no details, elevations or finishes have been submitted as part of this application these would be assessed at reserved matters stage. An indicative Site Layout has been provided. The main objective of this application is to establish the principle of the development on the application site.



All the submitted supporting information in relation to this application have all been considered by the Planning Department when accessing this application.

### **Banbridge/Newry and Mourne Area Plan 2015**

**6.2** Section 45 of the Planning Act (NI) 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 the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan.

### **Strategic Planning Policy Statement**

**6.3** 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 policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

### **Building on Tradition a Sustainable Design Guide for Northern Ireland**

**6.4** Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be development to integrate the new building(s) within the local context.

### **PPS21- Sustainable Development in the Countryside**

**6.5** Policy CTY 1 states a range of types of development which in principle are considered to be acceptable in the countryside. This includes infill dwellings if they meet the criteria set out in CTY8.

### **CTY 8 – Ribbon Development**

**6.6** CTY8 allows for 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 they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):



- a. Identify whether there is a substantial and continuously built-up frontage.
- b. Establish whether there is a small gap site.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).

**6.7** It is noted Policy CTY8 is a restrictive policy. The application site is located within an agricultural field abutting No. 44 Bavan Road which is a 1 ½ storey dwelling. A garage is also sited within the curtilage of No. 44. The application site abuts Ballykeel Road to the east and beyond that is a large farm complex. Agricultural fields abut No. 44 to the west. The curtilage of No. 44 extends to Bavan Road. Both the dwelling and garage has frontage to Bavan Road. The curtilage of the farm complex also extends to Bavan Road. The farm sheds have frontage to Bavan Road. However, Ballykeel Road separates the farm sheds from the application site and due to the topography and alignment of Bavan Road magnifies the presence of the intervening road (Ballykeel Road), the road serves as a break in the frontage. The farm complex does not form part of the required 3 buildings along a continuous built-up frontage as Ballykeel Road serves to break this frontage. It is considered that there is not a substantial and continuously built-up frontage on this occasion, thus the proposal therefore fails the initial policy test.

### **Size, Scale and Siting**

**6.8** In terms of whether the application constitutes a small gap site relates to the matter of plot size. Having studied the plot sizes of the adjacent dwellings I have the following frontages to note (approximate):

- Number 44 – 48.2m
- Farmyards & sheds – 106m

**6.9** The application site has a frontage of approximately 33m. The building to building gap is approx. 59m.

Whilst smaller than the adjacent frontages, it is important to note that appeal reference: 2019/A0001 clearly states that it is not merely a mathematical exercise therefore on this basis it is imperative to consider the surrounds of the application site/area. An indicative site plan has been submitted alongside the application whereby the dwelling is proposed to be sited along the building line of No. 44. Whilst the siting of the dwelling could be considered appropriate subject to landscaping and detailed design this does not detract from the fact the application site does not comply with the other criteria as set out above.

### **Policy CTY13 – Integration and Design of Buildings in the Countryside**

**6.10** *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; or*
- (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 primarily on the use of new landscaping for integration; or*
- (d) ancillary works do not integrate with their surroundings; or*
- (e) the design of the building is inappropriate for the site and its locality; or*
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

**6.11** The application has been presented as an outline application and therefore no detailed design has been provided. It is considered however, that given the location of the application site and its current characteristics that the application would fail the criteria set out in CTY 13 in that the proposal if approved would be a prominent feature in the landscape.

#### **Policy CTY14 Rural Character**

**6.12** *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.*

**6.13** As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that the application site is not considered an infill opportunity and therefore would result in the suburban style build-up of development when viewed with existing and approved buildings. Furthermore, it is considered that the proposal if approved would be unduly prominent in the landscape. The proposal is considered therefore to exacerbate and result in ribbon development on the Bavan Road and is therefore considered contrary to CTY 14.

## **Planning Policy Statement 3 – Access Movement and Parking**

### **DCAN 15- Vehicular Access Standards**

**6.14** Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. As set out in section 4 DFI Roads were consulted in relation to the proposed development. DFI Roads had no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision.

### **Amenity**

**6.15** Through studying the indicative site layout which has given an indication of the potential siting of the proposed dwelling, it is considered a dwelling on this site could be achieved without resulting in any demonstrable harm to neighbouring dwellings in terms of overlooking, loss of light or overshadowing. No objections from neighbouring properties have been received as part of this application.

### **PPS 2: Natural Heritage**

**6.16** Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law.

The site is not in close proximity to or adjacent designated sites including any ASSIs, SACs, SPAs, RAMSAR sites and SLNCIs. There are no rivers/stream/hydrological link within the application site. No buildings are to be demolished. The domestic nature of the proposal is also noted whereby airborne pollutants resulting from the development are not considered to be an issue. A small section of hedgerow may need to be removed to facilitate a new access. However, a full landscaping scheme could be submitted at RM stage, if approval was to be granted, showing sufficient compensatory planting. Given the above, the Department is satisfied the proposal complies with PPS 2.

### **Recommendation: Refusal**

### **7.0 Conditions:**

- 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, create a ribbon development along Bavan Road and does not represent an exception to policy.
3. 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 does not represent a small gap site within an otherwise substantial and continuously built-up frontage.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the dwelling, if permitted would be a prominent feature in the landscape.
5. 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 buildings would, if permitted be unduly prominent in the landscape and create a ribbon of development along Bavan Road and would result in a suburban style build-up of development when viewed with existing and approved buildings; therefore resulting in a detrimental change to further erode the rural character of the countryside.


Case Officer Signature: R.Daly
Date: 30/09/2024
Appointed Officer Signature: M Keane
Date: 30-09-24

## Delegated Application

Development Management Officer Report	
<b>Case Officer:</b> Fionnuala Murray	
<b>Application ID:</b> LA07/2023/2376/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed Dwelling on a farm under Policy CTY10 of PPS21	<b>Location:</b> 60m South West of 131 Derryboy Road Ballyalgan Crossgar Down BT30 9DH
<b>Applicant Name and Address:</b> Mr Andrew Woods 130 Derryboy Road Ballyalgan Crossgar Down BT30 9DH	<b>Agent Name and Address:</b> 11 Ballyalton Park Ballynagross Upper Downpatrick Down BT30 7BT
<b>Date of last Neighbour Notification:</b>	31.05.2023
<b>Date of Expiry:</b>	14.06.2023
<b>Date of Press Advertisement:</b>	10.05.2023
<b>Date of Expiry:</b>	24.05.2023
<b>ES Requested:</b> No	
<b>Consultations:</b>  <b>NI Water</b> was consulted in relation to the application and responded with no objections (response date 04.06.2023)  <b>DAERA</b> was consulted and responded advising that the farm business had been in existence for more than 6 years and claims had been made in each of the last 6 years and the site this application relates to is under the control of the farm business.  <b>DFI Roads</b> was consulted and responded with no objections subject to conditions.  <b>DFI Rivers</b> responded with no objections to the proposal	
<b>Representations:</b> The application was advertised and neighbours notified as set out above and to date there have been no representations received in relation to the proposal.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0

Number of Petitions of Objection and signatures	0
<b>Summary of Issues:</b> There are no issues as a result of the consultation and publicity processes.	



Site Visit Report
<b>Site Location Plan:</b>

<p><b>Characteristics of the Site and Area</b></p> <p>The site in question is located along the Derryboy Road and is part of a larger agricultural field. The site rises up gradually away from the roadside. The northern boundary of the site is made up of some trees and gables and rears of buildings. The south, south western boundary is made up of a planted field hedge with two trees along it and the north western boundary is undefined. The boundary along the road is mainly made up of verge and a post and wire fence.</p> <p>The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is located in the open countryside which is characterised generally by single dwellings and farm steads. The site is constrained by surface water flooding.</p>
<p><b>Description of Proposal</b></p> <p>Proposed Dwelling on a farm under Policy CTY10 of PPS21</p>
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><u>PLANNING HISTORY</u></p> <p>R/2008/0731/F - 128 Derryboy Road, Crossgar, Co Down, BT30 9DH - Proposed replacement dwelling with detached garage &amp; retention of existing garage for conversion to a stable at 128 Derryboy Road, Crossgar – approval 26.03.2009 (applicant Mr Kevin Dickson)</p>



No other relevant site history found in relation to the farm at 131 Derryboy Road

### CONSIDERATION AND ASSESSMENT

The proposal has been assessed against the following policies and plans:

- The Banbridge, Newry and Mourne Area Plan 2015.
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 15 Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside
  - Policy CTY 1 Development in the Countryside
  - Policy CTY 8 Ribbon Development
  - Policy CTY 13 Integration and Design of Buildings in the Countryside
  - Policy CTY 14 Rural Character

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 Banbridge/Newry and Mourne Area Plan 2015)

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.

There is no conflict between the SPPS and the provisions set out in PPS 21 CTY 10 Dwellings on Farms therefore this assessment is made under CTY 10 which 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.**

Taking account of the consultation response from DAERA it appears that the farm business is active and established and has been for a period of 6 years or more and farm payments have been claimed in each of the last 6 years for the farm business.

**(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**

Taking account of planning history on the lands associated with the farm business it does not appear there have been any development opportunities sold off from the holding. The agent has indicated that there have been no sell offs on the P1C form.

There is a dwelling under construction adjacent to the associated farm holding however the applicant has confirmed this is not associated with the holding and never has been and land registry and planning history checks appear to confirm the same.

**(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. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either: • demonstrable health and safety reasons; or • verifiable plans to expand the farm business at the existing building group(s). In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.**

The agent has confirmed that the farm holding associated with this proposal is that of 130 Derryboy Road which is on the opposite side of the road to the site in question. In order to cluster or visually link it is accepted that the site would sit on the same side of the road as the farm buildings it clusters with rather than having the break of a road between. On this occasion the proposed site appears to cluster with the dwelling and associated out buildings of 131 Derryboy Road with some of those outbuildings forming the boundary to the site, therefore the site is not visually linked or clustering with an established group of buildings on the farm and fails this aspect of policy. There has been no justification put forward to justify siting away from existing buildings on the farm.

The application is considered against CTY 13 Integration and Design of Buildings in the Countryside Planning which states that 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.

It is considered that a dwelling could be accommodated at the site that could meet with the requirements A-F as set out in CTY 13 with further consideration to be given to the design of the dwelling during reserved matters stages when the full particulars would be presented for assessment.

As detailed above the site is not visually linked or sited to cluster with an established group of buildings on the farm and therefore fails to meet the requirements of part G of CTY 13.

The proposal is also considered against CTY 14 Rural Character CTY 14 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 an area. The proposed site appears to meet with the requirements set out in CTY 14 with the exception of par D it creates or adds to a ribbon of development as per policy CTY 8



Taking account of ribbon development as set out in CTY 8 there is currently a small ribbon of development adjacent to the site in question being a dwelling house and two outbuildings that all present to the road therefore the development of this site would result in the addition to an existing ribbon of development. In this assessment consideration is given to the potential for the site to meet the requirements of CTY 8 in representing a gap between no 131 and no 135 Derryboy Road however this is a visual break and does not represent a gap in an otherwise substantial and built up frontage when taking account of plot sizes and the considerable size of the gap.

<b>Neighbour Notification Checked</b>	Yes
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### Summary of Recommendation

For the reasoning detailed in the above report a recommendation of refusal is made for the reasons outlined below.

### Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 10 of Planning Policy Statement 21, Dwellings on Farms as it has not been demonstrated that the new building is visually linked or sited to cluster with an established group of buildings on the farm and it has not been demonstrated that:

<ul style="list-style-type: none"> <li>• demonstrable health and safety reasons.</li> <li>• verifiable plans to expand the farm business at the existing building group(s).</li> </ul> <p>to justify siting away from an established group of buildings.</p> <p>2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Integration and Design of Buildings in the Countryside part (g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.</p> <p>3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Rural Character as the development would add to a ribbon of development along the Derryboy Road.</p>	
Case Officer Signature: Fionnuala Murray	
Date: 19 September 2024	
Appointed Officer: A.McAlarney	Date: 20 September 2024





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

**Application Reference:** LA07/2022/0841/F

**Date Received:** 24.05.2022

**Proposal:** Proposed demolition of existing beauty salon and erection of 4 no. apartments.

**Location:** No.98 Dominic Street, Newry, BT35 8BW.

**Site Characteristics & Area Characteristics:**

The site is located at the junction of Dominic Street and Pool Land at 98 Dominic Street, Newry which is within the development limit for Newry City. The site which is just outside the town centre boundary is primarily surrounded by residential properties and holds a two-storey detached building which has been described as an existing beauty salon.

**Site History**

Application Number: P/1990/0467

Decision: Permission Refused

Decision Date:

Proposal: Change of use from shop to restaurant and Hot Food Carry Out

Application Number: P/1980/0532

Decision: Permission Granted

Decision Date: 27 February 1981

Proposal: HOUSING REDEVELOPMENT

Application Number: P/1995/1098

Decision: Withdrawal

Decision Date: 27 February 1996

Proposal: Change of use from and alterations to shop to provide 3No flats

Application Number: P/1996/0234

Decision: Permission Granted

Decision Date: 03 July 1996

Proposal: Change of use from shop and alterations to provide 3No flats

Application Number: LA07/2019/0370/F  
 Decision: Permission Refused  
 Decision Date: 23 September 2019  
 Proposal: Retention of rear yard, store and ancillary works.

Application Number: LA07/2019/1689/LDE  
 Decision: Permission Granted  
 Decision Date: 28 January 2020  
 Proposal: Existing salon providing Hair, Beauty and Tanning Salon Services.

### **Planning Policies & Material Considerations:**

Planning Act NI 2011  
 SPPS – Strategic Planning Policy Statement for Northern Ireland  
 Banbridge Newry and Mourne Area Plan 2015  
 PPS 12 – Housing in Settlements  
 PPS 7 – Quality Residential Environments  
 PPS 7 Addendum- Safeguarding the Character of Established Residential Areas  
 PPS 15 – Planning and Flood Risk  
 PPS 6 – Planning Archaeology and the Built Heritage  
 PPS 6 (Addendum) Areas of Townscape Character  
 PPS 3 – Access, Movement and Parking  
 PPS 2 – Natural Heritage  
 DCAN 8 – Housing in Existing Urban Areas  
 Planning Strategy for Rural Northern Ireland  
 Creating Places  
 Parking Standards

### **Consultations:**

DFI Rivers – No objections raised.  
 Environmental Health – no objection in principle. Informative included.  
 HED – Listed buildings are sufficiently removed from subject site. HMU – no objection.  
 DFI Roads – following amended information including a parking survey, no objection subject to compliance with attached conditions.  
 NIW – refusal subject to engagement with NI Water. Network capacity issues.

### **Objections & Representations**

130 neighbours notified / re-notified on 09.07.24 and the application was re-advertised in the press on 23.01.2024 and 24.01.2024. 139 objections representations received.

**Areas of Objection listed below. These will be considered in detail at the end of this report.**

1. Not enough parking space which is currently restricted. Parking also required for domiciliary carers and other health care providers. Would restrict residents' ability to access their home.
2. Environmental concerns on the basis of NI Water comments.
3. The 26 available communal spaces proposed by the agent would take spaces off existing residents.



4. Photos taken to support the application were taken when residents were at work. Additionally the Saturday chosen was opportunistic in that the street happened to have little traffic.
5. Junction of Pool Lane is dangerous and volume and speed of traffic accessing Pool Lane is dangerous and problematic for residents including the elderly and children.
6. It would be better to be turned into a parking area or children's playground.

#### **Consideration and Assessment:**

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.

#### Banbridge Newry and Mourne Area Plan 2015

The site is located within the development limit for Newry City. The extant Development Plan shows the site as unzoned and therefore the Plan is silent on the use of the site, with decision making being deferred to the operational policies.

The site is included within an ATC designation (NY 109) and an Area of Archaeological Potential. These designations will be considered below under PPS 6 and the Addendum to PPS 6 respectively.

With the Plan silent on the use of the site, and decision making deferred to the retained policies, there are no conflicts with the proposal in terms of the Area Plan.

#### PPS 7/ SPPS / PSRNI / PPS12 / DCAN 8 / Creating Places

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 also be expected to meet the criteria tests (a-i) of policy QD 1 as discussed below;

- (a) The proposal for residential development is appropriate to the surrounding context and character of the site in that the whilst the site is unzoned, the surrounding context is predominately residential development. The topography of the site is relatively flat with a gentle slope towards Pool Lane. The proposal is in general compliance with part (a) of policy QD 1. The layout is considered respectful in that it respects the building line without having an adverse impact on surrounding amenity. The scale, proportions, massing and appearance of buildings, structures and hard surfaced areas are generally considered consistent with the built development in the surrounding area.
- (b) Having considered the ATC designation (discussed further under APPS6) I am content the existing building does not make a material contribution to the ATC with the on-going commercialisation of the building. The proposed building has been designed sympathetically and reads with the design principles found within the ATC and will enhance the locality. These design features include the render finish, clipped eaves, traditional roof pitch and timber sliding sash

windows. HED has been consulted regarding the Area of Archaeological Potential designation and have confirmed they have no objections to the proposal. There are no landscape features of importance to be retained.

- (c) There is no requirement given the scale of the development for public open space. Approximately 54sqm of private space has been included which is over the minimum standard of 40sqm for apartment development. Given the constraints of the site, landscaping is not considered to make a material contribution to the scheme, however existing soft landscaping is notable immediately south of the site, which does help soften the impact.
- (d) Not necessary given the site's close proximity to the city centre.
- (e) The proposal would support walking and cycling and those with mobility issues. 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) The guidance within Parking Standards advises that 6 parking spaces are required for the development. The agent has submitted 3 parking surveys which at the least, showed 14 available parking spaces. Further to this, the existing building would have attracted 7 spaces, based on a floor area of 123sqm – according to Parking Standards. This means the proposed use would require less parking to serve the development which is a betterment for the area. DFI Roads has no objection to the proposal. There is also considered to be sufficient space within the amenity of the site to accommodate cycle parking as shown on the site layout.
- (g) The design of the proposal (revised version) draws upon traditional elements such as the render finish, timber windows and doors, simplistic layout and traditional pitched roof. The design compliments the character of the existing area and is considered in compliance with policy.
- (h) The design and layout will not conflict with adjacent land uses which are also residential. The upper window towards No.86 Dominic Street has been removed which ensures there are no overlooking issues associated with the development. There are no perceived issues with loss of light and overshadowing due to the detached nature and spatial relationship with surrounding development, or any noise or any other disturbance.
- (i) The building is surrounded by residential properties and overlooked to varying degrees. These mitigating factors will help deter crime and promote personal safety.

The initial test of policy QD 1 is to ensure the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. The proposed design and layout (revised version) save for the rear return and a slight extension to the front elevation is sited on the footprint of the original building to be demolished. The

proposed apartments have been reduced in terms of height and the design of the building has been amended to a simple traditional appearance which is not dissimilar to existing buildings along Dominic Street.

There is no unacceptable damage to the local character, environmental quality or residential amenity of the surrounding residential area and given the design and appearance of the existing building, the proposed building will enhance the distinctive character and appearance of the ATC. The proposal is not considered intensification due to the reduced number of people attracted to the site from the original use of a commercial beauty salon.

Subsequently as a result of the above, the proposal is in general compliance with The Planning Strategy for Rural NI (DES 2), DCAN 8, Creating Places, PPS 12 and policy QD 1 of PPS 7.

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

The density of the proposed development in this otherwise high-density area is generally consistent with the established development pattern in the established residential area. The pattern of development is in keeping with the overall character and environmental quality of the established residential area in terms of land use and design as considered above. At approximately 60sqm, the proposed apartments are above the minimum space standards as 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 FLD 1, FLD 2, FLD 4 and FLD 5 are not applicable to the site. Whilst a drainage assessment is not required under FLD 3, the developer is reminded of their responsibility in terms of flood risk

I conclude the proposal to be in compliance with PPS 15.

#### Planning Policy Statement 2

Having visited the site I am content there will be no significant harm to protected or priority species or habitats as a result of the proposal or that any International, European, National or local sites of acknowledged importance would be compromised by the proposal.

#### Planning Policy Statement 3 / DCAN 15 / Parking Standards

Following amended plans, DFI Roads has no objections to the proposal in terms of PPS 3 / DCAN 15 subject to compliance with attached conditions. Parking of 6 vehicles on street which is the requirement as set out in Parking Standards as been shown by the agent. Parking Surveys have been submitted that show a surplus of at least 14 spaces which DFI Roads have raised no objection to. As noted above the parking provision of 6 vehicles is one vehicle lower than the established use of a beauty salon which represents gain. Whilst there may be some upheaval locally with many public spaces surrounding the proposal that currently serve dwelling houses, this is not considered significant in terms of the parking attracted to this proposal or over and above the existing issues of on street parking at this location.



### PPS 6 – Planning Archaeology and the Built Heritage

The site is within the consultation zone for Historic Monuments dept. of HED due to the Area of Archaeological Potential designation the site lies within. HED (Historic Monuments) has assessed the application and confirmed on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. The site has previously been subject to extensive ground disturbance. I concur with this position and am content the proposal is compliance with the above policy criteria.

Historic Buildings Unit has confirmed the proposed development is sufficiently removed from the nearby listed buildings and therefore is content the proposal is in compliance with the SPPS and PPS 6.

### PPS 6 (Addendum) Areas of Townscape Character

The proposal seeks demolition for the original building on site which is located in ATC designation NY 109 of the BNMAP2015. Policy ATC 1 notes there will be a presumption in favour of retaining any building which makes a positive contribution to the character to the ATC. The Council will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area.

The site is within ATC designation NY 109 as depicted in the Banbridge Newry and Mourne Area Plan 2015. The key features of the ATC are as follows:

Key features of the area, which will be taken into account when assessing development proposals, are as follows:

- Dominic Street is one of strong linear quality generated by the long terraces flanking the street;
- The buildings on the east side of Dominic Street are of recent origin replacing a terrace of Georgian buildings but compliment the buildings of an earlier age on the west side;
- The west side of upper Dominic Street contains a row of impressive polychrome brick built buildings served by a walkway elevated above the street level giving it its dominance. The long stone wall separating the walkway from the street emphasises the strong linear quality of the terrace and street;
- The groups of two and three storey buildings, some listed, vary in scale and detail and contrast with the regular rhythm of the terraces;
- The listed Church and Priory Garden of St. Catherine's counter balance the strong linear emphasis of the street.

I do not consider that the subject building (which is not specifically mentioned within the zoning) makes a positive contribution to the ATC. The subject building which has

an external staircase, a non-traditional shopfront on the ground floor and signage distributed throughout. The remainder of Dominic Street does possess a distinct character that appears consistent along the streetscape, however this building appears at odds with this character and therefore the demolition is, in my assessment, acceptable. This will be conditional that contracts are signed for redevelopment prior to the demolition.

### Policy ATC 2

The Council will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area. The Council will also require that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

There are no features of importance associated with the site that will impact the character of the ATC. The revised scheme of the proposed development seeks a more simplistic design with materials consistent with the built development along Dominic Street. The proposed scheme dispenses with the external staircase, shop front and signage and shows a more traditional building with a designed more aligned to the Georgian architecture nearby and for these reasons I consider the proposal to represent an enhancement to the overall character that respects the built form of the area.

### **Response to Objections**

1. Parking has been considered above in the report and by DFI Roads. Bearing in mind the existing parking requirements, it is not considered that the proposal will result in a significant detrimental impact on local parking availability or effect the flow of traffic to an unreasonable standard.
2. The agent has confirmed that a Waste Water Impact Assessment has been sought from NI Water. Any approval would contain a negative condition confirming a connection to the mains sewer, prior to commencement of development.
3. The number of spaces required would be reduced from the existing requirement. Individual parking spaces on public highways are a civil issue between parties.
4. DFI Roads have assessed the Traffic Survey and have raised no objections.
5. DFI Roads have raised no road safety concerns with this junction.
6. The Planning Authority can only assess the application before the Council.

### **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; PL-02E, PL-03B and PL-01B.

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 Council 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. PL-03B published date 9 July 2024.

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. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number PL-03B published date 9 July 2024. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

5. The development hereby permitted shall not be occupied until cycle parking has been provided and permanently retained in accordance with approved Drawing No. PL-03B published date 9 July 2024.

Reason: To ensure that adequate provision has been made for cycle parking and to encourage and promote alternatives modes of transport.

6. No other development hereby permitted, shall be commenced until the footway has been completed in accordance with details submitted to and approved by Planning on Drawing No. PL-03B published date 9 July 2024.

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

7. Windows or doors shall not open out over the public road, verge or footway.

Reason: In the interest of pedestrian safety, road safety and convenience of road users.

8. Windows or doors shall not open out over the public road, verge or footway.

Reason: In the interest of pedestrian safety, road safety and convenience of road users.

9. Steps, pillars, access ramps, down spouts etc. shall not project out into the public road, verge or footway.

Reason: In the interest of pedestrian safety, road safety and convenience of road users.

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. NIW public sewer/s traverse the proposed 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 Planning Authority, 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: In the interest of public safety.

12. NIW public watermain/s traversing the proposed development site. No construction to be made, trees planted or other obstruction made within the permitted wayleave width. Any construction near to watermain greater than 600mm requires consultation and approval from NI Water. 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 watermain, and sufficient drawings have been submitted, which clearly indicate the required wayleaves.

Reason: In the interest of public safety.

13. No development shall commence until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016 and agreed in writing by the Planning Authority.

Reason: To prevent pollution and to ensure 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. Demolition of the existing building shall not commence until a signed contract for the redevelopment hereby approved has been submitted to and agreed in writing by the Planning Authority.

Reason: To safeguard the character of the ATC.

**Case Officer:** Ashley Donaldson 19/11/2024

**Authorised Officer:** Maria Fitzpatrick 19/11/2024



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

**1.0 Application Reference:** LA07/2022/1357/O

**2.0 Date Received:** 22.08.22

**3.0 Proposal:** Proposed site for industrial/storage units (Use classes B2 and B4) and associated road improvement works.

**4.0 Location:** Land to the east of 31 Chancellors Road and 55m to the southwest of 5 Carnagat Lane, Newry

**5.0 Site Characteristics & Area Characteristics:**

The application site is located approximately 1 mile to the W of Newry City located on the urban periphery of Newry. The site comprises 2.3 hectares of agricultural lands situated to the E of 31 Chancellors Rd and SW of 5 Carnagat Lane. Set back from and W of the NI railway and A1 dual carriageway.

The site is 'L' shaped and has no notable landscape features. The topography is reasonably level with a slight fall from S to N and undulations in places. Boundaries are generally defined by existing post and wire fencing and hedges.

The site is strategically placed with access to the Camlough Rd within 0.7 miles NW and to the SE via the upgraded junction at Doran's Hill (1 mile). Development within the immediate area of the site include Country Carpets (NW), Resonate Testing Limited (E), DXF Engineering (SE) and recently approved Savage and Whitten (adj and S), detached properties to the W (29 and 31 Chancellors Rd) with a cluster of residential development 0.2 miles to the S known as Bleary Bungalows.

The site is located within the development limits of Newry on land zoned for Economic Development (NY69) as identified by the Banbridge/ Newry and Mourne Area Plan 2015. This includes key site requirements.





## 6.0 Relevant Site History:

### 6.1 Application Site:

LA07/2022/0797/PAN - Proposed site for industrial/storage units (uses Classes B2/B3/B4) and associated road improvement works. Land to the east of 31 Chancellors Road and 55m to the southwest of 5 Carnagat Lane, Newry (Adj and N of the site) (PAN Concluded 14.07.22)



*Site Location for LA07/2022/1357/O and LA07/2022/0797/PAN*

LA07/2021/1759/PAN - Builder's yard with ancillary office, 2no. industrial buildings and 26no. social housing dwellings (Category 1 older persons accommodation, which is self-contained accommodation for the more active elderly that do not require supervision). Land to the east of 31 Chancellors Road and to the south of Carnagat Road, Newry. (PAN Concluded 27.10.21)



*Site Location Map for LA07/2021/1759/PAN*

### 6.2 Lands Adjacent and S of Site

LA07/2022/1168/F - Erection of a 16,730sqm storage and distribution warehouse including ancillary office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, earth bund, site access including realignment of Chancellors Road and right hand turn lane and all other associated site works. Approved 07.02.24



*LA07/2022/1168/F Site Location Map*

LA07/2022/0540/PAN - Erection of a c.16,650sqm storage and distribution warehouse including first floor office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, site access including right hand turn lane at Chancellors Road and all other associated works. (PAN Concluded 08.04.22)





*LA07/2022/0540/PAN Site Location Map*

LA07/2022/0269/PAN Erection of a c.16,650sqm storage and distribution warehouse including first floor office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, site access including right hand turn lane at Chancellors Road and all other associated works. Lands east of Chancellors Road and to the north and west of No. 20 Carnagat Lane, Newry. (PAN Concluded 01.03.22)



*LA07/2022/0269/PAN Site Location Map*

LA07/2019/0934/O - Proposed site for industrial units with associated access road. Site directly adjacent and to North West of 46 Chancellors Road. (Granted 30.01.20)



*Site Location Map for LA07/2019/0934*

LA07/2021/0740/PAD - Erection of a storage and distribution warehouse including first floor office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, site access including right hand turn lane and all other associated works. Lands east of Chancellors Road north and west of no. 20 Carnagat Lane, Newry



*Site Location for LA07/2021/0740/PAD*

### **6.3 Opposite and NW of Site**

P/2001/1473/F – Opp No. 29 Chancellors Rd. Erection of Store. (Approved 15.11.01)

## 6.4 Opposite and N of Site

P/2012/0938/O - 30 metres south and adjacent to no 17 Carnagat Road, Newry. Site for farm dwelling and garage. Approved 19.02.13



Site Location Map for P/2012/0938/O

## 7.0 Planning Policies & Material Considerations:

- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- DES 2 - Planning Strategy for Rural Northern Ireland
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 4 - Planning and Economic Development
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS15 (Revised) - Planning and Flood Risk
- DCAN 10 (Revised) - Environmental Impact Assessment
- DCAN15 - Vehicular Access Standard
- DOE Parking Standards

## 8.0 Consultations:

- Rivers Agency (28.08.24)

### FLD1 - Development in Fluvial and coastal Flood Plains

Further to the consultation dated 09.08.24 and enclosed revised FRA (dated 27.05.24) Rivers Agency raise no further objection. The revised FRA indicates that the proposal does not lie within the 1 in 100 year fluvial flood plain and development levels are sufficiently above this. All development proposals are now outside of the Climate Change Rivers Directorate Flood Maps (NI) floodplain and the historical watercourse diversion approved.

### FLD2 - Protection of Flood Defence and Drainage Infrastructure

Drawing P0125/D001 dated 13/12/23 indicates the diversion of the historical drain within the site. Rivers Directorate engineers have issued approval on 28/6/24 for the diversion. Rivers Directorate PAU cannot sustain an objection under this sub-policy FLD 2.

**FLD3 - Development and Surface Water**

Schedule 6 consent to discharge 18.3 l/s surface has now been agreed 23/2/2021. The proposal is to attenuate up to 579 cubic meters of surface water and limit/restrict the discharge rate to mimic the Greenfield run-off rate (using a vortex to 18.3 l/s) and discharge to the watercourse.

The proposals would satisfy this sub-policy FLD 3 and be acceptable.

**FLD4 - Artificial Modification of watercourses**

Drawing P0125/D001 dated 13/12/23 indicates the diversion of the historical drain within the site. Rivers Directorate engineers have issued approval on 28/6/24 for the diversion. Rivers Directorate PAU cannot sustain an objection under this sub-policy FLD 4.

**FLD5 - Development in Proximity to Reservoirs**

Not applicable to this site.

- **EH (28.06.24) –**

**Further review of the additional information supplied in correspondence dated 3 April 2024.**

Construction phase and Operation Phase - conditions required.

- **DFI Roads (24.11.23) –** No objection. Conditions attached
- **HED (27.09.23) -** 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.
- **NIEA (06.01.23) -** No concerns subject to recommendations.
- **SES (12.12.22) -** 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.
- **NIE (03.11.23) -** NIE Networks notes that the applicant should apply for a mark up and consult the below advice.
- **Loughs Agency (14.10.22) -** No objection
- **NIW (10.10.22) -** Refusal. Subject to successful discussions and outcomes.
- **NIEA Water Man (07.10.22) –** Content
- **NIEA Regulation unit (07.10.22) –** No objection

## 9.0 Objections & Representations

- The application was advertised in local newspapers September 22 and May 24 following an amended proposal.
- 6 neighbours have been notified September 22.
- As a result of neighbour notification and advertisement the Planning Department has received 10 objections. The issues raised along with consideration of representations have been set out below:

### 10.0 Letters of Representation:

#### • Roads Issues - Road Safety, Additional Traffic, Inadequate Infrastructure

*DFI in their consultation response dated 24.11.23 have recommended approval of proposals subject to planning conditions. Following consideration of plans and objections DFI Roads have raised no issues relating to road safety or the inability of current infrastructure to facilitate such a development.*

#### • Sustainable Travel - No Public Transport, Movement Pattern not supported

*The development is contained within the settlement limits of Newry City with access to wider public transport within the area. As an outline application further detailing relating to these issues will be considered at detailed drawing stage.*

#### • Impact to Natural Heritage Interests - Removal of hedge, Impact to protected species

*The Planning Department are aware of the current use of the site for agricultural purpose. However, the land is zoned within the urban settlement of Newry for economic development, therefore the change from agricultural to an economic land use is unavoidable.*

*In relation to existing vegetation, habitat and wildlife at the site NIEA in comments dated 06.01.23 have no objections to proposals subject to condition. Further consideration given to natural heritage issues within the planning report.*

#### • Loss of Amenity

*EH in comments dated 28.06.24 have raised issues in relation to residential amenity and have suggested a number of planning conditions that should be adhered to. Further consideration to amenity is set out below.*

#### • Flooding – Flooding/ Drainage Assessment

*The site is not located within the flood plain therefore there are no associated risks of flooding within the immediate area of the site. Rivers Agency in their consultation response dated 28.08.24 have raised no issues of concern. Consideration of PPS 15 -Planning and Flood Risk has been considered further below.*

#### • Archaeology



*The Planning Department are aware of the standing stone and archaeological potential at the site therefore consulted with Historic Environment Division (HED). In comments dated 27.09.23 advised that they were content that the scheme was compliant with relevant policy subject to archaeological mitigation.*

- **Land Use/ Land Zoning – Not compatible with surrounding land uses, unacceptable land zoning, in AONB, located in wrong zoning**

*Prior to publication of the Banbridge, Newry and Mourne Area Plan 2015, the area plan including intended land zonings would have gone through due process in terms of consultation, public consultation and public inquiry. Following this process, the area plan was adopted and published in 2015 with the land zoning and key site requirements for the site set out within the plan. The development sought fully adheres to the land zoning and key site requirements as set out within the area plan.*

- **Visual Appearance – Scale, Impact to Visual Amenity, Cumulative impact**

*The application site is set within the urban settlement of Newry City sited back and below the road level of the A1. Views are limited from the A1 due to the natural topography and vegetation. However, as an outline application, detailing relating to scale, mass, design and finishes are matters reserved for detailed drawing stage.*

- **Pollution – Noise, Air, Light**

*Environmental Health have considered impacts in terms of noise, air and light pollution and have raised no objections as per their consultation response dated 28.06.24.*

## **11.0 Consideration and Assessment:**

The proposals comprise of outline planning permission for industrial / storage units for a B2 and B4 Use class along with associated road improvements. Whilst the developer has provided a conceptual drawing showing 2 industrial units/ store carparking and loading bay area this is for illustrative purpose only. The development also includes the realignment, improved radii and provision of footway along the length of the site along Carnagat Rd along with road improvements at the junction of Carnagat Rd and Chancellors Rd (on lands within the ownership and control of the applicant). The road improvements do not allow for the link between the proposed development and that recently approved under LA07/2022/1168/F as this parcel of land is outside the ownership and control of the applicant, this is for the future developer of this parcel land to remedy. As the application is for outline only the matters relating to scale, design, finishes, layout and materials etc. are reserved for detailed drawing stage.

## **12.0 Development Management Regulations**

The development has been considered under the Planning (Development Management) Regulations (Northern Ireland) 2015 as industrial / storage units – use classes B2/ B4 within Part 8 of the regulations as the area exceeds 1 hectare (2.3ha) and therefore required the submission of a Pre-Application Notice (PAN) which was submitted under LA07/2022/0797/PAN.



The regulations also require a pre-application community event to be undertaken prior to submission of the formal major application. The agent submitted a Pre-Application Notice (PAN) to the Planning Department on 13<sup>th</sup> May 2022 which was subsequently agreed in writing on the 15<sup>th</sup> July 2022. Supporting evidence of this process was submitted as part of this application to demonstrate that this has been carried out in accordance with legislative requirements at that time. (The formal application was submitted 22.08.22 following the passing of the 12 week notice period and Pre Application Consultation Report submitted 06.09.22).

### **13.0 EIA Screening:**

The proposal falls within the threshold of Category 10 (b) – Infrastructure Projects of Schedule 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Local Planning Authority has determined through an EIA screening that there will be no likely significant environmental effects and an Environment Statement is not required.

### **14.0 Habitats Regulations Screening**

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council dated 12<sup>th</sup> December 2022, the informed response is attached at Annex A of the consultation response.

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.

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 12/12/2022. This found that the project would not have an adverse effect on the integrity of any European site.

### **15.0 Planning Act:**

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.

### **16.0 The Regional Development Strategy (RDS) 2035:**

The RDS is an overarching strategic planning framework supporting sustainable development whilst encouraging strategic links between settlements. Newry has been identified within the RDS as the South Eastern City gateway due to its close proximity to the land border and major port of Warrenpoint as well as its position on the main Belfast-Dublin Corridor.

The development is proposed on lands zoned for economic use within the Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) with its close proximity to strategic transport corridors which makes this site well placed for development in the context of the regional structure and strategic connections. Proposals fully meet the requirements of Regional Guidance on Economy insofar as fulfilling the requirements of RG1 (RG1: Ensure adequate supply of land to facilitate sustainable economic growth) and RG2 (Deliver a balanced approach to transport infrastructure) of the provisions of the RDS

The site is located to the western part of Newry city within 0.4 miles of Newry ByPass linking to the A1 major route and is well connected to close proximity to strategic transport corridors which makes this site well placed for development in the context of the regional structure and strategic connections, fully conforming with the provisions of the RDS.

### 17.0 Banbridge/ Newry and Mourne Area Plan 2015



The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) is the operational Local Plan for this site, which identifies the site as being within the settlement limits of Newry City (NY01).

Under Policy SMT2 (Volume 1 of the Plan) zoned economic development land planning permission will only be forthcoming provided development is in accordance with prevailing regional planning policy, plan proposals as well as key site requirements.

124 hectares of land within the settlement has been zoned for economic development under allocation ECD1 (Volume 1 of the Plan) which allows for a range of economic development uses which includes General Industrial (Class B3), Light Industrial (Class B2), Business (Class B1) and Storage and Distribution (Class B4) as defined in the Planning (Use Classes) Order (Northern Ireland) 2015 (The former 2004 Planning Use Classes Order 2004 now superseded by the 2015 Order).

The site comprises 2.3ha of the 19.46ha of land zoned for economic development at Chancellors Road part of the NY69 land zoning (Zoning NY 69 – Economic Development Chancellors Road) which identifies specific key site requirements:

- The Chancellors Road will be realigned and widened to agreed standards along the frontage of the site and from the site extremity to the proposed new link from Chancellors Road to the A1 Upgrade;
- Hedges on the site boundaries shall be retained and augmented with the planting of a 5-8 metre wide belt of trees of native species to assist integration of development on the site;
- Layout of buildings to ensure that views of open storage areas are minimised to Chancellors Road and the A1.

The application is for outline planning permission for industrial/storage units (Use classes B2 /B4) and associated road improvement works. The land uses proposed are in accordance with the requirements of the area plan. Proposals also include road widening and realignment within lands within the ownership and control of the applicant. Where there are existing hedges which require retention under the key site requirements as an outline application this can be conditioned along with the additional requirement to provide tree planting of a 5-8m wide belt of trees. Whilst a conceptual layout drawing has been provided there is no requirement to provide detailed drawings at this stage, detailing on design and layout is matters reserved for detailed drawing stage a condition/ informative can also be applied to ensure that open storage areas are located to minimise views. Overall, the proposal in principle is acceptable to the BNMAP 2015, however the detailed scheme must also meet prevailing policy requirements, as considered below.

### **18.0 Planning Policy Consideration:**

As there is no significant change to the policy requirements for industrial development following the publication of the SPPS and it is somewhat less prescriptive, the retained policy of PPS4 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

### **19.0 Policy PED 1 - Economic Development in Settlements:**

Policy PED1 of PPS4 directs that development proposals for an industrial or business use defined as Class B1 – Business Use, Class B2- Light Industrial, B3 - General Industrial and B4 – Storage and Distribution as defined by the Planning (Use Classes) Order 2015 will only be permitted within a city where it is specified for such use within a development plan.

The site is zoned for economic development (NY69) within the Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP 2015) which allow for range of economic development uses to which these proposals adhere to.

Proposals are that of outline planning permission for industrial / storage units for a B2 (Light Industrial) / B4 (Storage and Distribution) use classes which fully adhere to the provisions of the area plan land zoning as well as PED 1 considerations.

The use of the site for storage and distribution purposes within Class B4 also meet the land zoning requirements for use in a specifically zoned area. In addition, a Class B4 development will also be permitted in an existing industrial/ employment area if it can be demonstrated that:



- the proposal is compatible with the predominant industrial employment use
- it is of a scale, nature and form appropriate to the location
- not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally

There are several Class B (Industrial and Business Use) found along the Chancellors Road and Carnagat Lane within close proximity of the site but also the site is zoned for economic development with proposals found compatible with the predominant industrial employment use.

Whilst an outline application the matters relating to size, scale, form, design, layout and landscaping are reserved for detailed drawings stage in which careful consideration will be given by the Planning Department in relation to its appropriateness upon the locale.

The proposed site will utilise 2.3 hectares along with the recently approved development immediately adj and S of the site (LA07/2022/1168/F – 6.62ha) representing 45% use of the available 19.46ha of zoned lands at this location, leaving 55% of remaining zoned land for economic use available at this location leaving sufficient availability of lands to allow for additional industrial/ employment uses at this locality and the area plan in general.

*The proposed development in its entirety not only fully conforms with the land zoning at this location but also meets the requirements of PED 1 for the reasons set out above.*

## **20.0 Policy PED 9 General Criteria for Economic Development**

PED 9 of PPS4 sets out further general criteria (a to l) which must be met for all economic development proposals:

### ***(a) it is compatible with surrounding land uses;***

The proposed development is located within the settlement limits of Newry City on land specifically zoned for an economic development use and is located within an area where there are several Class B (Industrial and Business Use) uses found along the Chancellors Road and Carnagat Lane.

There are several residential dwellings within the vicinity of the site which include nearest neighbours at 29 and 31 Chancellors Rd situated to the SW and No. 5 Carnagat Lane to the NE. EH in comments dated 28.06.24 advise that during operation and construction phases should Planning be minded to approve then conditions to the development will have to be applied. Compliance with such conditions will avoid impact to amenity and thus development if in accord with said conditions can exist alongside residential uses.

*Proposals meet criteria a of PED 9.*

### ***(b) it does not harm the amenities of nearby residents;***

### ***(e) it does not create a noise nuisance;***

### ***(f) it is capable of dealing satisfactorily with any emission or effluent;***

Environmental Health in their consultation response dated 28.06.24 have considered impact in relation to noise, air pollution as well as general amenity upon residents and have advised that should Planning proceed with a recommendation to approve that this is limited to conditions to ensure issues relating to noise, amenity, emissions etc are controlled. As an outline application the detailing of the design, form etc will be considered to ensure that the above criteria is not compromised.

*Proposals meet criteria b, e and f of PED 9, for the reasons set out above*

**(c) it does not adversely affect features of the natural or built heritage;**

HED in comments dated 27.09.23 are content the scheme is compliant with policy and NIEA in comments dated 06.01.23 has considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided, has no concerns.

*Criteria c is complied with.*

**(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;**

The site is not located within a 1 in 100 or 1 in 200 year fluvial flood plain nor is it located within an area of inundation from a reservoir therefore there is no known flood risk associated with the site. In terms of exacerbating flood risk elsewhere Rivers Agency in their consultation response dated 28.08.24 have considered the information provided with the application including the drainage assessment and have concluded that while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions

*Overall proposals meet criteria d of PED 9.*

**(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;**

**(h) adequate access arrangements, parking and manoeuvring areas are provided;**

**(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;**

DFI Roads in their consultation response dated 24.11.23 have no objections subject to conditions. As outline planning permission is sought issues relating to access, parking and manoeuvring etc within the site and will be further detailed and assessed accordingly.

*Proposals adhere to criterion g, h and i of PED 9.*



**(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;**

**(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;**

**(l) is designed to deter crime and promote personal safety; and**

As an outline application to assess the principle of development details relating to design, boundary treatment are matters left reserved for consideration at detailed drawing stage. It is up to the developer to ensure future proposals are well designed to adhere to this criterion.

*Proposals generally meet the criteria of j, k and l for the reasons set out above.*

**(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.**

*Site is located within the development limits of Newry City within an urban setting therefore criteria m is not applicable in this case.*

*As an outline application the developer will be required to set out detailed plans in relation to the above criterion. Provided this can be fully complied with the above criteria proposals will be able to meet the requirements of PED 9.*

## **21.0 DES 2 – Townscape**

The site is located within the development limits of Newry on land zoned for economic use and therefore the land uses proposed are acceptable at this location. As an outline application detail relating to design, finishes etc are matters reserved for detailed drawing stage. Provided the developer fully adheres to conditions set out and provides an acceptable scheme proposal have the potential to avoid conflict with adjacent residential land uses.

*On this basis the application fulfils the requirement of DES 2 of the PSRNI.*

## **22.0 SPPS - Safeguarding Residential and Work Environs 4.11 and 4.12**

Paragraphs 4.11 and 4.12 of the SPPS outlines that there are a wide range of environmental and amenity considerations including noise and air quality which should be considered when assessing a development management proposal.

10 objections have been received in relation to the application which have been fully considered in relation to noise, light, air, visual impact and road issues.

In terms of noise, light, air related issues EH have no objections subject to the adherence of planning conditions as set out per their consultation response dated 28.06.24. Further consideration of issues relating to amenity will be considered upon detailed drawing stage and design/layout can be designed as such to avoid amenity issues.

Paragraphs 4.11 and 4.12 of the SPPS give consideration to the visual intrusion that proposals can have in terms of impact to amenity.

Letters of objection have also raised this as an issue of concern. As the outline application is only to assess the potential the principle of the development the detailing in relation to design, finishes etc need to be provided at detailed drawings stage at which point the Planning Department will consider the scale, mass, design, finishes, landscaping, layout etc at this location and consider the wider context in which the development is located.

In terms of wider views the site sits below the A1 and is at a distance from this, the natural topography as well as vegetative boundaries within the vicinity will cause intermittent views from this view point. However, the site is visible on approach in either direction along the Chancellors Rd that careful consideration will have to be given to design, scale, form at detailed drawing stage.

Other environmental considerations have been set out below in relation to water supply and sewerage.

*Subject to detailed drawing stage proposals generally adhere to paragraphs 4.11 and 4.12 of the SPPS for the reasons set out above.*

### **23.0 SPPS and PPS2 – Natural Heritage**

NIEA in comments dated 6<sup>th</sup> January 2023 have raised no issues of concern with proposals.

*Proposals meet the requirements of the SPPS and PPS2, NIEA have no objection to proposals subject to conditions. Further consideration to heritage interests will be further considered at detailed drawing stage.*

### **24.0 SPPS and PPS3 – Access, Movement and Parking, Parking Standards and DCAN 15 – Vehicular Access Standards**

Transport NI in their consultation response dated 24.11.23 have no objection with proposals subject to condition.

*Proposals meet the requirements of the SPPS and PPS3.*

### **25.0 SPPS and PPS 6 - Planning, Archaeology and the Built Heritage (Policy BH 4 Archaeological Mitigation)**

HED in comments dated 27.09.23 have no objection subject to conditions.

*Proposals meet the requirements of the SPPS and PPS6.*

### **26.0 SPPS and PPS15 Revised Planning Policy Statement 15 'Planning and Flood Risk'**

Rivers Agency consultation response dated 28.08.24 following the submission of further information submitted to them on the 09.08.24 have indicated that all FLD1-FLD 4 have now been satisfied, with FLD5 not applicable.

Climate Risk – The development proposal does not appear to be directly affected the area of risk is confined to the access road of the site therefore risk is minimal.

*Proposals meet the SPPS and PPS15.*

## **27.0 Water and Sewerage**

The applicant proposes to connect to mains water supply and public sewer with surface water discharge to the watercourse.

Having reviewed NIW comments dated 10.10.22 have alluded that subject to successful discussion and outcomes regarding issues they may reconsider their position. The agent has been made aware of capacity issues and has confirmed by way of email on the 4<sup>th</sup> October 2023 that they are dealing directly with NIW to resolve and have provided copy of the correspondence as evidence to that effect.

The developer has engaged in a process with NIW as per NIW, WWIA correspondence dated 17.05.23 whilst there is no solution at present, they are working to overcome issues with downstream capacity and require time to find a solution to this.

As the applicant has engaged in this process with NIW, ultimately the onus is on the applicant to obtain relevant consents from NIW for connect to supply ensure that sewerage provision is provided on site prior to commencement. As connection, capacity and consent requirements are matters that lie outside the remit of the Planning Department this does not prevent the application being approved subject to negative conditions to ensure adequate connection is made prior to the development commencement and becoming operational.

## **29.0 Consideration and Assessment Summary:**

Having had regard to the development plan, consideration of the objection letters and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS4, PPS6, PPS15, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable economic development proposal which is in full compliance with the land zoning of the area plan. Whilst the principle of development is accepted issues relating to design, finishes, layout, scale, mass, form etc are reserved for detailed drawing stage.

Therefore, the application is recommended for approval subject to the necessary planning conditions outlined below.

**30.0 Recommendation:** Approval

### 31.0 Draft 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:-

- the expiration of 5 years from the date of this permission; or
- 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. Approval of the details of the siting, design and external appearance of the building, 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.

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

- Siting; the two dimensional location of buildings within the site.
- Design; the two dimensional internal arrangement of the building and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.
- External appearance of the buildings; the colour, texture and type of facing materials to be used for external walls and roofs.
- Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to the building within the site.
- Landscaping; the use of the site not covered by the building and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the

laying out of gardens and the provisions of other amenity features.

Reason: To enable the Local Planning Authority to consider in detail the proposed development of the site.

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 02 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Local Planning Authority to consider in detail the proposed development of the site.

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

- OS Map 26606NW, 26606NE1 and 26606NE3

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

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 Road improvement works to be completed prior to commencement and other requirements in accordance with the attached form.

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

7. There should only be works, construction, earth movements etc on site between 0700 and 1800 Monday to Friday, Saturday 0800 to 1300 and no workings on Sundays.

Reason: In the interest of residential amenity.

8. Prior to construction commencing on site a noise and dust management plan must be supplied to the Planning Office for approval and this should include resident notification systems, contact for complaints and mitigation for nearest noise receptors.

Reason: In the interest of residential amenity.

9. If piling is found to be required then prior to it occurring a revised noise assessment will be required with mitigation measures included.

Reason: In the interest of residential amenity.

10. The sound reduction values of the cladding materials to be used in both buildings should be a minimum of 38dB Rw. The applicant has proposed this can be achieved in a number of ways e.g (but not limited to): - Kingspan AWP/60 + 10mm dense particle board (11.7kg/m<sup>2</sup>) - Kingspan AWP/60 +15mm plasterboard



(10kg/m<sup>2</sup> ) - KW1000 RW/40 + insulation + 0.7mm perforated steel liner sheet. Prior to construction commencing the materials to be used must be confirmed to the Planning Office.

11. All HGV's parking in the site must use electric cooling. No running of diesel cooling to be permitted.

Reason: In the interest of residential amenity.

12. Hours of operation for goods in and goods out should be 0700-1800 Monday to Friday and 0800 to 1700 on Saturdays with no working on Sundays.

Reason: In the interest of residential amenity.

13. If a justifiable noise complaint is received the applicant should undertake a BS4142 assessment and submit it to Planning with proposed mitigations. Environmental Health should be consulted on same.

Reason: In the interest of residential amenity.

14. All forklifts used on site must be electric to reduce noise disturbance.

Reason: In the interest of residential amenity.

15. If any external plant e.g. air handling units, are proposed then the noise assessment must be redone and submitted for approval.

Reason: In the interest of residential amenity.

16. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Newry, Mourne and Down District Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- ☐ The identification and evaluation of archaeological remains within the site;
- ☐ Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- ☐ Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- ☐ Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

17. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 16.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

18. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 16.

These measures shall be implemented and a final archaeological report shall be submitted to Newry, Mourne and Down District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Newry, Mourne and Down District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

19. Details of updated badger surveys shall be submitted to and approved in writing by the Planning Authority immediately prior to beginning of work

Reason: To establish baseline of badger activity close to commencement of works

20. No development activity, including ground preparation or vegetation clearance, shall take place until the Badger Buffer Zones, clearly marked with posts joined with hazard warning tape, have been provided around each badger sett entrance at a radius of 25 metres (as shown on Site Plan Drawing number "12/02/02", uploaded 19 December 2022).

No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) without the consent of the Planning Authority/unless an appropriate Wildlife License has been obtained from NIEA.

Reason: To protect badgers and their setts on the site.

21. Wildlife Corridor planting that falls within or adjacent to the 25 metre Badger Buffer Zones, as shown on drawing "Site Plan – no. 16/02/02" should be planted by hand without use of machinery or large teams. This planting should be carried out by hand between June and November only and the Planning Authority shall be notified in writing in advance of this planting being carried out

All proposed planting should

- a) consist of NI Native Species
- b) protect retained trees and hedgerows by appropriate fencing in accordance

with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations .

Reason: To minimise the impact of the proposal on existing protected species using the features of ecological value present on site and ensure biodiversity enhancements persist.

22. During construction, a suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil and fuel, concrete mixing and washing areas, storage of machinery, material and spoil and border vegetation or the point of decline into the ditch outwith the red line boundary in the south of the site marked 'Target Note A' on Figure 1 Phase Map of the Preliminary Ecological Appraisal

Reason: Preventing harm or otherwise reduction in potential habitat for Northern Ireland

23. Wildlife Corridors, border vegetation and Badger Buffer Zones should not be subject to artificial light as a result of the proposed development.

Lighting for the perimeter of the site should:

- c) seek the minimum number of low power lights, mounted close to ground level and directed away from vegetation;
- d) where possible, be fitted with automated sensors and timers to switch off when not in use;
- e) facilitate corridors of darkness with light spill of less than 1.0 lux on hedgerows and boundary vegetation, and the two 25 metre Badger Buffer Zones.

24. During the construction phase a clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourse located adjacent to the northern red line boundary.

25. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land

Contamination: Risk Management (LCRM) guidance.

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

26. After completing the remediation works under Condition 26 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. 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: Protection of environmental receptors to ensure the site is suitable for use.

27. 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.

28. 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 28, 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.

29. All hard and soft landscape works shall be carried out in accordance with a drawing No. .... (.....Site Layout) and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following the operational use of the building hereby permitted.

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

30. 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 Local Planning Authority, 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.





Comhairle Ceantair  
an Iúir, Mhúrn  
agus an Dúin

**Newry, Mourne  
and Down**  
District Council

**1.0 Application Reference:** LA07/2016/0898/O

**2.0 Date Received:** 01.07.16

**3.0 Proposal:** Outline planning permission, with some matters reserved, is being sought for a period of 5 years for a proposed development comprising an industrial estate incorporating light industrial and distribution and storage uses on lands at Carnmeen Farm, accessed from the Derrboy Road within Carnbane Industrial Estate. The outline proposals provide for a mix of B2 light industrial (c 27,500sqm) and B4 Storage and Distribution uses (c. 28,500 sqm) with a maximum total gross floorspace provision of 56,000 sqm, together with the provision of ancillary car parking facilities and associated services and a remote road junction improvement on the A28. (*Description amended 10.11.23*)

#### **4.0 Location:**

Lands at Carnmeen Farm (to the east of the A27 Tandragee Road and to the E and S of the A1 Newry Bypass) Newry, Co. Down BT34 1 and land comprising a small section of southbound road verge on the A28 Armagh Rd, Newry, Co. Down BT35 6PU on the approach to the roundabout junction with the A1.

#### **5.0 Site Characteristics & Area Characteristics:**

The proposed development site encompasses a site area in the region of 22.5 hectares.

The site is located to the N of Newry, E of the A27 Tandragee Road and to the S/ E of the A1. To the S of the site is Carnbane Industrial Estate, to the W the Newry River and east the Cloughanramer Road.

Access to the site is via Carnbane Industrial Estate from the S. The application site is currently used for agricultural purposes. The existing levels and topography across the development site varies with low lying area adjacent to the Newry River.

The site is located within the development limits of Newry on land zoned for Economic Development (NY63) as identified by the Banbridge/ Newry and Mourne Area Plan 2015. This includes key site requirements (access from Carnbane Industrial Estate access road, open storage areas screened from access roads, hedges to S boundary shall be retained and supplemented with 8-10m belt of trees and hedges on E boundary shall be retained and supplemented with belt of native species trees this landscaping belt shall be a min of 80m wide, west of the Cloughanramer Rd).

The western boundary of the site lies to the E of Newry River which form part of a local landscape policy area. Within the application site there is also an archaeological site/monument. A small portion of the NE part of the development site is within the open countryside.



**Application Site**



**Aerial View**



**Area Plan – Land Zoning**

## 6.0 Relevant Site History:

### *Application Site:*

LA072015/0815/PAN - Business Park incorporating approx. 32,000sqm of office space (Class B1) and 36,000sqm of industrial space (Classes B2 and B3) together with the provision of 2,060 car parking and bicycle parking facilities, landscaping, signage and ancillary infrastructure.

### *Planning History within vicinity:*

LA07/2021/1187/F

LA07/2021/0454/PAN

LA07/2020/0780/F

LA07/2015/0964/F

P/2011/0246/F

P/2008/1523/F

## 7.0 Planning Policies & Material Considerations:

- Planning Act (NI) 2011
- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- DES 2 - Planning Strategy for Rural Northern Ireland
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 4 - Planning and Economic Development
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS15 (Revised) - Planning and Flood Risk
- PPS21 – Sustainable Development in the Countryside
- DCAN 10 (Revised) - Environmental Impact Assessment
- DCAN15 - Vehicular Access Standard
- DOE Parking Standards

## 8.0 Consultations:

- **NIW** (16.02.24) - Refusal. Subject to the applicant engaging with NI Water as outlined in this response below, NI Water may reconsider its recommendation.
- **DFI Roads** (23.01.24) – No objection
- **NIEA NED** (22.03.21) – No concerns subject to conditions



- **SES (18.03.21)** – Proposal will not have an adverse effect on site integrity of any European site.

- **EH (Cons 21.10)** - Environmental Health in previous response 30/9/2016 suggested that the applicant considers an alternative route to reduce the noise impact on residential properties from the access road. It would appear the applicant continues to propose this route with mitigation measures. The Briefing Note indicates negligible to moderate impact to receptor 2 and 5 with mitigation. Environmental Health would recommend the following conditions for the construction of the access road.

**EH (21.11.24)** – Having reviewed amended plans have no objection subject to conditions.

- **Rivers Agency (28.10.20 and 05.10.20)**

**FLD1 (Development in Fluvial and coastal Flood Plains)** - The Flood Hazard Map (NI) indicates that a portion of the west of the site lies within the 1 in 100 year fluvial flood plain. Drawing number '532228-214 Revision F' shows that no development is planned within this area. Only if development is intended within the flood plain will Revised PPS 15 FLD 1 apply.

It should be a condition of planning that the area of floodplain, if designated as open space by Planning Service under FLD 1(f) of Revised Planning Policy Statement 15, should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions.

**FLD2 (Protection of Flood Defence and Drainage Infrastructure)** – It is essential that a working strip of minimum width 5m is retained to enable DfI Rivers or the riparian landowners to fulfil their statutory obligations/responsibilities.

**FLD3 (Development and Surface Water)** - DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

**FLD4 (Artificial Modification of watercourses)** – Any such proposals will also require the prior consent and approval of DfI Rivers under of Schedule 6 to the Drainage (Northern Ireland) Order 1973.

**FLD5 (Development in Proximity to Reservoirs)** – The south-western portion of this site is in a potential area of inundation emanating from Camlough. DfI Rivers is in possession of information confirming that Cam Lough has 'Responsible Reservoir Manager Status'. Consequently, DfI Rivers has no reason to object to the proposal

from a reservoir flood risk perspective.

**HED (17.08.16)** - HM is content with the proposal, conditional on the agreement and implementation of a developer-funded programme of archaeological works.

**Lough Agency (04.08.16)** – No objection

**NIEA (03.08.16):**

**Water Management** – Content

**Land, Soil and Air** – No objection

## 9.0 Objections & Representations

- The application was advertised Feb 24 due to an amended proposal and plan. During the course of processing the application had been previously advertised Dec 23, Jul 22 and Aug 16.

- 9 neighbours were notified July 16 and again Oct 24 following amendments

- As a result of neighbour notification and advertisement the Planning Department has received 17 objections including a petition.

**10.0 Letters of Representation (received 11.07.16 – 07.03.23). No further objections have been received following recent advertisement and neighbour notification relating to amended plans:**

- 17 objections and 1 petition (received 11.07.16 – 07.03.23), summary of issues provided below:

- **Roads Issues:**

- **New access to a protected route and Cloughanramer Rd**
- **Impact of road access on residents**
- **Clarity required on parking**
- **Cloughanramer Road not capable of heavy traffic/ impact for users/ safety concerns**
- **Access should be from Carnbane Industrial Estate**

*Amended proposals include amended access to come through Carnbane Industrial Estate and no longer requires access onto Cloughanramer Rd. DFI in their consultation response dated 23.01.24 have recommended approval of proposals subject to planning conditions. Further detailing on access, parking etc will be set out at detailed drawing, reserved matters stage.*



• **Time Period:**

- **Application suggests that the sought approval is for a period of 5 years. Don't understand why this required and recommend planning seek clarification**

*Outline planning approval would generally apply a time condition for a 5 year period or 3 years in which to submit a reserved matters application. So irrespective of the request for 5 years this remains applicable given the nature of the application.*

• **Land Zoning:**

- **Portion of lands zoned for economic development a substantial area of land is not zoned and lie outside the development limit**
- **Doesn't adhere to area plan**
- **Zoning NY62 and 63 key site requirement via Carnbane Industrial estate, proposals contradict this**

*Development proposals include the change of access through Carnbane Industrial Estate which now adheres to the key site requirements as set out within the development plan. The vast majority of the site is found within the development limits of Newry City on zoned economic development lands with a small portion of land within the open countryside. Further consideration of development plan requirements is set out below.*

**Use:**

- **Description for offices and light industrial, office provision should be ancillary**

*Proposals are for storage and distribution as well as light industrial uses which are an acceptable economic development land uses for those defined within economic development. Proposals sought are for outline permission only and may require office space ancillary to uses. However, the detailing of this will be subject to an agreed reserved matters application.*

**Natural Heritage:**

- **Impact to natural heritage**

*Natural Heritage in their consultation response have no objections subject to conditions.*

**HED:**

- **Standing stone at the site**

*HED in their consultation response have no objections subject to conditions.*

**Pollution:**

- **Pollution and environmental damage**
- **Light pollution**

*NIEA and EH in their consultation response have raised no issues of concern.*

**Land Ownership:**

- **Land outlined in red not fully within ownership and control of applicant**

*The applicant has provided a P2A certificate June 22 serving notice on relevant landowners. Matters pertaining to landownership is a civil issue to which the Planning Department cannot intervene.*

**11.0 Consideration and Assessment:**

The proposals seek outline planning permission for 5 years for light industrial and storage and distribution use on lands within Carnbane Industrial Estate with access from Derryboy Road through the existing industrial estate.

The agent has provided an indicative masterplan to show some of the likely design parameters and the likely capacity of development proposed. However, these are for information purposes only.

**12.0 Development Management Regulations:**

The development has been considered under the Planning (Development Management) Regulations (Northern Ireland) 2015 under Business, Industry (Light and General) Storage and Distribution within Part 8 of the Regulations. As the area of the site exceeds 1 hectare (22.5ha) and therefore requires the submission of a Proposal of Application Notice which was submitted under LA07/2015/0815/PAN.

The regulation also requires a pre-application community event to be undertaken which was held on the 10<sup>th</sup> September 2015 and consultation with a wide variety of stakeholders. Supporting evidence of this process was submitted as part of this application to demonstrate that this has been carried out in accordance with legislative requirements at that time (See Pre-Application Consultation report June 2016 – Vol 3 Supporting Documents)

A Design and Access Statement has also been submitted as part of the submission on the 1<sup>st</sup> July 2016.

### **13.0 EIA Screening:**

The agent has furnished the Planning Department with a voluntary Environmental Statement in July 2016 which was subsequently advertised. Following an amendment to the access position serving the site, revisions were made to the Environmental Statement and advertised March 2023.

As the applicant has submitted a voluntary statement the Planning Department does not require to take any further action in relation to a screening determination in relation to Schedule 2. The proposals are deemed to be an EIA development

### **14.0 Habitats Regulations Screening**

This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council dated 18<sup>th</sup> March 2021.

Having reviewed the further submitted information it is concluded that the HRA appropriate assessment completed on 9<sup>th</sup> April 2020, the proposal will not have an adverse effect on site integrity of any European site.

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 9<sup>th</sup> April 2020. This found that the project would not have an adverse effect on the integrity of any European site.

### **15.0 Planning Act:**

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.

### **16.0 The Regional Development Strategy (RDS) 2035:**

The RDS is an overarching strategic planning framework supporting sustainable development whilst encouraging strategic links between settlements. Newry has been identified within the RDS as the South Eastern City gateway due to its close proximity to the land border and major port of Warrenpoint as well as its position on the main Belfast-Dublin Corridor.

The site is located on the northern part of Newry City within 0.4 miles of Newry ByPass linking to the A1 major route and is well connected to both Belfast and Dublin due to its close proximity to the main road as well as rail links

The development is proposed on lands zoned for economic use within the Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) with its close proximity to strategic transport corridors which makes this site well placed for development in the context of the regional structure and strategic connections. Proposals fully meet the requirements of Regional Guidance on Economy insofar as fulfilling the requirements of RG1 (RG1: Ensure adequate supply of land to facilitate sustainable economic growth), RG2 (RG2: Deliver a balanced approach to transport infrastructure), SFG 11 (SFG11: Promote economic development opportunities at hubs), SFG 15 (SFG 15: Strengthen the Gateways for Regional competitiveness) of the provisions of the RDS.

Issues relating to RG 11 (RG11: Conserve, protect and where possible enhance our built heritage and our natural environment) will be further considered below along with SSPS, PPS2 and PPS6 considerations.

Given the strategic location of the development which is within close proximity to strategic transport corridors makes this site well placed for development in the context of the regional structure and strategic connections, fully conforming with the provisions of the RDS.

## 17.0 Banbridge/ Newry and Mourne Area Plan 2015



The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) is the operational Local Plan for this site, which identifies the site as being within the settlement limits of Newry Centre (NY01).

Under Policy SMT2 (Volume 1 of the Plan) zoned economic development land planning permission will only be forthcoming provided development is in accordance with prevailing regional planning policy, plan proposals as well as key site requirements.

124 hectares of land within the settlement has been zoned for economic development under allocation ECD1 (Volume 1 of the Plan)( which allows for a range of economic development uses which includes General Industrial (Class B3), Light



Industrial (Class B2), Business (Class B1) and Storage and Distribution (Class B4) as defined in the Planning (Use Classes) Order (Northern Ireland) 2015 (The former 2004 Planning Use Classes Order 2004 now superseded by the 2015 Order).

The site is located within the economic development land zoning NY63 (Zoning NY63 - Economic Development Carnbane / Cloughanramer Rd) which identifies specific key site requirements:

- Access shall be from Carnbane Industrial Estate access roads;
- Open storage areas shall be screened from access roads;
- Hedges on the southern boundary of the site shall be retained and supplemented with an 8-10 metre belt of trees of native species, to screen the proposed development;
- Hedges on the eastern boundary of the site shall be retained and supplemented with a belt of native species trees. This landscaping belt shall be a minimum of 80 metres wide, west of the Cloughanramer Road, to screen the proposed development and ensure development does not encroach onto the more prominent land.

As an outline application the extent of the development site has been delineated in red which shows the vast majority of the site contained within the development limits and zoning NY63 for economic development. The proposed development will only be accessed from the existing Carnbane Industrial Estate access road in keeping with the key site requirement associated with the land zoning. The remaining key site requirements can be made conditional should the application be approved.

It is noted that a small portion of the site to the NE is extended beyond the development limits and within the open countryside. This will be considered under associated policy relating to development within the open countryside and is considered further below.

Proposals fall within Part B Industrial and Business Uses classes B2 and B4 as defined within the Planning (Use Classes) Order (Northern Ireland) 2015 is compliant with the uses permitted under this land zoning NY63, as set out within the development plan.

*In summary, the proposal in principle, is acceptable to the BNMAP 2015, however the detailed scheme must also meet prevailing policy requirements, as considered below.*

## **18.0 Planning Policy Consideration:**

As there is no significant change to the policy requirements for industrial development following the publication of the SPPS and it is somewhat less prescriptive, the retained policy of PPS4 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

### **PED1 – Economic Development in Settlements:**



Policy PED1 of PPS4 directs that development proposals for an industrial or business use defined as Classes B1 – Business Use, Class B2- Light Industrial, B3 – General Industrial and B4 – Storage and Distribution as defined by the Planning (Use Classes) Order 2015 will only be permitted within a city where it is specified for such use within a development plan.

The site is zoned for economic development (NY63) within the Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP 2015) which allow for range of economic development uses to which these proposals adhere to.

Proposals for a Class B2 – Light Industrial Use will be permitted in an area specifically allocated for such purposes in a development plan or an existing industrial area provided it is of a scale, nature and form appropriate to its location. As an outline application the principle of development is accepted in accordance with policy however matters relating to design, layout etc are matters reserved for detailed drawing stage upon the submission of a reserved matters application. An indicative master plan submitted February 23 is for information purposes only. The use of the site for storage purposes falls within Class B4 with policy only allowing for this type of development to be permitted specifically if allocated for such purposes in a development plan.

There is a portion of land to the NE which forms part of the application which borders the zoning but is nevertheless located within the open countryside. Whilst there is provision within PED1 for the extension to an existing economic development use or premises this is only applicable to development within the settlement therefore PED1 is not applicable to this portion of land and will be considered separately under prevailing policy relating to development within the open countryside.

*The proposed development insofar as it relates to development proposals within the land zoning of NY63 conforms with the land zoning at this location but also meets the requirements of PED 1 for the reasons set out above.*

## **Policy PED 2 Economic Development in the Countryside**

Only a very limited portion of the site extends beyond the development limit to the NE of the development, forming a relatively small portion of an overall major development scheme, nevertheless due to its rural location consideration must also be given to PED 2.

PED2 allows for economic development proposal uses within the countryside where this applies to the Expansion of an Established Economic Development Use (PED3), the Redevelopment of an Established Economic Development Use (PED 4), Major Industrial Development (PED 5) or a Small Rural Project (PED 6).

As the development into the countryside does not relate to an expansion or redevelopment opportunity of an already established enterprise and nor is

considered to be a small rural project. Policies PED3, PED4 and PED 6 are therefore not relevant in the assessment of this application.

As the application relates to an overall major development scheme which straddles both urban and rural locations, consideration will be given to the relevant policy context under PED5 (Major Industrial Development). In making a determination under PED 5, proposals must fully meet this policy in order to adhere to the provisions of PED 2, further assessment of this is set out below.

*As proposals meet the requirements of PED5 as set out below proposals therefore meet PED 2 of PPS4.*

### **Policy PED 5 Major Industrial Development in the Countryside**

Planning permission will only be forthcoming in the event that proposals comprise of a major industrial proposal which makes a significant contribution to the regional economy where it is demonstrated that the proposal due to its size or site-specific requirement need a countryside location, such proposals must satisfy the criteria set out within the policy.

The site comprises a very limited portion of a much larger application site, the vast majority of the proposed development is within the development limits zoned for economic uses to which the development adheres to. Whilst the site extends beyond the development limit and the current application does not appear to follow any physical boundary. However, taking the proposal as a whole the inclusion of a minor element of this land to fulfil the longer term sustainable economic benefits which will not only benefit the local economy but also the regional economy. As this element of the proposal represents a minor part and is attached to a wider development scheme there are no alternative sites elsewhere. The fact proposals also have amended the access arrangements to come through the existing industrial estate will not only contribute to meeting the key site requirements of the development plan but delivers on sustainable transport arrangements using existing transport network which will remove amenity implications relating to traffic on neighbouring properties at Cloughanramer Rd.

Given the minor element of the encroachment beyond the development limit, as this is part of a much wider scheme is judged in principle to be acceptable for the reasons set out. As an edge of town development ancillary to a much larger economic scheme within the settlement proposals meet the requirements of the policy.

*Proposals fulfil the requirements of PED 5 of PPS4*

### **PED 9 – General Criteria:**

PED 9 of PPS4 sets out further general criteria (a to l) which must be met for all economic development proposals:

(a) The proposed development insofar as it relates to NY63 is located on land specifically zoned for an economic development. Although a small portion of the site is within the open countryside despite this, its position immediately abutting development within the zoned economic lands is surrounded by established industrial and business uses within the Carnbane Industrial estate that development proposals are compatible with surrounding land uses.

b, e) it does not harm the amenities of nearby residents; e)it does not create a noise nuisance; and f) it is capable of dealing satisfactorily with any emission or effluent;

The nearest neighbours to the development are 65 (Approx. 38m) and 69 (140m away) Cloughanramer Road. Furthermore, Environmental Health have considered impact in relation to noise, air pollution as well as general amenity upon residents and have raised no issues of concern subject to conditions in their consultation response dated 21.11.24.

(c) NIEA and HED in comments have advised they have no objection and have raised no issues of concern in relation to natural or built heritage.

d) Rivers Agency in comments dated 28.10.20 and 05.10.20 have raised no objections in relation to flood risk.

(g, h and i) Transport NI in comments dated 23.01.24 have no objections, development proposals will link to the existing pedestrian and vehicular network at Carnbane Industrial Estate and there is sufficient access and adequate linkage to support sustainable patterns of movement. Matters relating to the layout including parking are matters reserved for detailed drawing stage.

j, k and l) As an outline application only the principle of the development is established. Matters pertaining to site layout, building design, infrastructure, landscaping, boundary treatment etc will be reviewed at detailed drawing stage with conditions/ informatives to be applied in relation to adherence to key site requirements.

Areas of existing public access adjacent and south of the site are informally surveilled by existing development and its location immediately beside the A1 effectively encloses the site with development proposals maintaining safety and security at the site further measures such as boundary treatments, fencing, security will be detailed at reserved matters.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

As an outline application detailing of landscaping, design layout etc will be submitted at detailed drawing stage under a future Reserved Matters application. As the small portion of the site is within the open countryside it will read as part of the larger development proposals

of that within the development limit that it will adequately integrate and will not appear misplaced within its surroundings.

*Overall proposals fully adhere to the requirements of PED 9 as outlined above.*

## **19.0 Planning Policy Statement 21 – Sustainable Development in the Countryside**

### **Policy CTY 1 – Development in the Countryside**

Policy CTY1 of Planning Policy Statement 21 allows for a range of development opportunities including non-residential which will only be permitted where there are overriding reasons why that development is essential and could not be located within a settlement or it is otherwise allocated for development within a development plan and further expands in the 'Non-Residential Development' that industry and business uses must also be in accord with PPS4.

Part of the site extends beyond the development limits and comprises of a small portion of land immediately adjacent to the zoned lands. Whilst this parcel of land encompasses 0.8ha (3.5%) of the overall intended developable lands, with the vast majority contained within the development limits within the assigned land zoning. It is nevertheless contained within the open countryside with prevailing rural policies applicable to this element of the proposal.

The agent has confirmed in email dated 30<sup>th</sup> October 2024 that the small area of land to the NE should be assessed under compliance with employment uses within the countryside. He has also noted the absence of the field boundary in this location which makes the demarcation somewhat arbitrary (across the open field and the material impact of the adoption of a straight line to the A1 boundary is negligible). It will also allow for a more efficient development form (given the cut and fill requirements to create the site platform) and this would also allow for provision of effective boundary development along the NE flank.

Whilst the Planning Department understand the rational and concur that the markings of the development limit at this particular point is unusual in that it did not follow a defined boundary. Nevertheless, the encroachment into the rural countryside must be fully assessed against relevant policy tests of PPS21 and PPS4. If it is found proposals meet the remaining relevant tests of PPS21 and PPS4 in relation to development within the countryside it will meet CTY1.

*For the reasons set out within planning report in relation to related policy tests for development within the countryside, proposals now also meet CTY1.*

### **Policy CTY 8 – Ribbon Development**

Proposals will not create or add to a ribbon of development.



### **Policy CTY 13 – Integration and Design of Buildings in the Countryside and Policy CTY 14 – Rural Character**

Planning permission will only be granted for a building within the countryside where it can be visually integrated into the surrounding landscape, is of an appropriate design and meets all relevant criteria of CTY13 and in relation to CTY14 should not cause a detrimental change to, or further erode the rural character of an area.

As the site immediately abuts the development limits of Newry City any development at this location will visually read with the neighbouring economic developments that it would not appear prominent within the landscape. Due to the natural changes in topography, the enclosure provided by the A1 to the N as well as existing vegetation there is a sense of enclosure with this parcel of land. However, it is recommended that a planning condition is implemented to support additional planning along the outer boundaries to assist in softening visual aspect and provide buffer planting along the outer edged to protect visual aspect of the change between urban/ rural.

As the site lies on the edge of the development limit and represents 3.5% of the overall development proposed any development within this parcel of land will be ancillary to and forms part of the wider urban development that it will not appear misplaced, appear prominent or appear out of keeping in this rural locale. Given the unique context of the small parcel of ground immediately beside the development limits will appear as part of a larger urban development and will not detract from the settlement pattern nor damage the rural character.

*Overall proposals adhere to the tests of CTY 13.*

### **Policy CTY 15 – The Setting of Settlements**

Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl.

Only a very limited portion of the site extends beyond the settlement development limit and the current boundary does not appear to follow any physical boundary on the ground. Taking the proposal as a whole, the inclusion of the additional lands would not undermine the rationale for the settlement limit as currently designated.

The small parcel of land represents only a small portion of land of a much larger scale mixed economic development scheme which only represents 3.5% of the overall lands to be developed. With 96.5% of the lands located within the development limit. Despite the fact the site immediately abuts the urban limits development at this location would not appear misplaced once adjoining lands are developed for the economic uses as proposed and in this particular context as part of a wider scheme would not appear misplaced nor mar the distinction between the settlement and surrounding countryside.



*Proposals meet the requirements of CTY15.*

### **Policy CTY 16 – Development Relying on Non-Mains Sewerage**

The developer has sought and been granted Schedule 6 consent to discharge but they have also shown engagement with NIW (evidence submitted by email 14.02.24 and 18.07.24) in terms of a submitted Pre-Development Enquiry and Waste Water Impact Assessment (WWIA) which shows a commitment to connect to NIW infrastructure with engagement ongoing. The onus is on the developer to avail of necessary consents to ensure future connection. The Planning Department will add a planning condition to ensure this is undertaken.

### **20.0 DES 2 – Townscape**

The site is located within the settlement limits of Newry on lands zoned for economic development surrounded primarily by industrial and business uses of similar design and form within the existing Carnbane Industrial estate. Overall proposals insofar as it relates to development within zoning NY63 does not create conflict with adjacent land uses and is sufficiently distanced away from residential properties to avoid any issue relating to residential amenity.

*On this basis the application fulfils the requirement of DES 2 of the PSRNI.*

### **21.0 SPPS - Safeguarding Residential and Work Environs 4.11 and 4.12**

Paragraphs 4.11 and 4.12 of the SPPS outlines that there are a wide range of environmental and amenity considerations including noise and air quality which should be considered when assessing a development management proposal.

Each of the objections received in relation to the application have been fully considered with issues raised including concerns in relation to proposals such as impact due to noise, light, air quality, use, natural heritage and road issues.

In terms of noise nuisance EH in their consultation response 28.04.20 suggested relocation of the access from the original proposal which may overcome noise related issues. With the change of access position these issues have been overcome confirmed in their response 21.11.24 that amended plans are found acceptable subject to conditions.

Environmental Health have considered proposals as well as objections in relation to impact upon amenity in relation to light pollution and have no objections as per their comments dated 20.04.20 and 21.11.24. Further conditions/ informatives can be applied to ensure optical control to avoid any potential nuisance.

As the proposals are for a light industrial as well as a storage and distribution use there is not likely to be air pollution issues, although during construction phases of the site there may be issues relating to dust however if controlled and managed by the developer during construction should not be problematic. EH in comments dated 20.04.20 and 21.11.24 have set out conditions which should be adhered to during construction and operational phases of the development.

Paragraphs 4.11 and 4.12 of the SPPS give consideration to the visual intrusion that proposals can have in terms of impact to amenity. This will be considered further at detailed drawing stage with design/ layout consideration taking account any potential impact to amenity and measures to mitigate.

Other environmental considerations have been set out below in relation to water supply and sewerage.

*Proposals adhere to paragraphs 4.11 and 4.12 of the SPPS for the reasons set out above.*

## **22.0 SPPS and PPS2 – Natural Heritage**

### **Policy NH1 – European and Ramsar Sites International**

Policy NH 1 of PPS 2 states that planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on a European Site or a listed or proposed Ramsar Site.

The screening assessment identifies the potential hazards and summarises a test of likely significant effects from such hazards at each site. It was assessed that the proposed development will not have any stand-alone effects on the integrity of any of the above European sites, or any of the qualifying features for which these sites have been designated as being of European importance. Therefore, it was also considered that there was no requirement in this case to undertake any further assessment in-combination with other plans and projects.

### ***Policy NH 2 - Species Protected by Law and Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance***

Although the site has no statutory designation, the site comprises of an area of 22.58 ha of agricultural land which includes various habitats and species that benefit from legal protection. Planning permission is only forthcoming if it is not likely to harm a European protected species and will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on Habitats, Species or Features of Natural Heritage Importance.

NIEA NED has been consulted on this application following the submission of the Ecological Impact Assessment within the ES, and further environmental information in additional Bat, Otter and Badger surveys and mitigation plans. NED have considered the additional information and are content with the proposed recommendations and mitigation noted by the ecologist and provided such works are undertaken in accordance with the detail provided. Overall, on the basis of the information provided NED have no concerns subject to recommended conditions.

Priority Habitat in the form of hedgerow is located at the site whilst acknowledged these can have significant biodiversity value in relation to plant species and corridors for movement of species. NED have raised no issue of concern. As an outline

application further detailing will be required in relation to existing and proposed vegetation planting, this will be considered at detailed drawing stage.

*Proposals meet the requirements of the SPPS as well as NH1, NH 2 and NH5 of PPS2 for the reasons set out above and NIEA have no objection to proposals subject to conditions.*

### **23.0 PPS3 – Access, Movement and Parking, Parking Standards (Policy AMP 1 Creating an Accessible Environment, Policy AMP 2 Access to Public Roads, AMP 6 Transport Assessment, AMP 7 Car Parking and Servicing Arrangements, AMP 8 Cycle Provision and AMP 9 Design of Car Parking) and DCAN 15 – Vehicular Access Standards**

The original submitted proposals included access to the development taken from the corner of the Cloughanramer Road which included proposals to widen and realign the Cloughanramer Road and provide a new link road through to the Sheep Bridge Roundabout. The proposed access arrangements fall outside the development limit of Newry City and The Sheepbridge roundabout forms part of the A28 Belfast Road, which is a protected route.

Following a series of meetings with the agent, planning and DFI throughout the lifetime of processing this application, whereby the original proposed access arrangement had been consistently rejected by DFI Roads this resulted in an amendment to the access position from Carnbane Industrial Estate with amended plans provided in January 2024.

Apart from the new access arrangements now meeting the key site requirements of the development plan. DFI Roads are also content with proposals before them with their consultation response dated 23.01.24 advising they have no objection subject to conditions.

As an outline application the principle of the development is acceptable in terms of meeting PPS3 and related guidance. However further detailing will be provided at detailed drawing stage in relation to car parking etc these matters have been left reserved.

*Proposals now meet the requirements of the SPPS and PPS3.*

### **24.0 SPPS and PPS 6 - Planning, Archaeology and the Built Heritage**

The site is located in an archaeological sensitive area. The Archaeological Assessment included within the ES refers to one Scheduled recorded monument in the site of the proposal development; DOW 046:044 (Standing Stone) and 54 recorded monuments within 2km of the site boundary

HED in comments dated 17<sup>th</sup> August 2016 have considered the detailed information and have advised they are content that the scheme complies with relevant policy. However, this will be subject to planning conditions for archaeological mitigation prior to commencement of development at this specific location.

*Proposals meet the requirements of the SPPS and PPS6 for the reasons set out above.*

## **25.0 SPPS and PPS15 Revised Planning Policy Statement 15 'Planning and Flood Risk**

### **Policy FLD1 (Development in Fluvial and Coastal Flood Plains)**

The site lies within the catchment of the Newry River which flows along the western boundary of the application site. The Clanrye River flows to the North and East of the site.

The Clanrye River joins the Newry River to the North West of the site at the confluence with the Jerrettspass River.

As stated above to the west of the application site outside the redline of the development site lies the Newry River. DfI Rivers Agency has confirmed a portion of the lands between the site and the river lie within the 1 in 100-year fluvial flood plain. DfI Rivers Agency having viewed the applicants indicative site layout have confirmed that no development is planned within the 1 in 100 year fluvial flood plain. The indicative layout of the proposed development, including the position of the attenuation basins allow a sufficient freeboard above the predicted 1 in 100 year fluvial flood level at this location.

*Therefore, the proposal would not offend Policy FLD 1 of revised PPS 15.*

### **FLD 2 - Protection of Flood Defence and Drainage Infrastructure –**

In line with Policy FLD 2 a working strip of a minimum width of 5 metres must be retained. Given the separation distance of the proposed development from the Newry River there is space to provide a sufficient working strip in this case. The agent can be made aware of this requirement through planning condition/informative.

*On this basis the requirements of FLD2 have been satisfied.*

### **FLD3 – Development and Surface Water**

A drainage assessment was submitted along with a Schedule 6 consent. This has been reviewed by Rivers Agency which has demonstrated that flood risk to and from a portion of the development will be managed using a detention basin as part of a SuDs system whilst the efficacy lie outside the expertise of Rivers Agency they nevertheless accept the logic of the report and see no reason to disagree with its conclusions and recommend the use of planning condition in the event that planning permission is forthcoming.

*The requirements of FLD3 have been satisfied*

### **FLD4 – Artificial Modification of Watercourses**



As an outline application the delineated area of the application site is outside the watercourse area and as such it does not appear likely that modification to the watercourse will be required.

Rivers Agency in comments have also acknowledged that a Schedule 6 Consent to Discharge had been sought and agreed.

*Policy FLD 4 has now also been satisfied.*

### **FLD5 – Development in Proximity to Reservoirs**

The SW portion of the site is in a potential area of inundation emanating from Camlough Reservoir. However, DFI Rivers are in possession of information confirming that Camlough has responsible reservoir management status.

*Proposals meet FLD5*

*Rivers Agency in comments have raised no issues of concern with proposals and subject to condition proposals satisfy the requirements of the SPPS as well as FL1, 2,3, 4 and 5 of PPS15 for the reasons set out above.*

## **26. 0 Water and Sewerage**

The applicant intends to connect to the mains water supply, surface water through ground infiltration and foul sewerage through surface water discharge.

Having reviewed NIW comments dated 24.02.24 have recommended refusal subject to the applicant engaging with NIW.

The applicant has already obtained a Schedule 6 Consent for discharge to the nearby watercourse and NIEA Water Management Unit having been consulted on the proposed development have advised that they are content with the proposal and have requested the submission of a Construction Method Statement prior to development commencing on the site. This will ensure effective avoidance and mitigation measures have been planned for the protection of the water environment both during and after construction.

NIW in comments dated 24.02.24 have alluded that subject to successful discussion and outcomes regarding issues they may reconsider their position. The agent has been made aware of these of capacity issues and has confirmed by way of email on the 18<sup>th</sup> July 2024 that a Wastewater Impact Assessment and Predevelopment Enquiry has been submitted and they are dealing directly with NIW to resolve.

As the applicant has engaged in this process with NIW, ultimately the onus is on the applicant to obtain relevant consents from NIW for connect to supply ensure that sewerage provision is provided on site prior to commencement. As connection, capacity and consent requirements are matters that lie outside the remit of the Planning Department this does not prevent the application being approved subject to negative conditions to ensure adequate connection is made prior to the development commencement and becoming operational.

## 27.0 Consideration and Assessment Summary:

Having had regard to the development plan, consideration of the objection letters and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS4, PPS6, PPS15, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable economic development proposal which is in full compliance with the land zoning of the area plan, adheres to key site requirements and full complies with planning policy for the reasons set out above. Therefore, the application is recommended for approval subject to the necessary planning conditions outlined below.

**28.0 Recommendation:** Approval

## 29.0 Draft Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 5 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:-

- the expiration of 5 years from the date of this permission; or
- 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. Approval of the details of the siting, design and external appearance of the building, 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.

3. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

- Siting; the two dimensional location of buildings within the site.
- Design; the two dimensional internal arrangement of the building and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

- External appearance of the buildings; the colour, texture and type of facing materials to be used for external walls and roofs.
- Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to the building within the site.
- Landscaping; the use of the site not covered by the building and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

Reason: To enable the Local Planning Authority to consider in detail the proposed development of the site.

4. Full particulars, detailed plans and sections of the reserved matters required in Conditions 02 and 03 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Local Planning Authority to consider in detail the proposed development of the site.

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

- 02 REV 05 – Site Layout (dated 16.01.24)

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

6. 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.

7. No part of the development hereby permitted shall be operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 6, 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.

8. 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 Road improvement works to be completed prior to commencement and other requirements in accordance with the attached form RS1.

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

9. At Reserved Matters, a Protected Species Mitigation Plan (PSMP) shall be submitted to the Planning Authority. No development activity, including ground preparation or vegetation clearance, shall take place until the PSMP has been approved in writing by the Planning Authority. The PSMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved PSMP, unless otherwise approved in writing by the Planning Authority.

The PSMP shall include the following:

- a) Details of updated surveys for protected species prior to any demolition works commencing and the development of any additional mitigation measures should protected species be found;
- b) Details of the provision of roosting locations for bats, including the number, model, specifications and location (including height and aspect) of bat boxes;
- c) Details of the methodology and timing of works and the implementation of mitigation measures;
- d) Details of any lighting proposed for the exterior of the site;
- e) Provision of 25m buffers from all development activity to all retained badger setts;
- f) Details of appropriate measures to protect badgers from harm during the construction phase;
- g) Details of the appointment of a competent ecologist to oversee the implementation of protected species mitigation measures.

Reason: To mitigate for impacts on protected species using the site.

10. At Reserved Matters, a Landscaping and Planting Plan shall be submitted to the Planning Authority. No development activity shall take place until a Landscaping and Planting Plan has been approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:

- a) The retention of mature trees and hedgerows on the site;



- b) Plans to show the retention of 8-10m of trees and hedge on the E boundary and supplementation with a belt of native species trees, this landscaping belt shall be a min of 80m wide W of the Cloughanramer Road
- b) Plans to show the maintenance of connectivity between hedges on the site and the wider environment, specifically the Newry River riparian corridor;
- c) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction
- d) Planting Schedule to include appropriate numbers of native species of trees/shrub;
- e) Details of the aftercare of all planting on the site.

Reason: To compensate for the removal of trees and hedgerows.

11. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

Reason – To safeguard against flood risk to the development and elsewhere.

12. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

13. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

14. The Loughs Agency requests that all storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures. Storm water can carry pollutants into watercourses and high-volume discharges can alter the prevailing hydrological regime, both of which can impact on fisheries interests.

Reason: To prevent pollution of surface waters.

15. If during the development works, new contamination and risks are encountered which has not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

16. After completing any remediation works required under Condition 15 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). 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: Protection of environmental receptors to ensure the site is suitable for use.

17. A working strip along the watercourse shall be provided to facilitate future maintenance by DFI Rivers, other statutory undertakers or riparian land owners. The working strip shall have a minimum width of 5m with clear access and egress at all times and shall be retained thereafter.

Reason: To safeguard against flood risk to the development or elsewhere.

18. Once a contractor has been appointed, a Construction Method Statement (CMS) shall be submitted to the Local Planning Authority for their written agreement prior to works commencing on site. Development shall take place in accordance with the approved Construction Method Statement (CMS)

Reason: To ensure effective avoidance and mitigation measures have been planned.

19. Any retaining wall 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 Optical lighting control

20. All lighting shall be optically controlled and directed in such a manner to minimise light pollution from glare and spill. Guidance notes for the reduction of light

pollution may be obtained from the Institution of Lighting Engineers, Regent House, Regent Place, Rugby, Warwickshire, CV21 2PN

Reason: In the interests of residential amenity

21. Prior to the commencement of construction, a detailed Noise and Dust Management Plan shall be submitted to and agreed in writing by the Planning Department to the satisfaction of Environmental Health. The Noise and Dust Management Plan shall be implemented as agreed.

Reason: In the interest of health and safety.

22. A Lighting Impact Assessment shall be submitted to demonstrate that the levels are appropriate to the Environmental Zone. This shall be submitted to and agreed in writing by the Planning Department to the satisfaction of Environmental Health and implemented as agreed.

Reason: In the interests of residential amenity

23. The construction and enabling phase operational hours shall be strictly limited to 0700-1800 hrs Monday to Friday and 0800 to 1800 Saturday (closed Sunday).

Reason: In the interest of amenity.



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

**Application Reference:** LA07/2024/0824/F

**Date Received:** 12<sup>th</sup> June 2024

**Proposal:** Upgrade of existing sports pitch facility to provide covered seating (for 200 spectators), sheltered dug outs, new perimeter and ball stop fencing, replacement floodlighting, cycle parking, new pitch drainage system and realigned path from existing pavilion to the pitch. Proposal includes all associated site works.

**Location:** Existing all weather 2G floodlit sports pitch and Tollymore FC grass pitch, 100m west of Donard car park and 60m east of Shanlieve Drive, Donard Park, Newcastle Co. Down BT33 0EU

## 1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

The application site is located within the settlement development limits of Newcastle close to the coast and comprises 4.4 Ha of Council lands within Donard Park; encompassing 2 separate car parks, 3 no. playing pitches and an associated pavilion building. The character of the area is mixed; set within the context of the established wider park, there is also residential development to the NE, NW and SE, a Primary School to the north, commercial properties to the east and assisted living accommodation to the south.

The urban site in its entirety is zoned as 'Existing Amenity Open Space and Recreation' and is located within an Area of Outstanding Natural Beauty (AONB2 Mourne and Slieve Croob.) Part of the site (the entrance point) is also located within an Area of Townscape Character (NE18) and part of the site to the south which encompasses the Glen River is located within a Local Landscape Policy Area (LLPA6 - Donard Park, Donard Lodge and associated planting and Glen River Corridor.) This river flows into the nearby coast to the east.



## 2.0 PLANNING HISTORY:

As this application is categorised as 'major,' owing to the site area, it has been preceded by a Proposal of Application Notice (PAN) as required by Section 27 of the Planning Act (NI) 2011(reference **LA07/2024/0089/PAN**, submitted 23.01.2024.) The PAN was considered acceptable to legislative requirements.

The current application was subsequently submitted following the statutory 12 week application notice period, with the application received on 12.06.2024. The application is accompanied by with a Pre-application Public Consultation Report (PACC) which confirms that community consultation has taken place in line with the statutory minimum requirements, with the following pre-application steps undertaken:

The details provided and pre-application steps undertaken are considered to meet the legislative requirements (Sections 27-28 of The Planning Act (NI) 2011.) With the exception of the PAN application, there are several additional planning records relating to the site, as outlined below:

- **LA07/2024/0869/F:** Erection of new sports hub and demolition of existing single storey pavilion, Under consideration (valid 13.08.2024)
- **LA07/2022/1327/DC:** Discharge of condition 5 of planning approval LA07/2020/1689/F, **Approved 15.11.2022**
- **LA07/2022/0866/DC:** Discharge of condition 4 of Planning approval LA07/2020/1689/F, **Approved 11.11.2022**
- **LA07/2022/0857/DC:** Discharge of condition 3 of planning approval LA07/2020/1689/F, **Approved 27.07.2022**
- **LA07/2022/0856/DC:** Discharge of condition 10 of Planning approval LA07/2020/1689/F, **Approved 08.09.2022**
- **LA07/2022/1840/F:** Erection of 2no anti vandal units for ancillary storage/office/welfare use, **Permission Granted 13.03.2023**
- **LA07/2020/1689/F:** Overflow asphalt car park (163 car parking space & 13 disabled car parking spaces) accessed via existing Donard Park, car park, erection of 6m high ball stop & 1.8 paladin fence, new footpaths and associated lighting, landscaping and drainage, **Permission Granted 06.04.2022**
- **LA07/2015/0510/F:** Erection of new 2-storey sports hub & demolition of existing single storey pavilion, **Permission Granted 28.04.2017**

### 3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015 (ADAP)
- A Planning Strategy for Rural Northern Ireland (PSRNI)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning Archaeology and the Built Heritage
- PPS6 Addendum – Areas of Townscape Character
- PPS8 – Open Space, Sport and Outdoor Recreation
- PPS15 (Revised) – Planning and Flood Risk
- DCAN10 – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards
- 'Creating Places' & 'Living Places' Design Guides

### 4.0 CONSULTATIONS:

● **Shared Environmental Services (SES) 20.11.24** - SES has reviewed the HRA prepared by the Council dated 24th August 2023 (published to the portal 29th July 2024) and comments from NIEA. SES advise that the council is responsible for its HRA. The final HRA needs to reflect the comments of NIEA before being adopted by the council. The HRA should incorporate the recommended conditions set out. Otherwise, SES does not need to be formally consulted.

● **NI Water (02.08.2024)** – Recommend approval, with conditions.

● **NI Electricity (09.08.2024)** – No objections, subject to conditions.

● **NMDDC Environmental Health Department (EHD) 14.08.2024** – No objections, subject to a condition being attached in relation to flood lighting.

● **DfC Historic Environment Division (16.08.2024)** – Both Historic Monuments and Historic Buildings are content that the proposal is satisfactory to SPPS and PPS6 policy requirements.

● **DfI Roads (11.09.2024)** No objections

● **DfI Rivers Agency (final response 09.10.24)** Additional details required to satisfy Policy FLD3 of PPS15 (As revised.) Further discussion below.

● **DAERA Natural Environment Division (NED, 11.10.24)** - on the basis of the information provided, is content subject to conditions and informatives being adhered to.

● **DAERA Water Management Unit (WMU, 19.11.24)** - on the basis of the information provided, is content

•**DAERA Regulation Unit (RU, 11.10.24)** – No objections, subject to conditions

## 5.0 OBJECTIONS & REPRESENTATIONS:

The application was advertised initially in the Mourne Observer on 07.08.24, with the statutory advertising period expiring on 21.08.2024;

148 neighbouring properties were notified of the application by letter on 29.07.2024, with the statutory notification period expiring on 12.08.2024;

1 third party email was submitted at the time of writing in relation to alleged unauthorised works being carried out on the site. This is not an objection as such but has been referred to the Planning Authority's enforcement section for further investigation.

## 6.0 CONSIDERATION AND ASSESSMENT:

### • **Environmental Impact Assessment (The Planning EIA Regs. (NI) 2017, DCAN 10)**

The proposal falls within category 10 (b) of Schedule 2 of the Regulations and is located within a designated area (Mourne and Slieve Croob AONB.) An EIA screening determination has been completed as part of this assessment whereby the Council has determined on 19<sup>th</sup> August 2024 that an Environmental Statement is not required for the proposal and any potential environmental impacts can be appropriately dealt with through the normal planning process, including the use of mitigation measures and / or imposition of planning conditions, as necessary.

### • **Proposal Summary:**

The proposal relates to the redevelopment of an existing 2G synthetic pitch to a new 3G synthetic pitch and associated works. The principle elements of the proposal include:

#### Amendments to the 2G synthetic pitch, including:

Provision of a new pitch (71.5m x 112.5m including run off areas extended from the current size of 59m x 99.5m)

- Provision of player run off areas
- Provision of a new sub-base / base including new pitch drainage within the extended pitch area;
- Replacement of shock pad and any required foundation works, lift and installation of new 3G pitch surface
- Upgrading / replacement of perimeter collector drainage requirements including new manholes / connections to existing storm drainage system;
- Replacement and extension of 5m perimeter fences / gates to boundary and new ball stop fence to either end;
- 1.2m high spectator barrier / fence to new pitch perimeter;
- New proprietary dug-outs and soccer goal frames / nets;

- 2 no. new seating areas (50m<sup>2</sup> each) in the form of covered modular grandstands, with capacity for 100 spectators in each;
- Upgrades to electrical supply and established of new floodlighting and infrastructure;
- New perimeter paths, groundworks, kerbing;

Amendments to Tollymore Football Pitch, with the pitch reduced in size from 101m x 59m to 90m x 55m and remarked for football use (due to increased size of the all-weather pitch)

Amendments to Path to the Pavilion including:

- existing footpath surface to be removed and replaced with a grass surface.
- New 1.8m wide raised footpath from the existing pavilion to football pitch and upgraded all weather pitch, bound by 1.2m high fencing with demountable panels to allow for clear access during events.

Other minor amendments:

- Grass area to the east of the path reduced in level in order to form an even surface for traders during public events;
- Storage shipping container relocated, and level access provided;
- Reconfiguration of parking bays to provide disabled parking adjacent to spectator access;
- Maintenance / emergency access gate, drop kerb and parking restrictions to permit 24 hour access.

The proposed operation of the pitch will continue as existing and on the basis that no new facilities / activities to generate an increase in vehicular movements to the site from the existing and established operational use. Typical hours of operation include Monday – Friday 9am – 10pm, Saturday 9:30am – 4pm and no use on Sundays. A copy of the proposed layout is included below:





• **RDS 2035:**

THE RDS seeks to promote development which improves the health and wellbeing of communities. Strategic Planning Guideline ENV 6 of the RDS aims to create healthier living environments and to support healthy lifestyles. A particular aspect of this policy is to encourage the protection and enhancement of open spaces and playing facilities for the long term benefit of the whole community and to recognise the value to health and well-being of greenery, including community greenways, woodlands and landscape. The proposal is considered to be aligned with these objectives of the RDS in providing betterment (and enhanced access to) established community sporting and recreational facilities within Donard Park.

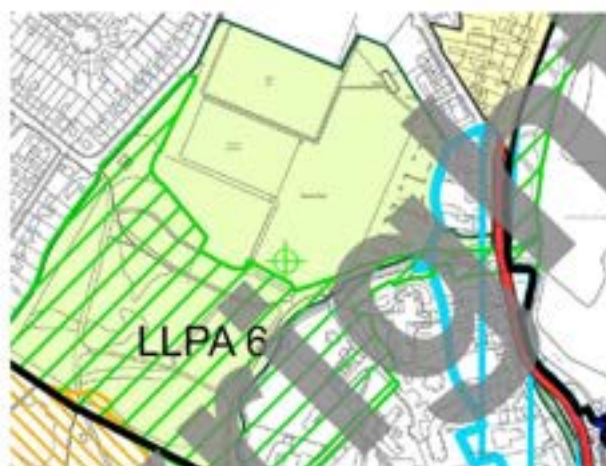
• **SPPS:**

The SPPS is a material consideration in the assessment of all planning applications and sets out the core planning principles to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making, while preserving the natural environment. As there is no significant change to the policy requirement for community facilities following the publication of the SPPS, the provisions of the Area Plan (BNAMP 2015) and PPS8 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS, together with the retained policies listed above.

• **Ards and Down Area Plan 2015 (ADAP 2015):**

Section 45 of the Planning Act (Northern Ireland) 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.

ADAP 2015 operates as the current LDP plan for this site and identifies the site as being located within the settlement development limits of Newcastle (NE01,) whilst it is zoned as an area of 'Existing Amenity Open Space and Recreation' (NE20.) In addition, part of the access to the site is located within an Area of Townscape Character (NE18 - The Harbour, The Rock & King Street) and there is a Local Landscape Policy Area identified adjacent and west / south of the site (NE17- LLPA 6: Donard Park, Donard Lodge and associated planting and Glen River corridor.) An extract from Map 3/004a Newcastle is included below:



**Policy SETT1 (Vol. 1) and designation NE01 (Vol. 3) Settlement Limits:** Under Policy SETT1, favourable consideration will be given to development proposals within settlement limits including zoned sites provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; and is in accordance with the requirements and guidance contained in Volumes 2 and 3 of the Plan. The proposed redevelopment of the established playing fields would not compromise the intentions of NE01 settlement limits in principle.

**Designation NE 20 (Vol. 3) Existing Amenity Open Space and Recreation):** Donard Park Playing fields is identified as 'Active Open Space' and Donard Park is identified as 'recreation area' under this designation, which is designated in accordance with PPS8: Open Space, Sport and Outdoor Recreation. **The proposal complies with the provisions of PPS8 (as assessed below and in this regard, raises no concerns in relation to plan designation NE20.**

**Designation NE18 (Vol. 3) Area of Townscape Character:** The entrance point to Donard Park off Central Promenade falls within this designation. The proposal does not include any alterations in this area of the site, with its inclusion within the site boundary to demonstrate access off the public road. **The proposal would not raise any concerns in relation to the ATC designation or requirements of PPS6 Addendum given this.**

**Policy CON2 (Vol. 1) and designation NE17 (Vol. 3) Local Landscape Policy Areas:** Under Policy CON, planning permission will be refused for development proposals which are liable to adversely affect the environmental quality, integrity or character of these areas. Vol 3 of the Plan identifies the features or combination of features that contribute to the environmental quality, integrity or character of this LLPA as:

- important tree groups within surviving area of planned landscape associated with Donard Lodge forms a buffer between heavily wooded mountain slopes and the town;
- river corridor with mature trees along river and within Donard Park are important in visual amenity terms; and;

- green area of local amenity importance within easy reach of the town centre is a popular recreation and tourist attraction

Subject to HRA legislative requirements and PPS2 policy requirements being met in relation to the protection of the Glen River Corridor from pollutants arising from the proposed development (including during construction and the operational lifetime,) the proposal would not compromise the integrity of this LLPA. Further consideration of this is included within PPS2 assessment below.

**In summary, subject to meeting PPS2 and HRA requirements, the proposal is acceptable to the requirements of The ADAP 2015, including designations NE01, NE17, NE18, NE20 (Volume 3) and policies SETT1 and CON2 (Volume 1.)**

• **A Planning Strategy for Rural Northern Ireland (PSRNI)**

Policy REC1 (Recreational Open Space and Amenity Land) directs that consideration of proposals for the development of open space for other purposes will take into account the long term impact of the loss of such space. For reasons outlined in the detailed PPS8 assessment below, the Planning Authority considers that the proposal is acceptable.

Policy SP18 seeks to promote high standards of siting and design within towns and villages whilst Policy DES2 requires development proposal in towns to make a positive contribution to the townscape and be sensitive to the character of the areas surrounding the site in terms of design, scale and use of materials. The proposed design and detailing is in keeping with the established Park context and existing playing fields.

**On the basis of information provided, the proposal does not raise any concerns in relation to Policies REC1, DES2 or SP18 of the PSRNI.**

• **Habitats Regulations Assessment (Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015,)**

The application as submitted, was accompanied with a stage 1 HRA Screening, (as prepared by the Council's Biodiversity Officer, dated 24th August 2023.) As part of this planning assessment, a HRA screening was also completed on 07.08.2024, which identifies that the application site is directly hydrologically linked to Murlough SAC via Glen River. Given this together with the nature of proposal (including new 3G pitch surface and drainage system) the application was referred to Shared Environmental Services (SES) for further advice.

SES in response (30.07.2024) having reviewed the submitted HRA consider that the HRA does not fully meet the Council's obligations under the Habitats Regulations. On 25.09.2023, the EU Commission adopted the EU REACH restriction on intentionally added microplastics. In doing so, it advised that the granular infill material used on artificial sport surfaces is "the largest source of intentional microplastics in the environment". While there is no current proposal for a restriction on intentionally added microplastics for the GB market under UK REACH, in light of the science underpinning the EU restriction and adopting a precautionary approach, SES advise that the Council must provide details of appropriate mitigation to prevent the egress of any granular infill material



(typically used on 3G pitches) to surface watercourses or drains that are hydrologically connected to Murlough SAC. These mitigation measures should be referred to NIEA WMU and Marine and Fisheries Division for comment and assessed as part of the HRA.

Following this advice, the appointed agent has submitted a stage 2 HRA (as prepared by the Council's Biodiversity Officer, dated September 2024) for further consideration, together with a detailed Maintenance Plan. This HRA concludes that subject to the proposed mitigation measures being carried out including use of silt traps, boot cleaning brushes, appropriate maintenance measures,) there should be no significant impact on Murlough SAC.

These details have been issued to DAERA's Water Management Unit and Fisheries Division for further consideration. WMU advise (response dated 11.10.24) that having considered the impacts of the proposal on the water environment and, on the basis of the information provided, WMU are unable to determine if the development has the potential to adversely affect the surface water environment. Water Management Unit advise that they require further information on the drainage, maintenance, and management of the 3G pitch. The applicant should supply details of how the infill crumb will be prevented from entering the drainage system as well as a cleaning/maintenance schedule.

Given this, the Planning Authority sought clarification from WMU as to whether the additional details submitted on 04.09.24 were considered prior to this response, including: HRA stage 2 (dated Sept 2024,) Maintenance procedures (NMDDC Estates Dept, dated Sept 2024,) revised drawing 1201 REV P05 (Proposed Civil General Arrangement and revised drawing 1305 REV P04 (Drainage Plan.) WMU having considered this, sought further clarification with further information sent clarifying drainage arrangement including a drainage plan was uploaded 12.11.24. WMU responded 19.11.24 advising they are now content subject to condition.

SES were informed on the 20.11.24 of NIEA comments advising that the final HRA required the incorporation of NIEA comments but otherwise would make no further comment.

#### •SPPS and PPS8 (including consideration of PS3 and PPS6)

PPS8 Policy OS1 (Protection of Open Space): Under this policy, development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted, with a presumption against the loss of existing open space irrespective of its physical condition and appearance. Policy OS1 details where exceptions to this may be permitted. The proposed redevelopment of the established open space is considered acceptable to this policy as it does not result in the loss of open space but rather provides betterment in the form of upgraded facilities with enhanced accessibility.

Policy OS4 (Intensive Sports Facilities): Given the scale and nature of proposal, it would be considered as an 'intensive sports facility' as defined under OS4. Under this policy, such proposal should be located within settlements, as the proposal is. In addition, proposals should meet all of the following criteria:



***There is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;*** Environmental Health in response dated 14.08.2024 having reviewed the submitted details (including noise assessment and flood light report) raise no objections in relation to residential amenity, conditional to the floodlighting being constructed in accordance with the floodlighting report 60729039 dated 08.04.2024. Subject to necessary conditions being complied with, the proposal would not result in an unacceptable impact on residential amenity.

***there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*** The proposal is located in the locality of several listed buildings, including historic building record B18/14/006 (St John's Church of Ireland Church, 161 Central Promenade.) HED's Historic Buildings Division having considered the effects of the proposal on this listed building on the basis of information provided advise that the proposal satisfies the requirements of the SPPS and PPS6 in relation to the setting of a Listed Building. The proposed works are separated from the listed building and would be screened by mature planting and many existing buildings. The proposal therefore is considered to pose no greater demonstrable harm on the setting of the listed building than the existing facility.

The development is also within the locality of an archaeological site (DOW049:017.) The proposal detail has been issued to HED's Historic Monuments Division who advise that due to archaeological testing under licence AE/05/134 HED is content that the proposal meets the SPPS and PPS6 archaeological requirements.

On the basis of HED's advice, the proposal is considered acceptable to this criterion in addition to PPS6 requirements (including Policies BH11 and policies BH1-BH4.)

***buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;*** The proposal has been designed to be in keeping with the established facility in terms of overall scale, detailing and finishes. The development benefits from mature boundary trees to the west which will assist in the visual integration of the taller elements within the scheme, including floodlighting columns, which are arguably established on the site at present, spectator fencing (5m high) and ball stop fencing (6m high.) The overall design is considered acceptable in the context of the established development and wider parkland setting.

***the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and***

The proposed development layout includes upgraded paths/dropped kerbs which have been designed to facilitate safe access to and within the site by all users through the provision of dropped kerbs and appropriate grading.

The proposed development is located towards the centre of Newcastle Town. The area has existing pedestrian walkways throughout and benefits from

existing dropped kerbs, and tactile paving on access to the site. A controlled pedestrian crossing is also located approximately 50m from the car park access and is accompanied by a splitter island, connecting the site on Bryansford Road to Central Promenade. The proposal also provides betterment in relation to accessibility, with the reconfiguration of parking bays enabling disabled parking at spectator access point. Additional features include the provision of a maintenance / emergency access gate. Furthermore, the proposed layout incorporates connectivity for pedestrians throughout the whole scheme, with the creation of a new footway linking the pavilion building to both playing fields and pedestrian pathways connecting both playing fields and pedestrian linkages to the wider park land.

***the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.***

The application details including TAF note that the proposal will not in itself, result in any intensification of use of the site from the established and existing use, with no expected increase in traffic as a result of the development proposal. There are no proposed changes to the access point to the site (and Donard Park) off Central Promenade. In relation to carparking, the TAF notes that as there is no expected increase in vehicular trips expected, no increase in parking activity as a result of this development is expected.

DfI Roads having been consulted on the proposal advise there are no objections in relation to Road safety on the basis that the information contained within the TAF is accurate. On the basis of details provided, the proposal is considered acceptable to this criteria, in addition to PPS3 and PPS13 policy DCAN15 and DOE Parking Standards.

PPS8 Policy OS7 (The Floodlighting of Sports and Outdoor Recreational Facilities.) Whilst there are existing floodlights at the application site, the proposed re-development will result in the relocation of floodlighting, with 6 no. proposed columns located around the 3G pitch (3 north, 3 south) also serving pitch to the north.

Under this policy, the development of flood lighting associated with sports and outdoor recreational facilities will only be permitted where all of the following criteria are met:

***(i) there is no unacceptable impact on the amenities of people living nearby;*** Environmental Health in response dated 14.08.2024 having reviewed the submitted details (including flood light report) raise no objections in relation to residential amenity, conditional to the floodlighting being constructed in accordance with the floodlighting report 60729039 dated 08.04.2024. Subject to necessary conditions being complied with, the proposal would not result in an unacceptable impact on residential amenity/

***(ii) there is no adverse impact on the visual amenity or character of the locality; and***

The proposed re-location of flood lights would cause no greater demonstrable harm in relation to visual amenity than the established and existing flood lighting columns at the site.

***(iii) public safety is not prejudiced.***

Flood lighting columns are proposed to be positioned to the rear of the existing footway to the south, so as not to cause an obstruction to pedestrian movements. The proposed flood lighting will help to ensure public safety during the operational use of the development.

**Subject to conditions being complied with in relation to flood lighting as advised by Environmental Health, the proposal is considered acceptable to the requirements of PPS8, in addition to PPS3, PPS6, DCAN15 and DOE Parking Standards.**

• **SPPS and PPS2 (Policies NH1, NH2, NH5, NH6):**

PPS2 Policy NH1 (European and Ramsar Sites International): As noted through the HRA screening, the site is directly hydrologically linked to Murlough SAC. The development works have the potential to impact on the adjacent watercourse by way of pollutants entering the river corridor, with the Glen River partly within the site boundary. The proposal by its nature (4G pitch) presents the risk of microplastics entering the water table via Glen River and potentially impacting on both the designated LLPA and Murlough SAC. WMU comments dated 19.11.24 have no comments.

PPS2 Policy NH2 (Species Protected by Law) and Policy NH5 (Habitats, Species, or features of Natural Heritage Importance): As noted, the application has been accompanied with a Biodiversity Checklist including Ecological Statement (RSK, May 2024) with the proposed landscape details shown on Drawing No. Drawing No. DPK MCA ZZ XX DR CE 1201 REV P06 (Proposed Civil General Arrangements.) An outline CEMP has also been submitted. The ecological details submitted concludes the following:

- *There would be no impact on protected areas is predicted as a result of the proposed development;*
- *Whilst the site is within wider parkland with veteran trees present within the site boundary, it concludes there are no predicted impacts from the proposed development are predicted;*
- *NIEA's natural environment viewer shows priority woodland habitat outside the 30 m buffer zone. No impacts to priority habitats are predicted as a result of the proposed development.*
- *No protected / priority species are predicted to be impacted within the site boundary, nor adjacent to the site boundary.*
- *The proposed lighting plan provides a reduced level of light spill onto adjacent woodland habitat to the west of the site.*
- *No new impacts on bats are predicted as a result of the proposed development.*
- *Spanish/hybrid bluebell was noted along the Glen River valley within the 30 m buffer zone, and Three-cornered leek is present in planted woodland to the west. None of these areas will be disturbed during the proposed development.*
- *No further impacts on any priority species are predicted as a result of the proposed development, providing the following recommendations are adhered to.*

The proposal details have been issued to DAERA's Natural Environment Division who advise (11.10.24) that the oCEMP is unclear regarding the locations of the works proposed and it appears that the proposal includes the



excavation of the existing drainage system and will therefore involve excavation and movement of soil with the existing drainage channels. This may cause the introduction of pollution, in the form of disturbed soil/sediment, into watercourses / drainage channels. To address this, NED advise a drawing is required to clearly show the locations of the works proposed, a 10m buffer to the watercourse and any connected drainage channels, and the locations of any proposed silt fencing or similar measures for all works within the 10m buffer. In addition, the storm drainage of the site, during construction, and operational phases of the development, should be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways. NED provide condition wording to this effect to attach to the decision notice.

In relation to lighting, NED highlight that any exterior lighting in this setting is likely to adversely impact on nocturnal wildlife (including protected and NI Priority species). Artificial lighting can adversely impact foraging and commuting behaviour; causing disturbance and/or displacement; and reducing the ability of wildlife to survive. All bats are protected species in Northern Ireland and are highly sensitive to artificial lighting in their environments. Having reviewed the submitted details (including Floodlighting Report 2024) which shows 2 luminaire types, both on 15m poles and includes an Isolux drawing. NED would highlight that the single Isolux image in the report is tiny and details are unclear. The drawing shows only the new floodlighting at the southwestern pitch. No other lights are shown. NED notes that the new flood lighting is expected to impact less than the existing system, but would highlight those impacts can be further reduced through the use of screens, hoods or cowls fitted around lights. NED notes that only the proposed floodlighting has been detailed it remains unclear if any other lighting is proposed. Any carpark lighting to the south or south-west would be likely to impact on boundary vegetation.

No details have been provided of the proposed timings of illumination. It is unclear if there are any times of day or times during the year when this lighting will not be used. Lights should be automated with sensors and timers to switch off when not in use. To address these concerns, NED recommends that all lighting is screened or directed away from trees and boundary vegetation so as to minimise any potential disturbance to protected/priority species wildlife. Corridors of darkness with light spill of less than 1.0 lux should be preserved along all existing trees and boundary vegetation NED advise an amended plan is therefore required prior to construction to show that likely impacts in relation to lighting have been minimised, with a detailed condition outlined at the end of this report.

**Subject to the necessary conditions being complied with in relation to the final CEMP and lighting details, the proposal is considered acceptable to PPS2 policies NH2 and NH5.**

PPS2 Policy NH6 (Areas of Outstanding Natural Beauty): Overall, whilst proposals will alter the visual appearance of the landscape (including 6m high ball stops and new spectator stands,) this is not considered to be a significant effect on the character of the AONB, in the context of the established urban park and existing facilities and landscape backdrop, which is to be retained.



The imposition of planning conditions can be utilised if necessary, to ensure proposals are implemented and maintained in perpetuity at the site to ensure the facility is appropriately managed in the interest of visual amenity and the character of the wider parkland and AONB. **On the basis of details submitted, the proposal is considered acceptable to the requirements of criteria a-c of Policy NH6.**

• **SPPS and PPS15 (Revised) – Flooding / Drainage:**

The existing development site is an all-weather playing pitch with surrounding pathways finished in bitmac. The surface water is collected in one networks via gullies into storm sewers which discharge to an existing 300mm storm sewer along the South West boundary of the pitch. The proposed development is a combination of hardstanding (pedestrian paving) and pitch areas and will not result in an increase of impermeable surfacing, however as the proposed pitch will increase the amount of storm water drainage infrastructure, it is important to demonstrate that this will not increase the potential storm water flow from the site and result in surface flooding to the site and lands elsewhere.

DfI Flood maps indicate that the application site has no recorded instances of flooding, whilst parts of the site are shown to be affected by the predicted climate change river floodplain and surface flooding (both existing and predicted, including climate change considerations.) As noted, the proposal includes connection to NIW surface water drains. NIW has confirmed (response dated 02.08.2024) that whilst there is no public surface water sewer within 20m of the proposed development boundary, access to the existing sewer network is available via extension of the existing public surface water network, or via direct discharge to a designated watercourse, at an agreed discharge rate. A planning condition will be necessary to ensure that an agreed solution is reached with NIW prior to the commencement of development, to ensure a practical solution to the disposal of surface water from this site is achieved prior to commencement of development.

DfI Rivers Agency having been consulted in relation to the proposed details advise in comments dated 11.09.2024 and 09.10.2024, the following in relation to PPS15 policy requirements:

Based on the information provided, PPS15 (as revised) policies FLD1 (Development in Fluvial and Coastal Flood Plains) FLD4 (Artificial Modification of Watercourses) and FLD5 (Development in Proximity to Reservoirs) are not applicable to this assessment.

PPS15 (Revised) Policy FLD2 (Protection of Flood Defence and Drainage Infrastructure) - The site is bound at the west by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 (Shanslieve Drive Stream.) The site is also bound at the west by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 (Glen River.) The site may be affected by undesignated watercourses of Rivers Agency has no record. Under 6.32 of Policy FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by Rivers Directorate, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 metres, but up to 10 metres where

considered necessary, and be provided with clear access and egress at all times. **Rivers Directorate notes that Drawing No. 1201 Rev P06 appears to comply with this requirement.**

**It should also be noted that a Schedule 6 Consent has been obtained, the details of which were forwarded to planning by email 20.11.24.**

#### Flood Risk in the Climate Change Scenario:

Rivers Directorate advises the Planning Authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps, indicate that a portion of the site lies within the 1 in 100 year fluvial climate change flood plain (Q100CC). The predicted Q100CC fluvial flood level at this location is within the range 7.36mOD to 3.64mOD. Rivers Directorate considers that in accordance with the precautionary approach, that the a portion of the development proposal, is at risk of potential flooding in the climate change scenario and, unless the Planning Authority considers it appropriate to apply the 'Exceptions' principle contained within FLD 1, that the proposal would be incompatible with the overall aim and thrust of regional strategic planning policy in relation to flood risk, i.e. to prevent future development that may be at risk from flooding or that may increase the risk of flooding elsewhere. The Planning Authority is advised to consider this as a material consideration.

In response, the agent has submitted a revised Flood Risk and Drainage Assessment Report on 27.09.2024 (McAdam, Issue 003 – 27/09/2024) in addition to revised drainage drawings (including Drawing No. 1201 REV P06 - Proposed Civil General Arrangement and Drawing No. 1305 REV P05 - Proposed Drainage Plan.)

The Planning Authority in re-consulting DfI Rivers Agency with these revised details, note that the proposal is considered to meet exception f) of Policy FLD1 i.e. "f) *The use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings*" requesting that Rivers Agency advise in relation to the submitted details given this position.

In a final response dated 09.10.2024, DfI Rivers Agency advise of the following in relation to Policy FLD3: Rivers Directorate having reviewed the Drainage Assessment by McAdam Design, advise: *"Revised Policy PPS 15 Annex D18 bullet point 1 states – An initial application should be made to the local Rivers Agency office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. The applicant is requested to provide confirmation of Discharge Consent from either Rivers Directorate or NI Water."*

The supporting details provided within the Drainage Assessment include evidence of a separate application made to DfI Rivers on 10<sup>th</sup> June 2024 for Schedule 6 Consent to discharge for the site (application reference IN1-24-11554.) A copy of the Schedule 6 consent was submitted 20.11.24.

#### •**Land Contamination:**

A preliminary Contamination Risk Assessment Report has been prepared and submitted with this application (Pentland Macdonald Ltd Report No. PM21-1113, dated September 2021.) This report notes that on the basis of the review of the desk study information and initial site reconnaissance, it is considered that the only potential contamination source at the site itself is made ground which is unlikely to pose any unacceptable risks to human health, third party sites, the water environment (groundwater resources and surface water) and the proposed on-site development. In addition, it is considered that no third-party contamination sources are likely to impact the proposed development. The report recommends that if more significant contamination is identified at the site during development works, then all construction works should cease in the relevant area and the possible contamination be fully investigated and managed in accordance with the requirements of Environment Agency guidance Land Contamination: Risk Management. In addition, if the proposed development works involve the excavation and off-site disposal of waste soil arisings, it may be prudent to classify the waste soils to ensure appropriate disposal, particularly given the anticipated presence of made ground.

The submitted details have been issued to both Environmental Health and DAERA's Regulation Unit for consideration and advise. Environmental Health raise no concerns in relation to land contamination. DAERA's Regulation Unit acknowledge that the PRA outlines no unacceptable risks to environmental receptors have been identified. On the basis of information submitted, Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice, with conditions detailed at the end of this report.

#### **Sewerage, Utilities and Servicing considerations:**

The proposal does not include generation of foul sewerage and it seeks to connect to NIW public water supply. NIW confirm that there is a public water main within 20m of the proposed development boundary which can adequately service this proposal. An application to NI Water is required to obtain approval to connect.

NIE Networks has no objection to make to the planning application based on the application.

### **7.0 RECOMMENDATION:** Approval, subject to the following conditions being met:

#### **Summary Recommendation:**

- Following receipt of additional details, including revised Flood Risk and Drainage Assessment, Drainage details, Maintenance Plan, the proposal is considered acceptable to prevailing policy requirements, including the provisions of The SPPS, ADAP2015, PSRNI, PPS2, PPS3, PPS6, PPS6 Addendum, PPS8, PS15 (As revised,) DCAN15, DOE Parking Standards and the supplementary guidance within 'Creating Places'
- No third party representations have been received specifically in relation to this proposal (email in relation to alleged unauthorised works issued to enforcement for separate consideration)

- In accordance with Section 45 of the Planning Act (Northern Ireland) 2011 and in having regard to the Local Development Plan (LDP,) so far as material to the application, and to any other material considerations, the application is recommended for approval, subject to the following planning conditions being complied with.

## 8.0 DRAFT 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 and details:

- Drawing No. DPK-MCA-ZZ-XX-DR-CE-1100 REV P03 – Site Location Plan
- Drawing No. DPK-MCA-ZZ-XX-DR-CE-1101 REV P02 – Existing Site Layout
- Drawing No. DPK MCA ZZ XX DR CE 1305 REV P05 – Proposed Drainage Plan
- Drawing No. DPK MCA ZZ XX DR CE 1401 REV P02 – Proposed Elevations
- Drawing No. DPK MCA ZZ XX DR CE 1403 REV P02 – Proposed Exemplar Details
- Drawing No. DPK MCA ZZ XX DR CE 1201 REV P06 – Proposed Civil General Arrangements
- Drawing No. DPK MCA ZZ XX DR CE 1301 REV P03 – Proposed Levels
- Drawing No. DPK MCA ZZ XX DR CE 1302 REV P03 – Proposed Surfacing
- Drawing No. DPK MCA ZZ XX DR CE 1304 REV P03 – Proposed Fencing Plan
- Drawing No. DPK MCA ZZ XX DR CE REV P03 – Proposed Kerbing Plan
- Drawing No. DPK MCA ZZ XX DR CE 1402 REV P02 – Proposed Elevations Spectator Seating
- Drainage and Flood Risk Assessment (McAdam, Issue 003 – 27/09/2024)
- Noise Impact Assessment (F.R. Mark, dated March 2024)
- Outdoor Lighting Report (Lighting Reality, 08.04.2024)
- Outline Construction Environmental Management Plan (oCEMP) (RSK, May 2024)
- Donard Park 3G Pitch Maintenance Procedures (NMDDC dated 28.08.2024)

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

3. The floodlighting associated with the development hereby approved shall be constructed as detailed in the accompanying floodlighting report (Reference 60729038 as prepared by Lighting Reality and dated 8 April 2024) and in



accordance with Drawing No. Drawing No. DPK MCA ZZ XX DR CE 1201 REV P06 – Proposed Civil General Arrangements

Reason: In the interest of residential amenity.

4. 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.

5. The development hereby approved shall be managed and maintained in accordance with the detailed Maintenance Procedures Document (Donard Park 3G Pitch Maintenance Procedures, NMDDC dated 28.08.2024) in perpetuity.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the recreational areas in the interests of visual amenity, fisheries and natural heritage (including prevention of pollutants entering nearby watercourses) and European Protected Sites.

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority 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/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing (in consultation with DAERA's Land and Regulation Unit,) and subsequently implemented and verified to its satisfaction.

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

7. After completing the remediation works under Condition 10; and prior to the operational use of the development, a verification report shall be submitted to and agreed in writing with the Local Planning Authority. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation; waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

8. Prior to construction of the development hereby approved a new or amended Lighting Plan shall be submitted to and approved in writing by the Planning Authority In consultation with DAERA's Natural Environment Division.) The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed by the Planning Authority. The Plan shall include the following:

- a) Specifications of lighting to be used across the site, including model of luminaires, location and height;

- b) Details of measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g., timing of lighting, use of low-level lighting, screens, hoods, cowls etc;

- c) - A horizontal illuminance contour plan (Isolux drawing) showing predicted light spillage across the site;

- d) A light spill of no more than 1.0 lux shall fall on trees and boundary vegetation.

Reason: To minimise the impact of the proposal on bats and other wildlife.

9. Prior to the commencement of the development hereby approved, a final Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the planning authority (in consultation with DAERAs' Natural Environment Division and Water Management Unit.) This final CEMP shall include:

- a drawing which clearly shows the locations of the works proposed, a 10m buffer to the watercourse and/or any connected drainage channels, and where any works are proposed within the 10m buffer; shall clearly show the locations of any proposed silt fencing or similar measures;
- Construction details of silt fencing etc;
- The storm drainage of the site, during construction, and operational phases of the development, shall be designed to the principles of Sustainable Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways. Construction of SuDS shall comply with the design and construction standards as set out in various documents produced by the Construction Industry Research and Information Association (CIRIA) in relation to SuDS.
- The CEMP shall contain all the appropriate environmental mitigation as advised by DAERA WMU in their response dated.....

Development shall take place in accordance with the approved final CEMP.

Reason: To ensure effective avoidance and mitigation measures have been

planned for the protection of the water environment and to ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to minimise any adverse impacts including pollution risk to the adjacent watercourse and downstream designated sites.

10. The installed drainage system is to include the proposed gullies fitted with silt/particulate capture buckets and microfiller on the outlet pipes as detailed in Proposed Drainage Plan 1305 REV P06 (dated 12.11.24)

Reason: To ensure protection of the aquatic environment

11. The drainage maintenance regime is to be carried out as per the Drainage Maintenance detailed in Proposed Drainage Plan 1305 REV P06 (dated 12.11.24)

Reason: To ensure protection of the aquatic environment

**Case Officer:**

**Authorised Officer:**

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/0275/F	Target Date:
Proposal: PROPOSED ONE & A HALF STOREY REPLACEMENT DWELLING & DETACHED GARAGE	Location: LAND 205m SOUTHEAST OF 7 DUNTURK ROAD, CASTLEWELLAN, CO. DOWN, BT31 9PF
Applicant Name and Address: GEORGE SAVAGE 14 DUNTURK ROAD Castlewellan BT31 9PF	Agent Name and Address: Barry Fletcher 25 Main Street Castlewellan
Date of last Neighbour Notification:	
Date of Press Advertisement:	24 April 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none"><li>Northern Ireland Water (NIW)</li><li>NIEA : Natural Environment Division (NED)</li><li>DfI Roads</li></ul>	
Representations: <p>No representations or objections have been received from neighbours or third parties of the site.</p>	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	



## Site Visit Report

### Site Location Plan:



**Date of Site Visit:** 12<sup>th</sup> September 2024

### Characteristics of the Site and Area

The site is a roadside portion of land located along the minor Dunturk Road, approximately 100m from the junction with McAuleys Pipe Road Castlewellan.

The site, which has been cut out of a larger agricultural field, currently use for grazing contains a small derelict structure shown below, which sits gable to the road and is overgrown with vegetation.



The boundaries of the site are comprised of a substantial roadside hedge. All other boundaries of the site outlined in red are undefined.

The site lies within the rural area and the Mourne Area of Outstanding Natural Beauty (AONB) as designated in the Ards and Down Area Plan 2015. This area is comprised of undulating topography and is predominantly used for agricultural with a few farm holdings and detached dwellings dispersed throughout the area.

This lower section of Dunturk Road is notably void of development and the rural character of the area is evident, as can be seen in the aerial imagery above.

### **Description of Proposal**

PROPOSED ONE & A HALF STOREY REPLACEMENT DWELLING & DETACHED GARAGE

### **Planning Assessment of Policy and Other Material Considerations**

#### PLANNING HISTORY

There is no planning history for this site or within the immediate context of the site.

#### SUPPORTING DOCUMENTS

The application has been supported with the following information

- Application Form
- Design and Access Statement
- Supporting Statement
- Bio-Diversity Checklist
- Bat Survey
  
- Site Location Plan P01
- Site Layout Plan P02
- Elevations & Floor Plans P03
- Garage Plans P04

#### CONSULTATIONS

Northern Ireland Water (NIW) – No objections  
 DfI Roads – No Objections  
 NIEA – No objections

#### REPRESENTATIONS

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

#### EVALUATION

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

#### **SPPS**

The Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents 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.

### **Policy CTY 3**

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 structure on site does not exhibit the essential characteristics of a dwelling.

The applicant / agent have been made aware of officers concerns regarding the status of the building and have been afforded the opportunity to comment. They have advised officers that they consider the remains of a flu exists on the internal gable wall facing the road and there appears to be two window openings blocked up.

Officer having considered this information, do not agree that this demonstrates the essential characteristics of a dwelling.

Further to this the agent has provided a historical map of the site shown below. The agent considers that this historical map dating from 1832-1846 demonstrates that the subject building was a dwelling.



Officers do not agree, considering that the larger rectangular building to the centre of the site is more likely to be the former dwelling, with the subject building located gable end at the roadside a more likely outbuilding.

Officers acknowledge that the assessment of whether the subject building, was a dwelling or not is subjective. The lack of defining characteristics of a dwelling along with the very small nature of the subject building lead officers to consider that the subject building was not a dwelling.

The subject building measures 5.8m x 5.4m, giving it a floorspace of approximately 31sqm. Such floorspace provision is considered to be too small for the building to have been used as a dwelling. Further to this while the Officers acknowledge there is an opening on the front elevation, it is considered to be too wide to have been for a domestic door and is more likely to have been an outbuilding. An upper window is noted on the gable facing into the open field at the rear of the site. Officers do not consider that this window indicates first floor living accommodation more a loft area for agricultural / storage purposes.

The structure has no evidence of a fireplace nor any internal divisions which would indicate it was once used as a dwelling.

Officers, therefore remain of the opinion that the proposal fails to meet the first criterion of CTY 3. The proposal will be recommended for refusal on this basis.

In addition, to the above policy requirement, proposals for a replacement dwelling will only be permitted where 5 additional criteria are met.

- **The proposed replacement dwelling should be sited within the established curtilage of the existing dwelling, 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.**

In assessment of this criterion, it is noted that the site outlined in red comprises a portion of agricultural land cut out of a large field, which happens to have a building located within it. There is no apparent curtilage associated with the building, it appears as a stand-alone roadside building.

Nevertheless, the proposed curtilage of the new dwelling is relatively modest. Given the open nature of the plot a dwelling could be accommodated.

- **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;**





As noted above the subject building is very small. The proposed new dwelling is relatively modest by modern standards. It will have a maximum ridge height of 6.4m, a frontage of 14.6m and a gable depth of 9.5m. the foot print of the new dwelling will be approximately 138sqm which is substantially larger and would have a visual impact significantly greater than that which is present on site.

For this reason also the proposal will be recommended for refusal.

- **The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness**

The design of the dwelling has traditional form e.g pitched roof, chimneys expressed centrally on the ridge, vertically emphasised windows.

The dwelling will be finished with concrete roof tiles / slate, smooth render plaster and paint finish to the external walls with natural stone where indicated, double glazed pvc windows, composite doors and pvc rainwater goods. It is considered that the design of the dwelling is of high quality and is appropriate to the rural setting.

- **All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality;**

It is considered that the proposal would comply satisfactorily with the above criterion.

- **Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.**

Following a consultation with DfI Roads, it is considered that the proposal is satisfactory.

### **CTY 13 Integration and Design of Buildings in the Countryside**

In assessment of the design, siting and integration of the proposal, Policy CTY13 of PPS 21 is applicable which 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; or



<p>Policy AMP 2: Access to Public Roads is applicable in this case and states planning 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</p> <p>(A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic; and</p> <p>(B) The proposal does not conflict with Policy AMP 3 Access to Protected Routes</p> <p>Following a consultation with DfI Roads, no objections were raised with regard to road safety. The proposal therefore complies with the requirements of PPS 3.</p> <p>With regard to parking, turning and manoeuvring of vehicles, it is considered that there is sufficient space within the curtilage of the new dwelling, to ensure that 2 vehicles can adequately park and move in and out of the site. A detached garage is noted to be proposed also – see Drawing No P02.</p> <p><b>PPS 2 Natural Heritage</b></p> <p>The site is located within the rural area, but outside any designated sites of conservation interest etc. The proposal does however, seek the demolition of an existing building, which is within the vicinity of priority habitat hedgerows. As such an assessment of the potential of the site for protected species and habitats has been carried out by the applicant.</p> <p>They have submitted to the Planning Authority a Bio-Diversity Checklist and Preliminary Ecological Assessment (PEA) carried out by Kerry Leonard, along with a Bat Survey carried out by John Wann assisted by Aoibheann Rainey.</p> <p>The reports concluded that the surveyed site comprising an old rural building and part of an improved field contained no protected sites are present. No impact on protected sites is predicted. No priority habitats are present other than a short length of hedgerow. No impact on priority habitat is predicted as long as the mitigation below is followed. No priority species are present other than widespread birds. A bat roost emergence survey was carried out in 2023, no roosting bats were found. No impact on priority species is predicted if the mitigation below is followed.</p> <p>All supporting documents have been assessed by NIEA: Natural Environment Division. NIEA: NED have raised no objections to the proposal and recommend the application is advised of standing advice.</p> <p>The proposal is therefore considered to be compliant with the relevant policies set out in PPS 2 – NH 2 and 5.</p>	
<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation</b> <b>REFUSAL</b>	
<p>1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the</p>	



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 (SPPS), and Policy CTY 3 of Planning Policy Statement 21 Sustainable development in the Countryside in that the building to be replaced does not exhibit the essential characteristics of a dwelling.
3. The proposal is contrary to the Strategic Planning Policy Statement (SPPS), and Policy CTY 3 of Planning Policy Statement 21 Sustainable development in the Countryside in that the new dwelling will have a visual impact significantly greater than the existing building.
4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, if permitted, the site lacks integration. The proposed dwelling would result in the removal of long established natural boundaries and would therefore be unable to visually integrate into the surrounding landscape and would rely upon new planting to integrate successfully.

**Case Officer Signature: C COONEY**

**Date: 9 October 2024**

**Appointed Officer: A.McAlarney**

**Date: 11 October 2024**



**Development Management Consideration**

**Details of Discussion:**

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

**Group decision:**

**D.M. Group Signatures** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Date** \_\_\_\_\_

**RE: PROPOSED REPLACEMENT DWELLING & DETACHED GARAGE AT LAND  
205m SOUTHEAST OF 7 DUNTURK ROAD, CASTLEWELLAN, CO. DOWN**

**REF: LA07/2024/0275/F**

The planning department have assessed the building on site and have determined that it does not have the essential characteristics of a dwelling. Unfortunately, there is no existing chimney, but we argue that it can be seen from a site visit that there is a former door opening with direct entry to the main room, a first floor window exists, there are remnants of former ground floor windows (now built up but openings can be seen) to the south exist and a chimney flue on the western gable end facing the road also exist. This would clarify that this building is a dwelling rather than a barn or outbuilding.

We provided an extract from the OSNI Historical First Edition map dated 1832-1846 to the planning office who argued that it is more likely that the adjacent larger buildings were a dwelling and the application building was an outbuilding.

We then ask why is there remnants of the flue on the gable of this building? A barn wouldn't have this.

The historic map also confirms that the dwelling was located within a small plot similar to the other dwelling immediately across the road to the west, as seen on the same historical map.

The land has always been farmed and the small boundaries had been removed many years ago to create the large field that exists today.

We feel that the proposed boundaries around the proposed replacement dwelling is modest in size at 40x40m and should be accepted as it is not always the case that all boundaries exist in all replacement dwelling cases and that this application should be assessed on its own merits.

The proposed dwelling is designed as a small modest family home using a traditional native architectural style, ie, traditional vernacular cottage design, windows with vertical emphasis, white render and local stone with chimneys on each gable.

A new dwelling is always going to be larger than the old vernacular housing stock that it replaces and it is felt that the visual impact is no greater than any other modest replacement dwelling and we feel it should therefore be accepted.

It is felt that a site visit by the planning committee could assess the information provided to determine if the building exhibits the essential characteristics of a former dwelling and to determine if the window openings and remnants of the flue represent the characteristics of a former dwelling.

The area is rural in nature and is similar in buildup to the built environment that exists to the north west along the Dunturk Road. It is therefore felt that this building when viewed in context with the buildings and dwellings on the Dunturk Road is not out of context and this could be seen by a site visit.

The following information maps and photos are provided in support of the above.

Note the location of former dwelling within its own small plot, west of 2 former outbuildings.  
Note another small dwelling to the West on a separate farm holding, across the road.



Internal gable wall



outline of previous chimney flue in red



Land Reference '40 a & b'

PARISH OF LOUGHINISLAND.								
No. and Letters of Reference to Map.	Names.		Description of Tenement.	Area.	Rateable Annual Valuation.		Total Annual Valuation of Rateable Property.	
	Tenants and Occupiers.	Immediate Lessors.			Land.	Buildings.		
39	Cornelius Smith,	Same,	House, offices, and land.	12 0 0	9 5 0	1 0 0	10 5 0	
40	Cornelius Keenan,	Same,	House, offices, and land.	10 2 10	7 5 0	0 15 0	8 0 0	
41	John Keenan,	Same,	House and land,	3 0 0	2 10 0	0 5 0	2 15 0	
42	Hugh Shew,	Same,	Cottier's house & land.	6 2 10	4 0 0	0 6 0	4 5 0	

The dwelling on Land Reference '40 a & b' was occupied by Cornelius Keenan, see above extract from Griffiths Historical Valuation Records.  
Previously there were 2 other outbuildings to the north which no longer exist.

We feel that this modest sized replacement dwelling can be accommodated in this setting.

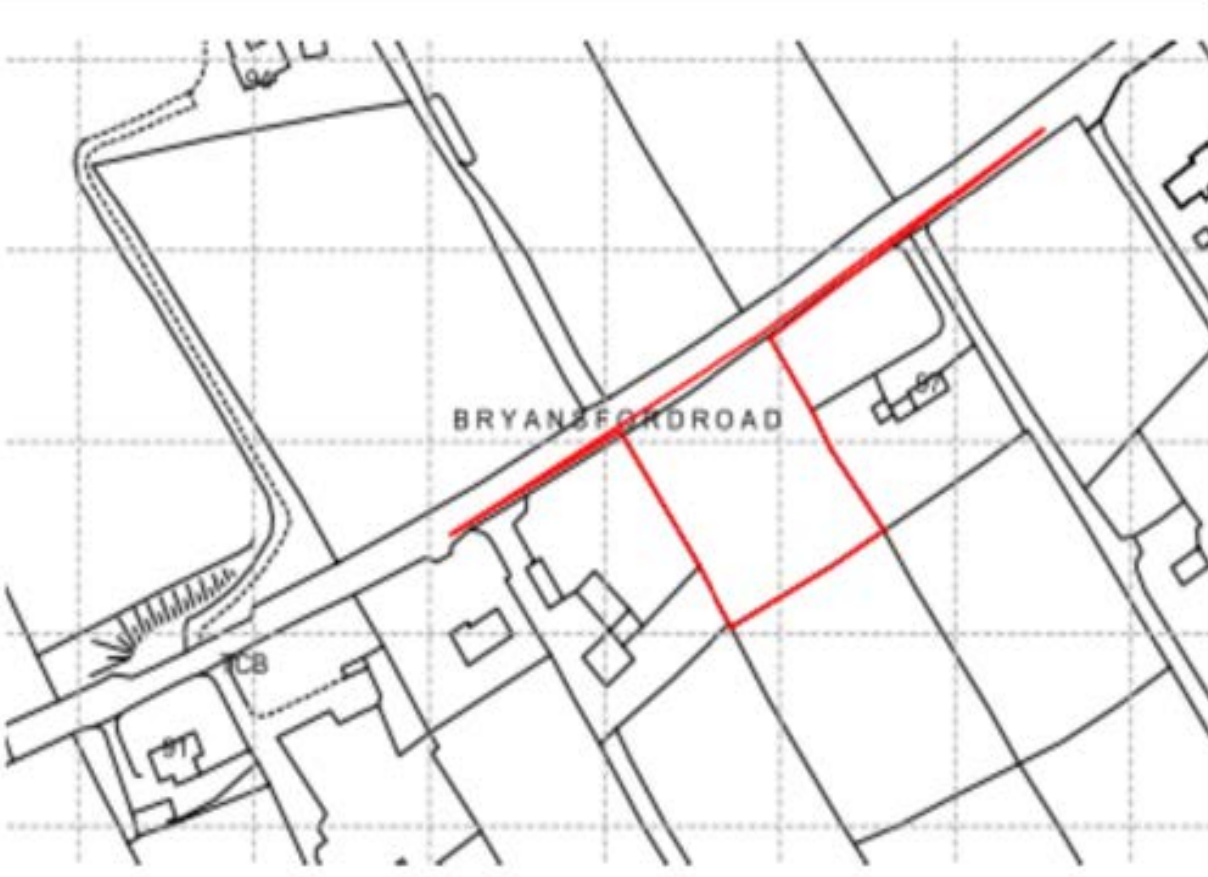
Barry Fletcher RIBA  
Architect  
27/11/2024



## Delegated Application

Development Management Officer Report	
<b>Case Officer:</b> Fionnuala Murray	
<b>Application ID:</b> LA07/2023/3491/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed New Infill Dwelling & Detached Garage In Accordance with CTY 8: PPS21 (Amended Plans)	<b>Location:</b> Adjacent to 97 Bryansford Road, Kilcoo
<b>Applicant Name and Address:</b> Johnny & Caoimhe Hogg 53 Cairn Grove Kilcoo Newry BT34 5FP	<b>Agent Name and Address:</b> Liam Milling 40 Corcreaghan Road Kilkeel Newry BT34 4SL
<b>Date of last Neighbour Notification:</b>	06.03.2024
<b>Date of last Neighbour Notification:</b>	21.03.2024
<b>Date of Press Advertisement:</b>	08.11.2023
<b>Date of Press Ad Expiry:</b>	22.11.2023
<b>ES Requested:</b> No	
<b>Consultations:</b>  <p><b>NI Water</b> was consulted in relation to the application and responded with no objections subject to relevant conditions – date of response 08.03.2024</p> <p><b>DFI Roads</b> was consulted and responded initially requesting additional information, which was submitted and upon re consultation DFI Roads responded with no objections subject to conditions.</p>	
<b>Representations:</b> <p>The application was advertised and neighbours notified as detailed above and to date one representation has been received that has not been recorded as an objection as it referred to matters outside of planning which was civil matters – the objection was anonymous and of no relevance to this application.</p>	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
<b>Summary of Issues:</b> There are no outstanding issues as a result of the publicity or consultation process.	



Site Visit Report
<b>Site Location Plan:</b>
 A site location plan map showing a grid of roads and land parcels. A road labeled 'BRYANSFORD ROAD' runs diagonally from the bottom-left towards the top-right. A specific area, bounded by a red line, is highlighted on the right side of the road. The map includes various symbols for buildings, hedges, and field boundaries. A dashed line indicates a boundary or path. The map is overlaid with a grid of dashed lines.
<b>Characteristics of the Site and Area</b>
<p>The site in question is an agricultural field located along the Bryansford Road within the Kilcoo area. The site sits elevated to the road and the lands rise gradually from roadside to the rear of the site. There is a mature hedge with trees along the frontage of the site and trees and field boundaries provide the boundary to either side of the site. The site is visible from various view points given its elevated position and open landscape to the front.</p> <p>The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015 and the site is within the Mourne Area of Outstanding Natural Beauty. No other constraints have been identified on the site in question.</p>
<b>Description of Proposal</b>
<p>Proposed New Infill Dwelling &amp; Detached Garage In Accordance with CTY 8; PPS21 (Amended Plans)</p>
<b>Planning Assessment of Policy and Other Material Considerations</b>

### PLANNING HISTORY

LA07/2023/2543/O - Proposed 2no infill dwellings and garages - Immediately SW of 99 Bryansford Road, Kilcoo – approval – 06.06.2023

R/2013/0511/O - Site for dwelling and garage - 40m North of 93 Bryansford Road Newry – approval – 15.01.2013

R/2010/0492/O – site for dwelling and garage - 40m North East of 93 Bryansford Road, Kilcoo, Newry – approval – 25.11.2010

### CONSIDERATION AND ASSESSMENT

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.

### CONSIDERATION OF CTY 1 AND CTY 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.

The site is located on lands adjacent to the dwelling known as 97 Bryansford Road, Kilcoo. 97 Bryansford Road does not have a road frontage as no part of the building or associated curtilage abuts the road. There is an outbuilding adjacent to the dwelling house and the agent believes this building sits outside the curtilage of the dwelling, in agricultural lands and on this basis does abut the public road however this would not be the view of the Planning Authority. The building (shown below) does not abut the road and is clearly associated with the residential dwelling and the complex is served by a separate lane that runs off Bryansford Road with the front boundary wall of no 97 travelling past the front of the agricultural building.



The dwellinghouse known as no 93 Bryansford Road has frontage to the road (the outbuildings in the field adjacent do not have frontage. No 97 Bryansford Road sits between these two buildings but as set out previously in this report does not have a frontage to the road therefore is not considered as part of this assessment.

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

It is noted that planning has been granted for 2 infill dwellings adjacent to no 99 Bryansford Road however a Reserved Matters application has not been received and there has been no commencement of works.

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.

#### Consideration of CTY 13 Integration and Design of Dwellings in the Countryside

CTY 13 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.**

Taking account of the site and the rising lands to the rear of the site and also taking account of the back drop to the rear of the site it is not considered that the development of this site would result in it becoming a prominent feature in the landscape. This aspect of policy has not been negatively impacted upon.

**(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.**

**(c) it relies primarily on the use of new landscaping for integration.**

The site in question can make use of existing boundaries on the site, there is sufficient planting to the sides and rear of the site that can be retained to provide screening and a back drop. Some planting to the front of the site will require removal to provide sight splays however this will be reinstated with a put back planting scheme that would be conditioned should the application be approved. The site will not rely on new planting to achieve integration.

**(d) ancillary works do not integrate with their surroundings.**

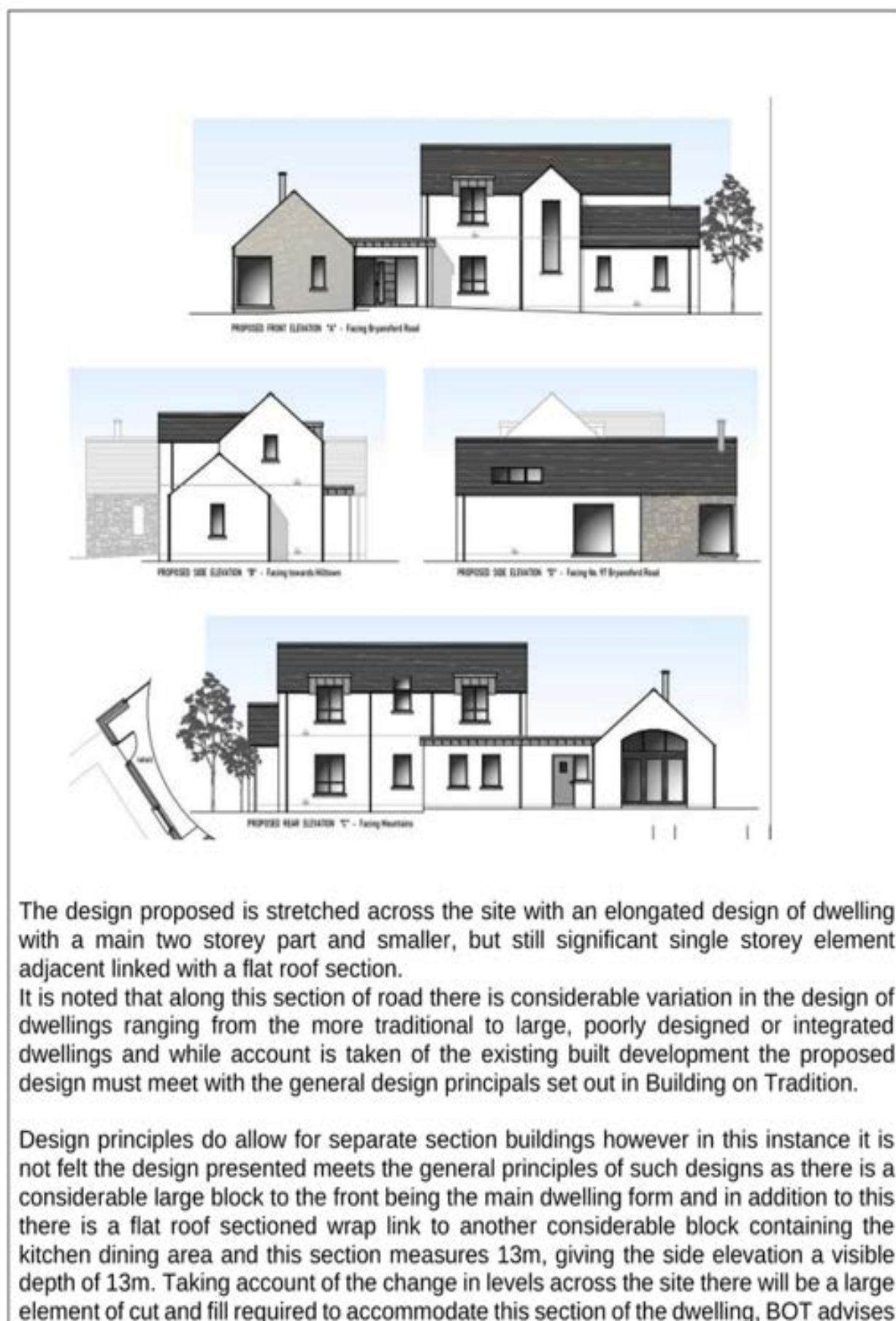
The proposed ancillary works will largely integrate into the surrounding landscape. the access is proposed to run along the existing boundary of the site, kept to one side of the site. The ancillary buildings are to the rear of the main building and services can be achieved without have any serious negative impacts on the landscape or the surroundings, as such the proposal is acceptable.

**(e) the design of the building is inappropriate for the site and its locality.**

The agent had been asked to address the design of the dwelling as it was not considered appropriate for the site or the locality given the rural location within the AoNB. Being the Mournes.

The agent did make some amendments to scheme however did not satisfactorily address the main design concerns of the development. The amended scheme is shown below and it is that which is considered.





against such sitings and design elements as they can become poorly integrated into the landscape.

The overall length of the dwelling is 21.3m and while it is broken up into a number of sections and wall heights the overall design is not considered in keeping with typical rural design, the front elevation has too many varying design elements including a large 2 storey front projection to house stairs and there are various window forms including a box wall dormer to the front of the dwelling.

The overall design is considered to be too elaborate and the design has not taken account of the highly visible nature of the site that rises the further back from the road one travels increasing the overall visibility. The site has not taken account of the rural and scenic area in which it is located and the overall dwelling of the design is not considered to meet with the rural design criteria.

**(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.**

In general terms the dwelling will blend into the existing landscape and while the site is set back on higher ground this would be the typical siting of dwellings along this section of road and there are additional lands to the rear of the site helping the building to not be prominent in the landscape. A suitably designed dwelling could integrate into the existing landscape.

**(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.**

This aspect of policy is not applicable as this is not an application for a dwelling on a farm.

#### Consideration of 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**

**(E) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.**

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 93 Bryansford. For this reason, the Council consider the proposal to be contrary to CTY 14 of PPS 21.

Consideration of PPS 2 Natural Heritage NH6 Areas of Outstanding Natural Beauty.

Policy NH6 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 all the following criteria 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.**

The siting of the dwelling largely meets with the overall siting and setting of buildings along this section of the road. The site can make use of existing planting to screen the site and this could be augmented to improve the capacity to provide integration.

- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape.**

In terms of man made features there are none within the immediate area that require any form of protection or that would be impacted upon as a result of the development of the site. In terms of the immediate siting there are no specific features to note that require protection or that would be impacted upon as a result of the works.

**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.

The general characteristics along this section of road are of two storey more traditional dwellings with narrow gable depths and modest proportions and simple front facades, there are of course exceptions to this but the dwellings that respect the character of the area are as such.

The proposed design is complicated through the use of deep returns and competing elements and within the design particularly on the front façade. It is not considered that the proposed dwelling utilises the best architectural styles and patterns within the surrounding area and the overall design and appearance of the building would add

nothing to the character of the AoNB and would detract from the overall appearance of the area.	
<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation</b>  As detailed in the report the proposal is not considered to meet with the relevant policy context and for the reasons outlined below the application is recommended as a refusal.	
<b>Reasons for Refusal:</b>  <ol style="list-style-type: none"> <li>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.</li> <li>2. The proposal is contrary the Strategic Planning Policy Statement (SPPS) and 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.</li> <li>3. The proposal is contrary the Strategic Planning Policy Statement (SPPS) and to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed the design of the building is inappropriate for the site and its locality.</li> <li>4. 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 along the Bryansford Road.</li> <li>5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Areas of Outstanding Natural Beauty in that the siting of the proposal is not sympathetic to the special character of the Mourne Area of Outstanding Natural Beauty by way of the unacceptable design and appearance of the dwelling.</li> </ol>	
<b>Case Officer Signature: Fionnuala Murray</b>	



Date: 25 October 2024	
Appointed Officer: A.McAlarney	Date:25 October 2024

The application being brought forward to the committee is for an infill dwelling and detached garage, in accordance with Policy CTY8.

The application has been recommended for refusal by the planning department as they consider that the dwelling and outbuilding at no. 97 do not have a frontage to the road, and that the out-buildings to the south west of the site do not have a frontage to the road. Moreover, the Department consider that the design of the dwelling to be unsympathetic to the area. We respectfully disagree with this assessment, for the reasons contained within this statement.

It is our assertion that the substantial and continuously built up comprises of no.97 Bryansford Road and its outbuilding to the north east and no.93 and the agricultural buildings to the south west.

The below images show the proposed site layout and how the gap site can accommodate the dwelling and garage. As indicated, the buildings either side of the gap site all have a frontage to the road.



In terms of no.97 and its outbuilding, the Committee will be familiar with these buildings, having accepted that they had a frontage onto the Bryansford Road back in May of this year. The area to the front of no.97 is the front vegetable garden associated with no.97. It formed part of the plot of no.97, therefore the dwelling shares a boundary with the road. In terms of the outbuilding, there are no features between the outbuilding and the road, therefore it has direct frontage to the road for the purposes of Policy CTY8.

It is our opinion that the Department are being unreasonable in this instance by not giving any weight to the planning history along the frontage, and the fact these buildings have already been accepted as having a frontage to the road. This is an inconsistent application of the policy, and unfair to the current applicant.





In terms of the buildings to the south west of the site, The Department have accepted that no.93 has a frontage to the road, however have not offered any justification in their report for discounting the agricultural out-buildings. To reiterate our previous point, as there are no physical features which obstruct the building having a direct frontage to the road, it therefore represents a buildings within the substantial and continuously built up frontage for the purposes of Policy CTY8. Buildings within agricultural field have long been accepted as having frontage to the road by both the PAC and the Department(LA07/2020/0988/O; 2016/A0082; 2018/A0183).The applicant is simply requesting the same application of Policy CTY8 as many other infill application approved by the Department.



The Department have not raised any concerns with regards to the size or width of the gap site. However, they have raised concerns with regards to the design and appearance of the proposal. While we do not dispute that the proposed dwelling is modern in appearance, a contemporary dwelling is not precluded by policy. The proposal is a modern interpretation of a traditional dwelling. The approach taken by the Architect is encouraged by published Design Guidance – Building on Tradition. This guidance promotes local modern design features, which sit comfortably in the landscape etc. This type of dwelling is a common feature in the modern countryside for example No.99 Bryansford Road and No.31 Bog Road. The Architect also forwarded numerous examples in the wider AONB. **The planning department accepted that the development would not be a prominent feature in the landscape, and that the dwelling integrates into the overall landscape.** Therefore, we respectfully consider that the proposed design of the dwelling would not harm the character of the area, or AONB therefore complies with the overall thrust of Policy CTY13 of PPS21 and Policy NHH6 of PSP6.

To conclude, The Applicants have a young family, and recently lost their home in Kilcoo due to the severe floods last year- where a retaining collapsed into their home. They have remained in temporary rented accommodation to date and now are faced being made homeless. Having considered many options, they decided to submit an application which would enable them to live close to home and raise their family at this location.

It is our assertion that the Department have not afforded appropriate weight to the planning history along the frontage, by discounting no.97 and its outbuilding from having a frontage to the road. The buildings have already been accepted as having frontage to the road, therefore this is an inconsistent approach taken by the Department. Moreover, the outbuildings to the south-east have a direct frontage onto the road.

The SCBUF therefore comprises of;

- no. 97 Bryansford Road and outbuildings,
- The gap site,
- no.93 Bryansford Road and outbuildings.



The design and appearance of the dwelling is not considered to offend the rural character. Examples of similar dwellings can be found in the area.

The application therefore complies with policy CTY 8, 13 and 14 of PPS21 and NH6 of PPS2.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/0411/O	Target Date:
Proposal: Infill dwelling & garage	Location: Lands between 69 & 73 Crawfordstown Road, Drumaness, Ballynahinch
Applicant Name and Address: Ryan Lawlor 71a Crawfordstown Road Drumaness Ballynahinch BT24 8LZ	Agent Name and Address: Colin McAuley 2 Millreagh Dundonald Belfast
Date of last Neighbour Notification:	10 October 2024
Date of Press Advertisement:	8 May 2024
ES Requested: No	
Consultations: yes – see report	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	



Site Visit Report	
<p><b>Site Location Plan:</b> The site is located at lands between 69 &amp; 73 Crawfordstown Road, Drumaness, Ballynahinch.</p>	
	
<p><b>Date of Site Visit:</b> 10<sup>th</sup> October 2024</p>	
<p><b>Characteristics of the Site and Area</b></p> <p>The site is a roadside plot which is located between No's 69 and 73 Crawfordstown Road. The site forms part of an area to the front of No 71 which comprises well maintained grassed area. An access laneway which serves No 71A runs through the site and the remaining portion contains a weeded area. The area to the rear of this portion contains trees with conifer and fir type trees. The lands beyond the red line to the NW are slightly lower than the roadside and the land gently falls in this direction. There is a well-maintained hedge along the frontage of this portion of the site and the access laneway which cuts through the site has a well-maintained hedge running along the eastern boundary, the remaining eastern boundary which runs up to the access laneway of No 71 is undefined. The remaining NW boundary is also undefined. There are two sets of pillars which define the separate access to both 71 and No 71A. The area is rural in character.</p>	
<p><b>Description of Proposal</b></p> <p>Infill dwelling &amp; garage</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>The application site is located outside the settlements in the open countryside within the Ards and Down Area Plan 2015.</p> <p>The following planning policies have been taken into account:</p> <p>Regional Development Strategy</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>	

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 15 Planning and Flood Risk

Planning Policy Statement 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Ards and Down Area Plan 2015.

Guidance

Building on Tradition

#### PLANNING HISTORY

Planning

Application Number: R/2013/0396/F

Decision: Permission Granted

Decision Date: 22 November 2013

Proposal: New access to no. 71a Crawfordstown Road (retrospective)

Location: 71a Crawfordstown Road, Ballynahinch

#### PLANNING HISTORY

Planning

No relevant history on the site.

#### **Consultations:**

NI Water – Statutory response – no objections

DFI Roads – No objections subject to RS1 form

DFI Rivers – No objections

#### **Objections & Representations**

In line with statutory requirements neighbours have been notified on 26.09.2024. The application was advertised in the Mourne Observer on 08.05.2024 (Expiry 22.05.2024).

No letters of objection or support have been received to date.

#### **Consideration and Assessment:**

Section 45 (1) of the planning Act 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, until such times as a Plan Strategy for the whole of the Council Area has been adopted. The LDP in this case is the Banbridge / Newry And Mourne Area Plan 2015.

It sets out the transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. 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. 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.

The SPPS states that in the case of infill/ribbon development provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage. This is less prescriptive than the content of PPS21 regarding infill dwellings, however, the SPPS states that the policy provisions of PPS21 will continue to operate until such time as a Plan Strategy for the whole of the Council area has been adopted. Policy CTY 1 of Planning Policy Statement 21 Identifies a range of types of development that are, in principle, considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted for an individual dwelling house in the countryside in the certain cases which are listed, the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8 is one such instance. Integration and design of buildings in the Countryside CTY 13 and Rural character CTY 14, and CTY 16 are also relevant.

### **Policy CTY8- Ribbon Development**

Planning permission will be refused for a building which creates or adds to a ribbon of development. An exception 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. For the purpose of this policy the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.



The agent considers that the site is such a gap site, falling within a substantial and continuously built-up frontage. For the purpose of the policy a line of 3 or more buildings along a frontage without accompanying development to the rear is required.

The site comprises an irregular shaped plot which fronts onto Crawfordstown road. Dwellings at No 73, No 69, 67 and 65 all have frontage to the road because the plots upon which they sit abut the road. The substantial and continuously built up frontage therefore comprises three or more buildings as specified in the policy, namely, the 4 detached dwellings as noted above. As per the high court judgement – Gordon Duff v Newry, Mourne and Down District Council [2022] (NIQB37) and the subsequent court of appeal judgement - Gordon Duff's Application (Re. Glassdrumman Road, Ballynahinch) [2024] NICA 42, Policy CTY8 refers to a small gap site within an otherwise substantial and continuously built-up frontage, that is to say, which is continuously built up (in line with the policy) but for a 'small gap site' which is under consideration for development.

On considering that Judicial Review (JR) as referred to above, the restrictive nature of Policy CTY8 was further reinforced. The Judge had noted that:

*"An exception to the prohibition against ribbon development can only be established if all of the conditions underpinning the exception are made out. Absent fulfilment of any of these conditions, the very closely defined exception cannot be made out. In construing and applying the exception, the decision-maker must bear in mind the inherently restrictive nature of the policy, the principal aim of which is to prevent the spread of ribbon development in rural areas".*

Paragraph 5.34 of the amplification text of Policy CTY8 states that "many frontages in the countryside have gaps between houses or other buildings that provide relief and visual breaks in the developed appearance of the locality and that help maintain rural character. The infilling of these gaps will therefore not be permitted except where it comprises the development of a small gap within an otherwise substantial and continuously built-up frontage. In considering in what circumstances two dwellings might be approved in such cases it will not be sufficient to simply show how two houses could be accommodated. Applicants must take full account of the existing pattern of development and produce a design solution to integrate the new buildings."

Paragraph 5.34 infers that for the purposes of the policy, the 'gap' is between buildings. The gap between the two dwellings is approximately 170 metres wide. In assessing whether that gap is 'small' and thus compliant with the policy, one must assess it in the context of the existing pattern of development along the frontage in terms of size, scale, siting and plot size. While consideration of an infill is not a mathematical exercise it does serve to inform the assessment of the proposal.



Therefore, in relation to No. 73, its plot size is approximately 0.2 hectares. The plot at No. 69 is around 0.1 hectares, with the plot size of No 67 is approx. 0.4ha and No 65 approx. 0.3ha. The plot size of the site would be around 0.3 hectares which, from the site inspection, would respect this aspect of the development pattern along the frontage.

Building on Tradition (BoT) states that where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill. It goes on to say that when a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots. The guidance states that a gap site can be infilled with one or two houses if the average frontage of the new plot equates to the average plot width in the existing ribbon. From the Crawfordstown Road, the plot width of No. 73 is approximately 98 metres, No. 69 is around 25 metres with No 67 is 43m and No 65 approx 45 metres. The average plot width is therefore some 53 metres. Factoring this in and given that the width of the gap is approximately 170 metres, the gap is more than twice the length of the average plot width at around 53 metres. Going by these figures the gap would be more than 3 times the average plot width and therefore cannot be considered as a 'small' gap.

Further to this, officers consider that while the proposed is located within a substantial and continuous built-up frontage (as identified above) the gap between Nos 73 and 69 provides a visual break from development and contributes to the rural character of the area.

The plot itself also is an odd arrangement in that the access for No 71a cuts right through part of the site, rendering the eastern portion of the site detached from the main portion of the plot. This eastern portion appears to align with No 71's garden and is maintained as lawn currently, this arrangement would also be at odds with the pattern of development along the Crawfordstown Road.

The other planning and environmental requirements under Policy CTY8 fall to be considered under Policy CTY13 which deals with the integration and design of buildings in the countryside and Policy CTY14 which addresses rural character.

#### Policy CTY 13 - Integration and Design of Buildings in the Countryside

CTY 13 requires to be considered as part of the assessment of the proposal. As the application is for outline permission, no specific details of house type or design have been submitted. Policy CTY 13 states that a new building will be unacceptable where it is considered a prominent feature in the landscape and where the site lacks long

established natural boundaries or is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

The area inside the red line takes in an area of land, which is outside the defined curtilage of any of the dwellings located to the NE. Officers note the site benefits from a belt of planting to the north, and existing planting to the NW of the site. No additional works would be required to provide the access arrangements, so the hedge to the immediate frontage would not be required to be removed or impacted for visibility splays. While it is noted that this planting is outside the red line there would still be a satisfactory backdrop for a dwelling of low elevation, which would allow for a satisfactory level of integration into the landscape. This is an outline application and design details are not available to assess at this stage. The proposal would comply with Policy CTY 13 subject to suitable conditions.

#### CTY 14 – Rural Character

Policy CTY 14 of PPS 21 'Rural Character' 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 an area. It sets out five circumstances where a new building would be unacceptable. Development of the site would be visually liked with the three adjacent buildings at No 69, 67 and 65 and would read as a ribbon of development from this aspect. Similarly, when travelling in both directions along Crawfordstown Road there would be an awareness of three buildings in a linear form in a row. In doing so it would conflict with criterion d of PPS 14 (read as a whole and the related provisions of the SPPS), which would cause a detrimental change to the rural character of the area.

CTY 16 – Development relying on non mains sewerage. There would be sufficient room within the land in red for a septic tank and soakaways. The grant of planning permission does not negate the need for a consent to discharge outside of the planning process.

#### **PPS 2 – Natural Heritage**

The proposal was accompanied by a biodiversity checklist. It is acknowledged that hedgerows are classed as priority habitats. Given that the access arrangement is already in place, the hedgerow along the frontage of the site would not be impacted by the development. The proposal is not therefore considered to offend protected species or priority habitats.

#### **PPS 3 – Access, Movement and Parking**

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 achieved within the site given that the access is already in place as it already serves property No 71a. Following consultation with DfI Roads, they have advised, there are no objections to the proposal subject to the RS1 form at Reserved matters stage.

With regard to parking, turning and manoeuvring of vehicles, it is considered that there is sufficient space within the red line, to ensure that 2 vehicles could adequately park and move in and out of the site.

It is considered that PPS 3 has therefore been complied with.

### **Conclusion**

For the reasons given above, the proposal fails to satisfy the requirements of Policies CTY 8, and 14 of PPS 21 and the related provisions of the SPPS. No overriding reasons have been presented to demonstrate how the proposal would be essential in the countryside, thus it is also contrary to Policy CTY 1 and the related provisions of the SPPS.

### **Recommendation:**

Refusal

### **Refusal Reasons:**

1. The proposal is contrary to Policy CTY 1 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 CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as the gap is not considered to be 'small' and its development would result in the loss of an important visual break, resulting in the addition of ribbon development along

Crawfordstown Road, which would, be a detrimental change to the rural character of the countryside.		
<b>Informative</b> The plan to which this refusal relates include: -site location plan 001		
Neighbour Notification Checked		Yes
Summary of Recommendation – Refusal as per the reasons given		
Case Officer Signature:	C Moane	Date: 30 October 2024
Appointed Officer:	A.McAlarney	Date: 01 November 2024



**Development Management Consideration**

**Details of Discussion:**

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

**Group decision:**

**D.M. Group Signatures**

**Date**

## Planning Committee Schedule of 4<sup>th</sup> December 2024

Planning reference: LA07/2024/0411/O

Proposal: Infill Dwelling & Garage

Applicant: Mr Ryan Lawlor

Location: Lands between 69 & 71 Crawfordstown Road, Drumaness.

Recommendation: Refusal

### Refusal Reasons:

1. The proposal is contrary to Policy CTY 1 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 CTY 8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling as the gap is not considered to be 'small' and its development would result in the loss of an important visual break, resulting in the addition of ribbon development along Crawfordstown Road, which would, be a detrimental change to the rural character of the countryside.

**Refusal Reason 1 Rebuttal.** The development of a small gap site within an otherwise substantial and continuous built up frontage in accordance with Policy CTY8 falls within the range of types of development which in principal are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. As such, this application is a small gap site which meets the policy criteria and is compliant with SPPS and Policy CTY1 of PPS21. It is not contrary to policy, rather it clearly meets the tests of Policy CTY1. The lands to the North West of the application site and as indicated on the Concept layout as "*potential second infill dwelling*" identifies the gap between No73 and No69 to be the infill opportunity for 2No dwellings of which this application is the first, thereby leaving the remaining gap as the second infill opportunity under policy CTY8. The gap site is between No69 and No73 and is a site capable of accommodating 2No dwellings, of which this proposal is one.

**Refusal Reason 2. Rebuttal.** The case officer states that No73, No69, No67, No65 all have frontages to the road as does the subject sites located between No73 & No69, the sizes of the plots of these dwellings vary from 0.13ha to 0.40ha generating an average of 0.27ha). The plot size of the subject site is 0.29ha and as affirmed in the officers' report, this would respect the established development pattern along the road frontage as required by Policy CTY8.

Building on Tradition (BoT) provides guidance that the average plot width of new infill sites should equate to the average plot width along the frontage. The average plot width along the frontage in this case is 52.7m while the application site (and the future second infill site) has an average plot width of 52.5m, almost identically matching the average plot width along the frontage. We therefore contend that the officer's calculation of 170m is incorrect and misleading in policy terms as both the proposed new infill dwellings have frontages which are almost identical to the average (52.5m against the average of 52.7m). The submitted concept plan clearly demonstrates that the average plot width (and plot size) is compliant with BoT guidance.

The officer states *“that while the proposed is located within a substantial and continuously built-up frontage (as identified above) the gap between Nos 73 and 69 provides a visual break from development and contributes to the rural character of the area.”* We strongly contend that is simply not the case as the gap site is identified as being compliant with the average plot width of the adjoining sites along the frontage and as such provides for a small gap which is capable of accommodating 2No dwellings with identical plot widths to the other dwellings in the frontage and as such does not provide a visual break, rather it indicates an acceptable gap site for 2No infill dwellings in accordance with BoT guidance and Policy CTY8.

The access arrangement does not render the eastern portion of the site detached from the rest of the site, rather these arrangements of utilising a shared vehicular access (within the family ownership) provides the proposed infill sites with long established mature boundaries along the road frontage which enhances the immediate integration of the proposed dwellings into the landscape as required by Policy CTY14. This arrangement allows the current infill dwelling (and the future infill site) to benefit from the long established mature roadside landscaping with no adverse impact on the biodiversity or rural character of the area.

#### **Policy CTY14**

Policy CTY 14 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 an area. We strongly contend that the existing gap site is capable of accommodating 2No dwellings, of which this is one.

If it is agreed that the infill proposal is compliant with the requirements of CTY8 and constitutes a suitable infill site, the proposal is also compliant with Policy CTY 14, as it sits in the context of a continuously built up frontage and does not therefore constitute ribbon development. It would not be out of keeping and would not be unduly prominent when read with the existing substantially built up road frontage. The proposed infill sites further benefit from retention of the long established roadside boundaries, thereby allowing the new development to integrate seamlessly with the established vegetation and planting.

**Other Agencies** The proposed site meets with other considerations by other consultees and agencies -PPS 3 DFI - Roads issued a RS1 form, indicating that the proposed dwelling intends to use the existing and established access and laneway to service the proposal and offers no objections, it is considered that there is sufficient land to accommodate parking, turning and manoeuvring.

**Natural Heritage** The proposal is not considered to offend protected species or priority habitats given that the access arrangement is already in place and the hedgerow along the frontage of the site would not be impacted by the development as it is set to rear of required visibility splays the second dwelling is also accessed from the existing access as detailed in the submitted concept plan which accompanies the application.

DFI Rivers – No Objections. Ni Water – No Objections.

**Conclusion** The proposed infill site complies with the requirements of Policy CTY8 as it constitutes a small gap site between No69 and No73 capable of accommodating 2No infill dwellings which have a plot width and plot size which is identical to the average plot with and size of the remaining dwellings within the significantly built up frontage as required by the policy. This being the case, the proposal cannot also be considered to be contrary to Policy CTY 14 as it does not constitute ribbon development and has no adverse impact on rural character.

**The applicant would respectfully ask the Committee to overturn the Officer’s recommendation and to grant Planning Approval.**





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

**Application Reference:** LA07/2023/2827/F

**Date Received:** 26/05/2023

**Proposal:** Erection of Dwelling.

**Location:** Lands immediately north west of no. 48 Maytown Road, Bessbrook.

**Site Characteristics & Area Characteristics:**

The application site is located outside any settlement limit as defined within the Banbridge / Newry and Mourne Area Plan 2015.

The site is set on the edge of the public road although the area for development is just back from the public road with a narrow entrance laneway leading from the public road to the main area of the site. The main area of the site is a small hardcore yard which at the time of inspection had a number of cars and a caravan parked within the yard. The site also contains a small steel container shed which appears to be used for general storage. The site also includes the area adjacent to the public road which includes a shed, aviary style structure and green house, this area is detached from the other portion of the site by a mature evergreen hedge. The site is well screened from views when travelling along the public road by mature vegetation, to the southeast of the site is No 48.

The site is located within a rural area of countryside, a number of other properties are located within the vicinity of the site.

**Site History:**

LA07/2023/2816/CLEUD - Existing use: Retention of building of temporary construction, area of hardstanding and access - Lands adjacent to 48 Maytown Road, Bessbrook – Permitted Development.

**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:**

NI Water – No objection.

DFI Roads – No objection subject to conditions.

#### **Objections & Representations:**

The application was advertised on 05/07/2023, four (4) neighbours were notified on 18/09/2023, no representations or objections have been received.

#### **Consideration and Assessment:**

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. The agent for the application submitted a supporting statement in which it states that the proposal should be considered against policies CTY 1 – Development in the Countryside and CTY 2a – New Dwelling in Existing Clusters, the statement and a follow up email provided by the agent provides justification as to how they consider the proposal to be in line with the requirements of CTY2.

CTY 1 sets out types of development that in principle are acceptable, consideration will be given to the proposal to ascertain if the proposal meets the policy requirements set out in CTY 2a.

#### **Policy CTY 2a – New Dwellings in Existing Clusters**

A cluster is not defined in Policy CTY2a but the first 3 criteria give an indication of the policies intended meaning. Planning permission will therefore be granted for a dwelling at an existing cluster of development provided *all* the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

It is considered that the cluster lies outside a farm, it is considered that the cluster consists of four or more buildings including properties and buildings to the south-east of the application site. The Council consider the cluster to include residential properties

No's 37, 38, 38a, 44 and 48 Maytown Road and the business at No 19 McClenaghans Hill, the steel container and aviary within the site are not considered to form part of the cluster, the steel container is seen as temporary and can be easily removed from the site.

- the cluster appears as a visual entity in the local landscape;

The cluster is considered to appear as a visual entity in the local landscape given that it is evident when travelling along the public roads associated with the cluster.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

Whilst there is no focal point at this location such a social/ community building or facility the site is located at a cross-roads formed by Maytown Road and McClenaghan's Hill with development on both roads included within the cluster.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The site is considered to provide a suitable degree of enclosure although it is not considered that the site is bounded on at least two sides with other development in the cluster.

The submitted site layout drawing shows what is annotated as a shed within the site and north west of the proposed dwelling. Although this shed was seen as permitted development under application LA07/2023/2816/CLEUD given the period of time it had been on the site the description was amended to reflect that it is of a temporary construction as it could be easily removed from the site. As such this shed (steel container) is not considered to represent a building in line with the intentions of this policy. The Planning Department considers that the outcome of the CLEUD application is a material consideration to this application however limited weight should be attached to it given the temporary nature of the container. This is further highlighted by the fact the CLEUD application description was amended during the processing of the application following a detailed site inspection.

It is also considered that the aviary is not a building under the intentions of this policy and as such does not bound the site.

The Planning Department consider that the site is bounded on just one side by development with No 48 to the south, the public road to the east (as per appeal 2017/A0151 a road does not constitute development as it is not a building and cannot therefore enclose the site in the same way a building would), to the west and to the north beyond the temporary structure is open countryside.

The agent was advised of the Planning Departments view in this regard and in a supporting email they stated, "The definition of 'development' as per Section 23(1) of the Planning (Northern Ireland) Act 2011 is "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land". We believe that the development that the applicant is relying on as part of their proposal fits with the definition of development as set out above".

While the above is the definition given within legislation, the application is being considered under regional Planning Policy. It is the Planning Departments opinion that at the time of writing the author would not have intended that the policy include structures of a temporary nature which could easily be removed from the site but was in reference to permanent structures with foundations. It is unimaginable that this type of structure/building would have been in the minds of the policy makers for the purposes of clustering and therefore to rely on it, would have significant implications for the operation of Policy CTY2a.

The proposal is considered to fail this criterion.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

The proposal will not create a rounding off and consolidation of the existing cluster but instead will further extend the cluster and visually intrude into the countryside. As previously stated the cluster is seen to end at No 48 as the steel container is considered temporary, as such the application site is not part of the cluster and the proposed development would extend the cluster into the open countryside. Within Building on Tradition page 71 sets out it is not acceptable to extend the extremities of a ribbon by creating new sites at each end, in essence, this proposal intends on extending the ribbon east of the defined cluster and would therefore be contrary to policy.

The proposal is considered to fail this criterion.

- development would not adversely impact on residential amenity.

It is considered that given the proposed single storey design along with the existing mature vegetation will ensure that the proposal does no adversely impact on the amenity of the adjacent property No 48.

The proposal is considered contrary to criterion 4 and 5 within policy CTY 2a and as such is not considered as an opportunity for a new dwelling in an existing cluster.

### **Policy CTY8 – Ribbon Development**

As the proposal is considered contrary to CTY2a it must also be considered against CTY8, this policy states that development will be refused for a building which creates or adds to a ribbon of development.

An exception 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.

For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The application site has properties to the south east but there are no properties to the north west as the temporary structure approved under the CLEUD lies within the application site and as such there is no gap. Also, the structure is not considered to have a frontage with the public road given the area that lies between the site and the public road. If, however, it was considered that the existing structure has a frontage this would not remove the fact that it sits within the application site and there are no other buildings adjacent and north west which front the public road.

The proposal is contrary to CTY8 as it fails to meet the provisions for an infill dwelling and would, if permitted, add to ribbon development along Maytown Road. Policy states that development set back can still represent ribbon development.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

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; or

The proposed dwelling is set back from the public road and screened from view it will not be a prominent feature.

(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

The site will use existing vegetation to allow the proposed dwelling to integrate.

(c) it relies primarily on the use of new landscaping for integration; or

The proposal makes use of existing vegetation to integrate.

(d) ancillary works do not integrate with their surroundings; or

The ancillary works such as parking already exist given the existing yard approved within the CLEUD, the access will require minimal improvements.

(e) the design of the building is inappropriate for the site and its locality; or

The proposed dwelling is a small single storey property which is quite traditional in appearance, the design is considered appropriate for the site and locality.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

The proposal makes use of existing vegetation to screen and aid integration.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

This application is not for a dwelling on a farm.



The proposal is in line with the requirements of CTY 13.

#### **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.

A new building will be unacceptable where:

(a) it is unduly prominent in the landscape; or

As previously stated the proposal will not be unduly prominent.

(b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or

The erection of a dwelling on this site which has an existing structure along with a number of dwellings to the south east would add to a suburban build-up of development when viewed with existing buildings, the proposal fails this criterion.

(c) it does not respect the traditional pattern of settlement exhibited in that area; or

The proposed dwelling is to have a similar building line to adjacent dwelling and along with being a single storey detached property it respects the traditional building pattern in the area.

(d) it creates or adds to a ribbon of development (see Policy CTY 8); or

As the proposal is considered to fail the tests of CTY8 as outlined above it will add to ribbon development along Maytown Road.

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

Any ancillary works will have a minimal impact and will not damage rural character.

The proposal is contrary to criteria b and d of CTY 14.

#### **PPS2 Natural Heritage**

The proposal will see limited vegetation removed with indication given that existing boundaries are to be retained and supplemented where necessary, it is considered that the proposal will not impact on the biodiversity of this area and as such is in line with PPS2.

#### **Access and Parking**

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable and in accordance with PPS3.

**Development relying on non-mains sewerage.**

Policy CTY 16 – The application would appear to comply 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.

## **Recommendation: Refusal**

### **Reasons for refusal:**

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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: the site does not provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster and the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and will visually intrude into the open countryside.
3. 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 it fails to meet the provisions for an infill dwelling and would, if permitted, add to ribbon development along Maytown Road and does not represent an exception of policy.
4. 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 be unduly prominent in the landscape
  - the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
  - the dwelling would, if permitted add to a ribbon of development;

and would therefore result in a detrimental change to further erode the rural character of the countryside.

**Case Officer:** Wayne Donaldson **Date:** 09/10/2024

**Authorised Officer:** Maria Fitzpatrick **Date:** 11/10/2024

**Application Reference: LA07/2023/2827/F**

**Proposal: Erection of Dwelling.**

**Location: Lands immediately north west of no. 48 Maytown Road, Bessbrook.**

1. Officers accept this proposal is located at a cluster of development in the countryside. The only concern with this application is that Policy CTY 2a of PPS 21 has one criterion that states a proposal should be bounded on at least two sides by other development in the cluster - officers express the view that the site must be bounded by "permanent buildings" despite the policy only using the word "development".
2. The site has a dwelling, garage and car sales yard to one side. To the other, the car sales yard has been extended and a general purpose building has been added. This building has been certified lawful and is now established in planning terms. It is part of the cluster for the purposes of Policy CTY 2a even if it is not a primary building within the cluster.
3. Officers feel the building should be disregarded, describing it as a temporary steel shed. In actual fact, it has been sited there permanently. It was constructed and assembled on the site. It falls within the statutory definition of a building and it falls within CTY 2a's ambit as it constitutes "development".
4. Essentially, officers argue the case for refusal on a mere technicality.
5. CTY 2a uses the words "development" and "buildings" in separate contexts. The words are not interchangeable within the Policy. Officers therefore were unjustified in assuming "bounding development" had to be a permanent building.
6. Planning legislation defines "the meaning of development". The applicant asserts that the lawful building falls within the meaning of development. Officers accept that, yet inexplicably argue that a building of temporary construction falls outside the Policy's thrust, irrationally arguing that planning legislation is irrelevant and stating that the application is not determined against legislation, but Policy. However, since the Policy does not define the word development, where else would one turn in order to decide what is meant by the term development? The everyday English meaning of the word development is even less ambiguous.
7. As per the judgement of *Tesco Stores V Dundee City Council (2012)*, planning authorities do not live in the world of humpty dumpty: they cannot make a planning policy mean what they would like it to mean. This means the policy has to be applied as it is written. There is simply no ambiguity.
8. This shed benefits from a Certificate of Lawfulness: LA07/2023/2816/CLEUD. Officers changed the description of that application to "Retention of building of temporary construction". Officers find the wording "temporary" to be significant, but the applicant did not contest the department's amendment to the description because the development was ultimately certified lawful, meaning he did not have to take it away. He did not get hung up on the department's unwarranted amendment to that description, because he felt it would have no consequences. He could not have predicted that the department would try and argue later that the building did not represent a form of development "for the purposes of a policy" at the same time recognising it falls within the statutory meaning of development.
9. Officers refer to "the steel container and aviary within the site". They consider these "are not considered to form part of the cluster", stating that "the steel container is seen as temporary and can be easily removed from the site". Even if it could be moved, it is certified lawful and cannot rationally be excluded from the cluster because it is not one of the main four buildings in the cluster. Further, officers describe the structure as a container but the photographs attached show otherwise.
10. The site has been developed already: it is partially hard cored and has various structures within its boundaries.
11. The Council has applied the wrong policy test in this instance. It has introduced a requirement that does not exist, and has attached a meaning to the word "development" that the policy is not

capable of bearing. This amounts to an error of law and the decision will not stand in the event of a future challenge because the Council has failed to properly apply the Policy as it is actually written.

12. In a cluster, while the first four buildings cannot include ancillary buildings such as garages and open-sides structures, that does not suggest that the wider cluster itself can not take account of such buildings (once the minimum number of dwellings / main buildings has been identified).
13. The critical part of the policy does not require proposals to be bounded on at least two sides by other permanent buildings: the policy simply says that a proposal should be bounded by other development within the cluster.
14. Officers take a stricter approach than that which is laid out in Policy. Even if one were to assume they are right to delve into this issue, we would point to the case of 2022/A0079, wherein an appellant argued that a road or lane bounding a site represented "development" for the purposes of criterion 4. The PAC concluded that the policy refers to three-dimensional buildings – not a "road" or lane as had been argued by that appellant. So, even adopting this stricter approach taken in one appeal this applicant easily surpasses: it would be irrational to exclude a three dimensional building that has been certified lawful.
15. Whether or not a building is temporary or permanent could be relevant only when assessing whether the cluster has the requisite number of dwellings in the first instance and the reason for that is to ensure that dwellings with large numbers of outbuildings cannot be regarded as focal within a cluster, but clearly all such buildings form part of a cluster.
16. In describing the site, officers record that to the north beyond the temporary structure is open countryside. This confirms that the open countryside begins BEYOND the temporary structure. In turn, this confirms that the proposal is not sited in the "open" countryside. It also confirms that the proposal is not extending a ribbon of development, although it is consolidating it.
17. In summary, officers have conceded that the structure the applicant relies on does not lie within the open countryside and have conceded that it falls within the statutory definition of development. They have also granted it a Certificate of Lawfulness, meaning that the applicant is entitled to keep it sited here permanently and is under no obligation to remove it. One must then ask: why would the applicant remove it? Why would he have Certified it lawful only to remove it later? It is not a mere container, as officers believed. Officers did not access the interior of the building when they certified it. They therefore would not have noticed the steel frame of the shed and would not have been able to tell it was not a container.
18. In CTY 8, when considering infill proposals, one is required to site between existing buildings, but the Policy for clusters is different – here it is development that is being consolidated. Since there is already a cluster of development, nucleated at a focal point, the policy writers did not need to be prescriptive in terms of what a site must be bounded by.
19. We respectfully request Members to apply their own judgement and ask themselves if it is appropriate to refuse this application just in case the policy might not actually mean what it states. We suggest that would be irrational and excessive. The issue came up last year in a case at Tullydonnell Road, Silverbridge (LA07/2023/2125/O) and it is unfortunate that it is coming up again today despite the policy being crystal clear and unequivocal in providing precisely for this type of development.
20. We thank you for your time and invite any questions.





## ADVANCE NOTICE OF LISTING

Chief Executive  
Newry Mourne and Down District Council  
Newry Office  
Monaghan Row  
Newry  
BT35 8DJ

Historic Environment Division  
Heritage Buildings Designation  
Branch  
7<sup>th</sup> Floor  
Causeway Exchange  
1-7 Bedford Street  
Belfast  
BT2 7EG  
Direct Tel No: 0289056 9281  
Email:  
HED.secondsurvey@communiti  
es-ni.gov.uk

Our Ref: HB16/22/047

Date: 15 November 2024

Dear Sir/Madam

**RE: Slaughterhouse, SE of 35 Main Street, Bessbrook, Co.Armagh.**

## LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

At present, the listing of the above-mentioned property is being considered under section 80(1) of the Planning Act (Northern Ireland) 2011.

I would welcome receipt of the views of your Council on the proposed Listing within 6 weeks of the date of this Letter. *If there is no reply to this correspondence within the stated timescale we shall assume that you agree to the listing of the above building. Where this letter refers to building(s), this term includes all types of structures.*

I enclose a copy of the Second Survey Report and location map of the building(s) for your information.

I would advise that there is no right of appeal against listing. However, an owner or occupier can write to the Department or their local Council at any time, if they consider that the building is not of special architectural or historic interest sufficient to justify its listing. Where the owner, or council acting on their behalf, is indicating that it will be supportive of any opposition to the proposed listing, then any such view must be supported by factual evidence relating only to the *special architectural or historic interest* ascribed to the building in the list description. The Department may then reassess the building's merit in light of the information supplied.

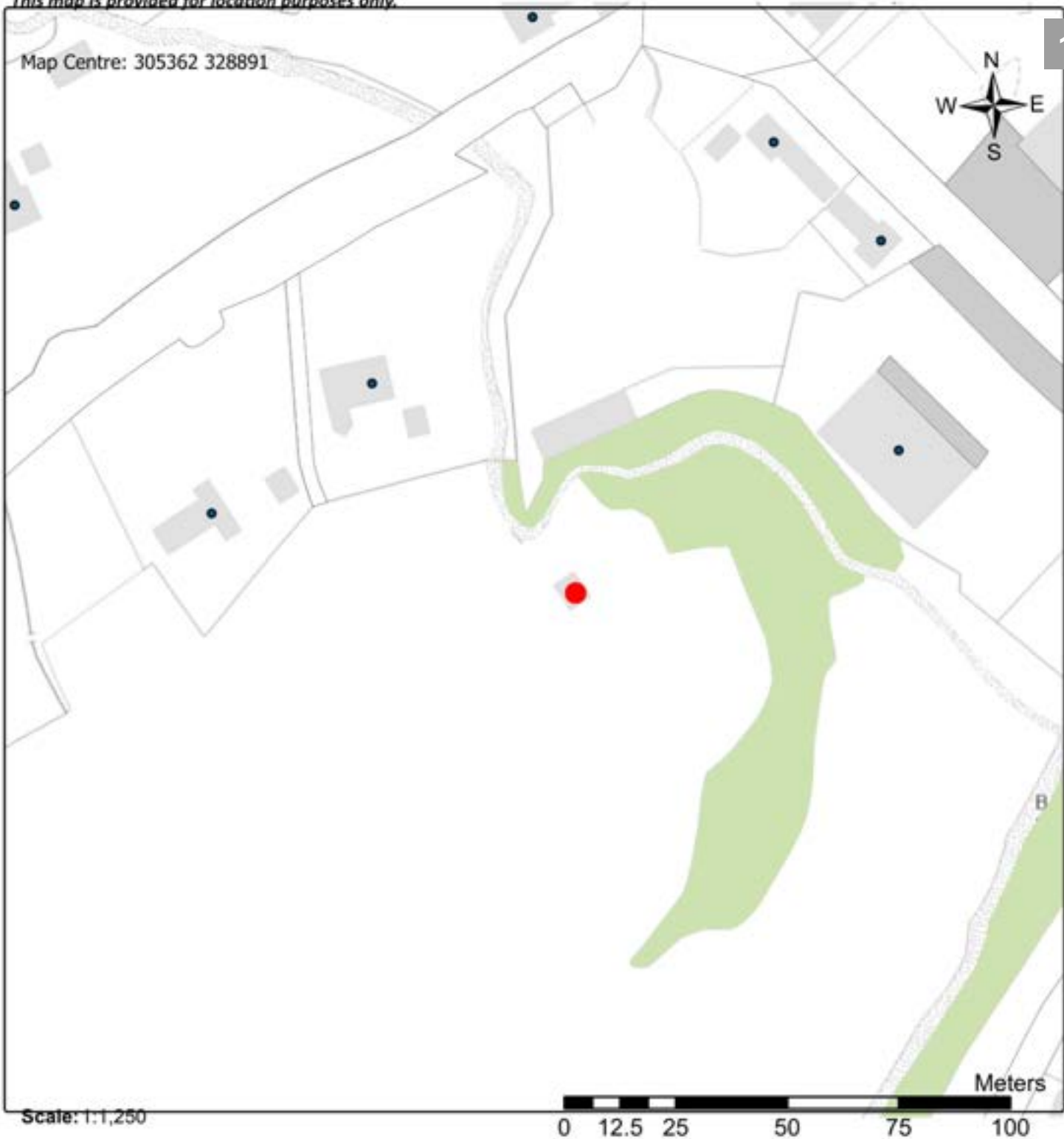
Yours faithfully

Sharleen Fleming

**SHARLEEN FLEMING**

Enc: Second Survey DC Report  
Location Map

*This map is provided for location purposes only.*



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**Location Map**

**HB Ref:** HB16/22/047

**Address:** Slaughter House SE of 35 Main Street Bessbrook Co.Armagh



Department for  
**Communities**  
[www.communities-ni.gov.uk](http://www.communities-ni.gov.uk)

An Roinn  
**Pobal**

Deapirtment fur  
**Commonities**

## Second Survey Database District Council Consultation Report

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<b>Address</b> Slaughter House SE of 35 Main Street Bessbrook Co.Armagh BT35 7DJ	<b>HB Ref No</b> HB16/22/047
<b>Extent of Listing</b> Former Slaughterhouse	
<b>Date of Construction</b> 1860 - 1879	
<b>Townland</b> Maytown	
<b>Current Building Use</b> Outbuildings	
<b>Principal Former Use</b> Outbuildings	

<b>Conservation Area</b>	No	<b>Survey 1</b>	Not_Listed	<b>OS Map No</b>	252/13
<b>Industrial Archaeology</b>		<b>NIEA Evaluation</b>	B2	<b>IG Ref</b>	J0537 2888
<b>Vernacular</b>	Yes	<b>Date of Listing</b>		<b>IHR No</b>	
<b>Thatched</b>	No	<b>Date of Delisting</b>		<b>SMR No</b>	
<b>Monument</b>	No			<b>HGI Ref</b>	
<b>Area of Townscape Character</b>	No				
<b>Local Landscape Policy Area</b>	Yes				
<b>Historic Gardens Inventory</b>	No				
<b>Vacant</b>	Yes				
<b>Derelict</b>	No				

**Owner Category**

### Building Information

#### Exterior Description and Setting

Southwest facing, asymmetrically fronted, two bay, single storey outbuilding, constructed between 1861 (2nd edition OS map) and 1895 (large-scale OS map) on lands that formed part of the "model village", Bessbrook, founded and owned by John G Richardson.

Pitched natural slate roof with black clay ridge tiles having flush verge and flush mounted wooden soffit board, affixed to which is metal half round gutter with no evidence of down pipes. Lime washed rubble stone walls with large window aperture to left hand side, defined with lime washed brick quoins to sides, soldier course to top and having stone cill. Aperture sheeted with vertical corrugated sheet fronted with vertical grills, painted black. To right hand side full height arched opening with horizontal, painted "I"



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beam at base of arch and below which are hung a pair of hinged, vertically sheeted painted timber doors. Arch contains open fanlight style painted wrought iron ensemble recessed to align with doors below. Outer corners of front elevation defined with intermittent sections of limewashed brick quoins, interspersed with rubble cornerstones. No evidence of defined plinth base to wall.

Rear elevation consists of roof as described above with limewashed blank rubblestone wall and flush bleached timber soffit. No evidence of rainwater goods. Both gables having flush verges, limewashed rubble walls with each having single high level open ventilation slit near apex of roof, defined with flush stone heads and cill and with evidence of limewashed brick quoins to either side of opening.

### Setting:

Having a plain but distinctive style, the slaughterhouse is positioned northwest of the Bessbrook River, in an isolated mature site within a network of fields, interspersed with stands of trees. Its remote location, devoid of both vehicular or pedestrian access, helps define and enhance the appeal of its rural agrarian setting.

### External Finishes

Roofing: Natural slate,  
Walling: Limewashed rubble stone  
Windows: Painted timber sheet doors and frame, wrought iron grilles  
RWG: Metal, half round guttering to front elevation only. No downpipes.

### Interior Overview

Interior layout largely unchanged. Detailing largely intact.

### Architects

### Historical Information

The current building was constructed between 1861 (2nd edition OS map) and 1895 (large-scale OS map) as a slaughterhouse on lands adjacent to the Bessbrook River and a short distance away from a mill pond formerly associated with the linen industry in Bessbrook. The former slaughterhouse was constructed at a distance from other buildings and is, unusually, not identified in valuation records. The building is located within village estates leased and then owned from the mid-19th century by John G Richardson, the founder of Bessbrook, who developed the settlement as a 'model village' centred around his linen enterprise.

A newspaper article of August 1894 suggests that the slaughterhouse was in general use by residents of the village as a location where they could bring cattle for slaughter. According to one of the current owners, the slaughterhouse has been owned for some years by the Black family and prior to that was the property of the King family, although the land on which it is located was leased from the Richardson family until recent times.

The occasional survival of such buildings within the outbuildings/farmyards of larger estates, suggests that a slaughterhouse may once have been a common feature of larger farms and demesnes in rural areas. However, very few are known to have survived, possibly because their identifying features have been lost or because they are vulnerable to adaptation for other purposes. A slaughterhouse (HB18/18/075) lying on the outskirts of the Castle Ward demesne among other estate buildings has been remodelled for visitor use and shows no recognisable features of its former function externally. Outbuildings at Castle Coole and Springhill also once included slaughterhouses.

Although the slaughter of animals in rural areas was likely informal and generally unregulated, slaughterhouses in urban areas were subject to greater scrutiny. Prior to the widespread establishment of public abattoirs, urban slaughterhouses were often found in association with butcher's shops, the animals being slaughtered in the yard or other buildings behind the shop, or alternatively were separate premises used by a number of customers, sometimes renting the building in common. However, slaughterhouses were historically considered to be sources of disease and liable to cause a 'nuisance' due to the smell and blood, offal and manure associated with them. From the mid-19th century, private slaughterhouses within town boundaries, came under increasingly tight legislative control under the

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Towns Improvement (Ireland) Act (1854) and successive Public Health Acts. Measures included the requirement for slaughterhouses to seek a licence and to submit to regular inspections. The introduction of this system was only partially successful and the unlicensed slaughter of animals continued in urban areas, alongside licensed slaughterhouses.

As Irish towns grew in size and population density the presence of slaughterhouses in central locations was seen as increasingly unacceptable and butchers in Armagh and Lurgan began to slaughter in the country beyond the regulatory reach of town authorities, bringing the carcasses back into town to be sold. By the 1880s, public abattoirs (the term generally used for larger-scale public slaughterhouses) had begun to be constructed in Scotland and England in order to bring animal slaughter under tighter control, and similar establishments were being proposed in the market towns of county Armagh. As well as the desire to prevent unfit meat from being sold for human consumption, concerns had also begun to build about the welfare of animals and the need for humane slaughter. Despite general agreement that public abattoirs were required, little progress was made towards building them outside Belfast and Londonderry. Newry was the first town in the Armagh/South Down area to have a public abattoir, located in a converted railway goods shed on the outskirts of the town and completed in 1896, but Lurgan and Armagh do not appear to have had public abattoirs until c1940 and Portadown Council did not agree to build a public abattoir until 1953. Private slaughterhouses therefore remained predominant in the north of Ireland during the late 19th and early 20th centuries.

The current slaughterhouse is freestanding (i.e. not associated with other structures) and is located in a secluded area, away from the main residential areas of Bessbrook village. There is also immediate access to a freshwater supply from the nearby river, which would have facilitated cleaning out of the premises. Ventilation is provided by the open fanlight with metal bars, the barred window and the openings in the gables. Otter's research on the development of abattoirs in Britain, demonstrates that barn doors with open transom lights fitted with metal bars were characteristic features of some private slaughterhouses in the late Victorian/Edwardian period, suggesting that ventilation was a concern for this type of building. The current building also features two substantial non-structural beams at the SE end for hanging carcasses and a stall, trough, drainage channel and tiled floor. A blocked up doorway on the SE elevation may have provided a means of escape from restless cattle.

The slaughterhouse may have been a facility provided for general use by the Richardsons and may also have been used by the Richardson's dairy business which had been established by the late 1860s and was centred on the farmyard buildings located in Fountain Street less than half a mile away. J G Richardson established a dairy farm in order to provide his workers with milk to drink, motivated by his temperance principles and also by a desire to provide more employment for men, women being the main workers in the mill. Although slaughterhouses would often have been included within the yard of a farm or estate, the isolated location of the current building may indicate a concern, of the Richardson family, or others to keep the noise, 'nuisance' and potential disease away from the heart of the village. The fact that the building does not appear in 19th and early 20th century valuation records may indicate that the slaughterhouse had escaped official scrutiny, including the sanitary inspectors of Newry No 2 Rural Council, but the absence from the lists could equally be as the result of human error. The slaughterhouse has not been used as such since around the mid-20th century.

The present slaughterhouse is a rare survival, retaining recognisable features internally and externally relating to its former function, of a vernacular building type that was likely once much more common in both rural and urban areas.

### Primary Sources

1. PRONI OS/6/2/26/1 – First Edition Ordnance Survey Map (1834-35)
2. PRONI OS/6/2/26/2 – Second Edition Ordnance Survey Map (1861)
3. Newry Telegraph, 9th August 1894
4. Lurgan Times, 7th July 1900
5. Lurgan Mail, 8th September 1900
6. PRONI OS/6/2/26/3 – Third Edition Ordnance Survey Map (1906)
7. PRONI OS/6/2/26/4 – Fourth Edition Ordnance Survey Map (1956)
8. PRONI VAL/12/B/15/22A-F – Annual Revisions (1866-1929)
9. Large scale Ordnance Survey maps 1895, 1896, 1906, 1956, 1971, 1989, 1992  
([www.centremapslive.co.uk](http://www.centremapslive.co.uk))

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### Secondary Sources:

1. Bessbrook: The Model Village 1845-1995 (Anniversary Publication)
2. Harrison, R. S. (2008) The Richardsons of Bessbrook: Ulster Quakers in the Linen Industry (1845-1921) Dublin: Original Writing
3. Otter, C (2008) Civilizing Slaughter: The development of the British public abattoir, 1850-1910 in Lee, Paula Young ed. Meat, modernity and the rise of the slaughterhouse. New Hampshire: University of New Hampshire Press
4. Owner information
5. Register of Parks, Gardens and Demesne of Special Historic Interest in Northern Ireland (Revised Nov 2020, HED)

### Criteria for Listing

NB: In March 2011, revised criteria were published as Annex C of Planning Policy Statement 6. These added extra criteria with the aim of improving clarity in regard to the Department's explanation of historic interest. For records evaluated in advance of this, therefore, not all of these criteria would have been considered. The criteria used prior to 2011 are published on the Department's website under 'listing criteria'.

#### Architectural Interest

A. Style  
B. Proportion  
D. Plan Form  
I. Quality and survival of Interior  
J. Setting

#### Historical Interest

R. Age  
S. Authenticity  
Y. Social, Cultural or Economic Importance  
Z. Rarity  
X. Local Interest

### Evaluation

The slaughterhouse may have been a facility provided for general use by the Richardson family then synonymous with the development of the model village of Bessbrook and may also have been used by the Richardson's dairy business which had been established by the late 1860s and was centred on the farmyard buildings located in Fountain Street less than half a mile away. J G Richardson established a dairy farm in order to provide his workers with milk to drink, motivated by his temperance principles and also by a desire to provide more employment for men, women being the main workers in the mill. Although slaughterhouses would often have been included within the yard of a farm or estate, the isolated location of the current building may indicate a concern, of the Richardson family, or others to keep the noise, 'nuisance' and potential disease away from the heart of the village.

The present slaughterhouse is a rare survival in an isolated rural setting, retaining recognisable features internally and externally relating to its former function, of a vernacular building type that was likely once much more common in both rural and urban areas. The diminutive building in plain but distinct style is enhanced by its mature rural agrarian setting. The building is relict of a bygone activity that once made a major contribution to the social and economic wellbeing of the local community.

### Replacements and Alterations

If inappropriate, Why?

### General Comments

### Monitoring Notes – since Date of Survey

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<b>Date of Survey</b>	20/09/2024
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**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
<b>PLANNING COMMITTEE MEETING 29 JUNE 2022</b>					
LA07/2019/0868/F	Proposed commercial unit comprising creche and associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	M Fitzpatrick	<b>Readvertisement Aug 24 following amended proposal description. Under consideration.</b>	N
<b>PLANNING COMMITTEE MEETING 26 JULY 2023</b>					
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	<b>Planning Application being held to enable applicant to be amended to social housing provider</b>  <b>Agent contacted to advise if application to be amended as notified.</b>	N
<b>PLANNING COMMITTEE MEETING 13 DECEMBER 2023</b>					
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Belleek, Newry - Erection of petrol filling station with ancillary retail element, car	Defer for further legal clarification; to allow applicant to submit new information	M Fitzpatrick	<b>Deferred for further legal clarification; to allow applicant to submit new</b>	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	parking, rear storage and all associated site and access works	relating to retail and for a site visit.		information relating to retail and for a site visit. Agent contacted to advise retail info received and under consideration.	
<b>PLANNING COMMITTEE MEETING</b> <b>7 FEBRUARY 2024</b>					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castlewellan - 2no. infill dwellings and garages	Deferred – to allow applicants to submit amendments	A McAlarney	In progress	N
<b>PLANNING COMMITTEE MEETING</b> <b>10 JULY 2024</b>					
LA07/2022/1777/F	75m SE of no. 169 Longfield Road Forkhill Newry - Erection of 2 agri sheds for the storage of machinery and animal feed. Provision of a hardstanding and underground wash water tank to facilitate washing agri machinery. Underground tank to be a precast concrete tank constructed and installed as	Deferred for site visit	M Fitzpatrick	Deferred for a site visit.  Assessment of amended information on-going.	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	per NAP requirements				
<b>PLANNING COMMITTEE MEETING</b> <b>2 OCTOBER 2024</b>					
LA07/2023/2274/F	Abbey Way Car Park, Abbey Way, Newry - Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.	Deferred to consider late submission	M Keane		N
LA07/2023/2193/F	1 Town Hall, Bank Parade, Newry - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar Island, portion of Needham bridge.	Deferred to consider late submission	P Manley		N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	portion of East side of Newry Canal, area around Bank Parade and Kildare Street				
LA07/2023/2213/L BC	1 Town Hall, Bank Parade, Newry - Proposed new four-storey theatre & conference centre extension to the Town Hall. Construction of atrium connecting theatre extension with town Hall. Demolition of the Sean Hollywood Arts Centre and No. 2 Bank Parade. Alterations and refurbishment of Town Hall. Public Realm proposals to portion of Sugar Island, portion of Needham bridge, portion of East side of Newry Canal, area around Bank Parade and Kildare Street	Deferred to consider late submission	P Manley		N
<b>PLANNING COMMITTEE MEETING 6 NOVEMBER 2024</b>					
LA07/2023/2507/O	40m SW of no, 58 Kiltybane Road Newry - New dwelling and garage on a farm	Deferred for a site visit	M Fitzpatrick		N
LA07/2023/2457/O	40m of 66 Silverbridge Road, Silverbridge Newry -	Deferred for a site visit	M Fitzpatrick		N



Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	Infill dwelling and detached garage under CTY8				
LA07/2023/3370/O	To the rear of 44 Bavan Road, Mayobridge,BT34 2HS - Infill dwelling and garage	Deferred for a site visit	M Keane		N
LA07/2024/0470/F	4 Cargagh Road Annacloy, Downpatrick, BT30 9AG - Retention of existing granny flat with single storey flatroof extension to side	Deferred as per operating protocol until enforcement issue is resolved.	A McAlarney		N
LA07/2023/2376/O	60m SW of 131 Derryboy Road, Crossgar - Proposed dwelling on a farm under Policy CTY10 of PPS21	Deferred for a site visit	A McAlarney		N