



February 26th, 2025

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 5th March 2025** 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 C King

Councillor M Larkin

Councillor D McAteer

Councillor S Murphy

Councillor A Quinn

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 6 - Cllrs Campbell, Feehan, Hanna, King, McAteer, D Murphy, S Murphy & Tinnelly attended a site visit on 17 February 2025

Item 7 - Cllrs Campbell, Feehan, Hanna, King, Larkin, McAteer, D Murphy, S Murphy & Tinnelly attended a site visit on 17 February 2025

4.0 Minutes of Planning Committee held on 5 February 2025

For Approval

 *Planning Committee Minutes 2025-02-05.pdf*

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

For Decision

 *Addendum list - 05-03-2025.pdf*

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

6.0 LA07/2023/2514/F - 26 Station Road, Newry, BT35 8JH - Proposed replacement dwelling with original dwelling retained for ancillary domestic storage, gym and home office

REFUSAL

On agenda as a result of the call in process.

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

Cllrs Cllrs Campbell, Feehan, Hanna, King, Larkin, McAteer, D Murphy, S Murphy & Tinnelly attended a site visit on 17 February 2025

 *LA07.2023.2514.F - Case Officer Report.pdf*

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7.0 LA07/2024/0066/F - 100m South of 57 Wateresk Road,

Maghera, Castlewellan - 2 storey dwelling and garage

For Decision


REFUSAL

On agenda as a result of the call in process.

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

Cllrs Campbell, Feehan, Hanna, King, McAteer, D Murphy, S Murphy & Tinnelly attended a site visit on 17 February 2025

Declan Rooney will be present to answer any questions Members may have.

 **LA07.2024.0066.F - Case Officer Report.pdf**

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Development Management - Planning Applications for determination

- 8.0 LA07/2021/1089/F - Lands immediately north of Nos. 36, 38, 64, 66 and 84 Fifth Avenue; west and north west of Nos. 29-35 Third Avenue and east of Craigmore Way, Newry - Proposed residential development comprising of 44No. dwellings including 16No. detached and 28No. semi-detached units; garages; sunrooms; open space; car parking; landscaping and all associated site and access works.**

For Decision

APPROVAL

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

 **LA07-2021-1089-F - Case Officer Report.pdf**


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- 9.0 LA07/2024/1059/F -Lands to immediate north of 6-16 English Street and immediately south of 1-5 Church Avenue, Downpatrick, - Public realm improvements to include new pavement surfacing, comprising granite paving with natural stone kerbs, new stone walls with timber wall seating; new street lighting and feature lighting columns; relocation of existing heritage lighting columns, new street furniture; retention of the existing fingerpost sign; new decorative planting and trees; and all associated works**

For Decision

APPROVAL

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

 [LA07-2024-1059-F Case Officer Report.pdf](#)

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- 10.0 LA07/2024/1060/F - Lands adjacent to 1-71 Church Street, including junction at Church Street/ Saul Way, Downpatrick - Public realm improvements to include new footpath surfacing, comprising granite paving with natural stone kerbs; tactile paving for pedestrian crossings; replacement traffic signals at Saul Way; new asphalt surfacing to vehicle entries; new street furniture planters; new street trees; new street lights; and all associated works**

For Decision

APPROVAL

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

 [LA07-2024-1060-F Case Officer Report.pdf](#)

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- 11.0 LA07/2022/0284/F - Lands immediately west of nos. 1 5 and 7 Forest Hills extending north-westwards to Old Warrenpoint Road and its junctions with Warrenpoint Road and Forest Hills estate road, Newry - Demolition of existing buildings and erection of a residential development consisting of 15 no. apartments (3 no. two storey blocks of 4 no. x 2 no. bedroom apartment and 1no. storey and half block of 3 no. x 2no. bedroom apartments) and all associated site works, with vehicular access from Forest Hills**

For Decision


APPROVAL

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

Speaking rights have been requested by Michael Graham, supported by Colin Dalton, Ola Jaroszevska, and Damien Rafferty.

 [LA07-2022-0284-F Case Officer Report.pdf](#)

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 [11. LA07.2022.0284.F - support.pdf](#)

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12.0 LA07/2023/3256/F - 105 Harbour Road, Kilkeel, BT34 4AT - Proposed erection of 2no. semi detached dwellings to replace existing dwelling and associated works

For Decision

APPROVAL

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

 [LA07.2023.3256.F Case Officer Report.pdf](#)

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13.0 LA07/2023/3647/F - Adjacent to and north of 9 Station Road, Jonesborough BT35 8JH - Detached dwelling and garage under PPS21/CTY 8

For Decision


REFUSAL

On agenda as a result of the Call-in Process

Speaking rights have been requested by Mr Barney Dinsmore in support of the application.

 [LA07-2023-3647-F Case Officer Report.pdf](#)

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 [13. LA07.2023.3647.F - support.pdf](#)

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14.0 LA07/2023/3476/O - Lands between 12 and 20 (on private lane) off Raleagh Road, Crossgar - Proposed infill for 2 dwellings, garages and associated site works

For Decision

REFUSAL

On agenda as a result of the Call-in Process

 [LA07-2023-3476-O Case Officer Report.pdf](#)

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15.0 LA07/2023/3221/F - Approx 500m SE of 22 Hilltown Road, Fofannyreagh, Hilltown - Replacement of existing turbine as approved under LA07/2015/0378/F with a Vestas V47 Wind Turbine with the same 40m Tower Height and new rotor diameter of 47m and 250Kw output.

For Decision


REFUSAL

On agenda as a result of the Call-in Process

Speaking rights have been requested by Mr Thomas Bell and Mr Seamus Murray in support of the application.

 **LA07-2023-3221-F - Case Officer Report.pdf**

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 **15. LA07.2023.3221.F - support.pdf**

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16.0 LA07/2021/0869/F - NE of 81 Ardglass Road, Ballywooden, Downpatrick - Proposed 5 No. glamping pods, associated car parking and site works with hard and soft landscaping.

For Decision


REFUSAL

On agenda as a result of the Call-in Process

Speaking rights have been requested by Mr Gerry Tumelty and Ms Noeleen Fries Newman in support of the application.

 **LA07.2021.0869.F Case Officer Report.pdf**

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 **16. LA07.2021.0869.F - support.pdf**

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17.0 LA07/2023/3316/O - 50m SE of No. 21 Forkhill Rd, Mullaghbawn, Newry, BT35 9XJ (Site On Upper Rd, Mullaghbawn, Newry, BT35 9XL) - Proposed outline planning application for a replacement dwelling and garage. (Dwelling to be replaced to be retained for storage purposes).

For Decision


REFUSAL

On agenda as a result of the Call-in Process

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

 **LA07.2023.3316.O Case Officer Report.pdf**

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 **17. LA07.2023.3316.O - support.pdf**

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18.0 LA07/2023/3277/F - 285m N of 40 Ballyhornan Road, Downpatrick, Co. Down BT30 6RH - Farm dwelling & attached carport

For Decision


REFUSAL

On agenda as a result of the Call-in Process

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

 **LA07-2023-3277-F Case Officer report.pdf**

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 **18. LA07.2023.3277.F - support.pdf**

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For Discussion/Decision

19.0 SLA - Regional Property Certificate Unit

For Decision

 **RPCU Report 05.03.2025.pdf**

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FOR NOTING Items deemed to be exempt under Part 1 of Schedule 6 of the Local Government Act (NI) 2014

20.0 Local Development Plan – Preparation, Publication and Consultation Arrangements including Special Committee

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.

 **Planning Committee Report - 5 March 2025.pdf**

Not included

 **Economic Development Policy Review-final.pdf**

Not included

For Noting

21.0 Planning Department Update

For Information

 **Planning Department Update.pdf**

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22.0 Historic Action Sheet

For Information

 **Planning Historic Tracking Sheet - 2025-02-05.pdf**

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Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Fionnuala Branagh

Cllr Jim Brennan

Cllr Pete Byrne

Mr Gerard Byrne

Cllr Philip Campbell

Cllr William Clarke

Cllr Laura Devlin

Ms Louise Dillon

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Cllr Aoife Finnegan

Ms Joanne Fleming

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Roisin Howell

Cllr Tierna Howie

Ms Catherine Hughes

Cllr Jonathan Jackson

Cllr Geraldine Kearns

Miss Veronica Keegan

Mrs Josephine Kelly

Mrs Sheila Kieran

Cllr Cathal King

Cllr Mickey Larkin

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Mrs Annette McAlarney

Cllr Declan McAteer

Cllr Leeanne McEvoy

Jonathan McGilly

Cllr Andrew McMurray

Maureen/Joanne Morgan/Johnston

Cllr Declan Murphy

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

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 5 February 2025 at 10am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor D Murphy

**Committee Members in
attendance in Chamber:**

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

**Committee Members in
attendance via Teams:**

Councillor M Larkin

Officials in attendance:

Mr C Mallon, Director Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director Regeneration
Ms A McAlarney, Development Manager: Planning
Ms B Ferguson, Senior Planning Officer
Ms M Fitzpatrick, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Ms P Manley, Senior Planning Officer
Miss S Taggart, Democratic Services Manager (Acting)
Ms F Branagh, Democratic Services Officer

**Officials in attendance
via Teams:**

Mr Peter Rooney, Head of Legal Administration (Acting)

P/011/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Feehan and Rice. Councillor Tinnelly was noted to be late.

Mrs McAlarney introduced Mrs Brenda Ferguson to the Committee, welcoming her to the role of Senior Officer for Development Management.

P/012/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

**P/013/2025: DECLARATIONS OF INTEREST IN ACCORDANCE
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

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

Item 6 - Cllrs Enright, Finnegan, King, Larkin, McAteer and D Murphy attended the site visit on 08 January 2025.

Items 7, 8 and 9 - Cllrs Campbell, Enright, Finnegan, Hanna, Larkin, McAteer & D Murphy attended the site visit on 20 January 2025.

MINUTES FOR CONFIRMATION

P/014/2025: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 18 DECEMBER 2024 AND WEDNESDAY 8 JANUARY 2025

Read: Minutes of Planning Committee Meeting held on Wednesday 18 December 2024 and Wednesday 8 January 2025. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 4 December 2024 and Wednesday 8 January 2025 as a true and accurate record.

FOR DISCUSSION/DECISION

P/015/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 5 February 2025. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 5 February 2025:

- **LA07/2023/2178/F** - 33 Main Street, Ballaghbeg, Newcastle, Down, BT33 0AD - Demolition Of Rear Return And Renovation & Extension To Existing Building To Provide 4 No. 1 Bed Apartments With Amenity Space. (Change Of Use Offices To Residential) Retention Of Ground Floor Ice Cream Shop.

APPROVAL

- **LA07/2024/1436/F** - Site to the SW of Cinema Complex and NE of Thomas Russell Park - Provide a sprayed concrete skateboard facility consisting of ramps and ridges including a pump track constructed from crushed aggregate, connecting the pump track and skate parks with the existing stone path around the site.

APPROVAL

DEVELOPMENT MANAGEMENT

P/016/2025: PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2023/3470/F

Previously tabled 8 January 2025.
On agenda as a result of the call-in process.

Location:

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

Proposal:

Dwelling and attached garage

Conclusion and Recommendation from Planning Official:

Refusal

Power point presentation

Ms Fitzpatrick reminded members of the reasons for the recommendation for refusal of the application, advising that the application had been considered against numerous Planning Policies following a lack of clarity from the agent regarding the exception clause he wished the application to be considered against. She confirmed that the application did not meet any exception criteria as defined by CTY1 which outlined where permission may be granted for an individual dwelling house in the countryside along with other policies including CTY15 as the application would mar the distinction between the settlement limit and the urban sprawl. She reminded Members that the correct pathway to request an extension of the settlement limit was through a representation to the Local Development Plan Team rather than on an application-by-application basis.

Speaking Rights:

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

Mr Barney Dinsmore was present to answer any questions Members may have had.

Councillor Larkin proposed to overturn the application recommendation to an approval, stating that following the site visit he believed that the site lay within the urban context, was bounded on two sides by the settlement limit, was situated several hundred metres inside the 30mph speed limit sign, was accessible by footpath and he didn't believe that it would mar the distinction between the settlement limit and the urban sprawl. He further stated that the design was reflective of the development within the area and would therefore not mar the Area of Outstanding Natural Beauty (AONB), but conditions could be delegated to ensure the design remained reflective of the area.

This was seconded by Councillor Finnegan.

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

FOR

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AGAINST	0
ABSTENTIONS	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Finnegan, it was agreed to issue an approval in respect of planning application LA07/2023/3470/F contrary to officer recommendation as contained in the Case Officer Report.

It was agreed that the Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2024/0022/O

Previously tabled on 8 January 2025.
On agenda as a result of the call in process

Location:

Lands between 20 and 24 Carnalroe Road, Ballyward, Castlewellan

Proposal:

Proposed dwelling and garage and associated site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms McAlarney reminded Members of the details of the application following the recent site visit, noting that the application was recommended for refusal due to the proposed plot frontage of the application. She highlighted that the plot frontage fell below the average plot frontage of the area and was therefore not in keeping with the pattern of development of the area. She advised that the application also failed policy when considered against CTY13 as it failed to achieve a degree of integration, and CTY14 as it added to a ribbon of development, further stressing to Members that these were stand-alone Planning Policies that required consideration when making a recommendation on the application.

Speaking Rights:

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

Mr William Wallace was present to answer any questions Members may have had.

Councillor Hanna proposed to overturn the application, stating that although Ms McAlarney referenced other planning policies, he believed that the application met the exception clause of CTY8, and that the frontage requirement had been achieved. He further stated that the dwelling would not be prominent and would be sustainable development within the area.

This was seconded by Councillor McAteer who stated that he felt the grass area adjacent to number 20 had a gate access, therefore he believed that it was a non-agricultural green space which fell under hobby space, consequently CTY8 was satisfied.

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2024/0022/O contrary to officer recommendation as contained in the Case Officer Report.

Previously tabled on 4 December 2024
On agenda as a result of the Call-In Process

1 1/2 storey replacement dwelling and detached garage

Ms McAlarney reminded Members that the application had been recommended for refusal inline with Planning Policies CTY3 where the dwelling to be replaced was required to exhibit characteristics of a building, CTY13 as it failed to achieve a degree of integration, and CTY14 as it added to a ribbon of development, further stressing to Members that these were standalone Planning Policies that required consideration when making a recommendation on the application. She advised that the Planning Department were of the opinion that the proposed replacement dwelling would also have a significant greater visual impact on the landscape.

Councillor Hanna queried if the agent had submitted evidence that the building had ever been used as a dwelling and whether the proposed dwelling would be placed on top of the existing building, or if it could be placed anywhere within the red line boundary of the application.

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had been used as a dwelling. She confirmed that the dwelling could be placed anywhere within the red line boundary.

Mr Fletcher stated that the building was referred to locally as “the TB house” as a family residing there many decades ago had suffered from TB.

Councillor Hanna then proposed to overturn the application, stating that he believed there were characteristics of a as evidenced by the shadow of a chimney breast, further stating that the proposal should be viewed sympathetically, and this was the best way to keep a community within the countryside.

This was seconded by Councillor Campbell who stated that he believed the dwelling showed the characteristics of a house with a chimney breast, beams, and windows within the building.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to issue an approval in respect of planning application LA07/2024/0275/F contrary to officer recommendation as contained in the Case Officer Report.**

Cllr Tinnelly joined the meeting during the above discussion – 10.32am

(4) LA07/2023/2376/O

Previously tabled on 6 November 2024
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 reminded Members of the recommendation for refusal in line with Planning Policies CTY10 as the proposal was not sited to cluster or visually link with a group of established buildings on the farm as it was situated on the opposite side of the road, adjacent to 131 Derryboy Road which was not part of the farm holding. She further advised that the application failed when considered against CTY13 as it failed to achieve a degree of integration and CTY14 as it added to a ribbon of development, further stressing to Members that these

were stand-alone Planning Policies that required consideration when making a recommendation on the application.

Speaking Rights:

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

Mr Gerry Tumelty and Mr Woods were present to answer any questions Members may have had.

Following a query from Councillor Hanna regarding the agent's position in relation to CTY14 and the application adding to a ribbon of development, Mr Tumelty advised that he believed this was the only suitable site and that it met farming criteria and while 131 was not in the farm holding, the applicant believed the proposal did cluster despite being positioned on the opposite side of the road.

Councillor Hanna proposed to overturn the recommendation to an approval, stating that he believed that the application would visually cluster with established buildings on the farm, and that this was a young applicant who wished to reside on his farm holding. He further stated that he believed that the proposal was compliant with CTY10 as it clustered with an existing group of buildings and was complaint with CTY13 as it would integrate into the area. He stated that he did not consider it to be contributing to ribbon development, therefore CTY14 need not be considered.

This was seconded by Councillor McAteer who stated that when moving from North to South along the road the dwelling would be sheltered from a visibility point of view, and when moving South to North that it would integrate with the existing buildings despite the road, allowing a balanced approach to the proposal which would help encourage people to remain living in rural areas.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2023/2376/O contrary to officer recommendation as contained in the Case Officer Report.

(5) LA07/2023/3475/F

Previously tabled on 8 January 2025.
On agenda as a result of the call in process.

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

Proposal:

Proposed new dwelling on a farm (under PPS21 CTY10)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Annette McAlarney highlighted to Members that the application had been deferred from January 2025 committee as it had come to light that an amended plan had been submitted to the Planning Department and was not considered, therefore it had been tabled today with full consideration of the amended plan. She apologised for the oversight.

Ms McAlarney confirmed that no objections had been received following statutory consultations and neighbourhood notifications. She advised that the Planning Department were still recommending a refusal for the application as, while the proposed plan was compliant with CTY10 in that it was considered to visually link with established buildings on the farm, it had been relocated to higher ground which resulted in an increased prominence and visual impact within the area. Therefore, the application was not compliant with CTY13 as it failed to achieve a degree of integration and CTY14 as it added to a ribbon of development, further stressing to Members that these were stand-alone Planning Policies that required consideration when making a recommendation on the application.

Speaking Rights:In support:

Mr Brendan Starkey spoke in favour of the application, outlining that he believed the application did not add to a ribbon of development as the proposal did not create a linear line of development and would therefore have no detrimental change to the rural character of the area, therefore CTY14 would not be offended.

Mr Starkey advised that CTY13 did not state that a lack of integration should result in a refusal recommendation, stressing that it should be applied as a test if the site could visually integrate at critical viewpoints. He stated that the site was situated along a winding road with dense roadside vegetation and an undulating landscape which would result in only fleeting views of the site, further stressing that the quiet, rural Jericho Road carried little traffic. He further stated that the site was situated on a sloping field, bounded on three sides, and clustered with existing farm buildings all of which would help integrate the site, therefore the application was not reliant on planting for integration.

Following a request from Councillor Hanna regarding Mr Starkey's statement regarding how the application would not add to a ribbon of development, Mr Starkey referenced an extract from a 2019 appeal whereby it had been decided that a building set in a non-linear pattern to existing buildings did not create a linear pattern of development.

Following a query from Councillor McAteer, a discussion ensued regarding the new proposed positioning of the dwelling in relation to integration, floor levels and visibility from the road, the outcome of which was Mr Starkey stated that he was confident that the house would be lower than the farm buildings as the site continued uphill and was situated on a lower part of the incline, while the Planning Department stated that the site was highly visible from the road in both situations.

Mrs McAlarney further stressed that the proposal was considered by the Planning Department to be highly visible from both directions when travelling along the road, that it formed part of a linear development and although the land did rise behind the house, integration was still a concern of the Planning Department. She further stressed again that CTY13 and CTY14 were standalone policies that required consideration in their own right, and it was not enough to comply with CTY10 for an approval recommendation as evidenced by numerous PAC decisions subsequent to the 2019 decision referenced by Mr Starkey.

Councillor Hanna proposed to overturn the application to an approval, stating that he did not believe Jericho Road to be a busy road, it had roadside vegetation, and the site would not be visible unless right in front of it, that the dwelling would be positioned substantially lower than the existing farm buildings and could be conditioned with additional planting. He further advised that he believed Mr Starkey's statement regarding non-linear development and therefore the site would not add to a ribbon of development. He expressed his belief that the applicant had worked with the Planning Department as much as possible to make the application as compliant as possible, and it would be unreasonable for a young farmer not to have access to live on his own property.

This was seconded by Councillor McAteer who stated that CTY 13 was satisfied in terms of integration, adding that conditions could be delegated regarding the final design of the house.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to issue an approval in respect of planning application LA07/2023/3475/F contrary to officer recommendation as contained in the Case Officer Report.**

It was agreed that Planning Officers be delegated authority to impose any relevant conditions.

The meeting did then recess – 11.05am.

The meeting did then resume – 11.11am

DEVELOPMENT MANAGEMENT

P/017/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/1648/O

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

Location:

Lands adjacent to 59 Culloville Road, Crossmaglen

Proposal:

Erection of mixed-use scheme – economic development (to include business/office units, light/general industrial and storage units) with a small residential development, associated site works and landscaping.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Patricia Manley outlined the details of the application, utilising power point images to highlight the red line boundary and the neighbouring development. She confirmed that the proposal had been reduced from 10 residential units to 6, and that they still had HGV access to the rear to facilitate the mixed economic use.

Mrs Manley further noted that the Planning Department were considering applications for 90 residential dwellings located to the South East of the site, and a further 46 to the North, further stressing that there were still housing zones within Crossmaglen that were yet to be developed.

Mrs Manley noted that following neighbourhood notifications, one letter of support and one letter of objection had been received. She also advised that following statutory consultees, NI Water had recommended refusal of the application, with all others offering no objection subject to conditions being met.

Speaking rights:

In Support:

Mr Colin O'Callaghan spoke in support of the application, accompanied by Mr Conor Fegan (legal counsel), Mr Michael Clarke (agent) and Mr & Mrs McArdle (applicants).

Mr Fegan argued that the recommendation for refusal was solely down to the zoning of site CM11, which was for mixed use that specified it should not include housing, which this proposal was in direct conflict with. He highlighted that despite this, it did not preclude the Planning Committee from recommending an approval, stating that policies were not like a straitjacket and did not have to be slavishly followed in all circumstances.

Mr Fegan further stated that Committee could depart from planning policies if they had a good reason for doing so, such as:

1. There was a need for housing in Crossmaglen and this would make contribution to that need.
2. This application struck the right balance of mixed use, located inside the settlement limit.

3. This application would deliver jobs and development and would be a welcome injection on investment in Crossmaglen.
4. There was broad community support, and at the pre application consultation there was overwhelming support for housing on the site.

Mr Fegan urged Members to approve permission for small amount of residential development on site, highlighting that all design and amenity concerns could be dealt with at the reserved matters stage.

Councillor Campbell queried how 6 additional houses would address the housing shortfall, to which Mr Fegan acknowledged that 6 houses would only make a modest contribution to the required housing in Crossmaglen.

Following a query from Councillor Campbell regarding the housing applications being considered, Mrs Manley confirmed that land North of the site had been granted permission for 117 units, 60 of which were still outstanding to be built; land to the South East of the site had received permission for 44 units, with further applications in progress close to Crossmaglen.

Following a further query from Councillor Campbell regarding housing, a discussion ensued regarding the Local Development Plan (LDP) that detailed zoning requirements within the area, with Mr Fegan stating that the LDP was 10 years out of date with some zoned lands not having been developed at all, therefore any housing development would be a benefit to the area.

Mrs Manley reminded Members that the Planning Department had to consider existing Planning Policies when considering applications and could not consider the hypothetical situation of what may change with regard to the LDP zoning requirements when finalised.

Following a query from Councillor Hanna, a discussion ensued regarding the economic development of the proposal, the outcome of which was it was agreed that housing in the area would have a definite impact on the type of industry that could be based there given the restricted hours of work and the potential for noise complaints, with Mr Fegan confirming that the applicant was happy to accept a condition with regard to noise pollution.

Following a query from Councillor Hanna regarding NI Water's refusal of the application, Mr Fegan stated that they had submitted a Waste Water Impact Assessment (WWIA) and had engaged with NI Water to find a solution that worked, but this could not be progressed any further without approval from the Planning Department.

Following a statement from Councillor Finnegan regarding the unfortunate situation of the LDP not being completed, Mrs McAlarney stated that it was important that the Committee be reminded that the LDP would direct development, and it was important not to step outside the LDP, as was being discussed. She highlighted that zoning within Crossmaglen as set out within the LDP stated that this area had been zoned for mixed use economic development that clearly excluded residential development.

A further discussion then ensued regarding lands zoned for housing under the LDP, and which zones had been developed and which had been left undeveloped, with Mr Fegan highlighting again that the LDP was some 10 years out of date from when originally published and argued that this gave the Committee the opportunity to consider the current housing requirement alongside this application, while the Planning Department confirmed

that it would set a dangerous precedent of eroding zoned areas should the Committee approve a proposal that was contrary to the LDP, regardless of when it was published.

Following this discussion, Councillor McAteer requested legal advice on whether the Committee could approve such a proposal, to which Mr Peter Rooney advised that it was worth repeating that the LDP was published following consultation with Members and was under consideration for update within the coming year. He highlighted that the KSR1 and CM11 zoned land clearly prohibited residential development, and should this proposal be granted it was a possibility that the residential element of the proposal could deter interest in the economic development for fear of complaints and restrictions on use.

Following a query from Councillor McAteer regarding previous approvals on the site that had not been utilised and whether this loss of commercial use would have a detrimental impact on the area, Mrs Manley advised that the current proposal fell below the threshold for economic use while Mr Fegan stated that the issue boiled down to whether the Committee felt that there were good reasons for departing from the LDP.

Councillor Campbell queried if there was evidence of broad community support given that there had only been one letter of support received, to which Mr O'Callaghan confirmed that 12 people had signed into the public event prior to the planning application being submitted. Mr Fegan further noted that this was standard for this type of event, stressing again that the applicant was happy to receive any conditions on the approval.

Following a query from Councillor Enright regarding the time taken to develop an LDP and how it could account for development 15 years in the future, Mr Peter Rooney advised that the LDP team were actively involved in preparing the new LDP in consultation with elected Members.

Following the discussions, Councillor McAteer proposed to overturn the officer's recommendations, stating that an approval would hopefully encourage future applications within CM11, with conditions to be imposed as necessary. He further stated that an approval would bring community benefit in relation to encouraging future economic development on site.

This was seconded by Councillor Enright.

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

FOR:	3
AGAINST:	7
ABSTENTIONS:	0

The proposal was declared lost.

Councillor Hanna then proposed to accept the Officer's Recommendations, 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:	7
AGAINST:	3
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 A07/2022/1648/O supporting officer recommendation as contained in the Case Officer Report.

(2) LA07/2023/3683/O

On agenda as a result of the Call-In Process

Location:

Approx. 130m east of 6 McCleans Close, Kilcoo, Newry

Proposal:

Dwelling and garage on a farm under Planning Policy CTY10 of Planning Policy Statement 21.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson summarised the application, noting that no objections had been received from statutory consultees, however two representations had been received relating to a P2 challenge to which the applicant submitted further evidence to demonstrate how the required access and visibility splays could be achieved.

Mrs Ferguson noted that the application had been considered against Planning Policies CTY1, 10, 13 and 14 of PPS 21 and NH5 and NH6 of PPS2. She confirmed that two criteria of CTY10 had been met, but the application failed when considered against criteria C, whereby the proposals would not be considered to cluster or visually link with an established group of buildings on a farm. She further outlined that the Planning Department could not consider the unauthorised structures in place adjacent to the proposed site as they were temporary in nature and did not benefit from planning permission or any certificates of lawfulness associated with development rights as per the Planning (General Permitted Development) Order (NI) 2015.

Mrs Ferguson confirmed that the Planning Department felt that the proposal did not constitute an exception in terms of an alternative siting away from the main group of farm buildings as there were no unique circumstances that would support this, highlighting that the submitted Health & Safety report did not contain any unique or persuasive evidence to support an alternative siting elsewhere.

Mrs Ferguson further advised that the application failed when considered against CTY13 as it failed to achieve a degree of integration and CTY14 criteria C and E as it would have a detrimental impact on the overall character of the area and stated that these were additional planning policies that required consideration in their own right in relation to the application.

Speaking rights:

In Support:

Mr Declan Rooney spoke in support of the application, supported by Mr Martin McClean, applicant, and Mr Larkin, a representative from Quantum Safety Consultancy.

Mr Rooney argued that the crux of the issue was that the Planning Department felt that the proposal did not visually link with existing farm buildings, and there was no justified health and safety reasons for locating the proposal at another location. He argued that the proposal did cluster and was compliant with CTY10 as there were farm buildings situated close to the proposal, constructed under permitted development rights. He further argued that Criteria C of CTY10 should be considered as met as the applicant had submitted a detailed health and safety report to support this, which stated that the dwelling should be located at least 100m away from the slurry tank otherwise there would be a risk to human health.

Mr Rooney further argued that CTY13 should also be considered satisfied as either site benefited from existing vegetation to help screen from public view and stated that the applicant was happy for either site to be conditioned with regard to further integration measures.

Following a request from Councillor Hanna regarding the health and safety report, a lengthy discussion ensued regarding the siting of the existing dwelling and the proposed dwelling. Mr Rooney stated that the report was provided by an organisation that was a chartered member of the Institute of Occupational Health and Safety and accredited on the Occupational Health and Safety Consultants Register, therefore not taking the report into consideration was unreasonable. While Mrs Ferguson noted that the Planning Department had considered the report and was mindful of the advice contained within, she confirmed that there was an existing dwelling already in close proximity to the farm buildings, therefore should there be serious health concerns, the siting of the existing dwelling would come into play. Mr Larkin noted that it should be best practice to have control measures in place to help alleviate risks, and distance would be the first measure.

Following a query from Councillor Hanna regarding the other locations for siting the proposal, Mr Rooney stated that the proposal couldn't be sited any closer to existing dwellings due to the potential impact on human health.

Following a query from Councillor Campbell regarding current safe distances from a slurry tank, Mr Larkin stated that in the South of Ireland the recommended distance was in excess of 100m from a slurry tank, however there were no official recommendations in the North. Mrs Ferguson noted that the Planning Department acknowledged the recommendations, however they were considered as general farm safety associated with farm holdings.

Following a query from Councillor Campbell regarding the weight applied to the existing structures, Mrs Ferguson advised that the Planning Department was not content that they met the criteria of a building in relation to planning policy as they had no planning permission or certificate of lawfulness associated with them.

Councillor D Murphy queried how to determine what was a reasonable distance from the slurry tank without official guidance from the Health & Safety Executive, to which Mrs McAlarney stated that CTY10 was the relevant planning policy as it set out guidelines regarding when health and safety concerns could override planning policy. She confirmed

that there were no unique operating scenarios that required special consideration when mixing slurry as it was considered common practice to all farms.

Councillor Hanna requested legal advice with regard to the lack of regulations in the North, to which Mr Peter Rooney noted that CTY 10 exception criteria C highlighted the consideration the Planning Committee needed to take note of in the absence of guidance from the Health and Safety Executive.

Councillor Hanna proposed to overturn the recommendation to an approval, noting that health and safety concerns should be a top priority and Council could lead the way in setting new standards, further stating that 100m was not an exceptional distance to still comply with CTY10. He stated that it would be too difficult to move the slurry tank so conditions could be delegated to ensure sustainable development within the countryside.

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:	9
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2023/3683/O contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

The meeting did then recess – 12.48pm
The meeting did then resume – 01.17pm

(3) LA07/2024/0090/F

On agenda as a result of the Call-In Process

Location:

To the rear of 123b Ballylough Road, Castlewellan

Proposal:

Removal of condition 2 of planning approval LA07/2018/0995/F

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the details of the application, noting that three letters of objection had been received relating to road safety concerns for residents in close proximity to the entrance. Following statutory consultations, she advised that DFI Roads confirmed that visibility splays as previously conditioned had not been put in place.

Mrs Ferguson advised that the planning history on site was relevant to this application, noting that a previous overturn of an recommendation by the Committee resulted in a special condition being placed on the application restricting the occupants of the dwelling as follows:

The dwelling hereby approved shall be occupied only by the applicant Mr Ian Talyor, his wife and dependents and when the dwelling ceases to be occupied by the aforementioned the dwelling hereby permitted shall be removed and the land restored to its former condition.

Mrs Ferguson confirmed that there was no reasonable justification for the removal of the condition, the approval of which had since expired and there was no evidence that it had lawfully commenced. She further confirmed that the Planning Department had recommended refusal as the application was contrary to the SPPS and CTY 1 of PPS 21 in that there are no overriding reasons why this development was essential in this rural location and could not be located within a settlement. She stated that the proposal was contrary to the SPPS and CTY 6 of PPS21 which required that all permissions granted under CTY 6 – Personal and Domestic Circumstances must be subject to a condition restricting the occupation to a named individual and their dependants.

Speaking rights:

In Support:

Mr Declan Rooney spoke in support of the application, supported by the applicant Mr Noel Gallagher. He argued that the occupancy condition was unnecessary as the demolition of the existing building had previously been confirmed as development by the Committee in 2019, therefore the applicant was considered to have lawfully commenced development on the site.

Mr Rooney argued that following the sale of the land in 2021 to the current applicant, the occupancy condition forbade him from living in the dwelling, therefore was requesting the Committee to overturn the Officer's Recommendation and reinforce their decision from 2019 to remove the occupancy condition development had commenced on the site prior to the planning permission expiring.

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

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

FOR	4
AGAINST	4
ABSTENTION	2

The Chairperson utilised his casting vote as a result of the vote being tied, with the result being as follows:

FOR:	5
AGAINST:	4
ABSTENTIONS:	1

The proposal was declared carried.

Councillor D Murphy noted that he had amended his vote in support of the Officer's Recommendation as he did not fully understand the application.

Mr Gallagher then queried how it was possible that he be allowed to build a dwelling but not have permission to dwell within it, to which Mrs Ferguson advised that the planning permission had lapsed and therefore there was no permission in place.

Mr Rooney argued that the evidence of the foundations being laid had been sent to the Planning Department prior to the permission lapsing which gave officers the opportunity to view the site prior to the expiration of the permission, and therefore in his opinion Mr Gallagher was authorised to build and reside in a dwelling on site.

Mrs McAlarney stated that this was not the position of the Planning Department, and as the permission had lapsed the correct pathway was the submission of a CLUD to demonstrate whether the works on site were unlawful.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Campbell it was agreed to issue a refusal in respect of planning application LA07/2024/0090/F supporting officer recommendation as contained in the Case Officer Report.**

(4) LA07/2024/0066/F

On agenda as a result of the Call-In Process

Location:

100m South of 57 Wateresk Road, Maghera, Castlewellan

Proposal:

2 storey dwelling and garage

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the details of the application, confirming that no objections had been received following neighbourhood notifications while statutory consultees raised no objections, subject to conditions being met. She confirmed that the application site lay within the settlement limit of Maghera as defined by the Ards and Down Area Plan 2015 and was defined by a variety of dwelling types and styles within varying plot sizes.

Mrs Ferguson noted that the dwelling as proposed encompassed the entire width of the site, removing established boundary vegetation along the southern boundary to enable the dwelling to be developed. The position of the garage to the front was also considered to be at odds with the character of the area where garages were predominantly located to the side or rear of developments, which was consistently resisted within policy, such as paragraphs A11 and A12 of the addendum to PPS 7.

Mrs Ferguson confirmed that the application was recommended for refusal in line with criteria A of Policy QD1 of PPS7 – Quality Residential Environments in that the development did not respect the surrounding context and was not appropriate to the character of the area in terms of its layout.

Speaking rights:

In Support:

Mr Declan Rooney spoke in support of the application, supported by the applicant Mr Gary Brannigan. He stated that a wider view of the area should be considered when considering the character of the area, rather than those just along Wateresk Road, as he felt that there were a number of plots within close proximity to the application site that were located on more restricted plots.

Mr Rooney argued that the siting of the garage should not be a cause for a refusal recommendation, referencing a number of PAC decisions that had allowed a garage to be sited in front of a dwelling, provided that it was well screened from the street, further advising that this could be conditioned for this application.

Following a query from Councillor McAteer, Mrs Ferguson confirmed that outline approval had been granted for equally portioned plots for this proposal and an adjacent site, however the application to the North had allowed for an extension of the red line to the west and in doing so, this encompassed additional land within the site causing this site to be more restricted.

Councillor D Murphy then proposed a site visit, 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:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor Campbell, it was agreed to defer planning application LA07/2024/0066/F to allow for a site visit.**

(5) LA07/2022/1602/F

On agenda as a result of the Call-In Process

Location:

To the rear and immediately NE of 7 – 9 Queen Street, Warrenpoint

Proposal:

Proposed 4 no. 3 bedroom semi-detached dwellings with in curtilage parking with access onto Queen Street.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane detailed the application that was located within the settlement limit of Warrenpoint, the boundary of the town centre and also within the boundary of the Area of Townscape Character (ATC) and an AONB. He confirmed that the application was located to the rear of 7 – 9 Queen Street, with vehicular access between numbers 9 and 10 Queen Street, with further pedestrian access to the rear that opened onto Great Georges Avenue.

Mr Keane confirmed that the Planning Department had no objection in principle to residential development on the site, however the proposed development was considered to constitute over development of the site when taking account of the design, form and layout, raised finished floor levels, parking arrangements, balcony over the parking area alongside external steps. He confirmed that the Planning Department were of the opinion that the development was entirely alien to the ATC of the area and would not maintain or enhance the area. He further confirmed that there were concerns the impact of the development would have on the immediate properties in terms of overshadowing loss of light.

Mr Keane advised that zoning requirements within an ATC and AONB stated that housing proposals within these areas were required to maintain or enhance the overall distinctive character and appearance of the area, and there was a natural presumption within policy against proposals that would detract from the character of the area. He advised that these concerns had been raised with the agent and confirmed that no appropriate amendments had been made to the proposal.

Speaking rights:In Support:

Mr Barney Dinsmore spoke in support of the application, stating that the application would transform an unsurfaced, badly lit lane leading into an overgrown scrubland that was well known for anti-social behaviour into a safe, compact and sustainable residential development that would enhance the area and make a positive contribution to the townscape of Warrenpoint. He further stated that the development would respect the surrounding context, that the amenity space met published standards and that there was good access to public transport. He advised the development of the site would help to deter crime and anti-social behaviour.

Mr Dinsmore stated that at no point during the processing of the application had any concerns been raised with him with regard to the ATC or other reasons for refusal and that he was confident that all reasons for refusal under design policies could be satisfied with further engagement. He argued that the design as detailed within his application would not necessarily be the final design and was willing to engage with the department on any suitable amendments.

Councillor McAteer queried how many case officers had been involved in the processing of the application, highlighting Mr Dinsmore's assertion that three case officers had been involved. He stated if that was the case then he believed Mr Dinsmore should be given the opportunity to engage with the Planning Department on any areas for amendment.

Mr Keane advised that the application had been submitted in October 2022, and had been progressed by different case officers, further advising that at a relatively early stage of the process, concerns had been raised regarding the density and no reduction in the proposal had ever been received. He advised that any subsequent design changes would not overcome the Planning Department's primary concerns regarding over development, thus considered there was no merit in delaying the application further.

Mr Dinsmore alleged that he had only received one email that alluded to a concern about over development, further stating that he had never received any communication regarding any of the reasons for refusal that had been outlined by the Planning Department today.

Councillor McAteer proposed to defer the application to allow the agent to work with the Planning Department to provide further information regarding the design, scale, form and layout of the application within the ATC as discussed. This was seconded by Councillor S Murphy.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor S Murphy, it was agreed defer planning application LA07/2022/1602/F to allow the agent to work with the Planning Department to provide further information.**

(6) LA07/2023/2514/F

On agenda as a result of the Call-In Process

Location:

26 Station Road, Newry, BT35 8JH

Proposal:

Proposed replacement dwelling with original dwelling retained for ancillary domestic storage, gym and home office

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Fitzpatrick outlined the application, confirming that no objections or representations had been received following neighbourhood notifications and statutory consultations. She advised that the site formed a roadside plot, which included the dwelling to be replaced and additional lands to the South which were outside of the existing curtilage of the dwelling, which was where the proposed new dwelling was to be located.

Mrs Fitzpatrick utilised images to highlight that the existing dwelling had some characteristics of a rural vernacular building, including linear plan form, gable end to the road, chimney located on the ridge and door and window openings located primarily on the front and back walls. She advised that in line with Planning Policy, the dwelling did not make an important contribution to the heritage, appearance or character of the area, and the proposal did not show any physical link between the existing and the proposed dwelling, with the existing dwelling being retained in its entirety and therefore failed to be sympathetically incorporated into the layout of the overall development scheme, and as such the retained building would continue to have the appearance of a dwelling.

Mrs Fitzpatrick confirmed that the proposal was contrary to CTY13 as it failed to integrate into the area, CTY14 as it would result in a suburban style build up, and contrary to CTY 3, in that the proposed dwelling would have a visual impact significantly greater than the existing dwelling.

Speaking rights:

In Support:

Mr Murray spoke in support of the application, supported by Mrs Finnegan, applicant, advising that the intention was to refurbish and extend the existing dwelling, however this became unfeasible due to cost, so the applicant proposed a replacement dwelling adjacent to the existing dwelling with the original dwelling being retained as an ancillary structure as detailed.

Mr Murray advised that the site access points, planting and boundary would be retained to protect the area's established character and in relation to CTY3, 13 and 14 he believed that the proposal was sensitively incorporated into the existing cluster.

In relation to the curtilage, Mr Murray advised that the new building adhered to the existing farmyard boundary, with the farmyard becoming the focal point of the cluster and highlighted examples of similar clusters of domestic farmyard clusters that had been granted planning permission. He argued that the materials proposed were taken from Building On Tradition guidelines which had been approved and utilised in several areas over the past number of years.

Councillor Larkin queried the materials used and the agent's statement that he had used the proposed materials in design before, to which Mrs Fitzpatrick advised that clarification had been sought on some of the elements, including the cladding, and this along with the size, scale and massing of the design was taken into consideration during the processing of the application. She advised that if the refusal was solely due to the materials then further engagement would have been sought, however the Planning Department were of the opinion that the development was not acceptable for the area.

Following a further query from Councillor Larkin regarding the curtilage of the proposed dwelling being smaller than the existing dwelling, a discussion ensued regarding

replacement dwellings. Mrs Fitzpatrick stated that Planning Policy advised that any replacement footprint was to be placed on an existing footprint, but this wasn't possible given the proposed retention of the current dwelling.

Councillor Campbell queried whether the Building on Tradition guidelines had been considered when processing the application, to which Mrs Fitzpatrick advised that while the replacement policy was utilised, there would be two dwellings on site. Further, the justification amplification for replacement dwelling referenced innovative linkage design between the buildings, but there was no linkage proposed in this application, rather two standalone buildings.

Following a query from Councillor McAteer, a further discussion ensued regarding the vernacular aspects of the building and previous communications with the Planning Department regarding the removal of any non-vernacular elements of the proposal. It was that the Planning Department had discussed these elements with the agent, who had refused to make any amendments as it would have led to biodiversity checklists and additional surveys that would have been required. While Mrs Finnegan noted that they had refused to make the amendments as it would not have guaranteed an approval recommendation, Mrs Fitzpatrick stated that the Planning Department could not guarantee an approval until amended plans had been submitted and reviewed.

Following the discussions, Councillor McAteer proposed a site visit, which 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:	10
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 LA07/2023/2514/F to allow for a site visit.

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

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

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

RESTRICTED – FOR DECISION

P/018/2025: PLANNING APPLICATION VALIDATION CHECKLISTS

Read Report from Mr P Rooney, Principal Planner, regarding Planning Application Validation Checklists.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to approve the recommendations as outlined within the Officer's Report.**

FOR NOTING

P/019/2025: HISTORIC ACTION SHEET

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

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

Following the meeting, a discussion was held regarding securing a date to attend the site visits as proposed during the course of the meeting. It was agreed that the site visits for applications LA07/2024/0066/F and LA07/2023/2514/F be scheduled for 10am on Monday 17th February 2025.

There being no further business the meeting ended at 14.49pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 60% 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 5 March 2025



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:

- **LA07/2021/1089/F** - Lands immediately north of Nos. 36, 38, 64, 66 and 84 Fifth Avenue; west and north west of Nos. 29-35 Third Avenue and east of Craigmore Way, Newry - Proposed residential development comprising of 44No. dwellings including 16No. detached and 28No. semi-detached units; garages; sunrooms; open space; car parking; landscaping and all associated site and access works.
APPROVAL
- **LA07/2024/1059/F** -Lands to immediate north of 6-16 English Street and immediately south of 1-5 Church Avenue, Downpatrick, - Public realm improvements to include new pavement surfacing, comprising granite paving with natural stone kerbs, new stone walls with timber wall seating; new street lighting and feature lighting columns; relocation of existing heritage lighting columns, new street furniture; retention of the existing fingerpost sign; new decorative planting and trees; and all associated works
APPROVAL
- **LA07/2024/1060/F** - Lands adjacent to 1-71 Church Street, including junction at Church Street/ Saul Way, Downpatrick - Public realm improvements to include new footpath surfacing, comprising granite paving with natural stone kerbs; tactile paving for pedestrian crossings; replacement traffic signals at Saul Way; new asphalt surfacing to vehicle entries; new street furniture planters; new street trees; new street lights; and all associated works
APPROVAL
- **LA07/2023/3256/F** - 105 Harbour Road, Kilkeel, BT34 4AT - Proposed erection of 2no. semi detached dwellings to replace existing dwelling and associated works
APPROVAL
- **LA07/2023/3476/O** - Lands between 12 and 20 (on private lane) off Raleagh Road, Crossgar - Proposed infill for 2 dwellings, garages and associated site works
REFUSAL

-O-O-O-O-O-O-

Delegated Application

Development Management Officer Report	
Case Officer: Matthew Hunniford	
Application ID: LA07/2023/2514/F	Target Date:
Proposal: Proposed replacement dwelling with original dwelling retained for ancillary domestic storage, gym and home office (amended proposal description).	Location: 26 Station Road, Newry, BT35 8JH
Applicant Name and Address: Niall Finnegan 26 Station Road Dromintee Newry BT35 8JH	Agent Name and Address: Nadine Graham MMAS Architects 2nd Floor New Mill, Conway Mill 5-7 Conway Street Belfast BT13 2DE
Date of last Neighbour Notification:	5 July 2024
Date of Press Advertisement:	30 August 2023
ES Requested: No	
Consultations: See report below.	
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	
Site Location Plan: 26 Station Road, Newry, BT35 8JH	
	
Date of Site Visit: 25.01.2024	
Characteristics of the Site and Area <p>The red line boundary comprises a rectangular site with the dwelling to be replaced sitting adjacent to the roadside boundary. Sitting directly opposite is neighbouring property no.27 Station Road, adjacent and to the eastern boundary a new dwelling was under construction at the time of site visit.</p> <p>The application site includes a single storey vernacular style dwelling with more recent additions, a yard area located adjacent to the property with outbuildings and farm buildings also located close to the yard. The site also includes part of an agricultural field.</p> <p>The site is located within the rural countryside and is outside any settlement development limits as defined under the Banbridge, Newry and Mourne Area Plan 2015. The site is not zoned and lies within a designated Area of Outstanding Natural Beauty (AONB). The wider area is characterised by rural residential dwellings and farmland.</p>	
Description of Proposal <p>Proposed replacement dwelling with original dwelling retained for ancillary domestic storage, gym and home office (amended proposal description).</p>	
Planning Assessment of Policy and Other Material Considerations <ul style="list-style-type: none"> • SPPS - Strategic Planning Policy Statement for Northern Ireland (SPPS) • Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) • PPS 21 - Sustainable Development in the Countryside 	

- CTY 1 - Development in the Countryside
- CTY 3 - Replacement Dwellings
- CTY 13 - Integration and Design of Buildings in the Countryside; and
- CTY 14 - Rural Character
- CTY 16 - Development relying on non-mains sewerage
- PPS 3 - Access, Movement and Parking AMP 2 - Access to Public Roads
- PPS 2 - Natural Heritage NH2, NH5 & NH6 – Species Protected by Law, Habitats, Species or Features of Natural Heritage and Areas of Outstanding Natural Beauty
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside

Site History:

- LA07/2019/1195/F - 26 Station Road, Dromintee, Newry, BT35 8JH. Refurbishment and single storey extension to existing cottage dwelling. Existing cottage curtilage extended and vehicular access relocated from along Station Road to come off adjacent laneway. Permission Granted.
- LA07/2019/0647/F - 26 Station Road, Dromintee, Newry, BT35 8JH. Proposed refurbishment and single storey extension to existing dwelling to provide new kitchen, dining, living and bedroom suite. Vehicular access relocated from along Station Road, to come off adjacent laneway. Invalid Application.
- LA07/2019/0219/CA - 26 Station Road, Jonesborough, Armagh, BT35 8JH. Alleged curtilage has been increase and new access plus mobile on site. Enforcement Case Closed.

Consultations:

- NI Water - Generic Response. Approved with standard planning conditions.
- DfI Roads – No objection to this application if proposed dwelling could be reasonably occupied at present or following minor modification and there is no intensification to the existing sub-standard access.
- Environmental Health - no objection in principal to this application, subject to informatives.

Objections & Representations

2 neighbours within close proximity of the site were notified on 21/06/2024. This application was advertised in the local press on 30/08/2023. No objections or representations have been received to date.

Consideration and Assessment:

Banbridge/Newry and Mourne Area Plan 2015

The application submitted is seeking full planning permission for a replacement dwelling in the countryside. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, in so far as material to the application, and to any other material considerations. Section 6 (4) of the Act requires that the determination of the application must be made in accordance with the development plan unless material considerations indicate otherwise. The site is currently within the remit of the Banbridge, Newry and Mourne Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits and within open countryside. There are no specific policies in the Plan that are relevant to the determination of the application, and it directs the decision-maker to the operational policies of the SPPS and PPS21. The SPPS along with PPS 21 provide the relevant planning context for determining this application.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside. In respect of replacement dwellings the policy is broadly consistent with the policies set out in PPS21 apart from a tightening of policy in relation to the replacement dwelling being located within the curtilage of the existing dwelling and not having a visual impact significantly greater than the existing building. Whereby the emphasis has moved from 'should' within CTY 3 to 'must'. 'Replacement dwellings must be located within the curtilage of the original dwelling where practicable'....'Replacement dwellings must not have a visual impact significantly greater than the existing building'.

Planning Policy Statement 21 - Sustainable Development in the Countryside Policy

CTY 1 of PPS 21 identifies a range of types of development which in principle are considered acceptable in the countryside. This includes replacement dwellings if they meet the criteria set out in CTY3. The proposal is for an off-site replacement dwelling with retention of the dwelling to be replaced. The proposed development will therefore be required to satisfy the following policies in PPS 21:

1. CTY 1 - Development in the Countryside
2. CTY 3 - Replacement Dwellings

3. CTY 13 - Integration and Design of Buildings in the Countryside
4. CTY 14 - Rural Character
5. CTY 16 - Development Relying on Non-Mains Sewerage

CTY 3 Replacement Dwellings

Following a site inspection, it is evident that the building coloured green on the site location plan is a dwelling. To the west of the dwelling is a yard area with a number of outbuildings. It is considered that the dwelling subject to this application exhibits the essential characteristics of a dwelling and is eligible in principle for replacement under Policy CTY 3.

Policy in relation to non-listed vernacular replacement dwellings states that *"retention and sympathetic refurbishment, with adaptation if necessary, of non-listed vernacular dwellings in the countryside will be encouraged in preference to their replacement. Proposals involving the replacement of such dwellings will be assessed as follows:*

- *if the dwelling makes an important contribution to the heritage, appearance or character of the locality planning permission will only be granted where it is demonstrated that it is not reasonably capable of being made structurally sound or otherwise improved.*
- *if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group."*

The characteristics of the existing dwelling are noted. Annex 2 of PPS 21 provides guidance on what constitutes a rural vernacular dwelling. The dwelling proposed to be replaced has several traditional design tendencies including a linear plan form, gable end to the road, chimneys located along the ridge, and door and window openings located primarily on the front and back long walls and as such the dwelling is considered to be vernacular. Given that works have been recently carried out to the proposal it is however considered that the dwelling does not make an important contribution to the heritage, appearance or character of the locality and therefore the retention of the existing structure would be acceptable if it was sympathetically incorporated into the layout of the overall development.

In this application it is proposed to retain the original dwelling for ancillary domestic storage, a gym and a home office. Case Officers accept that the original dwelling whilst

containing more recent features does have some characteristics of a vernacular dwelling which could be further improved with restoration of the distinctive vernacular features and removal of recent modern non vernacular design additions, therefore the principle of retention is acceptable. In correspondence with the agent the Planning Department highlighted the design issue with regards to no visible or physical linkage between the dwellings and that materials proposed are of a high quality appropriate to its rural setting. Likewise, it was requested that the more recent non vernacular elements be removed and the curtilage of the proposed dwelling be reduced along with the size and scale of the proposed dwelling.

As stated above, following a review of the proposed plans the Planning Department communicated with the agent to request that the original dwelling be modified to remove non-vernacular elements. In this instance the proposed modifications would trigger a biodiversity checklist to be completed by an ecologist or a suitably qualified person. Following the Planning Department's request to remove the non-vernacular elements it was confirmed by the agent that the proposal would remain as originally submitted retaining all elements with no modification of the original dwelling. Given the retention of all elements the Biodiversity Checklist received did not have input from either an ecologist or a suitably qualified person. Case Officers are not satisfied that the proposal meets the requirements of Policy CTY 3 'Non-listed Vernacular Dwellings' by failing to accept the necessity to sympathetically refurbish and adapt the original dwelling. The retained building will continue to have the appearance of a dwelling and will read as such when viewed with the proposed dwelling. Its layout although annotated for use as stores, gym, study and utility will remain the same as the existing dwelling and as such the development will appear as two dwellings.



Fig 1. Drawing showing the proposed and existing dwelling when viewed from the roadside (Station Road).

In relation to the replacement of vernacular buildings PPS21 paragraph 5.17 also states that the retention of existing buildings is intended to promote imaginative design solutions that will help to retain a visual link with the past. Case Officers are not satisfied that the overall layout of the proposed development is physically or visually linked to the

proposed new dwelling and instead reads as two separate dwellings on a large site. Case Officers are not satisfied that the proposal meets the requirements of Policy CTY 3 'Non-listed Vernacular Dwellings' as the proposed replacement dwelling fails to be sympathetically incorporated into the layout of the overall development scheme and reads as two separate dwellings.

Additionally, Policy states that all replacements will only be permitted where all the following criteria met:

- *the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits;*
- *the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;*
- *the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;*
- *all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and*
- *access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.*

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

The SPPS 6.73 states that in the determination of replacement dwellings, the replacement dwelling 'must' be located within the curtilage of the original dwelling where practicable, or at an alternative position nearby where there are demonstrable benefits in doing so. Replacement dwellings must not have a visual impact significantly greater than the existing building. The SPPS provides the higher test therefore Case Officers must defer to the requirements of this policy when assessing this application.

Case Officers are of the opinion that the proposed development whilst it cannot reasonably sit within the existing curtilage, given the proposed retention of the original

dwelling, there is an excess of proposed curtilage to the new dwelling that sits to the rear. It is considered that the proposed new curtilage is excessive and that a more modest increase would still allow for development providing an acceptable living standard.

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 5.0 Replacement is relevant to this application. The guidance sets out how replacement projects can help to reinvigorate our rural landscape and further elaborates on the guidance set out with PPS 21 on eligibility for replacement, size, scale and form; it is imperative that these design principles are incorporated and considered when applying for a replacement dwelling. The guidance further explores how priorities should include retaining all mature trees, hedgerows, walls and boundaries where possible as well as access points. With regards to this application Case Officers are concerned with the size and scale of the proposed replacement dwelling as well as with some of the building materials and finishes proposed, as outlined above, are likewise contrary to advice in 'Building on Tradition' a Design a Sustainable Design Guide 5.3.

Para 5.2.1 of BoT states that *"the replacement dwelling should be of a form and scale that integrates well with the characteristics of the site. Replacement dwellings should not be of an excessive size in comparison to the original building or be located a significant distance away from the original footprint unless there are clear and evident benefits."* Para 5.4.0 goes on to state that *"replacement projects will tend to be most successful where they defer to the form and shape of the building they are replacing."* Case Officers are of the opinion that the size of curtilage, building materials and the increase in form and scale are contrary to both policy requirements and Building on Tradition' a Design a Sustainable Design Guide.

As outlined above policy requires that the new dwelling must not have a visual impact significantly greater than the existing dwelling. The proposed new dwelling is a 2 storey detached house which is considered to be a significant increase in size and scale from the original one storey dwelling. Case Officers accept that a larger dwelling to provide for modern day living standards may be required however the scale and size of the proposed dwelling in combination with the increase in the wider site to include the retention of the original dwelling, has caused Case Officers to consider that the proposal results in a visual impact significantly greater than the original dwelling.

The closest neighbouring dwelling to the north and opposite the site is a small single storey vernacular dwelling and to the eastern boundary there is a 1.5 storey newly

constructed dwelling. The dwelling to the north of the proposal, number 27 Station Road is white rendered with a slate roof similar to the original dwelling of number 26 Station Road which is likewise white render and a slate roof. The dwelling (number 24A) under construction to the western boundary of No.26 has a mix of off white render, slate roof and natural stone to side returns and front porch. To west and southwest of the sites are No.32A and No.30 Station Road which are separated from the site by a private laneway. No.32 is a 2 storey dwelling with a slate roof construction and stone cladding to the walls, whilst No.32A is 1.5 storey dwelling with slate roof and dash render. The proposed replacement 2 storey dwelling includes off white render, stone cladding, fibre cement roof tiles and corrugated fibre cement roof. In correspondence with the agent the Planning Department requested building materials of high quality appropriate to its rural setting to include slate roof tiles and further information of the type of stone cladding proposed. The current proposed finishes and materials are not considered to meet the requirements of Policy CTY 3 as high quality appropriate to its rural setting and have regard to local distinctiveness.

Case Officers are satisfied that all services can be provided without a significantly adverse impact on the environment or character of the locality.

Likewise, Case Officers are satisfied that *'access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic'* following DfI Roads consultation response.

DFI Roads stated in their response that they are satisfied with the proposed access arrangement provided the proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing sub-standard access.

On assessment of policy requirements for CTY 3 - Replacement Dwellings Case Officers are of the opinion that the proposal fails to meet the required criteria for a replacement dwelling.

Integration, Design and Rural Character

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. The new development is unacceptable in that it will sit as a new 2 storey dwelling prominent in the landscape. The application site is located on a roadside position which given the addition of the proposed new dwelling along with the existing dwelling to be retained and

a large increase in curtilage it is be considered that cumulatively the proposed development would be a prominent feature in the landscape. The offsite nature of the proposal requires new natural boundaries to provide a suitable degree of enclosure and to provide adequate screening. The design of the building as outlined above, in the assessment of CTY 3 is inappropriate for the site and its locality. The proposal is contrary to criteria a), b) and e) of CTY 13 of PPS 21.

CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The new development results in a suburban style build-up of development when viewed with existing buildings and reads as two sperate dwellings when viewed from Station Road. The negative cumulative impact of the proposal is considered in light of the siting, scale and design of the proposal alongside the intervisibility of the proposed building with the retained building and neighbouring property No.24A. The proposal is contrary to criteria a) and b) of CTY 14 of PPS 21.

CTY 16 – Development relying on non-mains sewerage

The P1 form indicates that foul sewage will be disposed of via septic tank. The application complies with Policy CTY 16. A condition should be included in any approval to ensure a copy of a consent to discharge is submitted prior to commencement of development.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 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 AMP 2 makes reference to DCAN 15 which sets out the current standards for the sightlines that will be applied to a new access onto a public road. As set out above DFI Roads were consulted in relation to the proposed development and in a response dated 29/08/2023 have no objection to the proposed development, provided that proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no intensification to the existing sub-standard access. Having visited the site Case Officers are content the dwelling is at present occupied therefore the application is considered to comply with PPS 3.

Amenity

The site is situated opposite dwelling No.27 Station Road and to the west of newly constructed dwelling No.24A Station Road. Given the separation distance from No. 27 and the intervening existing dwelling (No.26 Station Road) there is not considered to be

any likely detrimental impacts on the amenity to No.27. The boundary with no.24A comprises an existing stone wall with a newly constructed blockwork wall (under construction) on the neighbouring boundary which is raised above the proposed site at No.26. Elevations on the eastern side of the proposal adjacent to No.24A introduce a limited amount of glazing to include one ground floor window, a first floor window and glazing associated with a front porch. The first floor window is a narrow window belonging to a proposed bedroom and the ground floor window belongs to the rear garden room and is raised limiting overlooking potential. Case Officers have no overriding concerns that the proposed ground floor window is detrimental to the amenity of No.24A, however should Case Officers be minded to approve a condition will be added to ensure obscure glazing is used to the proposed first floor window on elevation to No.24A. The dwelling proposed has been assessed in terms of possible unacceptable impact in terms of overshadowing and loss of light on neighbouring properties and given the separation distances involved, and the siting of neighbouring dwellings Case Officer have no concerns of unacceptable impacts. Accordingly, case officers consider the proposed dwelling will not result in any unacceptable impact on the amenity of any adjoining property.

Planning Policy Statement 2 – Natural Heritage

Policy NH 2 - Species Protected by Law

Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions; and
- it is required for imperative reasons of overriding public interest; and
- there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- compensatory measures are agreed and fully secured. National Protected Species Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against.

Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Given the proposal is for a replacement dwelling a Biodiversity Checklist was completed by the agent. The Parts 1 and 2 of the checklist were completed and questions answered such that Part 3 was not necessary to be completed by an Ecologist or other suitably qualified person and no Ecological Statement or other surveys were submitted to accompany the checklist. The Planning Departments request to remove later non-vernacular elements of the existing dwelling would trigger the need for further information as outlined above. In communication with the agent Case Officers assessed the application on the basis that amended plans to remove non vernacular element was not to be considered as part of the proposal and original plans to retain all elements was to be considered only. On this basis Case Officers are not satisfied that the proposal to retain the existing building meets policy requirements of non-vernacular buildings and in order to do so would require some modifications to the existing dwelling. Having considered the development as currently proposed Case Officers are satisfied that the proposal would not have any impact on any European protected species.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

The proposal has been considered in respect of Planning Policy Statement 2 in terms of priority habitats, species and feature of natural heritage importance. Assessment of the site by Case Officers taking into consideration DAERA guidance and following site inspection did not observe any priority species, habitats or features of natural heritage importance that are likely to be impacted. Case Officers are satisfied that the proposal does not offend any part of Policy NH 5 of PPS 2.

Policy NH 6 - Areas of Outstanding Natural Beauty

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. Case Officers consider the proposal is contrary to Policy NH 6 in that the scale of the proposal is not sympathetic to the special character of the AONB and of the particular locality. The proposal is therefore considered contrary to criteria of Policy NH 6 of PPS 2.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 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 AMP 2 makes reference to DCAN 15 which sets out the current standards for the sightlines that will be applied to a new access onto a public road. As set out above DFI Roads were consulted in relation to the proposed development and in a response dated 29/08/2023 have no objection to the proposed development, provided that proposed dwelling to be replaced could be reasonably occupied at present or following minor modification and there is no

intensification to the existing sub-standard access. Having visited the site Case Officers are content the dwelling is at present occupied therefore the application is considered to comply with PPS 3.	
Neighbour Notification Checked	Yes
Summary of Recommendation	
Refusal	
Reasons for Refusal:	
<ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 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 3 of PPS 21, Sustainable Development in the Countryside in that: <ul style="list-style-type: none"> • The retention of the existing structure has not been sympathetically incorporated into the layout of the overall development scheme proposed and reads as two separate dwellings. • The proposed replacement dwelling is not sited within the established curtilage of the existing building and it has not been demonstrated that the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling and that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. • The overall size of the new dwelling and retained building does not allow the development to integrate into the surrounding landscape and will have a cumulative visual impact significantly greater than the existing dwelling. • The design of the proposal is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness. 	

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The new development is a prominent feature in the landscape.
 - The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
 - The design of the building is inappropriate for the site and its locality.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The new building is unduly prominent in the landscape.
 - It results in a suburban style build-up of development when viewed with existing and approved buildings.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that:
 - The scale of the proposal is not sympathetic to the special character of the AONB and of the particular locality.

Case Officer Signature: Matthew Hunniford

Date: 02/12/2024

Appointed Officer Signature: Maria Fitzpatrick

Date: 10/12/2024

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/0066/F	Target Date:
Proposal: 2 Storey Dwelling and Garage	Location: 100 M South of 57 Wateresk Road Maghera Castlewellan
Applicant Name and Address: GARY BRANNIGAN 11 GRANGE AVENUE CASTLEWELLAN BT31 9UH	Agent Name and Address: MARTIN BAILIE 44 Bavan Road Mayobridge Newry BT342HS
Date of last Neighbour Notification:	9 March 2024
Date of Press Advertisement:	7 February 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none">Northern Ireland Environment Agency (NIEA)Northern Ireland Water (NIW)DfI Roads	
Representations: <p>No representations or objections have been received from third parties or neighbours 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:

Characteristics of the Site and Area

The site is comprised of a 0.25-hectare portion of land located 100m south of the No 57 Wateresk Road (a detached two-storey Dwelling).

The site sits on ground that rises gently northwards from where it forks at Nos 63 and 68 as shown in the google street view image below.



The site is defined at the roadside by mature vegetation.

Construction of a new dwelling is occurring immediately adjacent and north of the site on the intervening lands between the current site and No 57 Wateresk Road.

<p>The site is located within the settlement limits of Maghera as designated in the Ards and Down Area Plan 2015. It is also located within the Mourne Area of Outstanding Natural Beauty.</p>
<p>Description of Proposal</p> <p>2 Storey Dwelling and Garage</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p><u>PLANNING HISTORY</u></p> <p>Enforcement LA07/2019/0135/CA Proposal: Alleged unauthorised construction of a dwelling house Case Closed</p> <p>Planning</p> <p>LA07/2023/2551/F Proposal: PROPOSED RESIDENTIAL DEVELOPMENT OF 4 DWELLINGS AND ASSOCIATED SITE WORKS Decision: Decision Date:</p> <p>R/2001/0926/F Proposal: Proposed semi-detached chalet dwellings Decision: Permission Granted Decision Date: 07 January 2002</p> <p>R/2001/0927/F Proposal: Proposed new dwelling. Decision: Permission Granted Decision Date: 08 January 2002</p> <p>R/2003/0996/F Proposal: Proposed semi-detached chalet dwellings and garages Decision: Permission Granted Decision Date: 15 December 2003</p> <p>R/2006/0769/O Proposal: Apartment development Decision: Withdrawal Decision Date: 01 April 2008</p>

R/2008/0601/F

Proposal: Erection of dwelling & detached garage.

Decision: Permission Granted

Decision Date: 28 January 2009

R/2008/0927/F

Proposal: Extension to dwelling to provide living room with bedroom over

Decision: Permission Granted

Decision Date: 29 January 2009

.

R/2014/0031/O

Proposal: Proposed site for farm dwelling & garage

Decision: Withdrawal

Decision Date: 25 June 2014

LA07/2015/1067/F

Proposal: Erection of dwelling house and domestic garage

Decision: Permission Granted

Decision Date: 16 March 2016

LA07/2017/1181/F

Proposal: Dwelling and Garage on a farm

Decision: Permission Granted

Decision Date: 09 November 2017

LA07/2020/1900/O

Proposal: 2 dwellings and garages

Decision: Permission Granted

Decision Date: 06 July 2021

LA07/2020/1536/PAD

Proposal: Housing Development

Decision:

Decision Date: 20 October 2021

LA07/2022/1348/F

Proposal: Detached Dwelling and Garage

Decision: Permission Granted

Decision Date: 21 March 2023

LA07/2023/3155/F

Proposal: Business Park including sale and hire of goods, plant and equipment, storage, maintenance, distribution and associated office facilities.

Decision: Application Withdrawn

Decision Date: 12 October 2023

SUPPORTING DOCUMENTS

The application has been supported with the following documents

- Application Form
- Design & access Statement
- Supporting Statement
- Site Location Plan
- Site Layout Plan
- Proposed Elevations
- Proposed Floor Plans
- Proposed Garage Plans

CONSULTATIONS

- Northern Ireland Environment Agency (NIEA)
- Northern Ireland Water (NIW)
- DfI Roads

REPRESENTATIONS

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

EVALUATION

The proposal seeks Full planning permission for the erection of 1no. dwelling and garage to the south of no. 57 Wateresk Road. It follows the approval of 2no infill dwellings on this application site and a full application for one of the infill dwellings on the intervening land between this site and No 57 as shown below.

LA07/2022/1348/F site location plan

LA07/2020/1900/O location plan:



Ards and Down Area Plan 2015

The ADAP 2015 operates as the current local development plan for this area and identifies the site as being located within the development limits of Maghera.

SPPS

The Strategic Planning Policy Statement for Northern Ireland (SPPS), which sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area, retains certain existing planning policy documents and amongst these are: Planning Policy Statement 7: Quality Residential Environments (PPS 7); and the Addendum to PPS 7: Safeguarding the Character of Established Residential Areas and Planning Policy Statement 12. Creating Places also provides relevant planning guidance.

The SPPS states that the Local Development Plan process is the primary focus for assessing future housing land requirements and managing housing growth to achieve sustainable patterns of residential development, as well as fulfilling other SPPS objectives.

Principle of development

The application site is located within the Settlement Limit of Maghera as designated in the Ards and Down Area Plan (ADAP) 2015. The ADAP policy for development within settlement limits is contained in Policy SETT 1.

Policy SETT 1 of ADAP states that 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. This policy therefore provides broad support for the principle of the proposal.

Policy DES 2 of the PSRNI

This policy requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

PPS 7

Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) states that planning permission will only be granted for new residential development where it is demonstrated that 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. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

(a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

The settlement of Maghera Village contains a variety of dwelling types and styles on varying plots sizes. The character of the village therefore varies throughout e.g. at Maghera Court and The Tower developments, the character is typically two-storey terraced dwellings on narrow plots, while moving westwards towards The Old Mill , the density is slightly lower with semi-detached dwellings on modest plots typical. The area of Maghera within which the proposal site is located is notably less dense, plots tend to be more mature and the dwellings larger than those mentioned above.



Officers consider that the character of development informing the site is limited to those properties Nos 57, 66, 68 69 and 70 Wateresk Road. When travelling through the village along Wateresk Road from the east, the eye is naturally taken along Wateresk Road, turning north towards No 57 given the curvature of the road. Officers therefore consider that it is these dwellings that inform the character of the area and influence how the site should be developed.

The area of land to the south of No 57 Wateresk Road has been approved for 2 x infill dwellings. This current application site seeks permission for one of those dwellings with the other currently under construction immediately adjacent and to the north.

Officers note that the layout approved in LA07/2020/1900/O was as shown below. It is noted that both plots were to be generously spaced with ample areas for parking, turning and amenity to the front and rear.

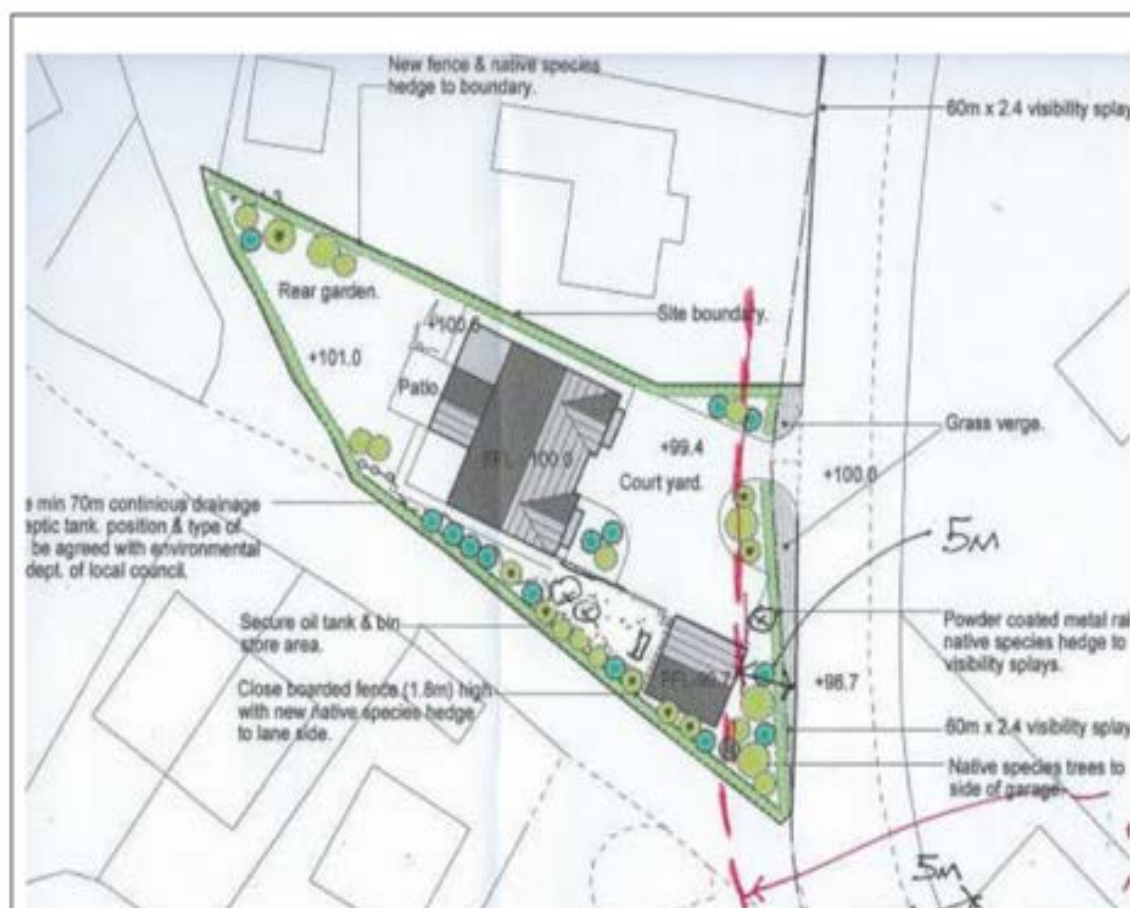
Officers note that garages did not form part of the outline approval for 2 infill dwellings.



The approval of the northern section of the infill site as granted below under LA07/2022/1348/F has resulted in this portion of the site being larger than that previously approved. Officers note the rear portion to the west and the central section of the site have increased in depth (north to south) by 6m and 2m respectively. In addition the site has been extended westwards enabling the inclusion of a detached garage to the rear of the dwelling.



This increase in one half of the overall infill site has resulted in the current site for the second infill to be smaller than that originally approved. Consequently, this has had implications for the layout of the proposed dwelling. Officers are concerned that the more restricted spacing of the site, from that previously approved, would be detrimental to the character of this part of Maghera and would be at odds with the more generous spacing noted in the site adjacent and that at Nos 57, 66, 69 and 70 Wateresk Road.



The proposed layout as shown is a departure from what the Council previously considered appropriate for development. The two-storey dwelling proposed, fills the entire width of the site albeit for very narrow circulation space to the sides, providing pedestrian access to the rear. Officers note that this site is now approximately 18m whereby it was previously to be 22m wide across the central portion as per LA07/2020/1900/O.

Officers note that the dwelling is so large within the site, that in initial submissions a portion of the southern boundary was to be removed to enable the dwelling to be developed. This indicates to officers that the dwelling is too large for the site. Subsequently the southern boundary treatment has been amended as shown above, which proposes a new close board 1.8m timber fence with new native species hedging. The loss of this vegetation will alter the existing character of the site and area. A more sympathetically sized dwelling designed to be in proportion with the plot would enable the existing vegetation to be retained.

Further to this, the reduction in width has resulted in much smaller areas of amenity to the front and rear, while this is not fatal to the proposal, officers note that the applicant intends to erect a detached garage to the front of the dwelling at the roadside. This element of the proposal was not previously before the Planning Authority when considering approval of the outline application for 2 infill dwellings. Careful consideration is therefore required as to the siting of the detached garage.

Officers consider the proposed layout to be at odds with the character of the area. Routinely throughout the area, garages are predominantly located to the side or rear of dwellings, so as not to detract from the appearance of the dwelling and to respect the character of the area. Officers consider the reduced size of the site has resulted in a layout which is contrived and the

potential creation of a feature in the street scene which is repeatedly resisted given the poor aesthetics that such development will present.

Officers consider that the Addendum to PPS 7: Residential Extensions and Alterations supports the above stance. The Preamble to the addendum policy states that it must be read in conjunction with the policies contained within PPS 7 'Quality Residential Environments'. While the policy title states residential Extensions and Alterations the preamble advises that proposals for a domestic garage or an out-building, or other built development ancillary to a residential property will also be considered under the provisions of this Addendum. Officers consider therefore that the advice given in this addendum can be applied to the consideration and assessment of the proposed dwelling and detached garage.

Paragraphs A11 and 12 of the addendum provide guidance on garages and advise in A12 that garages wholly located in front gardens can over-dominate the front the property and detract from the street scene and will therefore generally be resisted.

In this case the detached garage is proposed entirely to the front of the dwelling and at the roadside. The proposed layout plan, indicates that the existing vegetation of the site will have to be removed in order to provide visibility splays. In addition, the southern boundary is to be defined by a fence and new hedging, indicating that it too is to be removed. As such the proposed detached garage will be visible in the street scene and officers consider that at this juncture in the road network a garage would detract from the street scene.

The applicant has been afforded an opportunity to comment on officers concerns and disagrees with the stance taken. They have in a supporting statement provided an example whereby a garage has been approved by the PAC on a site outside Newry Mourne and Down District Council. The example referred to relates to a site in south Belfast where the context is entirely different. Furthermore, the garage proposed in the referred case was flat roofed and screened by the roadside hedgerow of the existing dwelling. The circumstances of the appeal case 2016/A0207 are not directly comparable with the current proposal and officers cannot give it determining weight.

The applicant also provides No. 70 Wateresk Road, as an example of where ancillary buildings are located forward of the dwelling and directly along the roadside. Officers note that the roadside buildings at No 70 are a historical feature which does not set precedent for that which is proposed in this current application.

On the above basis officers consider that the proposal as shown above would be contrary to Criteria A of Policy D 1 of PPS 7 in that the development does not respect the surrounding context and is inappropriate to the character of the area in terms of layout. For this reason the application will be recommended for refusal.

(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

The site falls within the consultation zone of two Souterrains. In consideration of the proposals impact on these heritage features a consultation was carried out with Historic Environment Division : Historic Monuments who have advised the Planning Authority that they have assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

In consideration of landscape features the site benefits from mature vegetation along the southern and eastern roadside boundaries. The proposed layout shows that, that existing along the southern boundary is to be removed to facilitate the dwelling, such removal of vegetation highlights the contrived nature of the development as discussed above.

(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist with its integration with the surrounding area;

The guidance document Creating Places advises in paragraph 5.19 that all houses should have an area of private open space behind the building line and that an average area of around 70sqm is considered acceptable. In this proposal, the private amenity space provision to the rear of the dwelling is approx. 215sqm which complies with the above requirements and guidance.

(d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

Neighbourhood facilities are not required as part of this development. Development is within the settlement limits of Maghera.

(e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The development can access the public footpath within the village. Public transport is readily available.

(f) adequate and appropriate provision is made for parking;

The proposed layout has made sufficient provision for parking within the site to the front of the dwelling.

(g) the design of the development draws upon the best local traditions of form, materials and detailing;

As alluded to above the design context of Maghera is varied with a mix of modern and traditional styles.



PROPOSED FRONT ELEVATION...1:100.

The dwelling proposed as shown above, is a substantial dwelling with a maximum ridge height of 8.8m above finished floor level, a frontage of 13.9m, a gable depth of 10.2m and return to the rear extending 5.4m. The dwelling will be finished with a natural slate roof, smooth rendered walls with painted plinth, upvc windows and rainwater goods and timber doors.

The dwelling has symmetry and good solid to void ratio, the windows are typically picture in form given their rectangular nature, but as the site is located within the settlement limit, this is acceptable.

While officers have concerns about the size of the dwelling in relation to the plot width, the design in terms of appearance and finish are considered to be acceptable.

(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and

The proposed dwelling will sit gable to gable with that currently under construction adjacent. In assessment of the relationship between the two below are the respective gables



PROPOSED SIDE ELEVATION...1:100.

Current Proposal



Gable approved adjacent under LA07/2022/1348/F

The southern facing snug, living room, study and first floor bedrooms of the new dwelling under construction adjacent will face the proposed northern gable of the proposal. However, given the absence of any habitable rooms in the proposed development along this gable, there is not considered to be a detrimental impact from either dwelling on each other.

Both dwelling will however require robust treatment along the shared boundary to ensure maintained of privacy for the respective private amenity areas. Officers note that both proposed plans indicate planting along this boundary, this should be carried out prior to occupation.

The proposed dwelling will be sufficiently separated from those dwellings to the south at Nos 63, 63b and 63c Wateresk Road not to have a detrimental impact on their amenity / privacy.

(i) the development is designed to deter crime and promote personal safety.

The layout has been designed so as not to lead to an unsafe environment for residents.

PPS7 Addendum – Safeguarding the Character of Established Residential Areas.

Policy LC1 guides that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria (a) to (c) set out under LC1 are met:

(a) the proposed density is in keeping with that found in the established residential area is appropriate to its setting in this settlement location

(b) As discussed above the pattern of development is not considered to be in keeping with the overall character of the established residential area as discussed under PPS7 given the contrived way in which the site has been proposed for development and the proposal of a garage to the front of the dwelling;

(c) the proposed dwelling will be built in adherence to the details as set out in Annex A.

PPS3 – Access / Movement and Parking

The proposal seeks to create a new access onto Wateresk Road. DfI Roads are content that the proposal meets PPS3 and DCAN15 requirements, subject to attached conditions. The parking as discussed under PPS7 is acceptable to DOE Parking Standards.

PPS 6 – Planning, Archaeology and Built Heritage

The application site sits adjacent to an archaeological sites/monument – a souterrain. HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Non-mains sewage

There is no capacity for mains waste treatment in the settlement of Maghera. A septic tank is proposed for this dwelling. NI Water have no objections to this proposal. Both septic tank and soakaways are contained within the application site.

Neighbour Notification Checked	Yes
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Summary of Recommendation

The reduction in size of the site from that previously approved in outline has limited that which is suitable on site. The reduced width does not enable the applicant to make provision for vehicular access to the rear of the site as approved adjacent. Consequently, their desire to have a dwelling and garage as proposed has resulted in development which is too much for the site. For this reason, the proposal is out of character with the area and contrary therefore to Criteria A of Policy QD1 of PPS 7 and Criteria B of Policy LC1 of the addendum to PPS 7.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7: Quality Residential Development in that the development does not respect the surrounding context nor is it appropriate to the character of the area in terms of layout.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria B of Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas in that the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.

Case Officer Signature: C COONEY Date: 16 December 2024

Appointed Officer: A.McAlarney Date: 19 December 2024

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Committee Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2021/1089/F	Target Date:
Proposal: Proposed residential development comprising of 44No. dwellings including 16No. detached and 28No. semi-detached units; garages; sunrooms; open space; car parking; landscaping and all associated site and access works.	Location: Lands immediately north of Nos. 36, 38, 64, 66 and 84 Fifth Avenue; west and north west of Nos. 29-35 Third Avenue and east of Craigmore Way, Newry
Applicant Name and Address: Calmor Properties Ltd 62a Drumlough Road Rathfriland BT34 5DP	Agent Name and Address: TSA Planning 20 May Street Belfast BT1 4NL
Date of last Neighbour Notification:	20 August 2021
Date of Press Advertisement:	21 June 2021
ES Requested: No	
Consultations: DFI Roads DFI Rivers NIE NIEA HED Environmental Health	
Representations: A number of objections were received for this application, the areas of objection will be detailed and considered within the main body of this report.	
Letters of Support	0.0
Letters of Objection	5
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The application will be considered against relevant policy, area plan and any other material considerations including objections received.	

Site Visit Report

Characteristics of the Site and Area

The application site is located within the Development Limits for Newry City as defined within the Banbridge / Newry and Mourne Area Plan 2015. The site is within designation NY47 – Housing Adjacent to St. Brigids RC Church, the site is a small section in the western corner of the large designated area, the remaining area of the designation is currently under development for social housing units. The site partially abuts part of designated Local Landscape Policy Area NY119.

The site is located on the edge of a busy public road, the site slopes to the north-eastern boundary and the large portion of the designated area NY47 which is currently being developed, the site at the time of inspection was partly being used to keep horses. Areas of the site are overgrown with brush, mature trees and hedges define the majority of the outer site boundaries, a large mature vegetation belt sits between the main area of the site and Craigmore Way, existing vegetation at present screens the site from views when travelling along Craigmore Way. Existing vegetation along the southern and eastern boundaries provide screening between the site and surrounding residential properties. Existing vegetation also provides some screening between the site and the designated LLPA.

The site is located within an area characterised by a mix of residential developments made up of old, new and developments under construction, the site is in close proximity to Newry Train Station.

Description of Proposal

Proposed residential development comprising of 44No. dwellings including 16No. detached and 28No. semi-detached units; garages; sunrooms; open space; car parking; landscaping and all associated site and access works.

Planning Assessment of Policy and Other Material Considerations

The following policy documents provide the primary planning context for the determination of this application:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge Newry and Mourne Area Plan 2015 (BNMAP)
- Planning Strategy for Rural Northern Ireland (DES2)
- PPS2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS6 - Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- PPS 7 (Addendum) - Safeguarding the Character of Established Residential Areas
- PPS 8 - Open Space, Sport and Outdoor Recreation

- PPS 12 - Housing in Settlements
- PPS 15 - Planning and Flood Risk
- Creating Places
- DCAN 8 - Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards
- Parking Standards

PLANNING HISTORY

Application Number: LA07/2019/0745/RM Decision: Permission Granted
 Date: 19 May 2021

Proposal: Housing development comprising 255 social housing units in a mix of 49 apartments and 206 dwellings with associated amenity space, car parking, landscaping, open space and right-hand turning lane from Craigmere Way.

CONSULTATIONS

Roads – Following the submission of additional information and amended drawings the latest response raises no objection subject to conditions and informatives. It has been identified that the site is to access onto a protected route and as such must fall within what is considered an exception.

NIW – Initially NIW had recommended refusal for the application, additional information had been submitted by the agent to show engagement with NIW.

NIEA

Natural Environment Division (NED) – Latest response states NED 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 subject to conditions and informatives.

NIEA Water Management Unit - Has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to adversely affect the surface water environment. The comments received outline that concerns relate to NIW comments and that if approval was recommended then a condition is suggested.

Environmental Health – No objection in principle, condition and informatives have been suggested.

DFI Rivers – The latest response raised no objection in principle to the proposal following consideration of additional information submitted by the agent.

NIE – no objections raised however guidance is provided for the developer.

HED (Historic Monuments) – no objections raised however conditions are suggested to ensure the proposal is in line with BH4 of PPS6.

REPRESENTATIONS

The application was advertised on 07 & 08/03/2023, fourteen (14) neighbouring addresses were notified on 31/03/2023 with one further neighbour notified on 26/06/2023, no objections have been received, two representations of support have been received from elected representatives.

- Close proximity to neighbouring properties,
- Lack of information regarding boundary treatments with neighbouring properties,
- Possible impacts on properties during construction and ground works needed,
- Roads safety and impact from car lights on neighbouring properties,
- Impacts on vegetation and wildlife.

The areas of objection will be considered within the main evaluation of the proposed development.

EVALUATION

Proposal

Proposed residential development comprising of 44No. dwellings including 16No. detached and 28No. semi-detached units; garages; sunrooms; open space; car parking; landscaping and all associated site and access works.

The proposal includes a mix of 3 and 4 bedroom properties, these are to be a mix of detached and semi-detached, the majority of properties are to be two-storey in design however the dwellings within plots 38-44 are to be split level with the appearance of one and a half storey to the front and two and a half storeys to the rear. The proposed dwellings are modest in their size and scale and include bay windows and projections similar to other recently constructed dwellings in the surrounding area.

The development will involve earthworks with cut and fill works across the site to facilitate suitable levels on which to develop and to allow units to have access to relatively flat rear gardens and for shared amenity spaces to be useable.

The differing levels and proposed cut and fill will require the use of retaining walls to facilitate the development. The entire site includes retaining walls however the main area making use of retaining structures is to the rear of plots 26-28 between plots 29 to 32 and also between plots 37-33 and 38-44. This area sees the site steeply sloping and the use of retaining walls is necessary for safe development, vegetation buffers are to be planted between these plots, this vegetation will soften the appearance of retaining structures and will also protect private amenity space preventing overlooking.

The proposal will see the creation of a new internal road system to serve all properties, the construction of this road system will also require ground levels to be altered to provide adequate access, dwelling units are to have private parking at each property with some shared visitor parking throughout the site.

The proposal will see the creation of private garden areas for all dwelling units, these gardens are easily accessible with the exception being the gardens to split level properties, these gardens to the rear will be accessed by external steps. Although this will restrict the ability for everyone to access the rear gardens the majority of properties will have accessible garden areas.

Overall, the development is a mix of design types with the need for retaining structures given the sloping nature of the site, planting is proposed throughout the site to aid the development to integrate and to soften the overall appearance of the development.

EIA Screening

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

Planning Act:

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plans so far as it material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011, which deals with local development plans, states where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Strategic Planning Policy Statement (SPPS).

The SPPS sets out core planning principles and the need to achieve sustainable development. Of relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Para 3.3).

It is considered that the proposal is accordance with the principles set out in the SPPS and other policy considerations for the reasons set out below.

Development Plan:

Banbridge Newry and Mourne Area Plan 2015

The site is located within the Development Limit for Newry City and designation NY47 – Key Site Requirements

- minimum of 94 dwellings shall be provided for social housing;
- Housing development shall be a minimum gross density of 25 dwellings per hectare;
- Access shall be onto the old A1 Craigmor Way;
- right hand turning lane facility shall be required;
- The design layout shall include dedicated provision for pedestrians and cyclists using the disused transport route that runs along the northeastern boundary of the site.

The proposal forms only a small section of the overall area included in the designation NY 47, the requirement with regards to social housing has been covered within the development under construction in the remaining area of NY 47. The proposed density is broadly in line with the key site requirement and is considered acceptable and the development is to access onto Craigmores Way. The requirement for a right hand turning lane is not seen as necessary for this small section with the larger zoned area. The disused transport route does not abut this section of the designated site, however pedestrians and cyclists can access it from the proposed development.

The proposal is considered to broadly comply with the above Key Site requirements.

As the application site partially abuts a designated LLPA then the proposal must be considered against Policy CVN3, it is considered that the proposed development will not result in an adverse effect on the environmental value or character of the designated area, proposed planting will aid the development to exist adjacent to the LLPA without resulting in any unacceptable impacts.

Planning Policy Statement 2

Policies NH 2 and NH 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.

Natural Environment Division was consulted as part of the application process and having considered the Preliminary Ecological Appraisal and has no objections and states that they consider that the proposal is unlikely to have any impacts on protected species. Conditions have been suggested regarding protection of trees being retained and dates for vegetation clearance, I consider the inclusion of these conditions will help to safeguard the natural heritage interests of the site without stifling development. The proposal is in compliance with PPS 2 policies NH2 and NH5 given the information submitted and response received from NED. The area of objection relating to possible impacts on trees and wildlife has been considered.

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, considered that the proposal would not have an adverse effect on the integrity of any European site given the size, scale, nature and location of the proposed development.

The proposal will be assessed against regional operational policy, Planning Policy Statement 7 – Quality Residential Environments, PPS 7 Addendum: Safeguarding the Character of Established Residential Areas and Creating Places.

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive

aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site.

It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider.

Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 of PPS7 requires planning permission for new residential development to demonstrate a quality and sustainable residential development where the design and layout will reflect the positive aspects of the character and appearance of the surrounding area. Such proposals will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

Policy QD 1 of PPS 7 states:

All proposals for residential development will be expected to conform to all of the following criteria:

a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

The site is located within the urban settlement of Newry surrounded predominantly by existing and approved residential housing.

Housing development within the vicinity includes a mix of house types, two-storey units would be the most common (this includes terrace dwellings) however some split-level development does exist with units designed to fit sloping sites. Adjacent residential developments include retaining structures to allow development of sloping sites.

The application site is quite sloping and development will include significant cut and filling to allow the proposed units to be constructed, this is similar to other developments in the area. The change in levels across the site have been mitigated through a design which shows a series of plateaus on which the dwellings have been positioned to generally follow the contours of the site. The proposal will however see retaining walls along

sections of the site, these structures will then have adjacent landscaping to soften any visual impacts. While it is acknowledged that the use of retaining walls is not always considered a suitable design solution in this specific instance given their location within the development and how they are to be screened with planting it is considered to be an acceptable solution. Appropriate care has been taken to ensure that the proposed layout on this sloping site has minimal impact on adjoining developments and the proposed scheme.

The proposed dwelling units as previously outlined are a mix of detached and semi-detached dwellings with some split-level dwellings proposed on the more sloping portions of the site. The proposal also includes some dwellings which include dual frontage design, this aspect of design will ensure these properties make a positive contribution to the overall character and appearance of the proposed development and draws upon design requirements for properties at the edge of development.

The proposed house types are a mix of gable and hipped roof designs, this is similar to other surrounding developments and draws upon these designs in the area. Proposed designs include optional sun rooms, the materials to be used for properties are similar to those existing in the surrounding area and so are seen as acceptable. The house types use render and brick detailing with a combination of dark and grey roof tiles all of which are commonly found within the locality. The streetscapes have been designed to create a residential development which incorporates variety design types tied together by using a similar palette of materials.

The proposed layout will provide an accessible development with properties adequately distanced from each other and surrounding properties, the layout will include a number of cul-de-sacs within the development which helps to split the development into a number of different sections.

The proposal consists of a mix of private and shared amenity space, soft and hard landscaping along with private and shared parking areas, the use of planting helps to soften hard surfaced areas and retaining structures. Landscaping is also used to provide a buffer between the public road and dwelling units within the site. The majority of new shared boundaries are to be defined by a 1.8m timber fence which are well screened from public viewpoints, some sections closer to Craigmores Way will make use of Acoustic Fencing to protect new properties from unacceptable levels of noise. More visible boundaries are to make use of softer materials and planting which will have less of a visual impact.

As previously outlined retaining walls varying in size are to be used throughout the site given the sloping nature, bands of planting are proposed between the main sections including retaining walls, this planting will screen views of the structures along with ensuring lower properties are not overlooked from raised properties, the new planting will provide screening and protection to amenity.

The proposal is considered in line with this criteria given that the development has been designed to best fit the typography on a sloping site and is similar in a number of ways to surrounding existing and approved development.

b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

The site is located within an archaeologically sensitive area, the response received from HED (Historic Monuments) states that they are satisfied with the proposal subject to the inclusion of conditions on any approval. The suggested conditions relate to the need for archaeological surveys to be carried out, these conditions will be included on any approval.

NIEA (NED) has considered the Preliminary Ecological Appraisal along with landscape drawings, it is considered that the proposal is unlikely to have any impacts on protected species.

NED has suggested conditions relating to the protection of trees to be retained and stipulating dates when vegetation clearance shall not take place, the suggested conditions shall be included on any approval.

c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

The development is within the threshold for requiring public open space provision as instructed by PPS 8, 10% required for public open space. The proposal shows an open space provision of 10.85% in line with the requirements of PPS8, this will see the creation of two separate areas of open space.

The main amenity area at the site entrance will help to create an attractive outlook to the development from the Craigmore Way and help to soften the visual appearance of the new internal road layout. The provision of the majority of the open space provision close to the site entrance is the result of the sloping nature of the site as the areas considered most acceptable are at the entrance and then in the north eastern corner of the site between the site and the remaining are of Zoned land NY47. The site slopes in a manner that to provide useable amenity space centrally within the site would require retaining structures and would not be feasible. It is therefore considered that the open space provisions of the development are suitably located, proportioned and adequately landscaped which will aid in the promotion of biodiversity and contribute to the overall development.

The provision of private amenity for proposed dwelling units is in line with the required minimum 70sqm of private amenity space, some properties have close to the required level and others significantly more. The level of private amenity is considered acceptable in this case.

The proposal includes the retention of some existing and new planting proposed along the boundaries and within the site which will help soften the visual impact and help integrate the development into the site. The existing and proposed landscaping will reduce views of the proposed development when travelling along the public road and from adjacent residential properties, it will also help to soften the development when viewed internally, this includes screening of retaining structures.

To provide for maximum surveillance, areas of open space are best located where they are overlooked by the fronts of nearby dwellings. The open space is adequately overlooked by the dwellings within the development and easily accessible. Subject to the proposed landscaping being appropriately implemented and maintained in perpetuity the proposed landscape measures are acceptable

d) Adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

Given the nature and scale of the proposal, the developer is not required to make provision for local neighbourhood facilities. Nonetheless all the necessary services are located in close proximity to the site given its location within Newry City. The proposal will require new water links and this will require the inclusion of a negative condition to ensure these links are agreed and provided.

e) A movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

The proposed layout includes footpath lined streets and a convenient pedestrian footway link to Craigmore Way and the residential development under construction adjacent and north east of the site. The site provides a good location in terms of providing a movement pattern that supports walking and cycling, the proposal meets the needs of people whose mobility is impaired as provision is made for a public footpath. The proposal offers proximity to good public transport links with regards to bus and train links and neighbourhood facilities.

f) Adequate and appropriate provision is made for parking;

The proposal includes the provision of at least two in-curtilage parking spaces per dwelling unit, the majority of units include a garage which will provide a further parking space. The proposed layout also shows an additional 11 parking spaces throughout the development to be used by visitors.

Overall the proposed parking provision is broadly in line with standards set out in Parking Standards given the level of in-curtilage parking supplemented by the provision of garages and visitor parking spaces. The proposal is considered to be in line with policy AMP7 of PPS3.

g) The design of the development draws upon the best local traditions of form, materials and detailing;

As previously stated, the proposal has been designed to take account of the sloping site in a similar way to surrounding residential developments. The design of the mix of different dwelling units is similar to other units within the area. The proposal is considered to draw upon other recent and under construction developments in the area. The proposed units are to have matching materials and detailing which are considered acceptable.

h) The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

Paragraph 4.12 of the SPPS states that other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing.

The proposed development will not create conflict with adjacent land uses as these are residential. The layout and orientation of the proposal shows Plots 1 -15 running adjacent to existing residential development to the south and east of the application site. The proposed dwellings are a mix of two-storey detached and semi-detached dwellings, the dwellings will be orientated with their rear elevations facing the boundary of the site and in doing this facing the gable ends of existing dwellings to the south and east of the site. The only exception to this is within Plot 9 where the initial layout has been removed to address concerns raised within objections regarding the proximity to neighbours. The scheme has been reduced and sees one dwelling in the corner site which is orientated at an angle, this orientation ensures adequate separation distance and removed any overlooking issues. The proposal will see some sections of existing vegetation to remain and new 1.8 metres fencing along the southern and eastern boundaries with a number of trees planted along these boundaries.

The proposal has been considered and the separation distances are considered acceptable. The distances along with the existing and proposed boundary treatments and the adjacent house types will ensure that overlooking and loss of privacy is not an issue. It is also considered that the position of new dwellings along with fencing and vegetation will ensure there is no unacceptable impact from vehicle lights within the proposed development, this area of objection has been considered.

It is considered that the distance between proposed and existing properties along with the orientation of proposed dwellings will ensure that the proposal will not result in a loss of light to any existing properties. It is also considered that the proposal will not result in overshadowing of any existing properties given the separation distance and orientation of the proposed development. The proximity of proposed dwellings to existing properties raised within objections has been considered.

In terms of noise or other disturbances, it is likely that the building work will impact the existing properties. However, this is not to an unacceptable level given the temporary nature of the building work and the fact that it is likely confined to daytime hours. An objection received raised concerns that construction may impact properties given the level of groundwork required, any works to be carried out will have to adhere to relevant requirements and this will be a matter for the developer to adhere to, this area of concern falls outside the remits of planning control.

The proposal for the reasons outlined above is considered in line with this criterion.

i) The development is designed to deter crime and promote personal safety.

The proposal is designed to deter crime and promote personal safety as far as is appropriate for a proposed residential development. The proposal is considered to comply with this criterion.

Overall, the proposal complies with Policy QD 1.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas Policy LC 1 of Addendum PPS 7 states:

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

a) the proposed density is not significantly higher than that found in the established residential area

The proposed density will match that of surrounding residential developments.

b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and

The pattern of development will reflect that of adjacent residential development and be in keeping with the overall character and environmental quality of the residential area.

c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

The proposed units are of an appropriate size as noted in Annex A of the Addendum to PPS7.

Para 2.4 of Policy LC 1 states

"When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

The proposal involves the creation of a number of dwelling units, I am content that the proposed density is similar to other developments in the vicinity. The pattern of development is considered in keeping with the overall character and environmental quality of the established area.

Policy LC 3 of APPS 7 covers permeable paving in new residential developments. A Drainage Assessment was submitted alongside the application whereby DfI Rivers have reviewed it and have advised that the applicant has provided adequate drainage drawings and calculations to support their drainage proposals.

PPS 12: Housing in Settlements

The proposal complies with the planning control principles detailed in both PPS12 and the SPPS.

Increased housing density without town cramming – the proposal will increase the housing density in the area although the density is very similar to recently constructed residential developments and developments currently under construction. The scheme is also reflective of other existing residential developments in the vicinity in terms of form, scale and massing.

Good design – the design of the scheme respects the context of the area and follows local traditions in respect of form, materials and detailing.

Sustainable forms of development – This proposal supports the principle of the creation of compact urban forms through the reuse of derelict lands within the area.

Balanced communities – The proposal includes a mix of dwelling units aimed at meeting different needs within the community.

DES 2 - Townscape

In view of the above, it is also considered that the proposal is in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland which requires that new development proposals should make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The site is suitable for residential use given its zoning within the Area Plan, the majority of the proposal is set below the public road with vegetation to aid screening, other existing vegetation and development will further reduce any visual

impact created by the development, it is considered that the overall proposal is respectful of the existing character in terms of design, scale and use of materials.

It is noted that Policy DES 2 refers specifically to towns and villages. It is however considered that while Newry is now a designated city, it was a town for the purposes of this policy requirement. It is considered appropriate to apply it in the context of this planning application.

PP3 Access, Movement and Parking/DCAN 15 & Parking Standards

As stated above the parking is considered adequate for the proposal, DFI Roads raised no objections to the proposal subject to conditions, the proposal is considered in line with the requirements of PPS3. No concerns were raised by DFI Roads with regards to Road Safety on considering all information submitted by the agent, this area of objection has been considered.

The access is proposed onto a Protected Route, the proposal is considered to meet the exceptions test set out in AMP3 and as such the access is seen as acceptable in this case.

PPS 15: Planning and Flood Risk

Throughout the processing of the application the agent has provided additional information that has been considered by DFI Rivers.

The latest response from DFI Rivers states that Rivers Directorate have no reason to object under FLD1.

FLD2 is not seen as applicable.

FLD3 – the response states that having considered the information submitted by the agent that the proposal would not satisfy FLD3.

FLD4 is not seen as applicable.

FLD5 is not seen as applicable.

The proposal is considered to be in line with PPS15 given the latest response received from DFI Rivers following the submission of additional information by the agent.

Neighbour Notification Checked

Yes

Summary of Recommendation

Having had regard to the development plan, policy and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS7, PPS7 (Addendum), PPS12, PPS15, DCAN15, DOE Parking Standards). The proposed scheme merits as a suitable residential development proposal which complies with the area plan and planning policy for the reasons set out above. Therefore, the application is recommended for approval subject to the necessary planning conditions outlined below.

Conditions/Reasons for Refusal:

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/LM/01 Rev A,
- PL/SL/01 Rev H,
- PL/SLB/01 Rev D,
- 21-046 L101 Rev C,
- 21-074-A10d,
- PL/A/01,
- PL/A/02,
- PL/A/03,
- PL/A/04,
- PL/A/05,
- PL/A/06,
- PL/A/07,
- PL/A/08,
- PL/A/09,
- PL/A/10,
- PL/B/01,
- PL/B/02,
- PL/B/03,
- PL/B/04,
- PL/B/05,
- PL/B1/01,
- PL/B1/02
- PL/B1/03,
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- PL/B1/06,
- PL/B1/07,
- PL/B1/08,
- PL/B1/09
- PL/B1/SR/01,
- PL/B1/SR/02,
- PL/B1/SR/03,
- PL/B1/SR/04,
- PL/B1/SR/05,

- PL/B1/SR/10,
- PL/B1/SR/11,
- PL/C2/01,
- PL/C2/02,
- PL/C2/03,
- PL/C2/04,
- PL/C2/05,
- PL/C2/06,
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- PL/J3/02,
- PL/J4/01,
- PL/J4/02,
- PL/J4/03,

- PL/J4/04
- PL/GAR/01,
- PL/GAR/02,
- PL/WF/01,
- PL/SS/01 Rev D,
- PL/SS/02 Rev C,
- PL/SS/03 Rev B,
- PL/SS/04 Rev C,
- PL/SS/05 Rev C,
- PL/SS/06 Rev D,
- PL/SS/07 Rev B,
- PL/SS/08 Rev A

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

3. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 21-074-A10d.

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 21-074-A10d. The Department 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 visibility splays of 4.5 metres by 90 metres at the junction of the proposed access road with the public road, shall be provided in accordance with approved drawing No 21-074-A10d, prior to the commencement of any other works or other development.

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

6. The vehicular access within the development, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 21-074-A10d, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

Reason: To ensure adequate parking is provided.

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

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

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

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

11. Notwithstanding the provisions of The Planning (General Permitted development) Order (Northern Ireland) 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

12. Notwithstanding the provisions of The Planning (General Permitted development) Order (Northern Ireland) 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in service strips determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

13. No dwelling shall be occupied until hard surfaced areas have been constructed in accordance with approved Drawing No. 21-074-A10d published date 8 February 2024 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking.

14. A clearly delineated strip of land along the frontage of the site as shown on Drawing No. 21-074-A10d, shall be kept free from development (including gardens).

Reason: The site is on the line of a proposed road scheme.

15. If the finished ground level of the property, within 1.0m of the footway or verge, is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

16. The noise mitigation requirements identified in section 5, conclusions, of the noise impact assessment produced by Lester Acoustics, referenced MRL/1456/L01 and dated 20th May 2021 must be implemented in full.

Reason: In the interests of residential amenity.

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

Reason: To protect breeding birds

18. Prior to works commencing on site, all existing trees and hedgerow shown on submitted Landscape Proposals drawing (Drawing 21-046 L101 Rev C), and within Appendix C of Landscape Management Plan, as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including priority habitat

19. 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.

20. No part of the development hereby permitted shall become operational until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 19, 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.

21. The open space and areas of planting as indicated on the drawing No 21-046 L101 Rev C shall be managed and maintained in accordance with the detailed

Landscape Management Plan as agreed by the Local Planning Authority. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.

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

22. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with the approved drawing No's PL/SL/01 Rev H and 21-046 L101 Rev C and maintained thereafter.

Reason: In the interest of visual and residential amenity.

23. 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.

24. The proposed retaining walls shall be designed in accordance with the relevant British Standards and Codes of Practice and that the retaining wall design accommodates any lateral loading from the retained slope. Any such designs and assessments shall be certified by an appropriately qualified engineer.

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

25. 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 the 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.

26. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition No 25.

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

27. 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 No 25. These measures shall be implemented and a final archaeological report shall be submitted to The Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the 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.

Case Officer Signature: Wayne Donaldson

Date: 7th February 2025

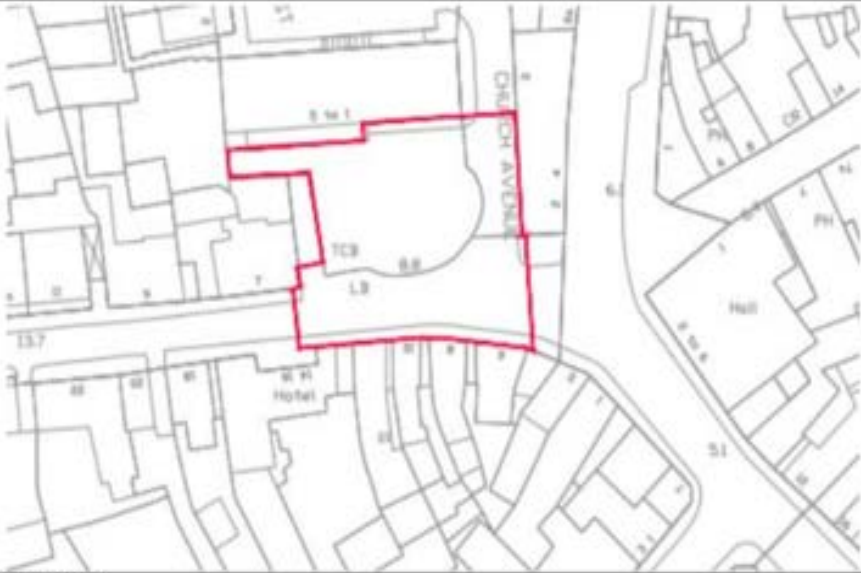

Appointed Officer Signature: Maria Fitzpatrick

Date: 19th February 2025

Committee Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/1059/F	Target Date:
Proposal: Public realm improvements to include new pavement surfacing, comprising granite paving with natural stone kerbs, new stone walls with timber wall seating; new street lighting and feature lighting columns; relocation of existing heritage lighting columns, new street furniture (black finish); retention of the existing fingerpost sign; new decorative planting and trees; and all associated works.	Location: Lands to immediate north of 6-16 English Street and immediately south of 1-5 Church Avenue, Downpatrick, BT30 6AQ
Applicant Name and Address: Seamus Crossey Warrenpoint Town Hall Church Street Warrenpoint BT34 3HN	Agent Name and Address: Chloe Aiken 10th Floor The Clarence West Building 2 Clarence Street West Belfast BT2 7GP
Date of last Neighbour Notification:	6 November 2024
Date of Press Advertisement:	2 October 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none"> Shared Environmental Services (SES) Environmental Health DfC Historic Environment Division DfI Rivers NIEA DfI Roads 	
Representations: In line with statutory requirements the application was advertised in the local press, and a round of neighbour notification was undertaken, all in October 2024. No representations or objections have been received from neighbours or third parties of the site.	

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:	
Characteristics of the Site and Area	
<p>The application site, known as De Courcy Place, comprises approximately 0.13 hectares of land adjacent to English Street and at Church Avenue in Downpatrick, Co. Down.</p>	
	
<p>The site is comprised of a public amenity space comprising a landscaped seating area as shown above.</p>	
<p>The application site is located in Strangford and Lecale Area of Outstanding Natural Beauty (AONB), (designated in 2010), Downpatrick Conservation Area (designated March 1985), an Area of Archaeological Potential, an Area of Significant Archaeological Interest and two Battle Sites. Various archaeological features and built heritage can also be found within the</p>	

surrounding area of the application site, including a number of listed buildings along English Street.
Description of Proposal Public realm improvements to include new pavement surfacing, comprising granite paving with natural stone kerbs, new stone walls with timber wall seating; new street lighting and feature lighting columns; relocation of existing heritage lighting columns, new street furniture (black finish); retention of the existing fingerpost sign; new decorative planting and trees; and all associated works.
Planning Assessment of Policy and Other Material Considerations <u>PLANNING HISTORY</u> Planning Application Number: R/1991/0651 Proposal: Environmental improvement scheme Decision: Permission Granted Decision Date: 18 November 1991 Application Number: R/1991/0640 Proposal: Environmental improvement scheme Decision: Permission Granted Decision Date: 18 November 1991 Application Number: R/2009/0249/F Proposal: Environmental improvement scheme to include footpath resurfacing, new street lighting and rationalisation of street furniture. Decision: Permission Granted Decision Date: 27 November 2009 Application Number: LA07/2024/0614/PAD Proposal: Environmental improvements to include new pavement surfacing, comprising granite paving with natural stone tactile; new asphalt surfacing to existing parking space; new planters formed by new stone walls with timber wall seating; new street lighting and feature lighting columns; relocation of 2no. existing carriage lights and fingerpost sign; new litter bin; new trees and decorative planting; and all associated works. Decision: Application Withdrawn Decision Date: 09 August 2024

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Heritage Assessment
- Preliminary Risk Assessment
- Preliminary Source Study Report
- Site Location Plan
- Existing and Proposed Site Layout

CONSULTATIONS

Shared Environmental Services (SES)

SES has reviewed the information available and notes that the closest surface watercourse is approximately 200m distant. It is noted a PRA has been submitted to determine whether potentially significant risks to human health or controlled Waters could exist.

If the council or its consultants is satisfied there is low risk to downstream water quality then due to the scale, nature and location of the proposal and the allowing for the magnitude of dilution/dispersal it is not considered the proposal will have any effect on the conservation objectives of the European sites.

Environmental Health

Environmental Health have reviewed the information provided and advise that from the Preliminary Risk Assessment from AECOM dated 02-09-2024 this department is of the opinion that past land use on or in close proximity to this proposed development will not cause potential impact on the health of future occupiers. Informatives apply

DfC Historic Environment Division

HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. Conditions Apply.

DfI Rivers

Consideration has been given to Policies FLD 1-5. No objections have been raised.

NIEA – Water Management Unit

No Objections

NIEA – Regulation Unit

A Preliminary Risk Assessment is presented in support of this application. No unacceptable risks to the water environment are identified. Regulation Unit (RU) Land and Groundwater Team have no objection to this application subject to conditions and informatives.

DfI Roads

DFI Roads would offer no objections to this proposal subject to conditions and informatives

REPRESENTATIONS

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

EVALUATION

This proposed development includes a number of initiatives which seek to enhance the public space of De Courcy Place by using a consistent aesthetic quality of materials which mirrors the previous public realm carried out in Irish Street and Market Street. The scheme also seeks to unify this space with English Street and act as a gateway to Down Cathedral.

The proposed initiatives include new pavement surfacing, new stone walls with timber wall seating, refurbished street lighting, new street furniture, retention of the existing fingerpost sign, new decorative planting and trees, and relocation of 2 no. existing cabinets. No additional impermeable areas are proposed, it is intended that surfaces will continue to be drained via the existing drainage network/ connections.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications. The overall scheme and the amendments made to the scheme will enhance the appearance of the conservation area and is of appropriate design and materials. The proposal is considered to be in accordance with Para 6.18 of the SPPS.

The Ards and Down Area Plan 2015 has objectives to:

- protect and enhance the towns environmental quality by safeguarding open space within the town centre and attractive local landscapes and areas of important natural heritage.

PPS 3: Access, Movement and Parking

The application site is adjacent the public road network with English Street, Church Avenue, Irish Street and Scotch Street immediately adjacent.

The proposal comprises an upgrade of the existing public amenity space and will not impact on any car parking provision in the area. The upgrade of this area will create an improved surface thus creating a safer and more accessible environment for everyone. Also, the street furniture proposed is sensitively positioned to ensure ease of movement and ensuring it does not obstruct access for any users, while new dropped kerbs are also to be provided to improve accessible.

DFI Roads have been consulted and have no objection to the proposal. On balance, the proposals are considered to satisfy the policy criteria set out in PPS 3.

PPS 6: Planning, Archaeology and the Built Heritage

The application site is within the historic core of Downpatrick (DOW 037:091), the approximate location of a Franciscan Friary (DOW 037:104), medieval battle sites, the Area of Archaeological Potential and Area of Significant Archaeological Interest for Downpatrick.

Remains of the buildings which formerly stood on the site depicted on the First Edition Ordnance Survey map, could remain below-ground on this site and may have archaeologist interest. The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site.

HED (Historic Monuments) has considered the impacts of the proposal. HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6.

The proposal affects HB18/20/058 A-F – 2 -12- English Street, Downpatrick Co.Down, Grade B1 listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

HED Historic Buildings has considered the effects of the proposal on the listed buildings and on the basis of the information provided considers the proposal satisfies the policy requirements of SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

The site is located within the Conservation Area of Downpatrick, Policy BH 12 New Development in a Conservation Area is therefore applicable. This policy states that development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area will only be permitted where all the following criteria are met:

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

The proposal represents an upgrade and aesthetic improvement of the existing public amenity area that will enhance its overall character and is considered will respect the built form of the area and therefore is considered to satisfy policy requirements in this regard.

PPS8 Open Space, Sport and Outdoor Recreation

For the purposes of policy it is considered this site would fall within the definition of open space, as it is an area of open space of public value.

The proposal seeks an upgrade of that existing, with new surface, planting and furniture. The upgrade and associated visual amenity benefits, are justified. The presence and use of this amenity area is long established. Accordingly, it is considered the proposals do not offend the policy criteria of PPS8.

PPS 2 Natural Heritage

While the entirety of PPS2 is relevant, Policies NH1, NH3 and NH6 are of particular relevance, having account the location of the site and adjacent designations.

The site is located approx. 1.3km NE of Hollymount ASSI and 1.9km SW of Quoile ASSI. The proposed site may be hydrologically connected to Strangford Lough SAC/SPA/Ramsar site.

SES has reviewed the information available and notes that the closest surface watercourse is approximately 200m distant. It is noted a PRA has been submitted to determine whether potentially significant risks to human health or controlled waters could exist.

Due to the scale, nature and location of the proposal and the allowing for the magnitude of dilution/dispersal it is not considered the proposal will have any effect on the conservation objectives of the European sites.

As discussed above with regard to the sites location within the Conservation Area, officers consider would also respect the character of the Area of Outstanding Natural Beauty given the high-quality material proposed for the scheme.

PPS15 Planning and Flood Risk

DFI Rivers Agency advised Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain and Policies FLD2, 3,4 and 5 are not applicable to the case.

The developer is nevertheless advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

Consideration is also given to the latest modelling information with regard to climate change. 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 the site does not lie within the 1 in 100 year climate change fluvial flood plain and/or the 1 in 200 year climate change coastal flood plain.

Drawings

The following drawings were considered as part of the assessment

- Site Location Plan - 60724923-SHT-P-DDP-L-4000 P01
- Existing Site Layout Plan - 60724923-SHT-P-DDP-L-4001 P01
- Proposed Site Layout Plan - 60724923-SHT-P-DDP-L-6001 P03

Neighbour Notification Checked

Yes

Summary of Recommendation

Taking into account the above, it is considered the proposal is acceptable and there are no grounds to sustain a refusal. Accordingly, Approval is recommended subject to conditions.

Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 4000 P01, 6001 P03.

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

3. The environmental scheme hereby approved shall not be commenced until the applicant has submitted to and received approval from DFI Roads for the proposals to be constructed as generally indicated on the drawings 60724923-SHT-P-DDP-L-6001 published on the 15/01/2025.

Reason: In the interests of road safety and the convenience of road users.

4. The environmental improvements hereby permitted shall not become fully operational until any other works identified by DFI Roads have been completed to the satisfaction of the DFI Roads.

Reason: In the interests of safety and convenience to the road user.

5. All surfacing materials including Pedestrian crossing points to be surfaced in a material agreed with the DFI Roads Section Engineer, Newcastle Rd, 129 Seaforde.

Reason: In the interests of safety to the road user.

6. 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:

7. 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.

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

9. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 6.

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

11. 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 6.

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.
Case Officer Signature: C COONEY
Date: 13 February 2025
Appointed Officer Signature: Brenda Ferguson
Date: 14/02/25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Committee Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/1060/F	Target Date:
Proposal: Public realm improvements to include new footpath surfacing, comprising granite paving with natural stone kerbs (replicated the pallet of materials recently installed in Irish Street, Downpatrick); tactile paving for pedestrian crossings; replacement traffic signals at Saul Way; new asphalt surfacing to vehicle entries; new street furniture planters; new street trees; new street lights; and all associated works.	Location: Lands adjacent to 1-71 Church Street, including junction at Church Street/ Saul Way, Downpatrick, BT30.
Applicant Name and Address: Seamus Crossey Warrenpoint Town Hall Church Street Warrenpoint BT34 3HN	Agent Name and Address: Chloe Aiken 10th Floor The Clarence West Building 2 Clarence Street West Belfast BT2 7GP
Date of last Neighbour Notification:	16 October 2024
Date of Press Advertisement:	2 October 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none">• Shared Environmental Services (SES)• Environmental Health• DfI Rivers• DfC Historic Environment Division (HED)• DfI Roads	
Representations: Cllr Conor Galbraith 63 CHURCH STREET, Comment: Welcome any improvements to the street I live on however, I would be concerned about when the works will be carried out and the impact this will have on residents as well as road users.	
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:

Characteristics of the Site and Area

The application site comprises approximately 0.6825 hectares of land along Church Street in Downpatrick, Co. Down. It includes lands northbound from Church Streets junction with Scotch Street to lands at Pillar Well Lane Church Street.



The application site is located in Strangford and Lecale Area of Outstanding Natural Beauty (AONB), (designated in 2010) and an Area of Archaeological Potential. The southern part of the application site forms part of the Downpatrick Conservation Area (designated March 1985), and two Battle Sites, whilst a small proportion of the western part of the application site overlaps an Area of Significant Archaeological Interest. Various archaeological features and built heritage can also be found within the wider vicinity the application site.

Description of Proposal

Public realm improvements to include new footpath surfacing, comprising granite paving with natural stone kerbs (replicated the pallet of materials recently installed in Irish Street, Downpatrick); tactile paving for pedestrian crossings; replacement traffic signals at Saul Way; new asphalt surfacing to vehicle entries; new street furniture planters; new street trees; new street lights; and all associated works.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Application Number: R/1998/0155

Proposal: Replace existing council bus shelter with adshel
insignia cantilever shelter, incorporating 2 x advertising panels

Decision: Permission Refused Decision Date: 27 August 1998

.Application Number: R/2003/0495/A

Proposal: 2 No poster panels, 1.8M x 1.2M each as integral part of bus shelter.

Decision: Consent Granted

Decision Date: 27 August 2003

Application Number: R/2005/0683/A

Proposal: Free standing pillar-advance signs directing the public to a business or event in the locality.

Decision: Consent Refused

Decision Date: 09 February 2007

Application Number: R/2009/0249/F

Proposal: Environmental improvement scheme to include footpath resurfacing, new street lighting and rationalisation of street furniture.

Decision: Permission Granted Decision Date: 27 November 2009

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Heritage Assessment
- Preliminary Risk Assessment
- Preliminary Source Study Report
- Site Location Plan
- Existing and Proposed Site Layouts

CONSULTATIONS

DfI Roads

DFI Roads would offer no objections to this proposal subject to conditions and informatives

DfI Rivers

Consideration has been given to Policies FLD 1-5. No objections have been raised.

Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

The submitted amended site layout drawings No 6001, 6002 and 6003 published to the planning portal on 15th January 2025 appear to show the required maintenance strip in place, as such FLD 2 is satisfied.

DfC Historic Environment Division

The proposal affects HB18/18/007- Parish Church Of The Holy Trinity (St. Margaret's) Church St. Downpatrick Co.Down, a Grade B+ listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

HED Historic Buildings considers the proposal satisfies the policy requirements of SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) of the Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, subject to conditions.

HED (Historic Monuments) has reviewed the Archaeological Impact Assessment

submitted which advises that no archaeological mitigation is required. HED (Historic Monuments) agrees with this assessment because previous testing in the vicinity in 2011 determined that Church Street was previously raised with modern fill. The site of the proposed works bound the grounds of St. Margaret's Church (DOW 037:086) which is a highly archaeological sensitive site. The creation of Church Street and associated scarping, however, means that archaeological potential is low beyond the perimeter of the graveyard wall on this side.

NIEA Regulation Unit

A Preliminary Risk Assessment (PRA) has been provided in support of this planning application. The PRA presents the environmental site situation and site history. No unacceptable risks to environmental receptors have been identified for the development. Regulation Unit Land and Groundwater Team have no objections subject to conditions and informatives.

Water Management Unit

Water Management Unit has considered the impacts of the proposal on the water environment and on the basis of the information provided are content subject to The applicant referring and adhering to DAERA Standing Advice. Any relevant statutory permissions being obtained.

Shared Environmental Services

SES has reviewed the information available and notes that a watercourse is present which is assumed to be culverted. This may provide a hydrological connection through storm drainage to the Quoile River and Strangford Lough.

It is noted a PRA has been submitted to determine whether potentially significant risks to human health or controlled Waters could exist.

Environmental Health

Environmental Health have reviewed the information provided. From the Preliminary Risk Assessment from AECOM dated 02-09-2024 this department is of the opinion that past land use on or in close proximity to this proposed development will not cause potential impact on the health of future occupiers

REPRESENTATIONS

Cllr Conor Galbraith 63 CHURCH STREET, Comment: Welcome any improvements to the street I live on however, I would be concerned about when the works will be carried out and the impact this will have on residents as well as road users

EVALUATION

This proposed development includes a number of initiatives which seek to enhance the northern approach to Downpatrick from the northern roads from Belfast and Newtownards by a consistent aesthetic quality of materials which mirrors the previous public realm carried out in Irish Street and Market Street.

The proposed initiatives include new pavement surfacing, tactile paving for pedestrian crossings, replacement of the traffic lights at Saul Way, new asphalt surfacing to vehicle entries, new street furniture, planters, new street trees and the installation of new street lighting.

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and/ or provides a policy clarification that would be in conflict with the retained policy the SPPS should accord greater weight in the assessment of individual planning applications. The overall scheme and the amendments made to the scheme will enhance the appearance of the conservation area and is of appropriate design and materials. The proposal is considered to be in accordance with Para 6.18 of the SPPS.

The Ards and Down Area Plan 2015 has objectives to:

- protect and enhance the towns environmental quality by safeguarding open space within the town centre and attractive local landscapes and areas of important natural heritage.

PPS 3: Access, Movement and Parking

The application site is adjacent the public road network with Church Street, Saul Way, Irish Street and Scotch Street immediately adjacent.

The proposal comprises new pavement surfacing, tactile paving for pedestrian crossings, replacement of the traffic lights at Saul Way, new asphalt surfacing to vehicle entries, new street furniture, planters, new street trees and the installation of new street lighting.

DFI Roads have been consulted and have no objection to the proposal. On balance, the proposals are considered to satisfy the policy criteria set out in PPS 3.

PPS 6: Planning, Archaeology and the Built Heritage

The proposal affects HB18/18/007- Parish Church Of The Holy Trinity (St. Margaret's) Church St. Downpatrick Co.Down, a Grade B+ listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011.

HED Historic Buildings considers the proposal satisfies the policy requirements of SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) of the Strategic

Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development and BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, subject to conditions.

HED (Historic Monuments) has reviewed the Archaeological Impact Assessment submitted which advises that no archaeological mitigation is required. HED (Historic Monuments) agrees with this assessment because previous testing in the vicinity in 2011 determined that Church Street was previously raised with modern fill. The site of the proposed works bound the grounds of St. Margaret's Church (DOW 037:086) which is a highly archaeological sensitive site. The creation of Church Street and associated scarping, however, means that archaeological potential is low beyond the perimeter of the graveyard wall on this side.

A portion of the site is located within the Conservation Area of Downpatrick, Policy BH 12 New Development in a Conservation Area is therefore applicable.

This policy states that development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area will only be permitted where all the following criteria are met:

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

The proposal represents an upgrade and aesthetic improvement of the existing public road and footpath areas that will enhance its overall character and is considered will respect the built form of the area and therefore is considered to satisfy policy requirements in this regard.

PPS 2 Natural Heritage

While the entirety of PPS2 is relevant, Policies NH1, NH3 and NH6 are of particular relevance, having account the location of the site and adjacent designations.

The site is located approx. 1.3km NE of Hollymount ASSI and 1.9km SW of Quoile ASSI. The proposed site may be hydrologically connected to Strangford Lough SAC/SPA/Ramsar site.

SES has reviewed the information available and notes that a watercourse is present which is assumed to be culverted. This may provide a hydrological connection through storm drainage to the Quoile River and Strangford Lough. It is noted a PRA has been submitted to determine whether potentially significant risks to human health or controlled Waters could exist.

Due to the scale, nature and location of the proposal and allowing for the magnitude of dilution/dispersal it is not considered the proposal will have any significant effect on the conservation objectives of the European sites.

As discussed above with regard to the sites location within the Conservation Area, officers consider would also respect the character of the Area of Outstanding Natural Beauty given the high-quality material proposed for the scheme.

PPS15 Planning and Flood Risk

DFI Rivers Agency advised Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain and Policies FLD2 has been complied with following the inclusion of a maintenance strip. FLD 3,4 and 5 are not applicable to the case.

The developer is nevertheless advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

Consideration is given to the latest climate change modelling information. 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 climate change (Q100CC) fluvial flood plain. Rivers Directorate considers that in accordance with the precautionary approach, that part of the development proposal, is at risk of potential flooding in the climate change scenario.

Paragraph 3.9 of the SPPS advises that in formulating policies and plans and in determining planning applications planning authorities will also be guided by the precautionary approach that, where there are significant risks of damage to the environment, its protection will generally be paramount, unless there are imperative reasons of overriding public interest.

The Planning Authority, taking cognisance of the precautionary approach has considered the latest advice from DFI Rivers, however the type of development is also taken into consideration and it is concluded that the proposed works would not necessitate the erection of buildings and relates to footpath re-surfacing works, new paving, street furniture and apparatus therefore there is very limited potential for flood risk as a result of the works proposed.

Drawings

The following drawings were considered as part of the assessment

- Site Location Plan 4000 P01
- Existing Layout 4001 P01
- Existing Layout 4002 P01
- Existing Layout 4003 P01
- Proposed Layout 6001 P02
- Proposed Layout 6002 P02
- Proposed Layout 6003 P02

Neighbour Notification Checked

Yes

Summary of Recommendation

Taking into account the above, it is considered the proposal is acceptable and there are no grounds to sustain a refusal. Accordingly, Approval is recommended subject to conditions.

Conditions:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The development hereby permitted shall take place in strict accordance with the following approved plans: 4000 P01, 6001, P02, 6002 P02 and 6003 P02.

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

3. The environmental scheme hereby approved shall not be commenced until the applicant has submitted to and received approval from DFI Roads for the proposals to be constructed as generally indicated on the drawings 60724923-SHT-P-DCS-L-6001, 60724923-SHT-P-DCS-L-6002, 60724923-SHT-P-DCS-L-6003 published on the 15/01/2025.

Reason: In the interests of road safety and the convenience of road users.

4. The environmental improvements hereby permitted shall not become fully operational until any other works identified by DFI Roads have been completed to the satisfaction of the DFI Roads.

Reason: In the interests of safety and convenience to the road user.

5. All surfacing materials including Pedestrian crossing points to be surfaced in a material agreed with the DFI Roads Section Engineer, Newcastle Rd, 129 Seaforde.

Reason: In the interests of safety to the road user

6. Where new paving is laid next to curtilage structures and surfaces of listed buildings (dwarf walls, railing bases, and stone flagging), a separating membrane/ isolation joint shall be employed.

Reason To respect the character of the setting of the building and ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

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

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

Case Officer Signature: C Cooney

Date: 13 February 2025

Appointed Officer Signature: Brenda Ferguson

Date: 14th Feb 2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Committee Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2022/0284/F	Target Date:
Proposal: Demolition of existing buildings and erection of a residential development consisting of 15 no. apartments (3 no. two storey blocks of 4 no. x 2 no. bedroom apartments and 1 no. 1 ½ storey block of 3 no. x 2 no. bedroom apartments) and all associated site works, infrastructure and landscaping, with vehicular access from Forest Hills	Location: Lands immediately west of nos. 1 5 and 7 Forest Hills extending north-westwards to Old Warrenpoint Road and its junctions with Warrenpoint Road and Forest Hills estate road Newry
Applicant Name and Address: Glena Developments Ltd Granite House 31-35 St Mary's Street Newry BT34 2AA	Agent Name and Address: Gray Design 40-41 The Mall Newry BT34 1AN
Date of last Neighbour Notification:	11 th March 2022
Date of Press Advertisement:	2 nd March 2022
ES Requested: No	
Consultations: <ul style="list-style-type: none"> DfI Roads: Following several re-consultations, DfI Roads issued a final response in January 2025 offering no objections, subject to conditions. Loughs Agency: The Loughs Agency requests that all storm water from the development site should not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures and that that work methods and materials must not impinge upon any nearby watercourses. NIEA: Marine and Fisheries Division refer to Loughs Agency response. Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Newry Waste Water Treatment Works (WWTW). Water Management Unit would therefore recommend that the Planning Case Officer consult with Northern Ireland Water Limited (NIW) to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded. NED considers that, due to the scale and nature of this development, there are unlikely to be any significant impacts to Carlingford Lough ASSI, SPA and Ramsar providing that all works are carried out in accordance with all relevant Guidance for Pollution Prevention measures. NED is content that there is unlikely to be a significant impact on protected and/or priority species and habitats, subject to the following recommended conditions. 	

- Environmental Health: No objections.
- HED: The Sham Castle (Grade B2) is screened by mature planting and sufficiently removed in situation and scale of development from the listed building as to have negligible impact.
- DfI Rivers: The applicant has received Schedule 6 Consent from DfI Rivers local area office (21/10/2021) to discharge 4.7 l/s of storm water runoff from the proposed site to an undesignated watercourse. The applicant has submitted a Preliminary Drainage Design that includes 'offline storage' that 'during the 1 in 100 year storm event, when the water reaches a set level, will flow through an overflow pipe from the Hydro-Brake manhole and discharge into the offline storage area (exceedance storage area). Once the 1 in 100 year storm event has passed, and the water levels start to fall within the network, the water from the exceedance area will re-enter the 30 year storage network.' This proposed method of storing 100 year storm waters connects to the proposed adoptable drainage system via an inlet and outlet. Therefore, the applicant should provide evidence from NI Water that they will accept the connections of this proposed drainage design to the adoptable network. Furthermore, the submitted Drainage Assessment states that these proposals are for a 'Preliminary Drainage Design'. DfI Rivers can only review current drainage proposals included in this DA. DfI Rivers would request that if the final drainage design is changed in anyway, that we are consulted by the Planning Authority for our advice in relation to drainage and flood risk.
- NI Water: Recommended refusal as a high level assessment has indicated potential network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. Therefore, NI Water is recommending connections to the public sewerage system are curtailed.
In response, the Applicant was advised to consult directly with NI Water to ascertain whether an alternative drainage / treatment solution can be agreed whereby an Impact Assessment is required.
The agent has engaged with NIW whereby a waste water impact assessment has been submitted, and remains ongoing between parties.
While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

Representations:

Letters of objection were submitted by the occupiers of Nos. 1, 5, 11 and 15 Forest Hills.

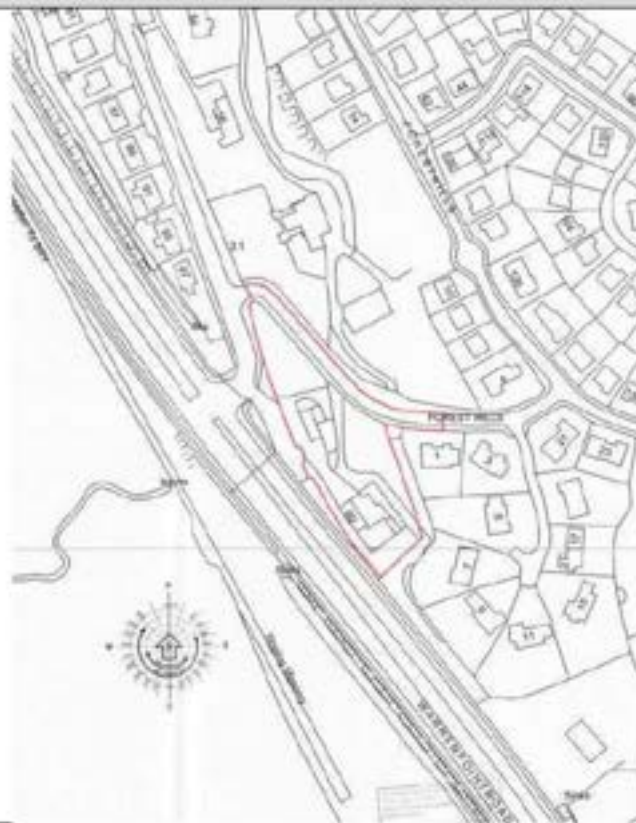
The mains issues of concern are as follows:

- Additional strain on existing sewerage system and infrastructure;
- Proximity to busy dual carriage and accidents;
- No open space facilities for children;
- Character of area impacted – not appropriate for apartments;
- Use of retaining walls;
- Overdevelopment;
- The existing buildings on site have historical merit;
- Loss of ecology;
- Inadequate amenity spaces and landscaping;
- Design of building is inappropriate;
- Existing access should be used;
- Significant cut and fill required.

A comment was submitted from another Forest Hills resident referring to lack of play parks or community areas and local shop and the proposed development putting extra strain on already under pressure services i.e. GPs.	
The above concerns have been duly considered during the Department's assessment of the proposal.	
Letters of Support	0
Letters of Objection	6
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: Principle of development, size, scale and design, access and parking, flooding and drainage, utility connections, natural and built heritage, landscaping and amenity.	

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The application site is located to the west of Forest Hills residential area and is adjacent to the Warrenpoint Road (A2- Protected Route). The site presently contains a one and a half storey dwelling with outbuildings located to the rear/side. The site can be accessed via existing accesses to the north west and north of the site. The site is on un zoned land within the settlement limit of Newry, adjacent to but not within LLPA NY136 and in proximity to The Sham Castle (Grade B2). The existing landform and topography slopes away from Forest Hills. The residential area is characterised by detached and semidetached dwellings (both single and 2-storey). Dwellings in this area display a range of designs and features including dormer windows, hipped and pitched roofs, sandstone quoins, pillared porches, brick and rendered walls and differing roof and brick colours.

Description of Proposal

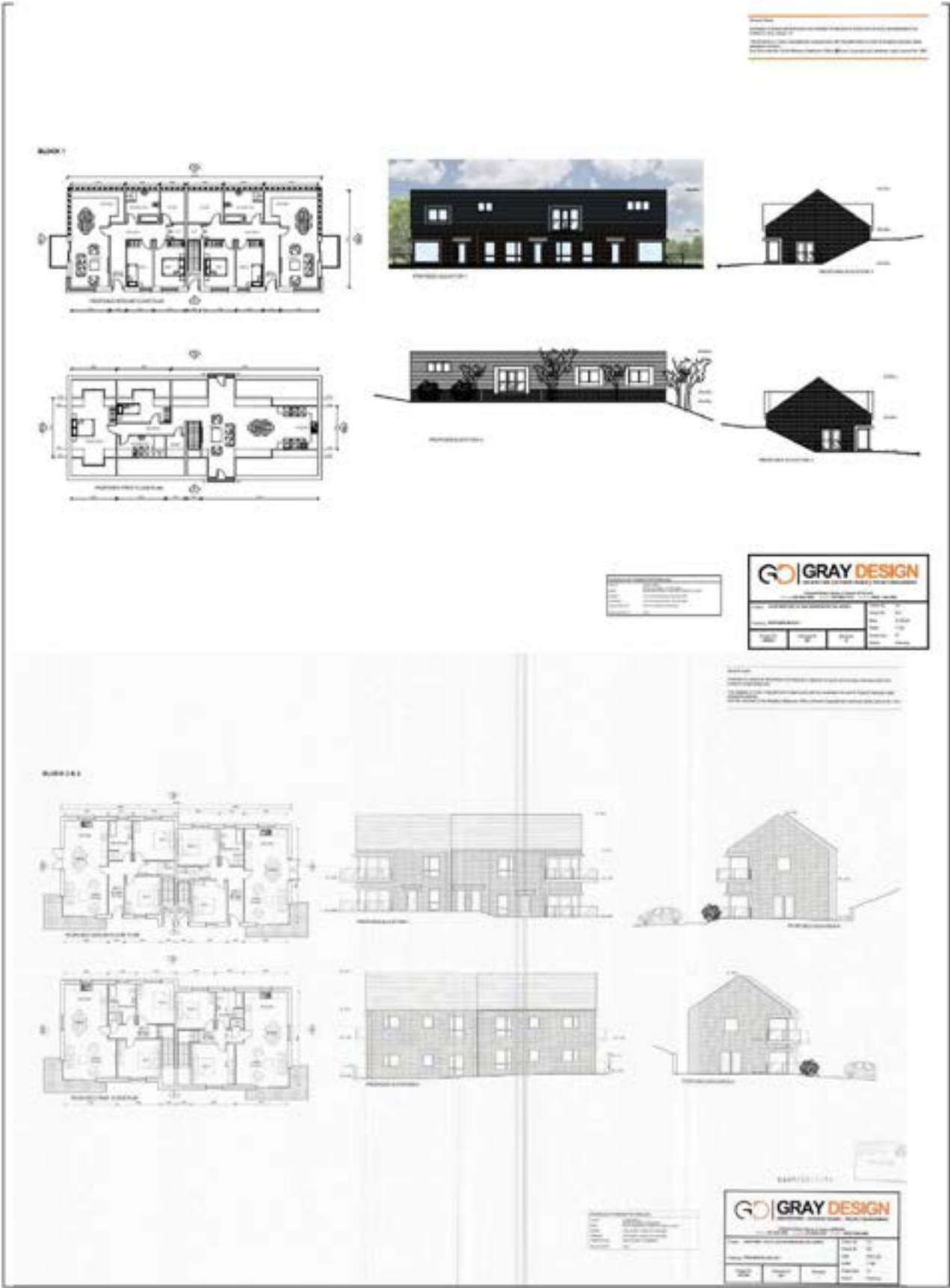
The proposal involves the demolition of the existing buildings and the erection of a residential development consisting of 15 no. apartments (3 no. two storey blocks of 4 no. x 2 no. bedroom apartments and 1 no. 1 ½ storey block of 3. No. 2 bedroom apartments) and all associated site works, infrastructure and landscaping, with vehicular access from Forest Hills.

Block 1 measures approx.. 23m by 9m and is built into the sloping land with a ridge height of 6.7m above FFL. Blocks 2 and 3 measure approx. 21.2m by 8.7m with a ridge height of approx. 9.6m above FFL. Block 4 measures approx. 21.2m by 9m with a ridge height of 9.1m

above FFL. Materials include facing brick and grey metal cladding for the external walls, black concrete roof tiles and uPVC doors, windows and RWGs.

Proposed plans are shown below.







Planning Assessment of Policy and Other Material Considerations

- Banbridge / Newry and Mourne Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 7 – Quality Residential Environments
- Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas
- PPS 15 – Planning and Flood Risk
- Supplementary guidance including
 - Creating Places
 - Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas
 - Development Control Advice Note (DCAN) 15 – Vehicular Access Standards
 - Parking Standards

PLANNING HISTORY

- P/1976/0429 – Greenwood Park, Warrenpoint Road – Proposed site of residential development – Permission refused
- P/1985/0489 – 60 Warrenpoint Road – Improvements and extension to dwelling – Permission granted
- P/1986/0492 – Greenwood Park, Warrenpoint Road – Site for housing development – Permission granted
- P/2008/0670/F - Lands at No. 60 Old Warrenpoint Road, Newry (immediately west of No. 1 Forest Hills, extending north-westwards to Old Warrenpoint Road and its

junctions with Warrenpoint Road and the Forest Hills estate road) - Erection of residential development comprising 30 No. apartments (in 3No. blocks of three and three-and-a-half storeys, with access via Forest Hills estate road and Old Warrenpoint Road) – Permission refused.

Refusal reasons:

1. *The proposal is contrary to Policy QD 1 of Planning Policy Statement 7 (PPS 7): Quality Residential Environments, in that the proposal fails to comply with the following criteria:*
 - *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*
 - *adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;*
 - *a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*
 - *adequate and appropriate provision is made for parking;*
 - *the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.*
2. *The proposal is contrary to Policy OS 2 of Planning Policy Statement 8 (PPS 8): Open Space, Sport and Outdoor Recreation, in that the applicant has failed to demonstrate that the proposal would create a quality and sustainable residential environment by providing adequate open space.*
3. *The proposal is contrary to Policy HS 4 of Planning Policy Statement 12 (PPS 12): Housing in Settlements, in that the applicant has failed to demonstrate that the proposal would create a quality and sustainable residential environment by providing a mixture of house types and sizes.*
4. *The proposal is contrary to Policy LC 1 (Criteria a and b) of the Department's Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas, in that the development would impact adversely on the character and environmental quality of the established residential area by reason of its density; the scale, form and massing of the apartment blocks; their resultant dominance from Warrenpoint Road (A2) and Old Warrenpoint Road; the impact of hard surfacing and parking provision; the treatment of levels and reliance on retaining structures; and the potential obstruction and visual interference on the street-scene caused by the means of refuse / recycling collection.*
5. *The proposal is contrary to Policy AMP 1 of Planning Policy Statement 3 (PPS 3): Access, Movement and Parking, and Policy QD 1 (Criteria e and f) of the Department's Planning Policy Statement 7 (PPS 7): Quality Residential Environments, in that the submitted details fail to demonstrate that adequate and appropriate parking would be provided within the scheme to meet the needs of disabled persons.*
 - LA07/2019/0461/O – 60 Old Warrenpoint Road - Crèche facility with access located on Forest Hills and demolition of dwelling and outbuildings – Permission granted.

Other relevant planning histories include:

- P/2008/1363/F - Lands at 56 Old Warrenpoint Road and lands due East and South of 58 Old Warrenpoint Road - Proposed demolition of existing dwelling & outbuilding and

proposed erection of residential development to consist of 39 apartments (sub-divided into 5 blocks), 7 detached dwellings and 1 no. garage with associated siteworks, drainage and car parking – Permission refused. The application was subsequently appealed under PAC reference 2010/A0115, and was dismissed.

EVALUATION

The Planning Act (NI) 2011

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 Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

Banbridge / Newry & Mourne Area Plan 2015

The site is located within the development limit of Newry and is un-zoned.

The NI Regional Development Strategy 2035

RG8 of the Regional Development Strategy aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide high quality accessible housing within existing urban areas without causing unacceptable damage to the local character and environmental quality or residential amenity of these areas. The principle of redeveloping this site within the urban footprint is in line with the regional policy of the RDS.

The Strategic Planning Policy Statement

The SPPS is material to all decisions on individual planning applications. However, a transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less perspective on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy.

The Strategic Planning Policy Statement sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12. These planning control principles are addressed in Policy QD 1 of PPS 7.

PPS 7 – Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town

cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

- a) *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*
The Department acknowledges the concerns raised in the letters of objection regarding density, overdevelopment and potential impact on the character of the area.

Residential development is acceptable in principle on the site given its location within the SDLs of Newry and an ERA which includes detached and semi detached dwellings (both single and 2-storey). Dwellings in this area display a range of designs and features including dormer windows, hipped roofs, sandstone quoins, pillared porches, brick and rendered walls and differing roof and brick colours. The measurements of the apartment blocks are listed above whereby the apartments appear as 1 ½ and 2 storey buildings. The proposal is for 15 No. dwelling units on 0.57 hectares. Magennis Villas comprises 18 dwellings on 0.59 hectares. The density of the Forest Hills development and the housing along the Old Warrenpoint Road is approximately 14 dwellings per hectare.

The site is located adjacent to the dual carriageway and effectively marks the entrance point to Newry City, being located on the edge of the settlement limit, is high profile and plays an important function marking the entry point.

Critical views of the site are from the adjacent dual carriage way, travelling in both directions whereby the existing development within Forest Hills towers over the site. Retaining walls are a feature of this area given the sloping topography. Critical views of the site are also from the Old Warrenpoint Road travelling in a south easterly direction. Again, development within Forest Hills rises above the application site. Travelling from Forest Hills towards the Old Warrenpoint Road and dual carriage way, the eastern boundary of the site is visible whereby the land slopes downwards towards the western boundary/dual carriage way.

The FFLs of the blocks range from 5.5 to 7.5 which is approx. 3-4m higher than the dual carriageway and approx. 6-7m lower than the immediately adjacent development within Forest Hills.

Block 1 is the smallest of the blocks and is 1 ½ storeys and is sited at the north western portion of the site, further north than a large 2 storey barn that previously existed on the site. This appears to have been demolished around 2021. When travelling towards the site from Old Warrenpoint Road, block 1 is the block which is most visible. The scale and massing of block 1 is similar to the dwellings located along Old Warrenpoint Road. There is landscaping and open space around this block as well as the rising landscape in which the block is to be built into.

Blocks 2 and 3 cover a similar footprint as block 1 but are approx. 2m higher and 2 storey in form. Blocks 2 and 3 are set along the eastern boundary of the site, with the

rising lands to the rear. Whilst the FFL of these blocks are approx. 3-4m higher than the dual carriageway, the ridges sit below the existing development within Forest Hills. The blocks are set back from the dual carriageway approx. 31m with intervening planting and landscaping.

Block 4 is similar in size and scale as blocks 2 and 3, however is sited gable end to the dual carriageway, occupying a similar footprint as the existing outbuildings albeit at a larger scale. At present, the existing development on this part of the site is screened by large trees. The FFL of block 4 is 5.50, just under 2m higher than the dual carriageway and approx. 1m higher than the existing buildings in this position. The trees along the southeastern boundary are to be retained. The boundary fronting the dual carriageway is to be defined by a retaining wall with trees planted to the inside.

Communal parking areas are provided to the fronts of blocks 2, 3 and 4 and to the side of block 1. The car parking area is to be surfaced with 'grass park' type pavers. Areas of open space and amenity space have been provided around all apartments blocks and to the front and rear of the site. The ratio of hard surfacing and areas of green is similar to that found within the ERA. The levels of the site are such that the areas of parking will have limited impact from public viewpoint being elevated and enclosed by planting, whereby the surface treatment with planting will break up the extent and appearance of hard-standing.

The character of the wider Forest Hills development is noted which comprises a low to medium density development of detached and semi-detached dwellings. The area plan does not preclude apartment developments in this area, whereby this site is located within the settlement limits, whereby the height, scale, form, appearance and presentation of the development proposed is not considered to be out of keeping with the character of the area. The development proposed comprises 4 blocks, with spacing between each block thus ensuring a density in keeping with the area.

I am satisfied that, in the round, the proposal would respect the surrounding context in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The 1 ½ storey nature of block 1 respects the scale and form of the existing development along Old Warrenpoint in which it would be in line with. Blocks 2 and 3 to the rear of the site, sited further back from the dual carriageway are similar in scale and form to the development within Forest Hills. Block 4 sited similarly to existing outbuildings, although larger in size and scale than the existing, is also of similar size and scale to the development within Forest Hills.

The access is off Forest Hills development, along the northern boundary of the site. The topography of the site means that cut and fill is required. Whilst the Planning Department previously had concerns with the access point along the northern boundary of the site and the overall layout and design, consideration must be given to the precedent set by the Forest Hills development whereby large retaining walls and large buildings on plots significantly higher than the dual carriageway are part of the character of the ERA, whereby the proposed development would not impact on the skyline given its domestic scale. There is an existing line of development along the dual carriage way in which the proposed development respects and does not encroach closer to the carriageway than the pattern already established. The retaining structures are to the rear of blocks 2 and 3 (approx. 2.4m high) and therefore will largely be screened from view, thus their impact lessened. The existing stone wall across the front

of the site will be replaced with a retaining wall approx. 1.4m high finished with grey straight split face block. Planting to the front/rear of the walls will soften their appearance. The existing development of Forest Hills will provide a backdrop to the site, whereby in time the development will then read as part of this wider development.

Further development has been approved and has commenced on lands surrounding Sham Castle, directly north of the application site under planning reference LA07/2019/0794/F in which the FFLs of these approved dwellings are broadly in line with the ridge heights of the apartments currently under consideration.

I am satisfied that the pattern of development would be in keeping with the overall character and environmental quality of the established residential area and conclude that it would comply with Criterion (a).

- b) *features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;*

Sham Castle, is a Grade B2 listed building. HED were consulted and advised that the Castle is screened by mature planting and the proposed development is sufficiently removed in situation and scale from the listed building as to have negligible impact, thus complying with PPS 6.

A PEA and Bat Survey were submitted for consideration. NED is content with the findings of the survey and considers that demolition of the buildings is unlikely to have a significant impact on the local bat population. NED advised that appropriate mitigation measures will be required to protect breeding birds. NED noted that snowberry, a non-native invasive plant species which is not listed on schedule 9, was recorded to the west of the site. NED would encourage its removal. NED also recommended planting with a greater proportion of native species to enhance the biodiversity of the site. The submission of a detailed landscaping plan can be conditioned if approval was to be granted. Finally, NED considers that, due to the scale and nature of this development, there are unlikely to be any significant impacts to Carlingford Lough ASSI, SPA and Ramsar providing that all works are carried out in accordance with all relevant Guidance for Pollution Prevention measures. Again, this mitigation measure can be conditioned if approval was to be granted. The proposal is also compliant with PPS 2, subject to appropriate conditions.

- c) *adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;*

This proposal involves the construction of 15 no. apartments. Regarding public open space, Policy OS 2 of PPS 8 states that the Department will only permit proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development. The policy goes on to advise that in smaller residential schemes the need to provide public open space will be considered on its individual merits.

The proposal does not exceed the thresholds listed in OS 2 to be required to provide open space. The comment submitted by an occupier of Forest Hills regarding the provision open space is noted, however it is not the responsibility of a developer to provide open space for existing housing developments. Useable private amenity space has been shown on the site layout plan and also includes terraces and balconies and is

considered acceptable and in accordance with the guidance contained within Creating Places. Planted areas along all boundaries and to the front and side of the apartment blocks will assist in its integration with the surrounding area. The submission of a more detailed landscaping plan (including details of size and time of planting) can be conditioned if approval was to be granted.

- d) *adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*

Given the nature and scale of the proposal, the developer is not required to make provision for local neighbourhood facilities. Nonetheless, the development is within an Established Residential and is close to facilities within both Newry and Warrenpoint including schools, places of worship, GP surgeries and shops and restaurants.

- e) *a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*

The proposed layout retains the pathway along the northern boundary of the site. The site is in walking distance from bus stops along Old Warrenpoint Road as well as a cycle lane along the dual carriageway. No existing public rights of way are affected.

- f) *adequate and appropriate provision is made for parking;*

15 no. 2 bed apartments are proposed. The site layout plan provided shows unallocated parking provision for 23 vehicles in total. As per Parking Standards, 22.5 spaces are required. There is adequate and appropriate parking provision.

- g) *the design of the development draws upon the best local traditions of form, materials and detailing;*

The residential area is characterised by detached and semidetached dwellings (both single and 2-storey). Dwellings in this area display a range of designs and features including dormer windows, hipped roofs, sandstone quoins, pillared porches, brick and rendered walls and differing roof and brick colours.

As there is no distinct form, materials or detailing evident in the area I consider that the design of the proposed apartments would not be at odds with the mixed character and design of the area. Whilst apartments do not form part of the character of the area, the proposed buildings are domestic in scale and form and do not take on the scale and size of a typical apartment high rise block.

- h) *the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;*

The site abuts Nos. 1, 3 and 5 Forest Hills, all of which are approx. 6-7m higher than the FFL's of blocks 2, 3 and 4. The existing laneway between Forest Hills and the application site is to be retained. There is an existing retaining wall along the existing laneway. Given the substantial difference in levels within Forest Hills and the application site, whereby the eaves of the apartment blocks will be broadly in line with the floor levels of the aforementioned properties, I am satisfied that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing.

In terms of noise or other disturbances, it is likely that the building work will impact the existing properties. However, this is not to an unacceptable level given the temporary nature of the building work and the fact that it is likely confined to daytime hours.

Adequate space between the apartment blocks is proposed which minimises the potential for overlooking between future occupiers. Useable flat areas have been retained to the front and sides of blocks 2 and 3 as private amenity space. Careful design and layout minimise the potential of future occupiers feeling hemmed in or habitable rooms not receiving any daylight.

- i) the development is designed to deter crime and promote personal safety; The amenity space is enclosed by different boundary treatments. Communal parking areas are overlooked by the proposed development, providing a suitable degree of surveillance.

In summary, the proposal is considered to comply with QD 1 of PPS 7.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

Policy LC1 of the Addendum to PPS 7 states that planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria within Policy LC1 are met:

- (a) the proposed density is not significantly higher than that found in the established residential area;
- (b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and
- (c) all dwelling units and apartments are built to a size not less than those set out in Annex A.

Para 2.4 of Policy LC 1 states "When considering an increase in housing density in established residential areas, great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the proposed density, together with the form, scale, massing and layout of the new development will respect that of adjacent housing and safeguard the privacy of existing residents."

The density and character of the established residential area has been discussed above. It is considered that the proposal would not harm the character, environmental quality and amenity of the area and respects the adjacent housing.

The size of the proposed apartment units also complies with the size standards provided in Annex A.

PPS 3 – Access, Movement and Parking

The proposed development is to be accessed off Forest Hills. A bin lorry collection point will be at the entrance to the development. A vehicle restraint system is to be installed around proposed turning head. DfI Roads issued a final response with no objections subject to conditions. Adequate parking is also proposed.

PPS 15 – Planning and Flood Risk

Consultation with DfI Rivers has advised that the applicant has received Schedule 6 Consent from DfI Rivers local area office (21/10/2021) to discharge 4.7 l/s of storm water runoff from the proposed site to an undesignated watercourse. The applicant has submitted a Preliminary

Drainage Design that includes 'offline storage' that 'during the 1 in 100 year storm event, when the water reaches a set level, will flow through an overflow pipe from the Hydro-Brake manhole and discharge into the offline storage area (exceedance storage area). Once the 1 in 100 year storm event has passed, and the water levels start to fall within the network, the water from the exceedance area will re-enter the 30 year storage network.' This proposed method of storing 100 year storm waters connects to the proposed adoptable drainage system via an inlet and outlet.

Therefore, the applicant should provide evidence from NI Water that they will accept the connections of this proposed drainage design to the adoptable network.

Furthermore, the submitted Drainage Assessment states that these proposals are for a 'Preliminary Drainage Design'.

There is ongoing liaison between the applicant and NI Water, therefore the information requested by DfI Rivers cannot be submitted at present. However, these matters can be controlled by way of condition, requiring the developer to submit a final Drainage Assessment which contains a final drainage design, along with any necessary evidence from NI Water on connections, prior to commencement of development.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval, compliance with retained policies as outlined above.

(Note: In line with the Scheme of Delegation this application is not delegated and requires to be presented to the Planning Committee).

Conditions:

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.

The development hereby permitted shall take place in strict accordance with the following approved plans: 200, 201E, 202B, 203B, 204, 205 and 206A.

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

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 206 Rev A, bearing the date stamp published 30th October 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.

No other development hereby permitted, shall be occupied until the Footway has been completed in accordance with details submitted to and approved by Planning on Drawing No. 206 Rev A, bearing the date stamp published 30th October 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.

The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 206 Rev A bearing the date stamp published 30th October 2024, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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

Reason: To protect breeding birds.

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

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

No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by the Planning Condition above 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.

Prior to the commencement of any of the development hereby approved, a final drainage assessment, containing evidence from NI Water consenting to the connections of the proposed drainage design to the adoptable network, and compliant with Annex D of PPS15 (Revised) shall be submitted to and agreed in writing by the Local Planning Authority. Alternatively, prior to the commencement of the development hereby approved, written confirmation from NIW shall be obtained confirming agreement to adopt a drainage network that will attenuate the 1 in 100 year storm event. Development shall take place accordance with the approved details.

Reason: To safeguard against flood risk to the development and elsewhere.

All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures.

Reason: To prevent pollutants entering into watercourses.

A landscaping plan and planting schedule including the species, size, location and spacing and numbers of trees and shrubs to be planted and the proposed time of planting shall be submitted prior to commencement of development for agreement in writing with the council.
Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

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

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

Case Officer Signature: Eadaoin Farrell

Date: 13th February 2025

Appointed Officer Signature: M Keane

Date: 13-02-25

LA07/2022/0284/F - Forest Hills, Newry – Speaking NotesIntroduction

- Chair, Members of the Planning Committee, thank you for affording us the opportunity to address you. I am Michael Graham, a Chartered Town Planner and director of **Tetra Tech**. I represent the applicant, **Glena Developments Ltd**, alongside the agent, **Gray Design**.
- We are very pleased that Council's Planning Department has recommended approval and would like to thank Council's planning officers for their efforts in progressing this to a positive recommendation.

Key Elements of the Proposed Development

In summary:

- This development involves demolition of the existing buildings and the erection of 15No. apartments and all associated site works, infrastructure and landscaping, with vehicular access from Forest Hills.
- The introduction of apartments will ensure that a good mix of dwelling types, to meet differing needs, is provided in this established residential area.
- These apartments have the appearance of detached dwellings in terms of scale and mass, with similar footprints, and separation distances between buildings, to those found within the surrounding area. No visual dominance or overbearing occurs.
- The development is in keeping with the range of densities found in this established residential area and the pattern of development is in keeping with the overall character and environmental quality of this established residential area.
- The materials and finishes are reflective of the palette of materials and finishes employed in existing dwellings.
- The layout, design and positioning of each apartment has been very carefully considered to ensure that there is no overlooking, overshadowing, loss of light, or other disturbance to each of the proposed apartments or adjacent properties.
- Private amenity space terraces and/or balconies are provided for each apartment. In addition, landscaped garden areas provide further useable and accessible amenity space.
- Planted areas, including trees along the site boundaries, along with soft landscaping across the site, will further soften the overall appearance and assist integration.
- Adequate car parking has been provided within the site. It is also easily accessible to all by walking and cycling. The site is within easy walking distance of nearby bus stops on the Old Warrenpoint Road and there is also a cycle lane, running between Newry and Warrenpoint along the main A2 carriageway.
- No features of archaeological, built heritage, landscape or the natural environment will be adversely impacted upon.
- All consultees are content, save for NI Water, which can be negatively conditioned.

Conclusion

- To summarise, the development is acceptable in land use terms being located on whiteland, within Newry City's development limit and within an established residential area where it will provide a quality residential development.

LA07/2022/0284/F - Forest Hills, Newry – Speaking Notes

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- Council's Planning Department has considered the planning history, requirements of the Banbridge, Newry and Mourne Area Plan 2015, SPPS, PPSs 2, 3, 6, 7, 8, and 15. In particular, the quality objectives, as per Policy QD1 and Policy LC1 of PPS7 and its Second Addendum, which are underpinned by DCAN8 and Creating Places, have been carefully considered, incorporated, and adhered to in developing the proposed layout.
- All third party representations received have been satisfactorily considered by Council's planning officers, as well as the advice from consultees, who either are content, or for which appropriate conditions have been proposed.
- Overall, it represents a highly sustainable approach to the development of these lands, providing a high-quality residential development, suitable and appropriate to this site.
- We take this opportunity to thank the Planning Committee for the opportunity to speak and we trust that the Elected Members agree that Full Planning Permission ought to be granted.
- I am accompanied by members of the Gray Design and the client team, and we would be happy to answer any questions.

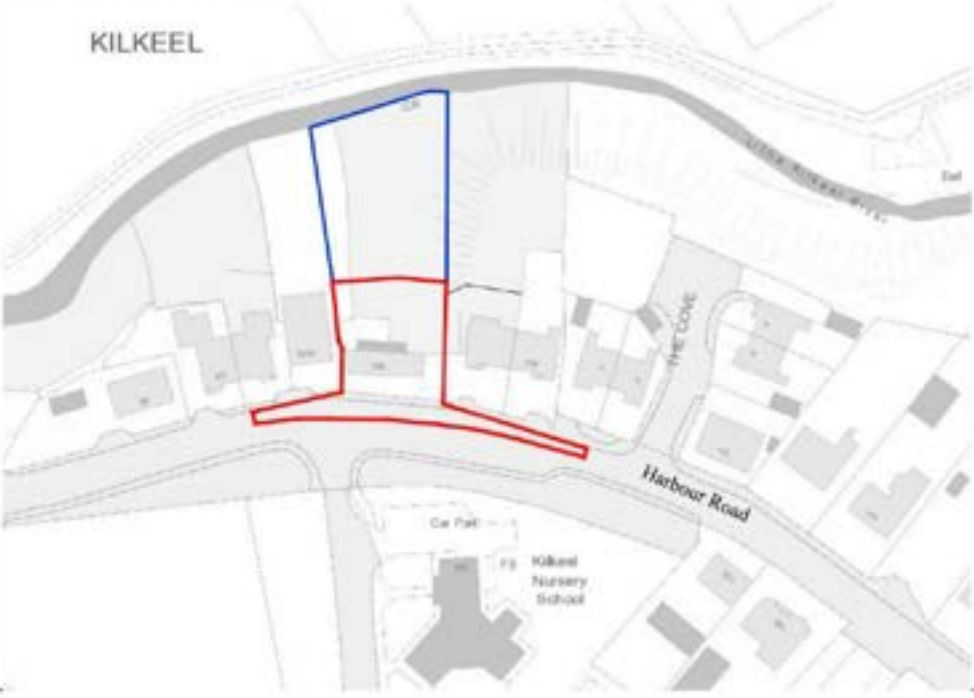
Thank you.

Tetra Tech
5th March 2025

Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2023/3256/F	Target Date:
Proposal: Proposed erection of 2no. semi detached dwellings to replace existing dwelling and associated works	Location: 105 Harbour Road, Kilkeel, BT34 4AT
Applicant Name and Address: Paul Chambers 78, Ballygowan Rd Comber BT23 5RP	Agent Name and Address: Stephen Spiers 76 Whitethorn Lane Kinallen BT25 2DL
Date of last Neighbour Notification:	14 th February 2024
Date of Press Advertisement:	27 th September 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> NI Water recommended refusal. Whilst there is available capacity at the Waste Water Treatment Works, an assessment has indicated network capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason NI Water is recommending connections to the public sewerage system are curtailed. The agent has engaged with NIW whereby a waste water impact assessment has been submitted, and remains ongoing between parties. While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions. NIEA Marine and Fisheries Division direct the applicant toward DAERA standing advice and the Guidance for Pollution Prevention (GPPs), particularly works and maintenance in or near water (GPP5) NIEA NED are content that the demolition of the buildings on site is unlikely to significantly impact the local bat population, following the submission of a Biodiversity Checklist and Bat Survey. NED are content the development boundary is adequately buffered to the adjacent watercourse/river, the applicant should refer and adhere to the precepts contained in DAERA Standing advice Note on Pollution Prevention Guidance, Sustainable Drainage Systems and Discharges to the Water Environment. NED are content the drawing shows adequate compensatory planting of native species. DfI Roads have no objections to the proposal subject to conditions. HED (Historic Monuments) is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. HED (Historic Monuments) notes that this vernacular building, constructed of materials local to Mourne, should be considered under Policy BH 15 of PPS 6 whereby buildings of character which display local building traditions are an important part of our heritage and regional identity. Further 	

correspondence with HED HM clarified that HED defer the proposed demolition of the building to the Council for consideration under Policy BH 15 of PPS 6.	
Representations: No representations have been received to date.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	0
Summary of Issues: Principle of development, natural and built heritage, character of area, flood risk and drainage, impact on amenity, access and parking, landscaping.	

Site Visit Report
<div><div>Site Location Plan:</div><div></div></div>
<div><div>Date of Site Visit: May 2024</div></div>
<div><div>Characteristics of the Site and Area</div><div><p>The site is located within the settlement development limits of Kilkeel as designated in the Banbridge, Newry and Mourne Area Plan 2015. It is also within an Area of Archaeological Potential and the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Development in the area consists of detached or semi-detached dwellings of varying architectural styles. There is a mixture of single and two storey houses. South of the site there is a nursery school. The land from the site southward is relatively flat, though it slopes down towards the river to the north.</p><p>The lands outlined in red form a square shaped plot, which backs onto the Little Kilkeel River. It contains a single storey dwelling, linear footprint, with brown pebble dashed walls, a slate roof and brown painted timber window frames. It has a flat roofed return to the rear. It has a small front garden which is defined by a low wall dashed to match the house. To the rear is a small overgrown garden. The land then slopes away towards the river to the north. The site is accessed from Harbour Road to the south across an existing footpath.</p></div></div>
<div><div>Description of Proposal</div><div><p>The proposal involves the erection of a set of semi-detached dwellings. The existing single storey detached dwelling on the site will be demolished. The dwellings will have a ridge height of 8.7m from FFL and are 2 ½ storey. Finishes include natural slate roof, smooth plastered walls and stone cladding detail and uPVC windows and doors. The</p></div></div>

footprint is further north on the site than the existing. Two individual accesses are proposed as well as in-curtilage parking. The dwellings will benefit from a small front garden and a medium sized rear garden area. A 1.2m high wall will define the roadside and western boundaries. The existing wall along the eastern boundary is to be retained. A 1.8m high timber fence will be erected along the rear boundary with native species hedgerow planted to the inside. Proposed plans are shown below.



Planning Assessment of Policy and Other Material Considerations

- Banbridge, Newry and Mourne Area Plan 2015
- SPPS – Strategic Planning Policy Statement for Northern Ireland
- PPS 2 – Natural Heritage
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 7 – Quality Residential Environments
- Addendum to PPS7 – Safeguarding the Character of Established Residential Areas
- PPS 12 – Housing in Settlements
- PPS 15 – Planning and Flood Risk
- Creating Places
- Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas

PLANNING HISTORY

- LA07/2020/0759/o - 2 semi-detached dwellings to replace existing dwelling. 105 Harbour Road Kilkeel Co.Down. Permission granted.
- P/2013/0426/O - Site for 2 No. dwellings to replace dwelling. 105 Harbour Road Kilkeel Co.Down. Permission granted.
- P/2008/0163/O - Site for residential development (two no dwellings). 105 Harbour Road, Kilkeel. Permission refused.

EVALUATION

The Planning Act (NI) 2011

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 Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

The NI Regional Development Strategy 2035

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. It aims to provide more high quality accessible housing within existing urban areas without causing unacceptable damage to the local character. As this proposal would achieve both objectives (by replacing one urban dwelling with two) it would be in line with the regional housing policy of the RDS.

Banbridge / Newry & Mourne Area Plan 2015

The site is located within the development limit of Kilkeel. The Housing Growth Indicators in the plan make provision for additional housing development on un-zoned 'windfall sites' such as this. The site is also within an Area of Archaeological Potential and the Mournes and Slieve Croob Area of Outstanding Natural Beauty.

The Strategic Planning Policy Statement

The SPPS is material to all decisions on individual planning applications. However, a transitional period will operate until such times as a Plan Strategy for the whole Council area has been adopted. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provision of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less perspective on a planning policy matter than the retained policies should not be judged to lessen the weight afforded to retained policy.

The Strategic Planning Policy Statement sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12. These planning control principles are addressed in Policy QD 1 of PPS 7.

PPS 7 – Quality Residential Environments

PPS7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposals' layout, scale, proportions, massing and appearance should respect the character and topography of their site. It also states that proposals for housing developments will not be permitted where they would result in unacceptable damage to the local character, environmental quality and residential amenity of the area. Developments should not be in conflict with or cause adverse impacts upon adjacent land uses. Development Control Advice Note 8 "Housing in Existing Urban Areas" (DCAN 8) similarly notes that a development's impact on the character and amenity of a neighbourhoods are important matters to consider. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

- (a) *the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;*
Residential properties in the surrounding area are mainly 2 storey dwellings, both detached and semi detached on similar sized plots to the application site. As such, the principle of replacing a single storey detached dwelling with a set of 2 ½ storey semi detached dwellings is acceptable, whereby it is thought that the dwellings would be in keeping with the surrounding context. Whilst the previous outline permission stipulated an 8.m ridge height condition, the proposed ridge height of 8.6m is considered acceptable and would respect the surrounding context given the varying ridge heights along both sides of Harbour Road, to the east and west of the site. The siting of the units will respect the building line along this stretch of road, more so than existing. Parking to the side of the dwellings is proposed with a small grassed front garden. The ratio of hard surfacing and areas of green is similar to that found within the ERA. The landscaping to the front of the property will soften the appearance of the hard surfacing. I am satisfied that the proposal would respect the surrounding context in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.
- (b) *features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;*
The site is within an Area of Archaeological Potential, as such Historic Environment Division (HED) where formally consulted. HED (Historic Monuments) has assessed this proposal and in a response advised that the proposal is satisfactory to SPPS and PPS

6 archaeological policy requirements. HED (Historic Monuments) advised planning that this vernacular building, constructed of materials local to Mourne, should be considered under Policy BH 15 of PPS 6 whereby buildings of character which display local building traditions are an important part of our heritage and regional identity.

The Department notes that the building is of some age, perhaps exhibiting some vernacular qualities. The Council attaches weight to the previous approvals on site, whereby the Department considered that a degree of the original character of the building has been lost, and that it does not make a significant contribution to the character for the area. The Council agree with this view and consider the proposal to meet the requirements of this policy.

The application site is approximately 625 metres upstream from Kilkeel Harbour and Aughrim River (Little Kilkeel River) lies to the north of the site (abutting the blue line) and is hydrologically connected to the marine environment. The river is situated approximately 18m from the proposal, separated by trees. This buffer to the adjacent watercourse/river is adequate to prevent pollution of the waterway, subject to the development adhering to the precepts contained in DAERA Standing advice Note on Pollution Prevention Guidance, Sustainable Drainage Systems and Discharges to the Water Environment.

The proposal involves the demolition of the bungalow on the site and removal of hedgerow and trees. Following the submission of a Biodiversity Checklist and Bat Survey, NIEA NED are content that the demolition of the buildings on site is unlikely to significantly impact the local bat population. NED are also content the drawing shows adequate compensatory planting of native species.

As noted above, the application site is within an Area of Outstanding Natural Beauty. The redevelopment of the site with 2 dwellings is considered acceptable given the site's location with an ERA. The style, details and materials proposed are similar to adjacent housing developments. The development will not harm the character of the AONB in this urban context.

The proposal complies with PPS 2 and PPS 6.

- (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area; Given the nature, scale and location of the development, there is no requirement to provide public open space. In terms of provision of private open space, the site plan shows the provision of 2 rear gardens measuring approx. 105sqm and 88sqm. This is above the standard required by Creating Places. The proposed landscaping detailed on the site plan is considered sufficient given the urban setting. The small front gardens soften the visual impact of the driveway and in-curtilage parking.
- (d) *adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;*
Given the nature, scale and location of the development, there is no requirement to provide local neighbourhood facilities. Notwithstanding that, the site is in proximity to

existing facilities including schools, a leisure centre, restaurants, shops, GPs and places of worship.

- (e) *a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;*

The proposal will not impact on any rights of way. A 2m wide footpath will be retained across the entire frontage of the site, providing convenient access to public transport. Due to the scale of the development proposed, additional traffic calming measures along Harbour Road are not required.

- (f) *adequate and appropriate provision is made for parking;*

Two car parking spaces are provided within the curtilage of each dwelling. While there is no in-curtilage turning space, the Council is satisfied that this is in keeping with the area. DfI Roads offer no objections to the proposal subject to conditions.

- (g) *the design of the development draws upon the best local traditions of form, materials and detailing;*

The layout is acceptable and in keeping with the area. The design of the development in terms of form, materials and detailing is similar to the two storey dwellings directly east and west of the site.

- (h) *the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;*

The design and layout has been formulated with reference to surrounding adjacent land uses and should not conflict with them. The main concern would be potential overlooking or loss of privacy to the adjacent dwellings. Given the design of these dwellings, case officers are content that there will not be an adverse amenity impact, whereby gable windows serve bathrooms only and will be fitted with obscure glazing. Windows serving habitable rooms are placed on the front and rear elevations where there are no overlooking concerns. The orientation of the development in relation to the existing dwellings should not result in any unacceptable prolonged overshadowing, loss of light or dominant impact. There should be no unacceptable noise issues associated with this development due to its residential nature.

- (i) *the development is designed to deter crime and promote personal safety.*

Parking areas to the front and side of the building are sited close to the dwellings and within the enclosed curtilage. The public footpath runs along the front of the building only and does not provide access to the rear of the dwellings. The area is well lit by existing street lights. The private amenity space is well enclosed.

Policy LC 1 of the Addendum to PPS 7

Given the mixed character of the area surrounding the site and the existing use of this site, the proposal must accord with the requirements of this policy. In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

- a) *the proposed density is not significantly higher than that found in the established residential area;*
Given the plot size of each dwelling is comparable to those within the immediate vicinity of Harbour Road, the proposal is considered to be in keeping with the established urban grain, density and the overall surrounding context. The proposal meets the requirements of this criterion.
- b) *the pattern of development is in keeping with the overall character and environmental quality of the established residential area;*
The pattern of development (2 ½ storey semi-detached dwellings), individual access, in-curtilage parking to front and side, is in keeping with the character and environmental quality of the area.
- c) *all dwelling units and apartments are built to a size not less than those set out in Annex A*
The floor space of the proposed dwellings is compliant with the floor space requirements within this criterion.

PPS 3 – Access, Movement and Parking

The concept layout shows separate 3.2m wide entrances from Harbour Road for each dwelling and parking within each curtilage for 2 private cars. DFI Roads has been consulted with regards to the Access, Movement and Parking. The Department has responded with no objections to the proposal subject to conditions. As such the proposal is considered to meet the requirements of this policy.

PPS 15 – Planning and Flood Risk

The application site is not within any floodplains. No watercourses traverse the site. As noted above, a watercourse flows to the north of the site, approx. 18m away. The site is not within an inundation area of a "controlled reservoir". The thresholds listed within Policy FLD 3 regarding the submission of a Drainage Assessment have not been exceeded, whereby the degree of existing hardstanding on site is a consideration. The proposal complies with PPS 15.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval, as per the assessment above.

Conditions:

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.

The development hereby permitted shall take place in strict accordance with the following approved plans and documents: P001, P002, P003RevA and P004RevA.

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

All soft and hard landscaping comprised in the approved details of landscaping as shown on drawing no. P003RevA shall be carried out during the first planting season following the occupation of any part of the dwelling it serves, and permanently retained thereafter.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity.

Any trees or shrubs which, within a period of five years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity.

The construction of the dwellings hereby permitted, including the clearing of topsoil, shall not commence until the existing building, outlined in green on the approved plan P001 is demolished and all rubble and foundations have been removed in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No.P004RevA.

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.

No other development hereby permitted, shall be occupied until the Footway has been completed in accordance with details submitted to and approved by Planning on Drawing No. P004RevA.

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.

The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. P004RevA, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

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. 9 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.

Informatives:

The Private Streets (Northern Ireland) Order 1980 and the Private Streets (Amendment) (Northern Ireland) Order 1992

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from Department for Infrastructure in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from Department for Infrastructure Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact Department for Infrastructure, Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets (Northern Ireland) 1980

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc, deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

The Road drainage works for this development are to be agreed with DfI Roads Private Streets section prior to commencement

Street furniture to be placed to the back of footway.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or o take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), which states that it is an offence to deliberately capture, injure or kill a wild animal of a European protected species included in Schedule II of these Regulations, which includes all species of bat. It is also an offence;

- a) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- b) Deliberately to disturb such an animal in such a way as to be likely to;
 - i. Affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
- c) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
- d) To damage or destroy a breeding site or resting place of such an animal.

If there is evidence of bat activity / roosts on the site, all works must cease immediately and further advice must be sought from the Wildlife Team, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast BT3 9ED. Tel. 028 905 69605

The applicant should refer and adhere to the precepts contained in DAERA Standing advice Note on Pollution Prevention Guidance, Sustainable Drainage Systems and Discharges to the Water Environment. Standing advice notes are available at: <https://www.daera-ni.gov.uk/articles/standingadvice-0>

Case Officer Signature: Eadaoin Farrell
Date: 13 February 2025
Appointed Officer Signature: M Keane
Date: 13-02-25

Application

Development Management Officer Report	
Case Officer: Karen Reid	
Application ID: LA07/2023/3647/F	Target Date:
Proposal: DETACHED DWELLING & GARAGE UNDER PPS21 / CTY 8	Location: Adjacent to and north of 9 Station Road, Jonesborough BT35 8JH
Applicant Name and Address: CIARAN & NATALIE MCCORMACK & DUFFY 9 STATION ROAD ADAVOYLE, JONESBOROUGH BT35 8JH	Agent Name and Address: Bernard Dinsmore 19 Spring Meadows Warrenpoint BT34 3SU
Date of last Neighbour Notification:	5 August 2024
Date of Press Advertisement:	10 January 2024
ES Requested: No	
Consultations: <ul style="list-style-type: none"> - <i>DfI Roads – No objection to the proposal subject to conditions</i> - <i>NI Water – Approved with standard planning conditions</i> - <i>NIEA – Refer the planning authority to the new DAERA Standing Advice – NED-Single Dwellings</i> 	
Representations: No objections or representations have been received to date (05/02/2025).	
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: 03/07/2024

Site Characteristics & Area Characteristics:

The application site is located within the rural countryside outside any settlement development limits designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP 2015). The site is also located within the Ring of Gullion a designated Area of Outstanding Natural Beauty (AONB).

The application site is located along a shared laneway which is accessed off the western side of the Station Road. The laneway provides access to No 17 and 17A Station Road (residential dwellings) which are north of the application site and No 9, No 7 and No 7B Station Road (residential dwellings) which are to the south of the application site. The proposed application site forms an irregular shaped plot that has been cut out of a residential garden area and includes part of a field. Access into the application site is currently afforded through the curtilage of No 9 Station Road. The site, and its immediate surroundings, are relatively flat.

Description of Proposal

DETACHED DWELLING & GARAGE UNDER PPS21 / CTY 8

Planning Policies & Material Considerations:

- Banbridge, Newry and Mourne Area Plan (2015)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Car Parking
- PPS 2: Natural Heritage
- Building on Tradition Design Guide

Planning History:

P/1980/0447

- Adavoyle, Newry
- Erection of bungalow

P/1991/0155

- No 9 Station Road Adavoyle Jonesborough
- Extension to Dwelling
- Approved

P/2000/1256/F

- Nth. of 7 Station Road, Aghadavoyle, Newry, Townland of Aghadavoyle, NIE Ref. No. 1444/00
- 11KV OH single phase line on wood poles
- Approved

LA07/2021/1458/F

- 9 Station Road, Adavoyle, Newry
- Single storey extension to rear of dwelling
- Approved

LA07/2020/1268/O

- lands approx. 60m south of no. 17 Station Road, Newry, BT35 8JH
- Proposed infill dwelling and garage
- Approval

Consultations:

- *DfI Roads – No objection to the proposal subject to conditions*
- *NI Water – Approved with standard planning conditions*
- *NIEA – Refer the planning authority to the new DAERA Standing Advice – NED- Single Dwellings*

Objections and Representations:

One neighbour was notified of the proposal on the 24th of February 2024, and a further neighbour was notified on the 22nd of July 2024. The proposal was also advertised in the local press on the 10th of January 2024. No objections or representations have been received.

Correspondence with the Agent / Applicant

Following a site inspection, review of the case and internal group discussion an email was issued to the Agent on the 18th of December 2024 advising that the department were of the opinion that this application fails to meet with the requirements of PPS 21 Policy CTY 8 - Ribbon Development in that the proposed site falls within the same gap as a previously approved application; LA07/2020/1268/O which was assessed as large enough to accommodate a maximum of one dwelling. The department also advised the proposal was considered contrary to Policy CTY 14 – Rural Character and that the proposal would therefore be recommended for refusal. A response was received on the 15th of January 2025, and this has been considered by the department and assessed within the assessment section of this report.

Consideration and Assessment:

Proposal

The proposal is a full application for the erection of a detached dwelling and garage under CTY 8 of PPS 21. The proposal is for a detached story and a half dwelling with a ridge height of approximately 6.5m. The dwelling also comprises a rear annex and side projection. The proposed detached garage is single story. The ridge height of the garage is approximately 5m.

The proposal is shown below;



Front Elevation



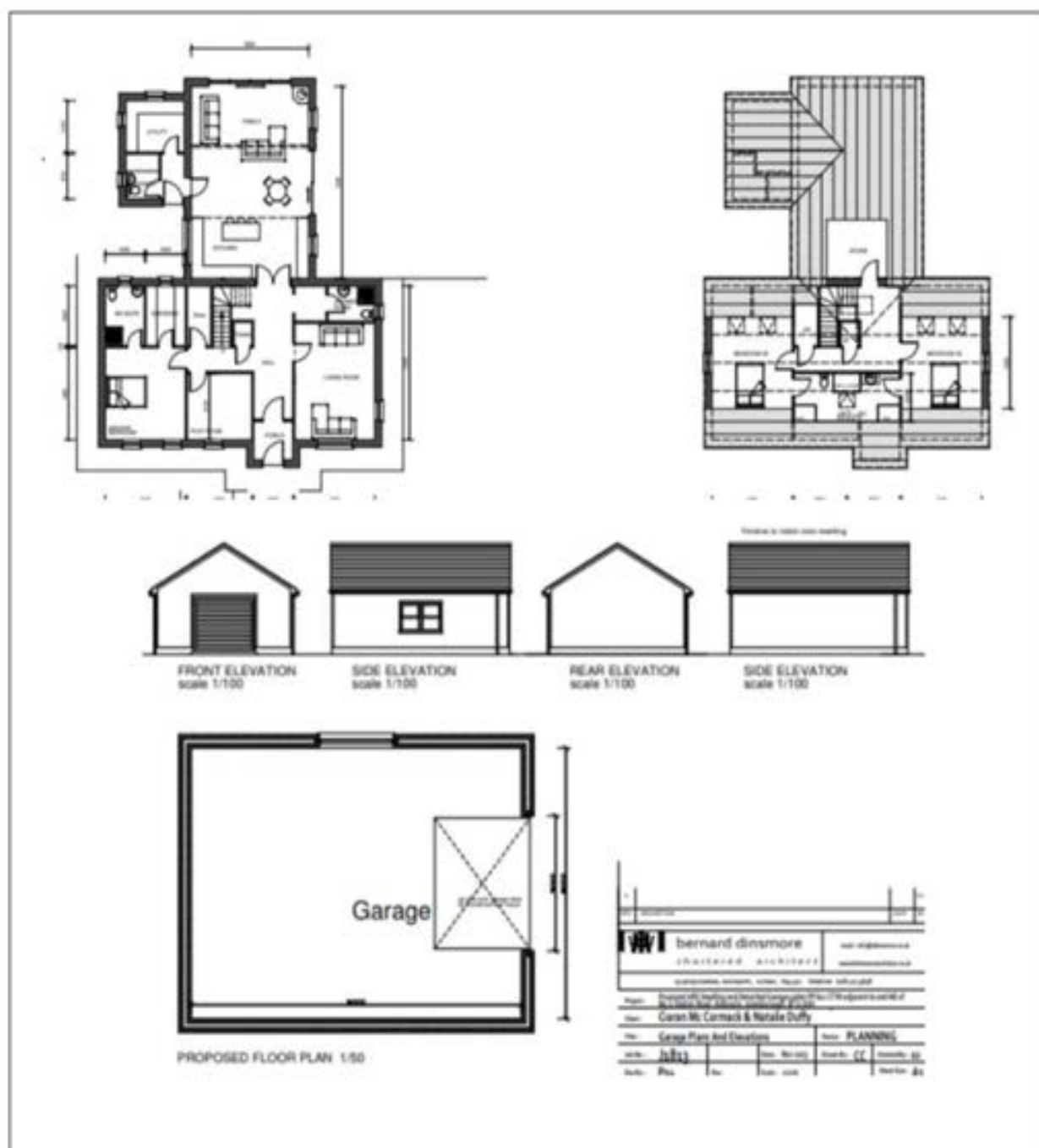
Rear Elevation



Side Elevation



Side Elevation



The Banbridge, Newry and Mourne Area Plan 2015

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. The site is currently within the remit of the Banbridge, Newry and Mourne Area Plan 2015 as the new Council has not yet adopted a local development plan. The site is located outside any settlement limits on the above Plan and is un-zoned. There are no specific policies in the Plan that are relevant to the determination of the application, and it directs the decision-maker to the operational policies of the SPPS and the retained PPS 21.

Strategic Planning Policies Statement for Northern Ireland

Para 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 an individual planning application. 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY 1 refers to a range of development which in principle are acceptable in the countryside. This development includes infill dwellings if they meet the criteria set out in CTY 8.

Policy CTY 8 – Ribbon Development

As the proposed development is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site. Policy CTY 8 is a restrictive policy. It states that 'Planning permission will be refused for a building which creates or adds to a ribbon of development.' It also states that 'An exception will be permitted for 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 these respects the existing development pattern along the frontage in terms of size, siting and plot size and meets other planning and environmental requirements.'

For the purposes 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. For the purposes of this policy a road frontage includes a footpath or private laneway.

The site comprises an irregular shaped plot, which has frontage onto the shared laneway. The proposed site is cut out of the garden area of No 9 and includes part of a field to the rear of No 9. The Planning Department considers that the application site sits within an otherwise substantial and continuously built-up frontage. Running north to south along the existing laneway this consists of No 17 Station Road (a detached dwelling) the dwelling is considered to have frontage onto the laneway. This is followed by No 17A Station Road (a dwelling with a detached garage) this dwelling is also considered to have frontage onto the laneway and given the scale and positioning of the associated garage this building is also considered to have frontage onto the laneway. To the south of the site is No 9 Station Road (a detached dwelling) this dwelling is considered to have frontage onto the laneway. This is followed by No 7A Station Road (a detached dwelling) which also has frontage onto the laneway. Given the existing development in the area it is considered that there are three buildings all sharing a common frontage with the application site as required by policy.

In assessing whether the site constitutes an exception to the policy, the second step is to determine if there is a small gap site sufficient only to accommodate up to a maximum of two houses within the otherwise substantial and continuously built-up frontage. The gap being assessed must be that between existing buildings along the frontage. In this instance the gap is taken from the dwelling at No 17A Station Road to the dwelling at No 9 Station Road and measures approximately 64m. The dwelling at No 17A Station Road was recently approved by the department under LA07/2020/1268/O. In assessing this application case officers considered that the building-to-building gap between 17 Station Road and No 9 Station Road was big enough to accommodate 1 dwelling while respecting size, siting, scale and plot size along the frontage. The proposed site falls within the same gap and therefore cannot be

considered a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage .

CTY 8 further requires proposed development to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. The dwellings to the north of the application site, No 17 Station Road, has a frontage width measuring approximately 52m onto the shared laneway and No 17A has a frontage width measuring approximately 67m. To the south the dwelling at No 9 Station Road has a frontage width of approximately 60m and No 7A Station Road has a frontage of around 57m. The proposal is to reduce the frontage of No 9 to approximately 39m and to create a plot with a frontage of around 16m. As such, the frontage width for the application site alone would be significantly less and much narrower than the existing frontages and out of context with the existing pattern of development. It should also be noted that as highlighted on the proposed block plan the area between the proposed dwelling and No.9 would appear to not be in keeping or in harmony with the surrounding context of development given the limited separation distance between the existing and proposed. Consequently on attempting to accommodate the proposed dwelling it would appear hemmed in given the restricted nature of the site frontage.

In addition to the above, plot sizes were considered. The dwelling to the north of the application site, No 17 Station Road has a plot size of approx. 0.31ha, and No 17A has a plot size measuring approx. 0.47ha. To the south of the site the dwelling at No9 Station Road has a plot size of approx. 0.11ha and No7A has a plot size of 0.2ha. The proposal will have a plot size of approx. 0.17ha, this is smaller than the average plot size which is 0.27ha. It is therefore considered that the site does not respect the existing pattern along the frontage in terms of plot size and thus the proposal is therefore not considered an exception to policy but contrary to Policy CTY 8 in that the application site does not constitute a small gap site in a substantial and continuously built-up frontage and if permitted would add to a ribbon of development.

Policy CTY 8 also requires that the proposal meet other planning and environmental requirements; this issue is examined below under Policies CTY 13 and CTY14 and PPS 2 – Natural Heritage.

Building on Tradition

Para 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' 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. Para 4.4.0 of this document advises that a new development under CTY 8 'will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportion and overall character'. Para 4.5.1 further states that appropriate gap sites 'follow the established grain of the neighbouring buildings'. The layout of the proposal fails to follow the established grain of neighbouring buildings given the dwelling is to be set back with a narrow frontage.

Policy 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.

The proposal is for a story and a half dwelling and detached garage. The dwelling is located centrally in the site. The access arrangements are located to the western boundary of the site along the shared laneway, and the garage is situated to the rear of the proposed dwelling.

It is not considered that the proposal would be a prominent feature in the landscape. The site can provide a suitable degree of enclosure for the building to integrate into the landscape. It will read with the surrounding development, which is mainly residential in nature. The proposal does not rely primarily on the use of new landscaping for integration, however, additional planting is proposed along the eastern, southern and western boundaries and an existing stone wall to the northern boundary is to be retained.

The entrance is proposed to the western extent of the site onto the shared laneway from Station Road. There is a suitably scaled area for parking and turning to the front and side of the dwelling and a detached garage. The level of hardstanding is appropriate for this rural location and these ancillary works integrate with their surroundings.

The proposal is for a detached story and a half dwelling with a ridge height of approximately 6.5m. The dwelling includes a single-story porch to the front elevation and a rear annex set below the ridge level of the main dwelling at approximately 6m. The dwelling also comprises a side projection with a ridge level of 5.5m. The building is of traditional rural design, using a linear form which is in keeping with the guidance outlined within the 'Building on Tradition Design Guide'. The dwelling includes some traditional features such as traditional window openings with a vertical emphasis to the front, rear and side elevations and the positioning of the chimney on the ridge. The proposed dwelling is to be finished with slate roof tiles, smooth render, uPVC windows/doors and black aluminium rainwater goods. The proposal is therefore considered to be of an acceptable design and appearance for the site and its locality.

The proposal blends with the landforms, existing trees, buildings, slopes and other natural features which provide a backdrop.

CTY 14 – Rural Character

Planning permission will not be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area.

The proposed new dwelling and garage is not considered a prominent feature in the landscape. It is deemed that the application site would result in the creation of ribbon development. The proposal does not respect the traditional pattern of settlement exhibited in the area by inappropriately sub-dividing the curtilage of No 9. As the site does not qualify as an exception to the presumption against ribbon development, it fails in terms of policy CTY 8. Where no infill opportunity exists, the approval of another dwelling would result in a sub-urban style build-up of development when viewed with existing buildings. This would result in a detrimental change in the rural character of the area contrary to Policy CTY 14.

As the Department consider that the erection of a dwelling in the side garden of No.19 Station Road would not respect the existing development pattern along the existing frontage in terms of siting and plot size, the principle of development cannot be established at this site. The erection of a dwelling on this site would result in a suburban style build-up of development which is unacceptable in the countryside.

Impact on Residential Amenity

The application site is located within a rural environment, along a shared laneway and is not visible from the public road. The nearest neighbouring properties are No 17A Station Road,

north of the site and No 9 to the south. The northern boundary of the site is defined by an existing stone wall and the site is separated from No 17A by an existing agricultural laneway.

The proposed site includes part of the front garden of No 9 and a field to the rear. This proposal will result in the loss of some private amenity space to the front of No 9 however sufficient space remains to the rear of the dwelling. The proposed dwelling is single storey with a ridge height of approx. 6.5m and is to be sited further back from No 9, with new timber and rail fencing to be erected along the southern and north-eastern boundaries of the site with some new planting proposed. Heavy planting is also proposed in the south-west and north-east corners which will help screen the site from neighbouring dwellings. I am satisfied that the neighbouring properties will not be impacted by the proposed dwelling to an unacceptable level in terms of overlooking, overshadowing and loss of light .. No objections or representations have been received.

PPS 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 states that 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 such access will not prejudice road safety or significantly inconvenience the flow of traffic. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to both new access and intensified use of an existing access onto existing public roads.

DFI Roads were consulted on this application and have no objections in principle to the proposal subject to conditions.

Planning Policy Statement 2 – Natural Heritage

Policy NH 2 and NH 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.

A Biodiversity Checklist and associated Ecological Statement Report of the site was submitted with the application. A site survey was undertaken on the 9th of November 2023 in order to identify any major ecological constraints to the proposed development on NI protected species including badgers, nesting birds, otters, red squirrels, smooth newts, common lizards and roosting bats.

Following receipt of these surveys NIEA refers Case Officers to the new DAERA Standing Advice -NED- Single Dwellings. Case officers have observed the results of the survey work undertaken on the 9th of November 2023 and are satisfied that no further survey work is required, and it is not necessary to consult further with NED. The proposal is not considered to harm protected/ priority species or priority habitats.

Having reviewed the biodiversity checklist and survey submitted by the Agent on behalf of the applicant; the report states that no further survey work is required. Therefore, on the basis of the report no further surveys, conditions or Informatives are required.

Policy NH6 – Areas of outstanding Natural Beauty

Planning permission for a 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; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedgerows walls, trees and gates; and local materials, design and colour.

The proposal is contrary to Policy NH 6 in that the siting of the proposal is not sympathetic to the special character of the AONB and of the particular locality. Given that the siting fails to meet the policy criteria for infill development this would result in build-up and add to a ribbon of development detrimental to the character of that area.

The proposal is contrary to a) of Policy NH 6 of PPS 2.

Neighbour Notification Checked

Yes/No

Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 of PPS 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 site does not constitute a small gap site within an otherwise substantial and continuously built-up frontage that respects the existing pattern along the frontage in terms of size, scale, siting and plot size and therefore if permitted would add to a ribbon of development along the shared laneway.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that, the proposal would, if permitted,
 - add to a ribbon of development along the shared laneway
 - result in a sub-urban style build-up of development when viewed with existing and approved buildings along the shared laneway,
 - would not respect the traditional pattern of settlement exhibited

<p>which would result in a detrimental change to the rural character of the area.</p> <p>4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and PPS 2 Policy NH 6 in that:</p> <ul style="list-style-type: none">- the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and	
Case Officer Signature:	<div></div>
Date:	<div></div>
Appointed Officer Signature:	<div></div>
Date:	<div></div>

Representation against Decision to Refuse

Application reference:	LA07/2023/3647/F
Applicant:	Ciaran McCormack & Natalie Duffy
Site Location:	Adjacent to and north of 9 Station Road, Adavoyle, Jonesborough BT35 8JH
Proposal:	Detached dwelling and garage
Neighbour Notifications:	No objections
Statutory Consultations:	No objections

This application was submitted under CTY 8 of PPS 21.

"Under CTY 8" 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.

Planning Services are satisfied that the site lies within a substantial and built-up frontage in a line of three or more buildings, as required by the Policy. Their concerns, in this instance are with gap size, frontage, and plot size.

By reference to explanatory map which forms part of this representation, Planning Services contend that the 64.0m gap between 17A Station Road and 9 Station Road is of insufficient size to accommodate a maximum of two houses. However, Planning Permission was granted under LA07/2016/1571/F on this shared laneway for an infill dwelling between no's. 7A & 7B Station Road where the gap was 48.0m. The resultant separation distance between the approved dwelling and its neighbours will be 25.0m and 12.5m. Distances between all buildings are listed on the map for reference purposes. It should be noted that they are relatively consistent throughout, including the proposed.

In relation to existing development pattern, the map demonstrates a well-defined mix of frontages ranging from 15.0m at no. 15, to 61.0m at 17A. The average frontage is just over 20.0m which is similar to the subject site. (The frontage of the recently approved infill dwelling at 7C (LA07/2016/1571/F) measures 25m).

In terms of plot size, the map again demonstrates a well-defined mix along Station Road, ranging from 0.08H at 7A to 0.42H at No. 17A. The average plot size is 0.20H which is similar to the proposed site. This average reduces to 0.16H if plots 17 and 17A are excluded, given that they are both more than twice the area of other plots.



Based on the above, and the annotated map, I contend that, in this instance, this proposal is fully in keeping with the exceptions test CTY 8 of PPS 21.

If it can be accepted that the exceptions test is satisfied, then CTY 1 of PPS 21 is satisfied. Also, the proposal would not result in a detrimental change in the rural character of the area under CTY 14, particularly given that Planning Services accept that it would not be considered a prominent feature in the landscape. Similarly, under Policy NH6 of PPS 2, the siting of the proposed dwelling and detached garage would be sympathetic to the specific character of the AONB in this particular locality.

B. DINSMORE 25TH FEB 2025

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/3476/O	Target Date:
Proposal: Proposed infill for two dwellings, garages and associated site works	Location: Lands between 12 and 20 [on private lane] off Raleagh Road, Crossgar, BT30 9JG
Applicant Name and Address: David Graham 48 Raleagh Road Crossgar BT30 9JG	Agent Name and Address: William Wallace 9 Crossgar Road, Dromara Dromore BT25 2JT
Date of last Neighbour Notification:	27 March 2024
Date of Press Advertisement:	1 November 2023
ES Requested: No	
Consultations: 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>Site Location Plan: The site is located at lands between 12 and 20 [on private lane] off Raleagh Road, Crossgar.</p>	
	
<p>Date of Site Visit: 1st July 2024</p>	
<p>Characteristics of the Site and Area</p> <p>The site is located along a private lane off Raleagh Road, Crossgar. It is comprised of a 0.38 hectare site, which is currently covered in a number of trees and vegetation and has a wooded appearance. The site abuts the Ballynahinch River to the rear. The land to the immediate north and south of the site is characterised by agricultural land while to the east and west of the site there are noted to be a number of single detached dwellings and associated ancillary buildings.</p> <p>The site is located within the rural area as designated in the Ards and Down Area Plan 2015.</p>	
<p>Description of Proposal</p> <p>Proposed infill for two dwellings, garages and associated site works.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015.</p> <p>The following planning policies have been taken into account:</p>	

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

Planning Policy Statement 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
- Policy CTY 16 Development relying on non mains sewerage.

Ards and Down Area Plan 2015.

PLANNING HISTORY

Planning

Application Number: LA07/2019/0482/O

Decision: Permission Refused

Decision Date: 13 June 2019

Proposal: Proposed infill for two dwellings and garages

Location: Lands between 12, 18 and neighbouring house on Private Lane, Raleagh Road, Crossgar

Application Number: LA07/2019/1184/O

Decision: Appeal Dismissed

Decision Date: 21 May 2020

Proposal: 2 infill dwellings and garages

Location: Lands between 12, 18 and neighbouring house on Private Lane, Raleagh Road, Crossgar

Consultations:

NI Water – Statutory response – private treatment pack being used

DFI Roads – No objections subject to RS1 form (2m x 45m visibility splays)

DFI Rivers – Part of the site lies within the 1 to 200 yr coast flood plain – see report

Historic Environment Division (HED) – No objections

Shared Environmental Services – No objections

NIEA Natural Environment Division (NED) – No objections (10-01-2025)

Objections & Representations

In line with statutory requirements neighbours have been notified on 07.03.2024. The application was advertised in the Mourne Observer on 21.01.2024 (Expiry 07.02.2024). 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 Ards and Down 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 the private lane just off Raleagh Road which serves a number of dwellings. The dwellings at No 12, No 18 and No 20 all have frontage to the laneway because the plots upon which they sit abut the laneway. For the purposes of this policy a road frontage includes a footpath or private lane. The substantial and continuously built up frontage therefore comprises three buildings as specified in the policy.

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 in this case between the two dwellings is approximately 157 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.

The following frontages have been observed:

No 18 - 62m (approx.)

No 12 - 50m (approx.)

No 20 - 78m (approx.)

Average plot frontage is 63m

Total site frontage = 116m approx

Gap is 157m approx.

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 figures observed above, the average plot frontage width is 63m with the total site frontage for two dwellings 116m (58m each). Factoring this in and given that the width of the gap is approximately 157 metres, the gap is more than twice the length of the average plot width at around 63 metres. This aspect of the proposal would not be acceptable.

In terms of the plot sizes the plot at No 12 would be approx. 0.2ha, No 18 would be 0.3ha, the site would be 0.39ha approx (for two dwellings) and No 20 would be 0.5ha. There is a variation in the plots sizes.



Indicative site layout as proposed

Notwithstanding the above, when account is taken of the trees and vegetation that have to be retained as part of the condition from Natural Environment Division (NED) the indicated plot of the site (on LHS) would have a much smaller plot size and depth (narrowing to only 8m in depth. Therefore while there is a small gap site within an otherwise substantial and continuously built up frontage, the proposed site would not respect the existing development pattern along the frontage.

Further to this, officers consider that while the proposal is located within a substantial and continuous built-up frontage (as identified above) the gap between Nos 12 and 20 due to its wooded appearance provides an important visual break and contributes to the rural character of the area.



View of site on LHS (no 20 is not visible)

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. It is noted that a significant proportion of the vegetation that encloses the site will be retained, especially the along the boundary with the river. On this basis it is deemed that the proposal would comply with CTY 13.

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 linked with the adjacent buildings at No 12 and 18 and would read as a ribbon of development from this aspect. 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. While the agent has ticked the use of a septic tank on P1 form NED would highlight the use of package treatment plants has been recommended within the PEA, given the slope of the site. NED therefore recommend that plans at RM show the type and positioning of the treatment systems in order to protect the adjacent watercourse. There would be sufficient room within the land in red for a package treatment works. 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 site is hydrologically connected to Strangford Lough SAC/SPA/Ramsar site which is of international importance and is protected by the Habitats Regulations.

Policy NH1: European and Ramsar Sites – International of PPS 2 is therefore applicable which states that planning permission will only be granted for a development proposal that either individually or in combination with existing and / or proposed plans and projects, is not likely to have a significant effect on:

- A European Site (SPA, proposed SPA, SAC, candidate SAC and SCI or
- A listed or proposed Ramsar Site

Shared Environmental Services were consulted as part of the application. 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 08/08/2024. This found that the project would not be likely to have a significant effect on any European site. The proposal would comply with NH 1.

Policy NH 2: Species Protected by Law, states that Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions; and
- it is required for imperative reasons of overriding public interest; and

- there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- compensatory measures are agreed and fully secured.

The local area is described as being productive for bats due to the presence of mature gardens, and the site itself contains a number of trees considered to have Bat Roost potential.

In consideration of the above, Natural Environment Division have been consulted. Natural Environment Division (NED) NED acknowledge receipt of amended plans (drawing no. WW0719/P/01Rev B) which demonstrate the positioning of the trees with Bat Roost Potential (BRP) in relation to proposed buildings and note that these are shown to be retained. NED are content that the retention of these trees will lessen the likelihood of negative impact to bats, however, would highlight the recommendations of the ecologist regarding the protection of trees and the use of sensitive lighting. NED are therefore content subject to conditions. As such, the proposed development would be in accordance with Policy NH2.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance 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 known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. Officers note that the response from NED states that the application site contains species protected by the Wildlife (Northern Ireland) Order 1985 (as amended) and is used by priority species, includes priority habitats and in part acts as an ecological corridor in a wider ecological network. Its function as a network makes it a natural heritage feature

worthy of protection. NED note that signs of protected species utilising the site were recorded during walkover surveys. NED are content that the 10m buffer shown on plans adjacent to the watercourse will retain a dark corridor for foraging mammals (subject to mitigation). The proposal would comply with NH 5 subject to conditions.

PPS 3: Access, Movement and Parking

Policy AMP2 – Access to public roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification if the use of an existing access onto a public road where:

(A) Such an access will not prejudice road safety or significantly inconvenience the flow of traffic; and

(B) The proposal does not conflict with Policy AMP 3 – Access to protected routes

In assessment of this policy DFI Roads have been consulted and have no objections subject to the RM application being in compliance with the attached RS1 form. It is noted that the access is indicated as being a paired access likely due to the road alignment and this would not be deemed to be acceptable, however, a condition could ensure that this would not be the case at RM stage.

PPS 6: Planning Archaeology and the Built Heritage

HED Historic Buildings has been consulted and advises that the proposal is sufficiently removed in situation and scale of development from the listed building as to have negligible impact. Relevant policies include Paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

PPS 15: Planning and Flood Risk

The site is positioned immediately adjacent to the Ballynahinch River.

In consideration of this landscape feature, Rivers Agency have been consulted and have advised the Planning Authority the following:

FLD1 - Development in Fluvial and Coastal Flood Plains - Flood Maps (NI) indicate that the area of the site along the northern boundary lies within the 1 in 100 fluvial flood plain of the Ballynahinch River, which has been modelled in detail. The approximate Q100 flood level at the site is 41.22mOD.

The submitted site layout drawing indicates that the location of the proposed dwellings is not within the flood plain. Hence, Rivers Directorate would have no objection to the

proposal. It should be a condition of planning that the area of flood plain, if designated as open space by the Planning Authority under FLD 1(f) of PPS 15, should not be raised or the flood storage capacity and flood conveyance routes reduced by unsuitable planting or obstructions.

Considering the close proximity of the flood plain and adopting the precautionary approach embodied by PPS 15, Rivers Directorate recommends that the finished floor levels of the proposed dwellings and garages are set with a minimum freeboard of 600mm above the Q100 flood level.

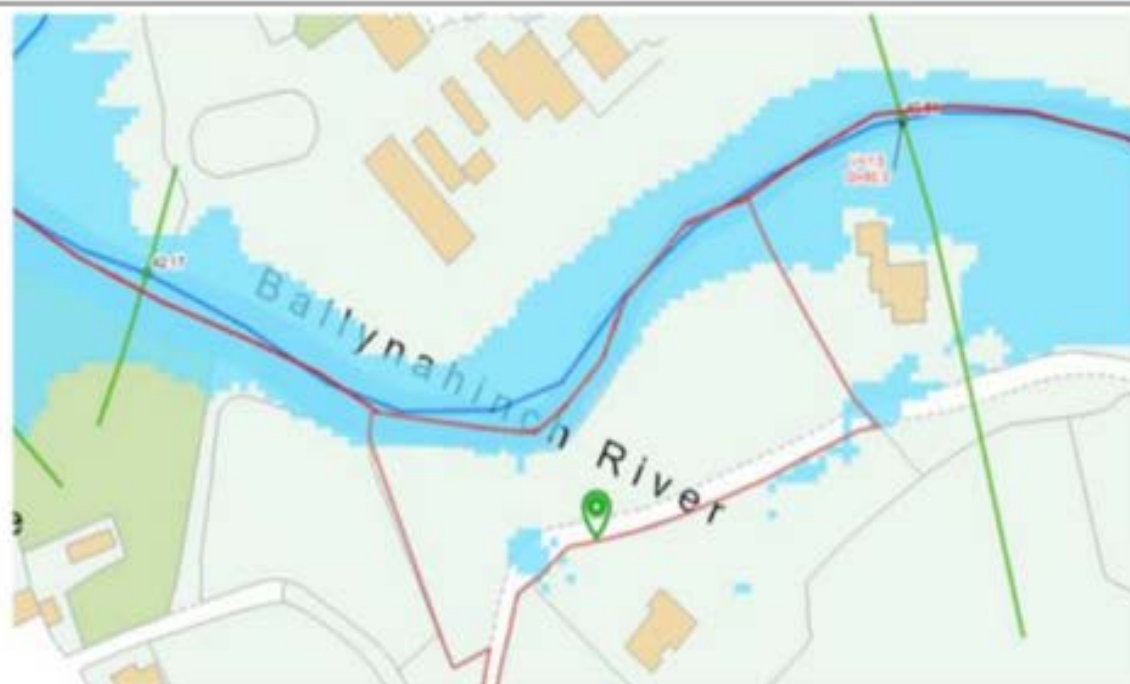
Rivers Directorate also recommends that the Applicant ensures that the proposals take into consideration measures to improve the resilience of new developments in flood risk areas by the use of suitable materials and construction methods. Further details of Flood Proofing – Resistance & Resilience Construction can be found in revised PPS 15 Annex E.

In terms of the 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 (see attached), indicate that areas of the site lie within the 1 in 100-year fluvial Q100 climate change flood plain. The predicted Q100 climate change level is approximately 41.4mOD.

Fluvial Flood Plain Q100 Climate Change

Rivers Directorate considers, in accordance with the precautionary approach, that part 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 to this DfI response, in terms of FLD 1 the policy is silent in relation to the climate change modelling scenario. However, Planning would still need to take a precautionary approach as advised by DfI Rivers by checking the extent of the climate change floodplain within the site. From the latest Fluvial Flood Plain Q100 Climate Change Map supplied by DfI Rivers (below), it is evident that the floodplain would not be encroaching onto the built form (as indicated by the indicative layout given this is an outline application). Similarly, if as advised by DfI Rivers, finished floor levels of the proposed dwellings and garages should be set with a minimum freeboard of 600mm above the Q100 flood level. On this basis planning are content and could not sustain a refusal based on FLD 1.



Under FLD2 Protection of Flood Defence and Drainage Infrastructure, a maintenance strip of minimum 5m needs to be left clear to provide access and egress at the rivers' edge at all times. This could be subject to a condition and shown at RM stage if planning are minded to approve.

The Planning Authority do not deem the proposal to exceed any of the thresholds under FLD 3 (Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) and on this basis a Drainage Assessment would not be required.

FLD 4 – Artificial Modification of watercourses - Not applicable to this site based on information provided. In the event of an undesignated watercourse being discovered, Policy FLD 4 may apply.

FLD 5 - Development in Proximity to Reservoirs – Not applicable to this site.

Conclusion

While there is history on the site this is a material consideration and it is noted that while the two previous refusals did not cite CTY 8 as a reason for refusal, the principle of development still needs to be established. Determining weight must therefore be given on the circumstances now prevailing. Therefore, for the reasons given above, the proposal fails to satisfy the requirements of Policies CTY 8 and CTY 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

The plans to which this refusal relate include:
site location plan and site layout - WW0719 P01b

Refusal Reasons:

1. The proposal is contrary to 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 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 its development would not respect the existing development pattern along the frontage, resulting in the loss of an important visual break and would, if permitted, result in the addition of ribbon development along this private laneway off Raleagh Road.

Neighbour Notification Checked	Yes
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Summary of Recommendation - refusal
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Case Officer Signature: C. Moane	Date: 06 February 2025
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Appointed Officer Signature: Brenda Ferguson	Date: 06/02/25
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Development Management Consideration

Details of Discussion:

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



Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/3221/F	Target Date:
Proposal: Replacement of existing turbine as approved under LA07/2015/0378/F with a Vestas V47 Wind Turbine with the same 40m Tower Height and new rotor diameter of 47m and 250Kw output.	Location: Approx 500m SE of 22 Hilltown Road, Fofannyreagh, Hilltown, BT34 5EZ
Applicant Name and Address: Seamus Murray 22 Hilltown Road Fofannyreagh Hilltown BT345EZ	Agent Name and Address: Neil Donnelly 8 Devesky Road Carrickmore Omagh
Date of last Neighbour Notification:	
Date of Press Advertisement:	27 September 2023
ES Requested: No	
Consultations: 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>Site Location Plan: The site is located at approx 500m SE of 22 Hilltown Road, Fofannyreagh, Hilltown.</p>
<div data-bbox="181 434 719 1106">  </div> <div data-bbox="724 443 1326 1106">  </div>
<p>Date of Site Visit: 19th September 2024</p>
<p>Characteristics of the Site and Area</p> <p>The site is located on agricultural lands on undulating ground off the Hilltown Road. The land rises steeply from the road and the ground is elevated to the road. There is an existing turbine in situ which was approved under R/2015/0378/F. The land is located in the rural area.</p>
<p>Description of Proposal</p> <p>Replacement of existing turbine as approved under LA07/2015/0378/F with a Vestas V47 Wind Turbine with the same 40m Tower Height and new rotor diameter of 47m and 250Kw output.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The site is located within the rural area outside any settlement limits, as identified in the Ards and Down Area Plan 2015. The site is located with the Mourne AONB and Countryside Policy Area.</p> <p>The proposal has been assessed against the following policies and plans:</p> <ul style="list-style-type: none"> • The Ards and Down Area Plan 2015 • Regional Development Strategy (RDS)

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 18: Renewable Energy
- Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Planning Guidance (SPG)

Best Practice Guidance (BPG) "Renewable Energy.

Wind Energy Development in Northern Ireland's Landscapes.

There are no policies in the Plan material to this proposal.

PLANNING HISTORY

Planning

Application Number: R/2013/0188/F

Decision: Permission Granted

Decision Date: 31 January 2014

Proposal: Proposed wind turbine with max hub height of 40m max output 250Kw and rotor diameter of 31m.

Application Number: LA07/2015/0378/F

Decision: Permission Granted

Decision Date: 04 March 2016

Proposal: Increase rotor diameter of proposed wind turbine from 31m as approved under Planning Reference R/2013/0188/F to 39m

Consultations:

Statutory Consultees and Non-Statutory Consultees

NIEA Natural Environment Division	- No Objections subject to conditions
DFI Roads	- No Objections
Environmental Health	- No Objections subject to conditions
NI Water Windfarms	- No Objections
Belfast International Airport	- No Objections subject to a condition
Belfast City Airport	- No Objections
NATS Safeguarding	- No Objections
UK Crown Bodies DIO Safeguarding	- May be a physical obstruction - a condition required (turbine to be fitted with 25cd infra-red (IR) lighting)
Defence Infrastructure Organisation	- No Objections
PSNI (Information and Comm Services)	- No Objections
CAA	- No Response

Arqiva	-
Historic Environment Division	- No Objections
Joint Radio Company	- No Objections
Ian Cross (Flying Club)	- No Objections
	- No objections – no safety impact to existing club members flying activities
MP & E Trading Company & EMR Integrated Solutions	- No Comment

Objections & Representations

In line with Council procedure, neighbouring occupiers of land adjoining the site are only notified, in this case no neighbours were notified as none fell within the 90m. Council does not operate an extended notification process for turbines. The application was advertised in the Mourne Observer on 27.09.2023. No letters of representation have been received in relation to the proposal.

Proposal:

The proposed turbine will replace the existing turbine on site, which involves the replacement of the existing turbine as approved under LA07/2015/0378/F with a Vestas V47 Wind Turbine with the same 40m Tower Height and new rotor diameter of 47m and 250Kw output.

The principal differences between the two turbines are summarised below:

Approved Turbine (R/2015/0378/F)

Hub Height = 40m
 Rotor Diameter = 39m
 Blade span = 19.5m
 Height to Blade tip = 59.5m

Proposed turbine (LA07/2023/3221/F)

Hub Height = 40m
 Rotar Diameter = 47m
 Blade Span = 23.5m
 Height to Blade tip = 63.5m

The proposal seeks to amend the turbine model to a Vestas V47, by retaining the existing tower height of 40m with a 47m rotor diameter (overall tip height of 63.5m) resulting in an overall increase of 4m when compared to the existing structure. It is located within the open countryside, whilst there is provision for wind turbine

development this is determined by proposals being in full compliance with relevant planning policy and guidance. Further consideration of this is outlined below.

To support the proposed development, the application submission is accompanied by the following documents:

- P1 Form
- Site location place, site layout plan and elevations
- Noise Impact Assessment Report
- Shadow Flicker Report
- Bat Survey Report

Environmental Impact Assessment (EIA)

The proposed development falls within Schedule 2 of Category 3(j) of Schedule 2, of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 and the application was not accompanied by an environmental statement for the purposes of these Regulations. Part 4 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 provides the legislative framework for this determination.

In accordance with Regulation 12(1) of the 2017 EIA Regulations and, having regard to the consultation responses and to the selection criteria, the Council determined that the application was not required to be accompanied by an Environmental Statement.

Consideration and Assessment:

The principle determining issues are considered to be:-

- Principle of Development
- Environmental Effects
- Residential amenity
- Visual Amenity

The application site is located within the open countryside as designated in the Ards and Down Area Plan 2015.

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to any other material considerations. Section 6 of the Planning Act (NI) 2011 deals with local development plans and states where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Principle of Development

Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) sets out the types of development that are considered acceptable in the countryside. One of these is renewable energy projects in accordance with PPS 18. It follows that if the development proposal meets the requirements of PPS 18 and the corresponding paragraphs in the SPPS (para's 6.214 to 6.234) it will comply with policy CTY 1 of PPS 21.

PPS 18

The aim of PPS 18 is to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy (Paragraph 3.1). PPS 18 is generally supportive; however, its permissive thrust is moderated by the objectives set out at Paragraph 3.2, which include ensuring that the environmental, landscape, visual and amenity impacts of renewable energy development are adequately addressed.

The SPPS, states that 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. Paragraph 2.3 of the SPPS states that the basic question is not whether owners and occupiers of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of the land that ought to be protected in the public interest. In addition, the SPPS states that it will not necessarily be the case that the extent of visual impact or visibility will give rise to negative effects. It is recognised that while wind turbines are by their nature highly visible this in itself should not preclude them from being acceptable features in the landscape (Paragraph 6.230).

Policy RE 1 of PPS 18 indicates that renewable energy development will be permitted provided it will not result in an unacceptable adverse impact on five criteria.

(a) public safety, human health, or residential amenity;

Policy RE1 goes on to state, in relation to wind energy development, that applications for wind energy development will also be required to demonstrate the following:

- (vi). that the development will not cause significant harm to the safety or amenity of any sensitive receptors (including future occupants of**

committed developments) arising from noise; shadow flicker; ice throw; and reflected light;

Impacts on Public Safety

Paragraphs 1.3.50 -1.3.52 of the Best Practice Guidance to PPS 18 'Renewable Energy' (BPG) is relevant to the proposal.

In terms of immediate safety and fall over distance of the turbine, the distance is calculated as the height to tip + 10% which is used as a safe distance this is 63.5m +10% = 69.85m which is well within the distance to the closest occupied dwelling (approx. 280m at No 6 Fofanny School Road). All other consultees regarding aviation and security safety have also responded with no objections – subject to a condition regarding the turbine be fitted with turbine to be fitted with infra-red (IR) lighting.

Impacts on Human Health & Residential Amenity

In assessing the impact on human health and residential amenity, the potential impacts arising from noise, shadow flicker, ice flow and reflected light have been considered in detail below.

Noise

In respect of noise from turbines, paragraph 1.3.44 of the BPG states:

There are two quite distinct types of noise source within a wind turbine. The mechanical noise produced by the gearbox, generator and other parts of the drive train; and the aerodynamic noise produced by the passage of the blades through the air.

PPS18 explains that renewable energy developments will be supported unless they have unacceptable adverse impacts on residential amenity. The proposed turbine has a blade span of 23.5m and a rotor diameter of 47m. Paragraph 1.3.43 of BPG to PPS 18 relating to Wind Farm development, lists those dwellings more than ten times the rotor diameter away from the proposed turbine will not be affected by noise. A Noise Impact Assessment (NIA) was completed by Fitzsimons Walsh Environmental Limited in accordance with the ETSU-R-97 The Assessment and Rating of Noise from Windfarms guidelines.

The Noise Impact Assessment (NIA) which accompanies this planning application which identified a number of noise sensitive receptors. The Council's Environmental Health Department were consulted and have offered no objections based on the assumption that there is no other development (wind turbine/residential property) in the area other than those identified by the consultant in the noise assessment submitted in support of this application. A history search of the immediate area would confirm that no other

turbines have been approved in the immediate area (other than the histories listed). Environmental Health have advised that the noise impact assessment predicts that the turbine noise shall be within the limits set using ETSU-R-97.

Low frequency noise

In respect of noise from turbines, para 1.3.47-1.3.49 states

There is no evidence that ground transmitted low frequency noise from wind turbines is at a sufficient level to be harmful to human health. A comprehensive study of vibration measurements in the vicinity of a modern wind farm was undertaken in the UK in 1997 by ETSU for the DTI (ETSU W/13/00392/REP). Measurements were made on site and up to 1km away – in a wide range of wind speeds and direction.

The study found that:

- Vibration levels 100m from the nearest turbine were a factor of 10 less than those recommended for human exposure in critical buildings (i.e. laboratories for precision measurement); and
- Tones above 3.0 Hz were found to attenuate rapidly with distance – the higher frequencies attenuating at a progressively increasing rate.

In a subsequent study by DTI entitled "The measurement of low frequency noise at three UK Wind Farms, W/45/00656/00/00" the principal findings were that infrasound associated with modern wind turbines is not a source which will result in noise levels which may be injurious to the health of a wind farm neighbour. In addition, from the data collected, internal noise levels were deemed insufficient to wake up residents at the three sites investigated.

The findings of the Noise report indicate that noise immissions associated with the proposed turbine would be within the ETSU R 97 Limits (day-time and night-time periods). Officers are satisfied that the proposed development will not have an unacceptable impact on the amenity of nearby residential properties by way of noise, subject to conditions that are recommended to be imposed during the lifespan of the permission.

Shadow Flicker

Shadow flicker generally only occurs in relative proximity to sites and has only been recorded occasionally at one site in the UK. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK.

Paragraph 1.3.76 goes on to state that

'Problems caused by shadow flicker are rare. At distances greater than 10 rotor diameters from a turbine, the potential for shadow flicker is very low. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the

site. Where shadow flicker could be a problem, developers should provide calculations to quantify the effect and where appropriate take measures to prevent or ameliorate the potential effect, such as by turning off a particular turbine at certain times.'

The likelihood of this occurring and the duration of such an effect depends upon:

- the direction of the residence relative to the turbine(s);
- the distance from the turbine(s);
- the turbine hub-height and rotor diameter;
- the time of year;
- the proportion of day-light hours in which the turbines operate;
- the frequency of bright sunshine and cloudless skies (particularly at low elevations above the horizon); and,
- the prevailing wind direction.

Paragraph 1.3.77 states:

Careful site selection, design and planning, and good use of relevant software, can help avoid the possibility of shadow flicker in the first instance. It is recommended that shadow flicker at neighbouring offices and dwellings within 500m should not exceed 30 hours per year or 30 minutes per day.'

In this case the blade has a 47m diameter with the shadow flicker measurement taken to be 470m (10 rotor diameters from the turbine – see 1.3.76 of Best Practice). Officers note there are nine properties (No. 6 Fofanny School Road and Nos. 12, 14, 16, 18, 18A, 20, 22 and 24 Hilltown Road) located less than 470m from the proposed turbine and in accordance with the BPG to PPS 18 a Shadow Flicker Report (SFR) was completed.

The assessment has been carried out with reference to the guidance and thresholds identified in paragraph 1.3.77 of the BPG to PPS 18. The SFR, completed by Park Hood concludes that based on the bare-earth scenario (i.e., no intervening vegetation or buildings), the calculations conclude there are technically potential shadow flicker effects to the properties at No. 12, 14, 16, 18 Hilltown Road and No. 6 Fofanny School Road. PPS18 Renewable Energy guidelines of 30 hours per year or 30 minutes per day as calculated by the software.

The report concludes that all properties potentially affected by Shadow Flicker (12, 14, 16 & 18A Hilltown Road and 6 Fofanny School Road) are right on the periphery of the "shadow flicker" range and have well established hedgerows across the intervening fields and on property boundaries that would be a factor in reducing any such effect.

The Shadow Flicker Assessment does acknowledge that mitigation is therefore required. Technology is now in place (using appropriate sensors) allowing turbines to be programmed to shut down when shadow flicker effects occur (see appendix A of SFR showing the curtailment periods required to eliminate shadow flicker for the affected properties. Thus, by controlling the operation of the turbine during times of potential shadow flicker events as detailed above in order to bring all properties to a maximum 30 minutes per day and 30 minutes per year (mitigated by using the installation of shadow flicker shut off software). Officers are satisfied this can be secured by way of planning condition. This approach is supported by the guidance set out in the BPG to PPS 18.

Ice Throw

According to the BPG at paragraphs 1.3.78

'The build-up of ice on turbine blades is unlikely to present problems on the majority of sites in Northern Ireland. Even where icing does occur the turbines' own vibration sensors are likely to detect the imbalance and inhibit the operation of the machines.'

Officers consider that the risks of ice throw at this location are minimal due to local weather conditions and the distance to occupied properties. Having regard to the above, it is not considered to have an unacceptable impact on residential amenity.

Reflected Light

In respect of reflected light, paragraph 1.3.76 of the BPG states:

'Turbines can also cause flashes of reflected light, which can be visible for some distance. It is possible to ameliorate the flashing but it is not possible to eliminate it. Careful choice of blade colour and surface finish can help reduce the effect. Light grey semi-matt finishes are often used for this. Other colours and patterns can also be used to reduce the effect further.'

The colour of both the tower and the blades on the proposed turbine is white. The plans do not indicate the finish of the blades and the tower, however, if necessary this could be conditioned that they will have a matt non reflective finish. Given the colour, officers do not consider reflected light will have an unacceptable impact on residential amenity.

In conclusion, it is considered that there is no evidence that the proposal would have an unacceptable adverse effect on human health or public safety. Taking into account all of the above including the objections, the Council is satisfied the wind energy development does not result in an unacceptable adverse impact on public safety, human health or residential amenity.

(b) visual amenity and landscape character;

The first additional requirement under Policy RE 1, which is specific to wind energy development, states that the development will not have an unacceptable impact on visual amenity or landscape character through the number, scale, size and siting of turbines. Paragraph 1.3.25 of the BPG addresses the matter of visual impact and acknowledges that wind turbines will often be highly visible and that it will normally be unrealistic to seek to conceal them. However, it goes on to state that developers should seek to ensure that, through good siting and design, landscape and visual impacts are limited and appropriate to the location.

The last paragraph of Policy RE 1 states that the SPG is also to be taken into account and provides broad guidance in assessing all wind turbine proposals. Table 3 of the document identifies the general principles affecting wind energy proposals and states that each landscape has a different capacity for accommodating such development. The SPG provides a description of the sensitivity of the Northern Ireland's landscape to wind energy development in terms of the extent to which the inherent character and visual amenity of each Landscape Character Area (LCA) is vulnerable to change due to such development.

The SPG is based on the sensitivity of Northern Ireland's landscapes to wind energy development and contains an assessment of each of the 130 Landscape Character Areas (LCA) in Northern Ireland by referencing the values and characteristics associated with each area. The site is located in LCA 84 – Mourne Foothills. According to the NIEA document this LCA has an overall sensitivity rating of High, the majority of this landscape is highly sensitive to wind energy development. It is a varied and rugged landscape of high scenic quality which performs an important role in providing an outstanding setting to other more elevated landscapes adjacent. Sensitivity is further increased by the LCA's popularity for outdoor recreation. There are localised areas of somewhat lower sensitivity to wind energy development on the north-eastern fringes of the LCA where, in transition to lower-lying landscapes, there are fewer outdoor recreation activities or landscape features of conservation value, and the landscape has been altered by quarrying and conifer plantations. In terms of the Location, siting, layout and design considerations - the north-eastern part of this sensitive LCA might be the best suited area to accommodate some form of wind energy development. Existing woodland might assist in screening views. It is recommended that wind energy development reflects the scale of the landform and landscape and settlement features and that turbine layout relates well to the strong geometric pattern of field enclosures.

The proposal remains within the same host field with a 40m tower height as previously approved.

Under R/2015/378/F, approval was granted for a single 250 kw wind turbine with a 40m hub and blade diameter of 39m, extending to a total height of 59.5m at present. This turbine was approved March 2016 and so the turbine has been operational sometime following this date. It sits directly north west of the applicant's dwelling, approximately 480m back from the Hilltown Road, accessed via a laneway from the applicants dwelling and associated outbuildings. The proposed development remains in the same host field and seeks to replace the existing turbine with a larger Vestas 47 which would see the same the hub height of 40m but with an increase the blade length to 47m, representing an overall extension of 8m to a maximum height of 63.5m. According to the plans, at present the existing hub ranges in girth from 3.8m at the bottom tapering to 1.3m. The proposed turbine is measuring at 2.0m at the bottom tapering to 1.3m at the top, the proposed turbine would therefore not increase the dimensions of the hub, nor increase the girth. The existing blades have a maximum width of 1.3m, however the three blade lengths would increase to 23.5m. The baseline starting point for consideration in this application is the material difference between the approved in-situ turbine and what is now proposed and its visual relationship in the landscape. On this basis it is the proposed increase in overall tip height, i.e., 8m, which needs to be considered.

Whilst Policy RE1 is positively expressed and accepts that some erosion of visual amenity will result, the onus lies with the applicant to demonstrate that the visual intrusion of the enlarged turbine would not be so unacceptably harmful that planning permission should be refused.

The applicant produced photomontages to provide indicative views of the proposed turbine in comparison to the in-situ turbine. Five no. representative viewpoints were identified in the vicinity of the application site following a site survey on June 2023. There are no public parks or rights of way and the selected views towards the site are all from public roads. The following viewpoints were identified at the following locations and correspond to the map included:- . In these submissions;

- Viewpoint 1 – Hilltown Road (in closest proximity to the Application Site);
- Viewpoint 2 – Hilltown Road near Kinghill;
- Viewpoint 3 – Hilltown Road near the Castlewellan Road / Dublin Road junction;
- Viewpoint 4 – Castlewellan Road, Letalian; and
- Viewpoint 5 – Ballymoney Road, Kilcoo.

The application must therefore involve an assessment of the potential visual impact of the larger blade turbine from each of the identified viewpoints, taking account of the photomontages. The main issue to be considered in this application is what impact the

increased size and scale of the replacement turbine would have on the visual amenity of the area.

The increase in the blade length is not proportionate to the existing hub height given that the blade diameter would now be more than half the height of the tower (23.5m – half the tower height would be 20m). The application proposal would result in a 20% increase in the in blade length. Such an increase in the length of the blades would mean that when rotating it would rotate closer to the ground level where currently it rotates with the sky as the backdrop. This change would significantly increase the overall visual impact of the turbine structure.

The main critical views would be from both approaches travelling along the Hilltown Road where the turbine is already apparent in the landscape. The identified a stretch of road from along past the junction with Kilcoo road travelling west towards the turbine and from the opposite direction at approx. No 50 Hilltown Road where it is considered the proposed turbine would be viewed at its most visually dominant. From the eastern approach travelling west towards the site, prolonged views of the turbine development would be readily available. The same is the case from the opposite approach, given the straight alignment of this part of the road for that stretch, with clear views and little by way of intervening roadside vegetation along the Hilltown to limit views. From both approaches on Hilltown Road the siting of the turbine on an elevated slope above the roadside, with an increased blade length and increase in overall height, would result in a substantially more visually prominent development in the landscape than the in-situ turbine. The other views while distances are longer the same affect would also be apparent from along the Castlewellan A25 Road when travelling east.

Whilst other locations (from Kinghill Road junction and Ballymoney Road), the proposed turbine would be visible, however, the overall visual impact of the turbine would not be appreciably greater than the existing, approved turbine given the viewing distances involved.

Therefore, it does not follow that the replacement of an existing wind turbine with another in its place would always necessarily be acceptable, even with the principle of development having been accepted in a particular location. While the photomontages are convincing, it is officers view that the development represents a replacement that, given the increased blade diameter length of 8m, would be unacceptable in terms of visual impact.

(c) biodiversity, nature conservation or built heritage interests;

The proposal is subject to the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) (known as the Habitats Regulations).

A Bat Survey report dated November 2022 was submitted as part of this application.

Given the date of the report, in this instance, NED is content to accept this report and the information provided is sufficient to conduct an appropriate assessment. Based on the information provided, the proposed development is unlikely to result in a significant impact to the local bat population however there is still an inherent risk of fatalities given that bats were still recorded utilising the immediate habitat. NED recommends that mitigation measures outlined in the report are incorporated into the turbine's operational features in order to minimise the risk of fatalities and/or barotrauma. In the event where the Planning Authority is content to grant permission for this application, NED recommends that it is done so on a conditional basis whereby the mitigation measures propped within the Bat Activity Survey are appropriately implemented. NED therefore recommends that a dedicated Bat Mitigation & Monitoring Plan is to be submitted to the Planning Authority prior to the turbine becoming operational.

There are no built heritage interests in relation to the proposal.

(d) local natural resources, such as air quality or water quality; and

It is not likely that the proposal will have any impact on natural resources.

(e) public access to the countryside.

It is not likely that the proposal will have any impact on public access to the countryside. The application site is located on land within private ownership and there is no footpath or access to this part of the countryside open to the general public.

Applications for wind energy development will also be required to demonstrate all of the following:

(i) that the development will not have an unacceptable impact on visual amenity or landscape character through: the number, scale, size and siting of turbines;

This has already been discussed within part (b) the proposal will result in an unacceptable impact on visual amenity or landscape character.

(ii) that the development has taken into consideration the cumulative impact of existing wind turbines, those which have permissions and those that are currently the subject of valid but undetermined applications;

There no unacceptable cumulative impact considered to arise.

(iii) that the development will not create a significant risk of landslide or bog burst;

The existing turbine has been in existence for a number of years and there has been no issue with regard to landslide nor has it caused bog burst.

(iv) the proposal does not appear to be close to communications installations; radar or air traffic control systems, emergency services communications, or other telecommunication systems and will not have detrimental impact on them.

All media and communication and aviation operators consultation responses have been received with no objections.

(v) the proposal is not close to any public roads, railways or airports and will not have a detrimental impact on them.

The site is in the same location to the current turbine. Without prejudice to the above conclusions regarding visual dominance, it is not considered that it would be such a distraction as to prejudice road safety. Therefore no increased impact will be caused to the road networks. DFI Roads have been consulted regarding the proposal and offer no objections to the proposal.

No objections were highlighted by aviation operators. There is no railway network near the site.

(vi) that the development will not cause significant harm to the safety or amenity of any sensitive receptors¹ (including future occupants of committed developments) arising from noise; shadow flicker; ice throw; and reflected light; and

An assessment of the noise impact of the proposed development upon the amenity of sensitive receptors is provided at criteria (a). It concludes that there will be no unacceptable adverse effect from these impacts.

It concludes there is no unacceptable adverse effect on those receptors, with an assessment of shadow flicker, ice throw and reflected light set out above. It concludes that there is no unacceptable adverse effect from those possible impacts subject to a condition requiring the submission of a report providing for the avoidance of shadow flicker at any affected residential receptors, prior to the commencement of development.

(vii) If approved, a condition can be attached requiring the removal of the turbine and to restore the land to its original state within 12 months of the cessation of electricity production from the turbine.

The site will be reinstated subsequent to the lifetime of the proposed turbine. A condition to this effect can be added to any decision notice should the council be minded to approve.

PPS 2 – Natural Heritage – Policies NH 2 & NH 5

PPS 2 deals with a commitment to sustainable development and to conserving and where possible enhancing and restoring our natural heritage. The site contains bats, a European protected species under the Habitats Regulations. After consultation with NIEA- NED, they have confirmed that they are now content, provided that a condition requiring the details of any proposed curtailment plan in a Bat Monitoring and Mitigation Plan (BMMP) before the turbine is operational. It is considered that development proposal is not likely to result in the unacceptable adverse impact on bats.

PPS 3 – Access, Movement and Parking – Policy AMP 2

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning. DFI Roads have offered no objections to this proposal, and it is considered that the access will not prejudice road safety or significantly inconvenience the flow of traffic thus complying with Policy AMP 2.

Consideration of potential Local and Wider Environmental, Economic and Social Benefits of the proposed Turbine

The SPPS which was published after PPS 18 states that appropriate weight, not significant weight, should be given to local, economic and environmental benefits. Paragraph 4.1 of the amplification to policy RE1 of PPS 18 indicates that the Planning Authority will be supportive of renewable energy proposals 'unless they would have unacceptable adverse effects which are not outweighed by the local and wider environmental, economic and social benefits of the development. This includes benefits arising from a clean secure energy supply; reductions in greenhouse gases and the polluting emissions; and contributions towards meeting Northern Ireland's target for use of renewable energy sources'.

It is important to appreciate that NI's 40% target for use of renewable energy sources has been met and exceeded, there are renewable energy benefits to be gained from the proposed turbine. The proposed turbine will also proportionality generate carbon savings. The applicant has not provided any information regarding the number of jobs that have been created either directly or indirectly by the turbine development. However, it is accepted that the development could provide a clean, secure energy supply. In accordance with the SPPS, appropriate weight must be given to these potential benefits, but appropriate weight does not mean determining weight.

Conclusion

Whilst the stated benefits associated with the proposed turbine are substantial and afforded significant weight, these are nevertheless outweighed by the adverse visual impact that would arise from the turbine development. Given this critical deficiency, the development does not comply with Policy RE1 of PPS18 read as a whole, as well as the related provisions of the SPPS.

Recommendation: Refusal

Refusal Reason:

1.The proposal is contrary to paragraph 6.224 of the SPPS and Policy RE1 of PPS 18 in that the proposal, if approved, would result in an unacceptable adverse impact on the landscape character and visual amenity through its scale, size and siting.

Informative

This refusal relates to plans:
 Site location plan – PL-22-01
 Site layout Plan – PL-22-02
 Turbine Elevation – PL-22-03

Neighbour Notification Checked

N/A

Summary of Recommendation - Refusal

Case Officer Signature: C. Moane

Date: 31 January 2025

Appointed Officer Signature: Brenda Ferguson

Date: 03/02/25

LA07/2023/3221/F | SPEAKING RIGHTS REQUEST

Speakers:

1. Mr Thomas Bell – bell | rolston
2. Mr Seamus Murray – applicant

Speaking Notes:

- The proposal seeks to replace an extant turbine – the *net* difference from the baseline is negligible with an overall tip height of 4m difference – we would respectfully invite members to review the **photomontages attached**.
- The previous permission helpfully set out the Councils opinion on the issue of blade dimension and the associated impact of same. That assessment supported the site's ability to absorb a turbine without cause of concern relating to the scale of blades – despite that important context, this does not feature in the DM report.
- The increased height change cannot be asserted as "substantially more visually prominent".
- The photomontages demonstrate that the difference is not *substantial*.
- While we accept that "*it does not follow that replacement of an existing wind turbine with another in its place would always necessarily be acceptable*" it still requires proper evaluative judgement of the baseline and weighing up all material considerations.
- One of those material considerations is a fundamental policy requirement that has been omitted from the consideration. This omission is exacerbated with the DM report referring to renewable energy targets that are out of date and superseded – there are three points:
 - (i) PPS18/SPPS mandates the decision maker to assess and weigh up a proposal against the *wider economic, environmental and social* benefits.

That policy test applies even where the proposal impact is considered *unacceptable adverse*. That means it can not only have an adverse impact; but unacceptable adverse impact and even then, still must be weighed up. That has not happened.

- (ii) The report quotes superseded renewables targets: *"It is important to appreciate that NI's 40% target for use of renewable energy sources has been met and exceeded, there are renewable energy benefits to be gained from the proposed turbine."*

This is incorrect.

As members will be aware the region has a revised renewable target of 80% by 2030 and net zero by 2050. As it stands, we are c. 50% of that target - while this one project is a modest contribution it remains a step in the direct direction on a site where a turbine already exists.

- (iii) Legally binding Climate Change Act (Northern Ireland) 2022 and 'Path to Net Zero Energy' Action Plan for 2024 is missing from the assessment which ought to be accounted for.

- In closing, no adverse impact occurs given the marginal increase. This is an investment capex of £250,000 further investment and will result in 25% more power productivity. Planning policy requires assessment and a balance even where harm is found which in this case, we do not accept it does.
- We would respectfully request members consider this position, the photomontages against the correct policy and legally binding context.

Thank you.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: LA07/2021/0869/F

2.0 Date Received: 05.05.21

3.0 Proposal: Proposed 5 No Glamping Pods, associated car parking and site works with hard and soft landscaping

4.0 Location: North East of 81 Ardglass Road, Ballywooden, Downpatrick

5.0 Site Characteristics & Area Characteristics:

The site is located NW of the existing settlement of Ballyhoman. The site is accessed from the Ardglass Road from the NE. The application site is located on lands within the grounds of the former Bishops court Airfield. The site lacks defined boundaries, grassland comprising a smaller plot within the larger site.

The site is located within the open countryside within an Area of Mineral Constraint as identified within the Ards and Down Area Plan 2015.

6.0 Application Site and Aerial View:



7.0 Photographs of site:



8.0 Relevant Site History:

R/1995/0256- Change of use from office complex to dwelling

R/2000/0375/F- Extension and garage – Approval

R/2000/0078/O- site for dwelling- withdrawn

9.0 Planning Policies & Material Considerations:

- The Ards and Down Area Plan (2015)
- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 15 (Revised): Planning and Flood Risk
- PPS 16: Tourism
- PPS 21: Sustainable Development in the Countryside
- DCAN 10 (Revised) Environmental Impact Assessment
- DCAN15 – Vehicular Access Standard
- DOE Parking Standards

10.0 Consultations:

NIEA (16.11.21) - NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, based on the information provided, has no concerns subject to conditions.

DFI Roads (15.09.21) – No objections

SES (27.07.21) - Stage one assessment demonstrates that the project cannot have a conceivable effect on any European site.

EH (18.05.21) - No objection

Rivers Agency (27.05.21):

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site.

FLD1 (Development in Fluvial and Coastal Flood Plains)

The development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain

FLD2 (Protection of Flood Defence and Drainage Infrastructure)

No watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site

FLD3 (Development and Surface Water)

The proposal does not exceed the thresholds to require a Drainage Assessment.

FLD4 (Artificial Modification of Watercourses) and FLD 5 (Development in Proximity to Reservoirs)

N/A

NIEA WMU (26.05.21) - Content subject to conditions

NIW (19.05.21) - No objections

11.0 Objections & Representations:

- The application was initially advertised in the press 17.05.21,
- 2 neighbours were notified 06.08.21 (Advertise expiry 09/06/2021)
- 4 objections received

Issues Raised:

- Overlooking/ loss of privacy

Considered below within the planing report

- Additional traffic

DFI Roads in comments dated 15.09.21 have no issues.

- Noise and disturbance/ Anti-social behaviour

Such issues of concern are addressed by other sections within the Council (Environmental Health) or law enforcement agencies and outside the remit of the Planning Department.

- No neighbour notification

All those dwellings required by the legislation have been notified.

- Shared access and no permission was granted for traffic or amenities and signage

Issues regarding ownership are civil matters between the applicant and those third parties involved, such issues are outside the remit of planning.

- Visual impact

Considered below within the planning report

12.0 Consideration and Assessment:



Proposals have been submitted for the erection of 5 glamping pods which have been set out in a formal linear arrangement with individual curtilages with rear amenity space which is enclosed by vegetative boundaries. Front of the pods are accessed via a gravel pathway from the communal parking area situated to the E of the site. A recreational area is found to the S which also facilitates a bio-desk sewerage system.

13.0 EIA Screening:

The size of the application site is 0.8 ha thus does not exceed the thresholds of Category 12 (E) - Permanent Camp Site and Caravan Site of the Planning (Environment Impact Assessment) Regulations (Northern Ireland) 2017 and therefore does not require to be screened.

14.0 Impact to European Sites:

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.

Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.

The assessment of the proposal demonstrates that there is no pathway for impacts from the proposal to have an effect on any European site or its selection features.

15.0 HRA Screening: Application screened.

16.0 Down and Ards Area Plan 2015



17.0 Regional Development Strategy (RDS):

The RDS seeks to promote a sustainable approach to the provision of tourist infrastructure. With the importance of striking a balance between benefiting society and the economy whilst ensuring this can be achieved in a sensitive manner. The regional policies of the SPPS, PPS2, PPS3, PP15, PPS16 and PPS21 will be considered further in line with RDS requirements will be set out in the report below.

18.0 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.

19.0 Development Plan:

In this case the Down and Ards Area Plan 2015 (DAAP 2015) is relevant to this application which identifies the site as being within the open countryside in an area of mineral constraint.

There is no specific policy within the DAAP 2015 with the reader directed towards the requirements to meet prevailing policy requirements. This will be considered further below.

20.0 SPPS:

Having considered the relevant policies contained within the SPPS following its publication which is somewhat less prescriptive, the retained policies of PPS2, PPS3, PPS15, PPS16 and PPS21 are relevant and will be given substantial weight in the determination of the application in accordance with paragraph 1.12 of the SPPS.

21.0 SPPS and PPS2 – Natural Heritage

Impact on Natural Heritage and Designated Sites

Consultations with NED and SES returned with no objections to the above proposal. NED stated that the site comprises of rank grassland and some areas of scrub. They also noted that the existing access to the public road has some NI priority habitat hedgerow and the scrub vegetation on site has the potential to support nesting birds.

NED having considered the impacts of the proposal as per the application, on the designated sites and natural heritage interests, and based on the information provided confirmed that they have no concerns subject to planning conditions imposed. Conditions relating to vegetation clearance works to be conducted outside the bird breeding season and a lighting plan submitted to and approved by the Planning Authority to minimise the impact on bats and other wildlife.

Therefore, the proposal is not likely to have an unacceptable adverse impact on or damage to a known priority habitat or priority species. The proposal is considered compliant with Policy NH 2 and NH 5 of PPS 2.

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 Planning Authority is required by Law to carry out an appropriate assessment of the implications for the site in view of the site's conservation objectives. Only after having ascertained that it will not adversely affect the integrity of the site, can the Planning Authority agree to the development and impose appropriate mitigation measures in the form of planning conditions if necessary.

Shared Environmental Services (SES) on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations completed a Habitats Regulation Assessment (HRA) Stage One Assessment.

The stage one HRA screening has concluded that there could be no conceivable effect on a European Site.

The Planning Department has therefore undertaken an appropriate assessment of the implications for each site in view of that sites conservation objectives, in line with the requirements of Policy NH 1 of PPS 2.

Proposals meet the requirements of the SPPS and PPS2.

22.0 SPPS and PPS3 - Access, Movement and Parking, Parking Standards and DCAN 15 – Vehicular Access Standards

Transport NI in their consultation response dated 15.09.21 have no objection with proposals. The site has adequate incut/tilage turning and parking within the scheme.

Proposals meet the SPPS and PPS3

23.0 SPPS and PPS15 (Revised): Planning and Flood Risk:

Rivers Agency in their consultation response dated 27.05.21 have raised no issues of concern.

Proposals are in keeping with the SPPS and PPS15.

24.0 SPPS and PPS16

PPS 16 set out the planning policy for tourism development, including the main forms of tourist accommodation and tourist amenities.

25.0 TSM 6 New and Extended Holiday Parks in the Countryside

Planning permission will be granted for a new holiday park where it is demonstrated that the proposal will create high quality and sustainable form of tourism development.

The location, siting, size, design, layout and landscaping of the proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context. Proposals must be accompanied by a layout (which was submitted as part of the application) and subject to specific criteria, the assessment of which has been set out below:

(a) The site is located in an area that has the capacity to absorb the holiday park development , without adverse impact on visual amenity and rural character;

The above site layout shows the 5 pods, car parking and a timber shed. It is noted that no plans for the shed have been submitted and the shed is currently in situ on the application site. As the shed does not form part of the proposal, it will not form part of our assessment.

At present the site has a gated entrance with the NE and SE boundaries defined by post and wire fencing. The SW and NW boundaries are currently undefined.

The photographs above show the application site within an open and exposed, flat and largely undefined area of land within the larger abandoned MOD airfield.

The proposal is considered contrary to policy in that, the site is located within an open and exposed flat area of land which lacks natural boundaries or a backdrop to absorb the development that no development of any nature could be adequately be absorbed. The proposed development will be incongruous and prominent in the existing flat landscape adversely impacting the visual amenity and character of the area due to the lack of natural boundaries or a backdrop to absorb the development.

Fails to meet criteria a

(b) Effective integration into the landscape must be secured primarily through the utilisation of existing natural or built features. Where appropriate, planted

areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist its integration with the surrounding area;

The site is devoid of any existing natural or built features in which proposals could utilise. At present the NE and SE boundaries are defined by post and wire fencing whilst SW and NW boundaries are undefined on the ground. Whilst the site layout indicates some additional planting given the natural landscape at this location this is of no benefit in order to soften the visual impact and to integrate proposals into the surrounding area. The development is located within such a flat, open, exposed terrain which has little or no vegetative boundaries. Proposals will require significant swathes of planting to assist with visual impact and to integrate however the introduction of significant areas of planting into such a location will have the opposite effect and planting alone as well as the built development will appear at odds within the local landscape.

There is no design solution that could be presented that would overcome these issues without detracting from the visual aspect, with an inability for this development or any other to be able to blend naturally into the countryside.

Proposals fail criteria b

(c) Adequate provision (normally around 15% of the site area) is made for communal open space (including play and recreation areas and landscaped areas), as an integral part of the development;

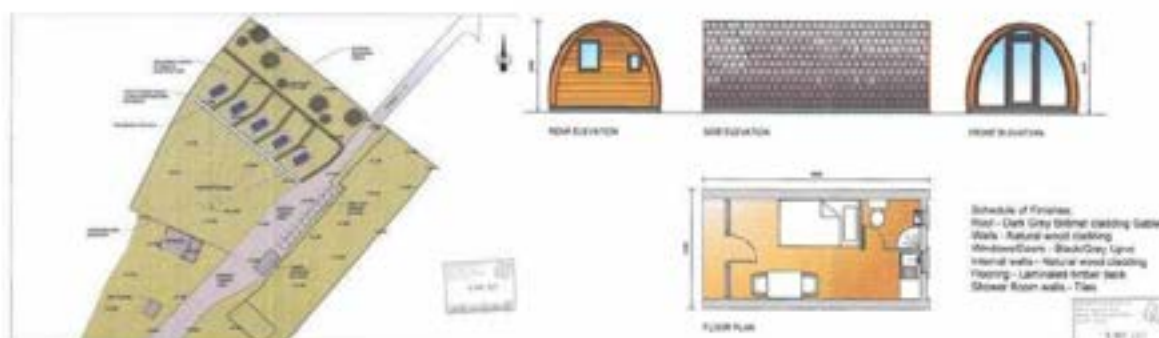
The site layout plan provides for an adequate area of communal open space as an integral part of the development. Each pod is to have their own dedicated area of open space.

The agent has submitted an existing layout annotating existing spot levels within the site. Given the relatively flat natural of the landscape the proposal does not seek to alter the existing levels. There are minimal groundworks associated with the proposal development.

Meets criteria c

(d) The layout of caravan pitches / motor homes is informal and characterised by discrete groupings or clusters of units separated through the use of appropriate soft landscaping;

(e) The design of the development, including the design and scale of ancillary buildings and the design of other elements including internal roads, paths, car parking areas, walls and fences, is appropriate for the site and the locality, respecting the best local traditions of form, materials and detailing;



The 5 pods are the same size, design and finish and are the typical pod type used. The layout annotates a timber storage building in the south east corner of the site. As stated above this timber shed does not form part of our consideration.

The glamping pods have been located to the N portion of the site comprising of individual plots which are similar in size with rear enclosed amenity space with straight lines of vegetation planting. These have been formally arranged in a linear arrangement along with the linear carparking layout, paths, access as well as landscaping have been designed to look quite formal which will result in inadequate integration which will have an adverse impact upon this rural setting.

Such formal types of development are not common within the countryside area. The overall design/layout of the development is not considered appropriate for the site and the locality.

The proposed materials are not considered to offend the site and surrounding area.

Fails to meet criteria d and e

(f) Environmental assets including features of the archaeological and built heritage, natural habitats, trees and landscape features are identified and, where appropriate, retained and integrated in a suitable manner into the overall design and layout;

Archaeological and built heritage interests are not applicable to this site. Consideration of impact to natural habitat etc considered above (see SPPS and PPS2 considerations).

As proposals meet the requirements of the SPPS and PPS2, proposals therefore meet criteria f.

(g) Mains water supply and sewerage services must be utilised where available and practicable.

The proposed development is to connect to the mains water supply. Northern Ireland Water (NIW) has confirmed that there is a public water supply within 20m of the proposal. The Developer is required to consult with NIW to determine how the proposed development can be served.

The P1 form proposes to discharge foul sewage from the site via a bio-disc treatment. The surface water is to be discharged to a soak away. NIEA WMU having been consulted on the proposal required a condition be attached to the decision, ensuring a practical method of sewage disposal has been agreed in writing with NIW or a consent to discharge granted prior to development commencing.

Subject to condition proposals meet the requirements of criteria g

26.0 TSM 7 - Criteria for Tourism Development

Policy TSM7 for a tourism proposal in addition the policy provisions of this statement i.e. TSM 6 must also fully adhere to design criteria a-f and in addition to this will also be subject to general criteria (criteria g-o set out within TSM 7), this is considered below:

Design Criteria:

(a) 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;

The layout supports walking and cycling and given the flat landscape the needs of people whose mobility is impaired can be provided. The proposal will not obstruct a public right of way and there is access to the public transport networks within Ballyhornan (less than a mile from the site).

Criteria a is satisfied.

(b) the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;

The layout does not provide flood lighting. The formal site layout, linear area of car parking and lack of landscaping is not of a high quality and will not assist the promotion of sustainability.

Fails to meet criteria b

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

Boundary treatment has been provided as a means of enclosure to each individual pod and to define each curtilage space. The boundary treatment is formalised and set out within linear rows and apart from this the introduction of boundary treatments into a vast area of open and exposed space is alien to this particular landscape. Whilst it does provide means of enclosure and will screen outside storage this appears unnatural within this rural setting which is characterised by little or no vegetative planting.

Criteria c has not been satisfied.

- (d) utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;**

Consideration under TSM 6 (g) and remains relevant under TSM 7. As criteria can be satisfied as per condition the same can apply in this instance.

Subject to condition proposals meet the requirements of criteria d

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



The proposed development is located to the NE of a much larger now disused airfield which is open and exposed to access by the public from several access points and is also far removed from any other occupied dwellings which do not allow for informal surveillance. Although intended to enclose each of the pods the car parking area is open and exposed and boundary treatments are penetrable which exposes the site to risk of crime and issue relating to personal safety.

Given the very nature of the site and surrounds it is difficult to envisage an alternative design solution to overcome issues.

Proposals fail to meet criteria e

- (f) development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.**

Not applicable

General Criteria:

- (g) it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;**

The proposed tourist accommodation in the form of glamping pods is not considered compatible within this area of the former MOD Airfield which is now characterised by dispersed residential dwellings, open countryside and the Bishops court race track in the distance.

The proposed tourism use and formalised built form, with unnatural formed enclosed plots with the lack of natural boundaries or a backdrop will detract from the existing open landscape quality and character of the area. Due to the undeveloped, flat, open

and exposed nature of the site along with lack of vegetation boundaries this development will clearly be prominent within this locale.

Proposals fail against criteria g

(h) it does not harm the amenities of nearby residents;

The impact of the proposal on the amenity of the nearby residents was a concern raised by several objectors. Having considered the separation distance between the development and the nearby residents with the closest being over 90 metres away there should be no overlooking or loss of privacy to these dwellings. Similarly, with noise/odour concerns the proposal is significantly removed from the development. The Planning Authority consulted Environmental Health Department on the above proposal to get its professional input. The EHD having reviewed the application and the layout returned with no objections.

Criteria h satisfied

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

Not applicable

(j) it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;

Considered under criteria g of TSM 6 and remains relevant under TSM 7 considerations.

Subject to condition proposals meet the requirements of criteria j.

(k) access arrangements must be in accordance with the Department's published guidance;

(l) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;

(m) the existing road network can safely handle any extra vehicular traffic the proposal will generate;

(n) access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.

The access to serve the development is via the existing access which serves the applicants dwelling and the nearby residents. DfI Roads has been consulted on the proposal and have returned with no objections subject to additional works at the entrance onto the public road (Ardglass Road) which are to be conditioned within the

decision. The layout allows for 10 car parking spaces. Having considered the proposed development in line with the car parking standards, 1 space per pitch has been provided for. The development provides an area of communal parking separate from the pods.

Proposals satisfy criterion k, l, m and n

- (o) it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided;**

Not applicable.

Overview of TSM 6 and TSM 7 – Proposals fail to meet criterion a, b, d and e of TSM 6 and b,c,e and g of TSM 7 for the reasons set out above.

27.0 PPS21 – Sustainable Development in the Countryside (CTY 1, CTY13, CTY14 and CTY16)

PPS 21 set out planning policies for development within the open countryside.

Policy CTY1 states that there is a range of development which may be considered to acceptable and that will contribute to the aims of sustainable development. Planning permission will be forthcoming for non-residential use for tourism in accordance with PPS16 related policies which have already been assessed above. With the remaining policies of PPS21 i.e. CTY 13, 14 and CTY 16 remaining relevant and will be further considered below.

28.0 CTY 13 – Integration and Design of Building in the Countryside and CT14 - Rural Character

In accordance with Policy CTY 13 a new building in the countryside will be accepted where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

The justification and amplification of the policy states, 'the determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site, including necessary site works, will blend in unobtrusively with its immediate and wider surroundings'.

The development as stated above is proposed to be sited on an exposed area of flat undeveloped land. In such areas, poor siting and design carries with it a greater potential to adversely impact the visual amenity and rural character of an area. The proposed development will not blend sympathetically within its surroundings and will appear incongruous in the landscape due to the lack of natural screening or a backdrop. The proposal lacks existing boundary treatment to provide a suitable degree of enclosure for the development to integrate into the landscape.

Whilst the site block plan indicates the applicants' intention to provide some landscaping and to erect a new site boundary along the north west boundary the proposal lacks sufficient natural boundary treatment to aid its integration into the area. A building on an unacceptable site cannot be successfully integrated into the countryside with the use of new landscaping, this is contrary to policy.

The proposal is considered contrary to Policy CTY 13 criterion a, b, c& f.

29.0 Policy CTY 14 - Rural Character

In accordance with Policy CTY 14 planning permission will only 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.

As stated above the proposed development will be incongruous and prominent in the landscape due to the open and exposed nature of the site and lack of natural boundaries. The proposed development will result in a build-up of development within a vulnerable landscaping (flat & exposed) that does not have the capacity to absorb further development.

The proposed development to be constructed in isolation and is not considered to adopt the traditional spacing of buildings found in the locality. The proposal does not respect the traditional pattern of settlement exhibited in the area which tends to be more consolidated residential building groups.

The proposed access from the Ardglass Road will remain unaltered with exception of the required visibility splays.

The proposal is considered contrary to Policy CTY 14 criterion a, b& c.

30.0 CTY16 – Development Reliant on Non-Mains Sewerage

The P1 form proposes to discharge foul sewage from the site via a bio-disc treatment plant. The surface water is to be discharged to a soak away. NIEA WMU having been consulted on the proposal required a condition be attached to the decision, ensuring a practical method of sewage disposal has been agreed in writing with NIW or a consent to discharge granted prior to development commencing. The site layout indicates the bio-disc treatment plant to be positioned within the redline and therefore within lands owned by the applicant.

Subject to condition proposals meet the requirements of Policy CTY 16.

31.0 Consideration and Assessment Summary:

Having had regard to the development plan and all other material considerations (including SPPS, PPS2, PPS3, PPS15, PPS16, PPS21, DCAN15, DOE Parking Standards,) the proposed fails to meet the requirements of planning policy for the reasons set out above and for this reason is recommended for refusal.

32.0 Recommendation: Refusal

33.0 Draft Reasons for Refusal:

1. The proposal is contrary to Paragraph 6.91 of 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 CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that in that development would if permitted:
 - is a prominent feature in the landscape;
 - unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - the proposed building relies primarily on the use of new landscaping for integration;
 - it fails to blend with the existing landform and trees to provide a backdrop and therefore, would not visually integrate into the surrounding landscape.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the development would, if permitted, be unduly prominent in the landscape;
 - it results in a suburban style build-up of development when viewed with existing and approved buildings;
 - the development would, if permitted not respect the traditional pattern of settlement exhibited in that area;
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and TSM6 of Planning Policy Statement 16 in that:
 - proposals will not create a high quality and sustainable form of tourism development
 - the formalised proposal is not based on an overall design concept that respects the surrounding landscape, rural character and site context
 - the site is located in an area that does not have the capacity to absorb the holiday park development, without adverse impact on visual amenity and rural character;
 - effective integration into the landscape cannot be secured through the utilisation of existing natural or built features

- the layout of the pods are not informal or characterised by discrete grouping or clusters
- the design of the development including the design of other elements including internal roads, paths, car parking areas is inappropriate for the site and the locality and do not respect the best local traditions of form, materials and detailing

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and TSM7 of Planning Policy Statement 16 in that:

- the site layout and landscaping arrangements are not of high quality in accordance with the Department's published guidance and assist the promotion of sustainability;
- inappropriate boundary treatment and means of enclosure are provided
- has not been adequately designed to deter crime and promote personal safety;
- is incompatible with surrounding land uses, the use and built form will detract from the landscape quality and character of the surrounding area;

Planning Committee Schedule of 5th March 2025

Planning reference: LA07/2021/0869/F

Proposal: **Proposed 5 No Glamping Pods, associated car parking and site works with hard and soft landscaping**

Applicant: **Kablitz**

Recommendation: **Refusal**

Refusal Reasons:

Reason 1: Contrary to SPPS (6.91) & Policy CTY1 of PPS21 – no overriding reasons why the development is essential in the countryside and couldn't be located in a settlement.

Response: The proposal has been erroneously assessed against the terms of SPPS paragraph 6.91 in that this policy relates specifically to *"economic development uses comprising industrial, business and storage and distribution uses, as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015."* This proposal does not fall within that category of development and therefore Paragraph 6.91 does not apply. SPPS contains a specific policy section on tourism and does not require overriding reasons to locate tourism facilities in the countryside. The opening paragraph (6.251) emphasises that *"Tourism makes a vital contribution to the Northern Ireland economy in terms of the revenues it generates, the employment opportunities it provides, and the potential it creates for economic growth."*

Paragraph 6.252 also confirms that *"The Executive identifies tourism as one of the building blocks to underpin its priority of growing a sustainable economy and investing in the future. The Programme for Government and the Northern Ireland Executive's Economic Strategy contain key strategic targets for tourism that recognise its potential to deliver significant economic growth in the future."* Paragraph 6.260 of the SPPS states that policies should facilitate appropriate development in the countryside, including self-catering accommodation.

Similarly, Policy CTY 1 of PPS21 actually identifies tourism as a form of non-residential development that will be acceptable in the countryside (page 13). As a result glamping pods are commonly approved in the countryside in all council areas as they are recognised as an important part of a wider tourism strategy that brings substantial economic benefit.

This reason for refusal therefore cannot be sustained.

Reason 2: Contrary to SPPS and Policy CTY 13 due to perceived prominence, lack of existing vegetation to provide enclosure and integration in the landscape.

Response: The application site is situated on a disused airfield where there already are a number of existing structures. The site is located over 300m from the public road to the rear of a number of large dwellings and associated existing mature roadside vegetation. The proposed development involves low profile structures that are much smaller than the existing structures in the lands around the application site and as a result will not form a prominent feature at all. In addition, the proposed development site is essentially a previously developed site and brownfield site.

Additional landscaping can be provided that will enhance the overall appearance of not just the site but its immediate surroundings which will lead to biodiversity enhancement. The proposed development therefore offers the prospect of planning and environmental gain as well as the economic benefits of contributing to the Council objectives of expanding the tourism offer in the district. These benefits should be weighed against any perceived failing in a strict application of CTY13.

Reason 3: Contrary to SPPS and Policy CTY 14 - Impact on rural character through prominence/introduction of suburban style build up and failure to respect the traditional pattern of development in the area.

Response: The arguments in respect of CTY 13 above also apply to this consideration of rural character. In addition the proposed glamping pods are not of the same character as other development in the area. They are essentially rural in nature and of a much lower profile when compared to dwellings in the locality. In that sense they should not be viewed in the same way in consideration of impact on rural character. As pointed out above this provides an opportunity to ameliorate a run-down and derelict site and surrounding area that will enhance the rural character rather than detract from it.

Reason 4: Contrary to the Strategic Planning Policy Statement for Northern Ireland and TSM6 of Planning Policy Statement 16 in respect of the quality and sustainable form, the layout & design concept, the capacity of the area to absorb the development and ancillary works.

Response: It is our considered view that Policy TSM 6 does not apply to this proposal as it relates to a 'Holiday Park' which is defined by PPS16 as '*For the purposes of PPS 16, a holiday park is defined as a caravan site licensed under the Caravans Act (NI) 1963.*' It is our position that the correct policy to assess this proposal is in fact Policy TSM5 – self-catering accommodation in the countryside which contains a presumption in favour of such units where a cluster of 3 or more units are proposed close to existing tourist amenities. In this case the proposal is close to Bishops court Racing Circuit which draws considerable crowds into the local and wider area. In any event if the proposed site layout is viewed as a major stumbling block it can be re-visited to arrange the Pods in a cluster which will assist in integration, enabling an integrated planting plan minimising any impact in the context of a wider environmental enhancement around the site.

Reason 5: Contrary to the SPPS & PPS16 - TSM7 lack of quality in the site layout and landscaping arrangements, inappropriate boundary treatment and means of enclosure, rural character & design doesn't deter crime. **Response:** We have addressed the issues in relation to impact on landscape and rural character under other proposed reasons for refusal and the same principles apply. As suggested above the layout can be reconfigured to address concerns in that regard which will enable enhanced integration of landscaping and ancillary works including car parking. That would also mean that Pods are intervisible, without compromising privacy, which will enhance security. In addition, the applicants own house is close by which will enable effective supervision of the proposed accommodation and parking.

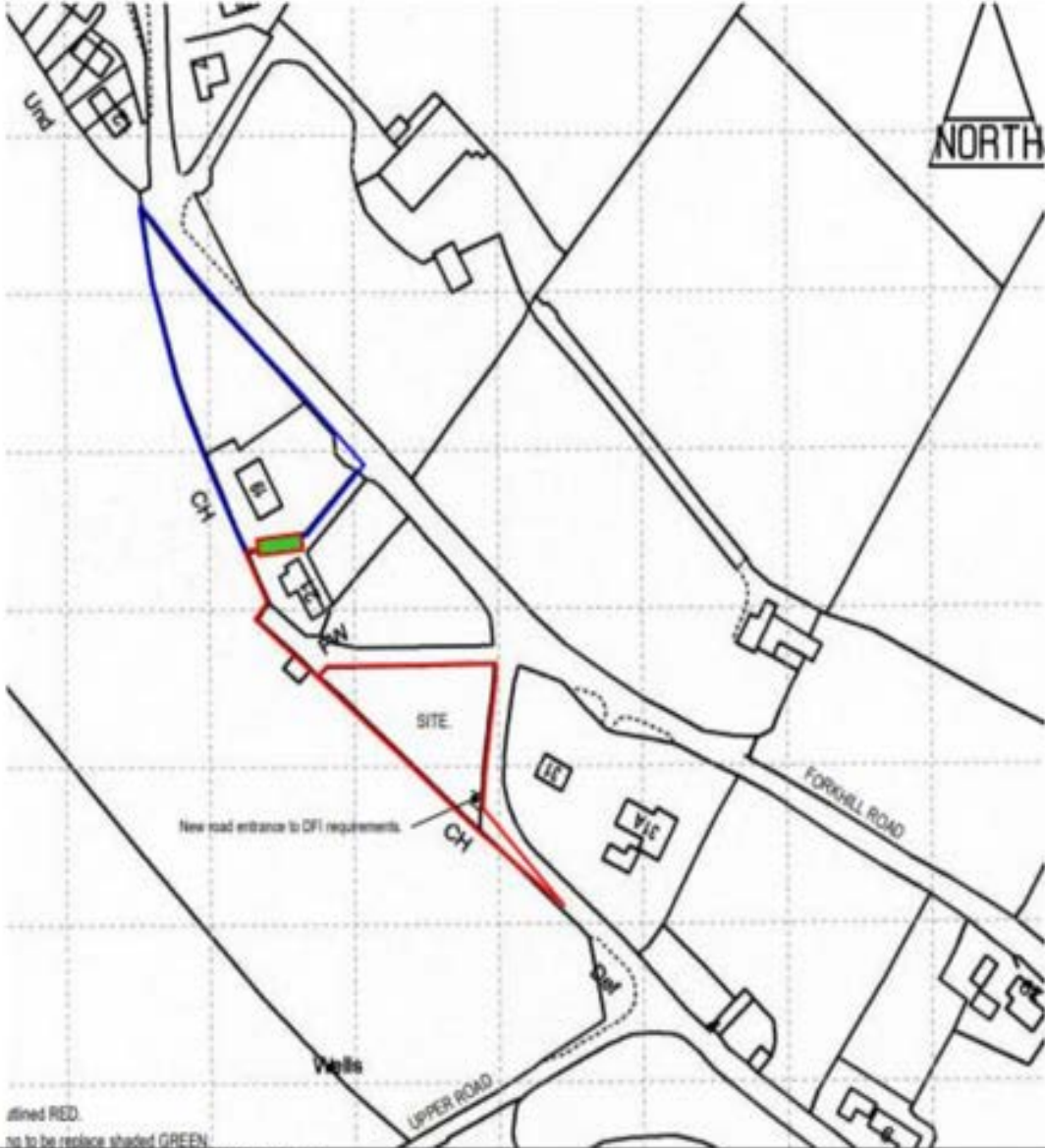
Conclusion

The proposal as submitted is an attempt by the applicant to provide a much needed boost to this deprived area and it is envisaged that the proposal will assist in providing much needed accommodation for other sporting events in the area such as the International Skiff racing occurring on the coast of East Down, Golf at Ardglass and Royal Co Down Golf Courses not to mention the attractions of the Lacle Area and Mourne Area generally. The proposal will assist in the regeneration of the local area and economy as well as attempting to address the overall needs of the Newry, Mourne & Down District

The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant Planning Approval on this much needed proposal which has been in the Planning system for some time.

Application

Development Management Officer Report	
Case Officer: Ashley Donaldson	
Application ID: LA07/2023/3316/O	Target Date:
Proposal: Proposed outline planning application for a replacement dwelling and garage. (Dwelling to be replaced to be retained for storage purposes).	Location: 50m SOUTH EAST OF No. 21 FORKHILL RD, MULLAGHBAWN, NEWRY. BT35 9XJ. (SITE ON UPPER RD, MULLAGHBAWN, NEWRY, BT35 9XL.
Applicant Name and Address: Noelle Marks 19 Forkhill Rd Mullaghbawn NEWRY BT35 9XJ	Agent Name and Address: Malachy Byrne 7 Old Mount Rd Newtownhamilton NEWRY
Date of last Neighbour Notification:	14 March 2024
Date of Press Advertisement:	11 October 2023
ES Requested: No	
Consultations: DFI Roads – no objections subject to compliance with attached condition (RS1 form). NI Water – No objections, approval with standard conditions.	
Representations: N/A	
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:	
 <p>The map shows a rural area with several buildings and roads. A red-shaded area labeled 'SITE' is located between 'UPPER ROAD' and 'FORKHILL ROAD'. A blue line indicates a 'New road entrance to DFI requirements'. A north arrow is in the top right corner. A legend at the bottom left states 'attained RED' and 'not to be replaced shaded GREEN'.</p>	
Date of Site Visit: 20.09.24	
Characteristics of the Site and Area The site as defined in red takes in a rectangular portion of agricultural land that is bounded by two laneways and sits above road level with trees and post and wire fencing notable along the boundaries. The building to be replaced which is single storey, raised above road level and appears as a traditional dwelling house is located between two dwellings with an existing access to the public road. The site is located in the rural area / Ring of Gullion AONB.	
Description of Proposal Proposed outline planning application for a replacement dwelling and garage. (Dwelling to be replaced to be retained for storage purposes).	

Planning History

Application Number: LA07/2024/0050/F

Decision: pending

Decision Date:

Proposal: Proposed off-site replacement dwelling and detached garage.

Application Number: P/2002/0466/O

Decision: Permission Granted

Decision Date: 14 August 2002

Proposal: Site for dwelling & garage.

Application Number: P/2002/1792/F

Decision: Permission Granted

Decision Date: 11 February 2003

Proposal: Proposed new dwelling.

Application Number: P/1997/0942

Decision: Permission Granted

Decision Date: 03 March 2003

Proposal: Site for six Holiday Chalets

Application Number: P/2004/1469/F

Decision: Permission Granted

Decision Date: 26 October 2004

Proposal: Change of use from store to workshop

Application Number: P/2007/1503/F

Decision: Permission Granted

Decision Date: 18 February 2008

Proposal: Provision of footway to link site for 6no. holiday chalets (approved under P/05/0703/RM)

Application Number: P/2009/0579/F

Decision: Permission Granted

Decision Date: 12 October 2009

Proposal: Erection of Photographic Craft Studio, (single storey) with associated car parking and ground works

Application Number: P/2011/0089/F

Decision: Permission Granted

Decision Date: 08 June 2011

Proposal: Amended access to Photographic Craft Studio approved under application P/2009/0579/F

Application Number: P/2011/0894/F

Decision: Permission Granted

Decision Date: 18 April 2016

Proposal: Proposed amendments to previously approved application (Planning ref: P/2005/0703/RM) to include 6 no holiday chalets, amendments to the design of the chalets and site plan amendments. (Amended Plans / Site Location Description).

Application Number: LA07/2022/0500/F

Decision: Application Invalid

Decision Date: 16 May 2022

Proposal: Single storey extensions to the side and rear to allow kitchen/dining, bathroom and a third bedroom.

Application Number: LA07/2022/0907/F

Decision: Permission Granted

Decision Date: 23 August 2022

Proposal: Single storey extensions to the side and rear to allow kitchen/dining, bathroom and a third bedroom

Planning Policies & Material Considerations:

The Planning Act (Northern Ireland) 2011.

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 3

Planning Policy Statement 2

Building on Tradition

Planning Assessment of Policy and Other Material Considerations

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.

PPS21 – Sustainable Development in the Countryside / SPPS

Policy CTY1 restricts new development in the countryside but makes an exception for replacement dwellings which are acceptable if in accordance with policy CTY3.

Policy CTY 3 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. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

Having visited the site, the subject building is completely intact with domestic windows, doors, fireplace and windows all in situ. Whilst not currently being used as a dwelling, I am content the building to be replaced exhibits the essential characteristics of a dwelling and is structurally intact. The proposal meets the first policy point.

The building to be replaced does display some primary vernacular characteristics such as lack of formal plan, elongated / rectangular, walls of mass load-bearing materials, chimney on the ridge and window openings on the front elevation with low portion of void to mass. Historic maps show the dwelling being built at some point between 1905 and 1957.

Policy CTY 3 encourages the retention and adaption of non listed vernacular dwellings in preference to their replacement. However in this particular site, given the spatial relationship with the subject building and the adjacent dwellings (Nos 21 and 19) a sustainable living environment could not be achieved. I recommend the principle of replacing the building is therefore accepted.

The policy makes reference to dwellings that make an important contribution to the heritage, appearance or character of the locality and those that do not. For the subject building (built between 1905-1957), the corrugated roof, contemporary chimney, orientation to the road and the siting between two dwellings ensures the building does not make an important contribution to the heritage, appearance or character of the locality. In this instance, the policy requires it to be incorporated into the overall layout of the new development scheme. As the proposal is for an off site replacement opportunity, the proposal fails this policy criteria as it has not been incorporated into the over layout of the new development scheme.

The policy makes no provision for the off-site retention of the original building and as this dwelling cannot be incorporated as part of the new scheme, it follows that the building should be replaced and demolished.

It is noteworthy that the SPPS makes no reference to vernacular dwellings under the replacement category and therefore as prescribed in paragraph 1.12 the weight afforded to the retained policy (CTY 3 of PPS 21) should not be judged be lessened.

Despite the fundamental flaws in the application as noted above, I will consider the proposal in light of the remaining policy criteria.

- The siting of the original building to be replaced is considered so restricted that it could not reasonably accommodate a new modest sized dwelling with appropriate

amenity or parking provision and therefore the principle of an off site location is accepted.

- The size of the dwelling can be conditioned to ensure it integrates into the landscape appropriately and design would be considered in detail at RM stage.
- It is anticipated all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.
- The proposal seeks to utilise an existing access to the proposed site and following amendments, DFI Roads has no objection subject to compliance with the attached RS1 form. The application is also in general compliance with PPS 3.

The proposal is contrary to policy CTY 3 of PPS21 for the above reasons. The proposal is also therefore contrary to policy CTY 1 in that there are no overriding reasons why the development is essential and could not be located in a settlement. The proposal also fails the guidance set out in Building on Tradition.

In terms of policy CTY 13, a low-level dwelling is not considered to be prominent at the site which benefits from being set back from the public road and a good back drop of rising land to the rear. Existing trees located around the site which helps aid integration. Design and ancillary works would be considered at RM stage.

With regards to policy CTY 14, the proposal is not considered to be prominent in the landscape if designed appropriately with a low-level ridge. However, as the erection of a new dwelling at this site in place for a building that is to be retained off site will create an additional building the new dwelling would be viewed with Nos. 31a, 31, 21, and 19 Forkhill Road which would result in a suburban style build up and therefore contrary to part (b) of CTY 14. Whilst the dwelling could be conditioned to respect the traditional settlement pattern in the area, the addition of a new dwelling is considered to offend part (d) of CTY 14 and policy CTY 8. The new dwelling would be read in a line of development with Nos. 31a, 31, 21 and 19 Forkhill Road which all visually link with the proposed site and would further erode the rural character of the area by adding to ribbon development. Consequently, the proposal fails part (b) and (d) of policy CTY 14 and policy CTY 8.

A condition would be added to any decision notice that before commencement a copy of the consent to discharge will be agreed by the Council. The proposal is in compliance with CTY16.

PPS3 – Access, Movement & Parking & DCAN15 – Vehicular Access Standards
DFI Roads has considered the proposal with regard to PPS 3 and DCAN 15 and following amended plans, has no objection to the proposal in principle subject to compliance with the attached condition. I therefore conclude that the proposal is consistent with the policy provisions and guidance if PPS 3 / DCAN 15.

Planning Policy Statement 2: Natural Heritage

Having visited the site, there are no obvious biodiversity concerns with minimal vegetation loss for site visibility.

In conclusion, 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.

The proposed site lies within the Ring of Gullion AONB and therefore policy NH 6 applies. For the refusal reasons above the site is not considered sympathetic to the special character of the AONB in general and of the particular locality and is therefore contrary to part (a) of policy NH 6 of PPS 2.

The proposal will not impact any features of importance to the character, appearance or heritage of the landscape and part (c) can be achieved with an appropriately designed dwelling that would be assessed at RM stage, if appropriate.

Consequently, the proposal fails part (a) of PPS 2.

The agent has submitted supporting information citing other reference numbers as a precedent for this application. Each of the applications submitted are all distinguishable from this application, which is site specific and must be tested on its own individual merits. The agent asserts that the demolition of the existing building means the applicant would have to build a garage for storage – which would be more unsightly with a larger footprint, with the existing plot affording no space for the same.

Any application for a garage is speculative and would have to meet the prevailing policy and all other material considerations at the point of submission. The subject building is sited **outside** the curtilage of No.19 and therefore is considered unrelated to the residential enjoyment of the property and curtilage of No.19. Where no.19 needs additional space for the provision of a garage, beyond the curtilage of the site – this must be tested by a planning application.

Neighbour Notification Checked

Yes

Summary of Recommendation

Permission Refused

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 Policy CTY 3 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building to be retained has not been incorporated into the overall layout of the new development scheme.

3. 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.

4. 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 dwelling would, if permitted, add to ribbon development along Forkhill Road.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and part (b) Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, result in a suburban style build up when viewed with existing building and therefore further erode the character of the rural area.

6. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and part (d) Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, add to a ribbon of development along Forkhill Road and therefore further erode the character of the rural area.

Case Officer Signature: A Donaldson

Date: 15 January 2025

Appointed Officer Signature: M Fitzpatrick

Date: 17/01/2025

Dear Committee Members,

This proposed replacement dwelling has been located off-site due to the constricted curtilage of the original dwelling. The Department has already accepted the principle of the off-site replacement dwelling; their recommendation for refusal stems from the retention of the original building in situ.

They have also recommended refusal on the basis of NH6, CTY 8, and CTY14 (d) and (b). However, these refusal reasons all essentially come from the fact that the applicant intends to retain the building in situ.

As mentioned, the Department has concerns with retaining the building in situ as they consider it not to be incorporated into the overall development scheme, thus not complying with Policy CTY3.

However, we dispute this point for a number of reasons. First of all, Policy CTY3 allows for the retention of non-listed vernacular buildings if they contribute to the heritage, appearance, or character of the area. The characteristics of the original dwelling meet this definition, as outlined in Annex 2 of PPS21. This has not been disputed by planning officers. Officers do not consider the building historically important; however, we feel that the proposal does retain a significant degree of historical importance. In summary: it was once the home of Rev. Richard Smith, a blacksmith, and a forge was incorporated into the dwelling. This building played a key role in rural Forkhill, providing essential tools to the local community. Later, it was owned by Thomas Brooks, a mill owner who employed many in the area.

The historical significance of the building cannot be understated. Its heritage ties go back over a century, linking us to the past. We believe its retention is crucial, both in preserving local history and maintaining that vital connection to Forkhill's rural roots.

Secondly, where the building does not contribute to the heritage, appearance, or character, policy allows for its retention where it is sympathetically incorporated into the overall development scheme, for example as ancillary accommodation.

While our view remains that the proposal does contribute to the heritage within the area, the retention of the building is also considered to be sympathetically incorporated into the development scheme. The thrust of this policy is to ensure that the building does not appear as a standalone dwelling. This application sees a unique situation whereby the existing dwelling is already incorporated into the cluster of buildings at this location, by providing ancillary storage for No. 19. Therefore, it already appears visually subordinate and will not detract from the rural character of the area. Thus, the overall thrust of CTY3 has been met, as it will not lead to the proliferation of dwellings and quite obviously cannot be upgraded to become another dwelling unit due to the restricted space around it. This building can be further conditioned to restrict its use to ancillary accommodation. The visual subordination is obvious to anyone traveling along Forkhill Road.

Paragraph 5.17 of the J&A states that the intention of retaining and incorporating the existing structure is “to promote imaginative design solutions that will help retain the visual link to the past.” The thrust of the policy is therefore to retain a visual link to the past, and Policy CTY3 does not specifically preclude the off-site retention of existing dwellings. This has been demonstrated through numerous precedents, which saw the Department apply flexibility to the retention of off-site buildings.

A material consideration which must be considered is the fact that the occupiers of No. 19 currently use this building as an ancillary building. Should the applicant be made to demolish the building, this would only mean they will have to apply for and construct a new ancillary building. This could potentially lead to a greater visual impact and will only add significant expenses to the applicant. This seems counterintuitive to the overall thrust of protecting the character of the area and the goals of sustainable development.

In terms of the remaining refusal reasons relating to CTY8, CTY14, and Policy NH6 of PPS2, the Case Officer in their report considered that the proposed site is acceptable in principle. The only issue was the retention of the existing building. As we have demonstrated that the retention of the building can be considered acceptable, it therefore follows that the remaining refusal reasons are addressed.

In conclusion, we ask the Committees to consider all material considerations. First of all, the building has strong heritage links to the past that must be retained and preserved for generations to come. We also feel that Officers are comparing the retention of this building to that of a larger dwelling, whereby it may appear as a standalone unit. In this particular case, the building to be retained is already incorporated into the layout of No. 19, therefore the building will not appear as a standalone dwelling. However, it will remain as a subordinate, ancillary building. The proposal therefore conforms to the overall thrust of CTY3 in that it is incorporated into the layout of the overall development scheme.

From a sustainable development point of view, the Department should be encouraging this retention as it means that No. 19 can retain its use as ancillary storage. The alternative is that the applicant demolishes the dwelling and immediately reapplies to construct a new ancillary store, which could potentially lead to a greater visual impact. By retaining the building, there will be no further harm to rural character, and it will save both the applicant and planning department time and money in submitting and assessing another application for an ancillary store.

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2023/3277/F	Target Date:
Proposal: Farm dwelling & attached carport	Location: 285M NORTH OF 40 BALLYHORNAN ROAD DOWNPATRICK DOWN BT30 6RH
Applicant Name and Address: Thomas Turley 11 STRUELL WELLS ROAD STRUELL DOWNPATRICK DOWN BT30 6RL	Agent Name and Address: Brigin Byrne 24 BALLYCLANDER ROAD BALLYCLANDER UPPER DOWNPATRICK DOWN BT30 7DZ
Date of last Neighbour Notification:	2 March 2024
Date of Press Advertisement:	4 October 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> Northern Ireland Water (NIW) DfI Roads NMDDC Environmental Health DAERA 	
Representations: 40 BALLYHORNAN ROAD	
Letters of Support	0.0
Letters of Objection	1
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: <ul style="list-style-type: none"> Concerns raised about ownership and visibility splays 	

Site Visit Report

Site Location Plan:



Date of Site Visit: 7th October 2024

Characteristics of the Site and Area

The site is comprised of a 0.65 hectare portion of land north of Nos 38 and 40 Ballyhornan Road Downpatrick. The site is located on elevated land accessed via a private lane serving farm buildings. A plateau area has been cut out of the surrounding rock, creating an open flat space within which the proposed dwelling is to be sited.

The boundaries of the site are comprised of gorse hedges to the south, west and north with the eastern boundary open along its southern portion with more mature hedges and a few trees to its northern section.



The area is rural in character and predominantly agricultural in use. A number of detached single dwellings and farm holdings are dispersed throughout the area. The landscape is typically drumlin in form.

The site is located within the Strangford and Lecale Area of Outstanding Natural Beauty as designated in the Ards and Down Area Plan 2015.

Description of Proposal

Farm dwelling & attached carport

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

Application Number: R/1981/0666

Proposal: REPLACEMENT BUNGALOW

Decision: Permission Granted

Decision Date: 22 January 1982

Application Number: R/1989/0320

Proposal: 2 Offices

Decision: Permission Granted

Decision Date: 27 June 1989

Application Number: R/1997/0628

Proposal: Extension to office accommodation

Decision: Permission Granted

Decision Date: 22 September 1997

Application Number: R/2005/1452/F

Proposal: Proposed extension to office accommodation

Decision: Permission Granted

Decision Date: 11 February 2006

Application Number: LA07/2019/1697/O

Proposal: Farm dwelling and garage

Decision: Withdrawal

Decision Date: 23 November 2020

Application Number: LA07/2020/1843/F

Proposal: Retention of existing agricultural shed for wintering cattle

Decision: Permission Granted

Decision Date: 20 December 2021

Application Number: LA07/2021/1097/F

Proposal: Demolition of the Existing single Storey office Unit and Construction of a Replacement Office Unit and associated Car Parking spaces on the existing concrete forecourt.

Decision: Permission Granted

Decision Date: 21 March 2022

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application form
- P1c Form
- Design and Access Statement
- Supporting Statement
- Farm Maps
- Site Location Plan
- Access Details
- Site Layout
- Elevations and Floor Plans

CONSULTATIONS

Consultations were carried out with the following bodies

- DFI Roads
- DAERA
- Northern Ireland Water (NIW)
- Environmental Health

REPRESENTATIONS

Owner / Occupier of 40 Ballyhornan Road, has raised concerns about landownership and visibility splays.

EVALUATION

Ards and Down Area Plan 2015

Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Ards and Down Area Plan 2015 as the Council has not

yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal seeks full planning permission for the erection of a farm dwelling within the countryside.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is therefore applicable. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

There is no conflict between the SPPS and Policy CTY 10 of PPS 21, therefore it provides the policy context for the proposal

Policy CTY 10 of PPS 21 – Dwellings on Farms

Policy CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion, it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) have been met.

The applicant has stated on the P1C forms that no development opportunities or dwellings have been sold off since November 2008. A search of planning records has not revealed any history for this farm holding other than listed above in the planning history. The proposal therefore complies with Criteria B.

In consideration of Criteria C the proposed dwelling is to be sited north of the applicants' farm buildings circled below.



When travelling along the lane serving the site and buildings the proposed development site appears detached from those buildings given its position beyond the area of gorse between the site and the buildings. The site does not therefore readily appear visually linked or sited to cluster with established buildings, however, it is necessary to travel past these buildings to get to the site. Further to this the site can be read in conjunction with the established buildings when viewed from surrounding roads. While there may be other locations along this lane whereby a dwelling would more readily group with the existing buildings, officers consider a refusal based on this criterion could not be sustained..

The site is considered to be visually linked or sited to cluster with established buildings on the farm.

CTY 10 also requires proposals to comply satisfactorily with both CTY 13 and 14.

CTY13 – Integration and Design of Buildings in the Countryside

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (A) It is a prominent feature in the landscape
- (B) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

Given the elevated nature of the site, officers consider the site to be prominent in the landscape. The site occupies a position at the top of a sloping landscape, whereby, an area of land has been cut and excavated of rock creating a flat site as pictured above. The applicant has submitted drawings, including levels which indicate to officers that the proposed dwelling, if permitted, will break the skyline. Drawing No 53/A1/03 details the finished ground level of the proposed dwelling to be 11.65, with a maximum ridge height of 19.76. The lands to the rear of the dwelling are shown to be tiered with a maximum level of 14.54. The lands beyond this garden and to the west of the site are shown to have a maximum height of no more than 18.66 (as per the elevational drawing). This would result the roof of the dwelling devoid of backdrop and thereby breaking the skyline.

Officers acknowledge that views will be limited to short distances along Ballyhornan and Slievegrane Roads, however, their briefness would not out-weigh the detrimental impact such siting would have on the rural character of the area. On this basis the application will be recommended for refusal.

In terms of, design, while the dwelling is traditional in form and has good solid to void ratio along with appropriate materials, the proposed height is considered unacceptable for the chosen site. Its two-storey nature on an elevated portion of land is not appropriate for the site or locality a lower elevation dwelling may have avoided this issue and enabled a dwelling to integrate into this difficult landscape more successfully.

Officers note that in assessment of the previous application for a farm dwelling on this site, the case officer stated that *"The proposal would satisfy the requirements of criteria Policy CTY 13 of PPS 21, subject to conditions being attached in relation to ridge height and levels of under build permitted"*. This clearly suggests to current officers that there is concern about the levels of the site and care will have to be taken to ensure any dwelling integrates successfully. The proposal before the Planning Authority in this application has not taken note of that and the application will also be recommended for refusal on grounds of design.

CTY14 – 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
- (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.

In assessment of this policy and further to that discussed in CTY 13, the Planning Authority consider that the proposal does not comply satisfactorily with CTY 14, given it would be unduly prominent in the landscape as discussed above.

Further to this, officers consider that the proposal would if permitted result in ribbon development. Policy CTY 8 clarifies that a ribbon does not necessarily have to be severed by individual accesses not have a continuous or uniform building lines. Buildings sited back, staggered or at angles with gaps between can represent ribbon if they have a common frontage or they are visually linked.

In this case the site shares a common frontage with the agricultural buildings to the south. While there are gaps between the buildings and the site, the linear positioning of the proposed dwelling in relation to the agricultural buildings, with which it seeks to cluster, would result in the creation of ribbon development along the lane which serves the site.

Creation of ribbon development is detrimental to rural character and continues to be resisted. While the proposal may visually link with buildings on the farm and thereby comply with the criteria of CTY 10, such compliance, does not permit the creation of ribbon development. Determining weight cannot be given to the compliance of CTY 10 when the proposal will have a detrimental impact on rural character, on these grounds the proposal must also be recommended for refusal.

PPS 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. The site is located 6 miles from Strangford Lough ASSI and SPA. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

In consideration of protected and priority species / habitat, no scenario was identified that would reasonably require additional survey information. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which 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; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and

c) the proposal respects:

- local architectural styles and patterns;
- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that it does not comply satisfactorily with the requirements of Policy NH 6. As discussed above, the two-storey nature of the dwelling on this elevated site has not provided a scheme which in terms of siting and scale is sympathetic / appropriate for the character of the AONB. For this reason the proposal will also be refused.

Neighbour Notification Checked

Yes

Summary of Recommendation

REFUSAL

Reasons for Refusal:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the SPPS and Policies CTY8 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development.
3. The proposal is contrary to the SPPS and Criteria (a) of CTY13 Planning Policy Statement 21, Sustainable Development in the Countryside in that it would if permitted be a prominent feature in the landscape and Criteria (e) in that the design of the dwelling is inappropriate for the site and its locality.
4. The proposal is contrary to the SPPS and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting and scale 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 Signature: C COONEY

Date: 6 December 2024

<p>Appointed Officer: A.McAlarney</p> <p>Date: 19 December 2024</p>

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

WRITTEN REPRESENTATION

Reference No: LA07/2023/3277/F
Proposal: Farm Dwelling & Attached Carport
Location: 285m North of 40 Ballyhornan Road, Downpatrick, BT30 6RH.

1. Planning permission is sought for a dwelling on a farm. Officers are satisfied that the farm business is active and established, that there have been no development opportunities sold off from the holding in the past 10 years and that the proposal is visually linked with an established group of buildings on the farm. The development is therefore acceptable in principle subject to satisfying the requirements of policies CTY13 (integration) and CTY14 (rural character). Officers concern is that the proposed dwelling would be unduly prominent, and they also posit that it would create ribbon development, contrary to PPS21 policy CTY8.
2. The subject site is located to the immediate north of the applicant's farm buildings on elevated land that was quarried many years ago by the previous landowner. It is flat and forms somewhat of a depression in the landform with rising land and boundary vegetation enclosing it on all sides. The site is already tiered on account of the previous quarrying operations and is cut into the landform with a substantial 7m high bank along the rear boundary. The site consists of hard rock and therefore has no agricultural value - this is the main reason the applicant chose this as his preferred site.
3. Officers are concerned that the proposal would break the skyline and as a consequence it would be unduly prominent. However, I consider that the planning department has failed to robustly assess the site in its surroundings, which has resulted in an erroneous assessment of the application. There are a range of mitigating material considerations that ensure that the proposal would not be unduly prominent. Some of these have been overlooked entirely and others have not been given due weight during the processing of the application. These mitigating material considerations are outlined below:
 - The planning department has failed to take account the extent to which the site is cut into the landscape and the degree to which the resultant landbank along the site's western boundary forms a significant backdrop to the development. Only the very top of the ridge of the building would break the skyline (by approximately 1m), and only as glimpsed from very specific viewpoints. The applicant has planted a native species hedge along the rear of the site boundary, which will be 1-2m in height by the time the construction of the dwelling commences. The addition of this hedge would ensure beyond doubt that the dwelling would not break the skyline.
 - Without prejudice to this, there is rising land further to the rear of the site that is approximately 2m above the height of the ground levels picked up in the topographical survey. This rising land would ensure the proposal would not break the skyline as viewed from the south. There is no mention of this in the case officer report.
 - Officers acknowledge that views would be very limited and brief from the Ballyhornan and Slievegrane Roads, however, they have failed to explain that these fleeting views are in excess of 600m from the site. This substantial separation distance between the site and the critical viewpoints reduces the dwelling's sense of scale, diffuses its visual impact or perception of prominence, and enables it to assimilate within the context of broader landscape.
 - There are intervening landscape features between the site and the location of the fleeting views, which further obscures views of the dwelling. For example, there is an extensive band of mature trees along the site's eastern boundary and also within the neighbouring fields to the southeast, which comprehensively screen it from Ballyhornan Rd. There is no mention of this within the case officer report.
 - Ballyhornan and Slievegrane Road are winding and narrow and each has extensive roadside vegetation. Views towards the site from these roads are fragmented and are mere glimpses. There are no lasting harmful views of the site from any viewpoint.
 - The lands 300m to the west (rear) form a substantial residential zoning capable of accommodating c1100 dwellings (zoning DK07). It is noteworthy that an outline application ref: LA07/2025/0124/O

has recently been submitted on the zoned lands for:

"Proposed residential led mixed use development of DK07 zoned housing land comprising c. 1100 dwellings, local neighbourhood facilities, school site (subject to need), new distributor road linking the site from Saul Road to Ballyhorgan Road, including the retention of existing wetlands and pondage areas and all associated site works including parking, pedestrian link, cycleway, open space provision and landscaping."

This zoning and recently submitted major planning application establishes the expectation of a more built up environment to the immediate rear of the site in the future with the lands transitioning to a more suburban character. The impact of the very top of the roof of a single dwelling is minimal when compared to the scale and impact of the larger planned development.

- The quarrying activity has already created a naturally recessed and previously developed site. It makes practical sense to utilise these lands to site the proposal as opposed to building on usable greenfield agricultural land.

4. In summarising the issue of prominence, visual impact and integration, PPS21 paragraph 5.58 expressly states that *"The determination of whether a new building integrates into the landscape is not a test of invisibility; rather it requires an assessment of the extent to which the development of the proposed site will blend in unobtrusively with its immediate and wider surroundings."* Whilst there are glimpses of the site, this does not prima facie mean that it does not integrate acceptably. Any views are only fleeting glimpses -these views are also interrupted by intervening vegetation, are very short lived and are from over 600m away. The site is cut into the landscape and the 7m high bank to the rear forms a significant backdrop to the development. The applicant has also planted a native species hedge along the sites rear boundary ensuring beyond doubt that the proposal does not break the skyline and, additionally, the immediate character of the surrounding area is expected to change significantly over the years with the construction of over 1000 new homes. For all of the reasons outlined, the proposal would not be unduly prominent, would not detrimentally impact upon the character of the area, and would integrate acceptably.
5. Paragraph 5.32 of PPS21 defines ribbon development as *"development which creates and reinforces a built-up appearance to roads, footpaths and private laneways and can sterilise back-land, often hampering the planned expansion of settlements. It can also make access to farmland difficult and cause road safety problems."* The chosen site creates none of the above difficulties. The site is located at the end of an agricultural lane and not along a road frontage. Moreover, views of the site in juxtaposition with the other buildings are fleeting and from a single location over 600m away. The visual impact of the proposal is negligible, and it causes no harm to rural character by way of ribbon development.
6. Without prejudice to the above, the proposal clusters with the group of buildings on the farm and as such the ribboning test set out in CTY14 (and CTY8) is not engaged. Appeal 2019/A0016 relates to a farm dwelling on Carricknab Rd, Downpatrick and reads: *"The proposed dwelling would, in association with the two adjacent farm buildings, read as visually linked with a common road frontage and would therefore create a ribbon of development for the purposes of Policy CTY 8. However, as set out above, the proposed dwelling would be visually linked and sited to cluster with an established group of buildings on the farm and therefore meets the rural character and integration test inherent in Policy CTY 10. Policies CTY 8 and CTY 10 must be considered in the round, and I judge that while CTY 8 may be technically contravened, the fact that the proposal would present visually as part of a cluster, would ensure that there would be no resulting detrimental change to or erosion of rural character. The Council's objection on the grounds of loss of rural character through creation of ribbon development is not upheld."* This is now a longstanding policy position. Any refusal on the basis of ribbon development could not therefore be sustained.
7. In summation, the proposal does not create a ribbon of development, but even if it did, this would not be fatal to the determination of the application as it is visually linked with a group of buildings on the farm and as such integrates acceptability without resulting in a detrimental change to the rural character of the area.
8. For the reasons outlined above the proposal would not be unduly prominent and integrates acceptably without causing a detrimental change to the rural character of the area. The proposal therefore complies with PPS21 policies CTY1, CTY10, CTY13 & CT14.

Report to:	Planning Committee
Date of Meeting:	5 March 2025
Subject:	Regional Property Certificates
Reporting Officer (Including Job Title):	Jonathan McGilly, Assistant Director Regeneration
Contact Officer (Including Job Title):	Margaret Rodgers, Business Support Manager

Confirm how this Report should be treated by placing an x in either:-

For decision	X	For noting only	
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1.0	Purpose and Background
1.1	<p>The Regional Property Certificate Unit (RPCU) is a shared service arrangement operated by Fermanagh and Omagh District Council (FODC), acting as an agent for the other District Councils in Northern Ireland. As such this requires the RPCU to enter into a Service Level Agreement (SLA) with the ten Councils.</p> <p>The purpose of this SLA is to outline the services provided by the RPCU on behalf of ten District Councils in requesting, collating and delivering accurate and timely responses from statutory bodies to applicants in relation to identified property. The SLA is a commitment to ensuring that the proper elements are in place between parties to the consultation process to provide effective and timely responses.</p>
2.0	Key issues
2.1	<p>To review the current SLA, between the RPCU and the Councils for the provision of services in the distribution of information relating to property identification, along with an agreed set of queries to statutory Consultees, as a result of an application, and issuing collated responses received to enquirers, in a timely manner, which was due for review in January 2025.</p> <p>The goal of this Agreement is to obtain mutual agreement on the standard of service that Councils wish to be associated with.</p> <p>The objectives of this Agreement are to:</p> <ul style="list-style-type: none"> • Provide clear reference to service ownership, accountability, roles and/or responsibilities; • Present a clear, concise and measurable description of service provision to the customer; and • Match perceptions of expected service provision with actual service delivery. <p>Review Period Every 3 Years Next Review Date 1 January 2028</p>
3.0	Recommendations

3.1	To extend the current SLA, with The Regional Property Certificate Unit (RPCU) for a further 3 years, from January 2025 to January 2028.
4.0	Resource implications
4.1	<p>The income generated by property certificates will be collected by Fermanagh and Omagh District Council (FODC) in its capacity as an agent and paid across all Councils, based on the number of property certificates issued per Council area.</p> <p>Deviation from the projected costs assigned for the service will be shared equally amongst the Councils.</p> <p>This equates to an estimated income of approximately £150K per annum for Newry, Mourne and Down District Council.</p>
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p> <p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	Due regard to Rural Needs (please tick all that apply)

6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	Appendices
	None
8.0	Background Documents
	None

Report to:	Planning Committee
Date of Meeting:	5 March 2025
Subject:	Planning Department Update
Reporting Officer (Including Job Title):	Jonathan McGilly Assistant Director Regeneration
Contact Officer (Including Job Title):	Jonathan McGilly Assistant Director Regeneration

Confirm how this Report should be treated by placing an x in either:-

For decision	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background																																			
1.1	Following consideration of Planning performance paper at previous SPR committee it was agreed this paper be tabled at Planning Committee for																																			
2.0	Key issues																																			
2.1	NISRA Statistics (Excludes those not validated and PADs, PAN, Certificates of lawfulness, discharge of Conditions) <div><div><div>Live Planning application 31 December 2023</div><div>1442</div></div><div><div>Live Planning application 31 March 2024</div><div>1506</div></div><div><div>Live Planning application 30 June 2024</div><div>1505</div></div><div><div>Live Planning application 30 September 2024</div><div>1466</div></div></div> Major applications <table><tr><th>Period</th><th>Av processing time</th><th>Nr Applications received</th><th>Nr Applications withdrawn</th><th>Nr Applications decided</th></tr><tr><td>QE Sept 2023</td><td>421 wks</td><td>3</td><td>0</td><td>1</td></tr><tr><td>QE Dec 2023</td><td>133.8 wks</td><td>3</td><td>0</td><td>1</td></tr><tr><td>QE March 2024</td><td>115 wks</td><td>0</td><td>0</td><td>4</td></tr><tr><td>QE June 2024</td><td>118 wks</td><td>6</td><td>0</td><td>4</td></tr><tr><td>QE Sept 2024</td><td>34 wks</td><td>4</td><td>0</td><td>2</td></tr></table> LOCAL APPLICATIONS <table><tr><th>Period</th><th>Av processing time</th><th>Nr Applications received</th><th>Nr Applications Withdrawn</th><th>Nr Applications decided</th></tr></table>	Period	Av processing time	Nr Applications received	Nr Applications withdrawn	Nr Applications decided	QE Sept 2023	421 wks	3	0	1	QE Dec 2023	133.8 wks	3	0	1	QE March 2024	115 wks	0	0	4	QE June 2024	118 wks	6	0	4	QE Sept 2024	34 wks	4	0	2	Period	Av processing time	Nr Applications received	Nr Applications Withdrawn	Nr Applications decided
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QE Sept 2023	29.6 wks	320	17	208
QE Dec 2023	31.6 wks	289	14	210
QE March 2024	42.4 wks	305	17	206
QE June 2024	43 wks	278	10	271
QE Sept 2024	46.4 wks	283	15	247

Average for year to date 44.2 weeks

Processing times for local applications remains above target and NI Average.
It should be noted that there has been a marked increase in the number of applications processed year to date and as a result of applications largely being processed in date order processing times will increase as result of the backlog.

During this period NMD received the third highest number of applications in NI equating to approximately 13% of NI total

CURRENT ANALYSIS

Based on latest **available data as of 20/1/25:**

1571 live applications – (This includes ALL applications that are not captured and reflected in NISRA stats)

At September 2024 report this was 1786 which demonstrates some improvement which is also reflective of the increased determinations in NISRA stats over the April to September.

Made up as follows:

1042 applications are allocated & processing, approx. 25% are awaiting consultee responses.

529 awaiting allocation,

45 new applications to be validated.

For period April – August 2024, 567 applications were determined.

For same period April – August 2023, 484 applications were determined.

LOCAL DEVELOPMENT PLAN

Revised Development Plan timetable was agreed by Council in June 2023 and by the Department in September 2023.

A work plan has been agreed with the team and is being reviewed monthly. Regular reports are tabled at planning Committee to update members against progress.

Finalisation of remaining Planning Policy Review papers is ongoing and workshops in late 2024 and presentations to December 2024 Planning Committees has resulted in

finalisation of policies on Countryside policies and Sustainable Development & Climate Change policy. The draft Plan Strategy remains on track for publication in 2025 as per the timetable approved.

ENFORCEMENT

The NI target for the Enforcement is that 70% of enforcement cases are concluded within 39 weeks of receipt. This has reduced to c40% which can be explained below by increased number of historical cases being closed.

Following ongoing work plan with a focus on reviewing caseloads across department with the recruitment of a Senior Planner and Plan Manager as per structure caseload has been reduced from 900 cases in January 2024 to 680 in August 2024.

For period April to September 2024, 147 cases were closed, by comparison 152 were closed in all of 23/24.

In that period 144 new cases have been opened which broadly equates to the same number as were closed.

Challenges

Challenges remain with respect to performance against statutory targets and the number of applications live in the system is also well above manageable levels.

A number of ongoing challenges continue to impact on service delivery, in summary these are;

Statutory consultation

This remains a challenge across ALL consultees and has been discussed with DfI at a strategic level

Application quality

The poor quality of some submissions continues to be an issue and given that several consultations are required with poor applications any changes required results in a delay in response times this adds to the challenges.

Validation checklists will be presented in draft to February Committee with a view to consultation thereafter with the sector and roll out in early 25/26

Actions

From August 2022 to October 2023 there have been 9 separate recruitment exercises to appoint a range of posts across all levels within the Planning Department. Staff retention and recruitment continues to be an industry wide challenge in both Local Councils and the private sector.

From October 2023 to March 2024 there have been a further 4 recruitment exercises for, BSM ,BSO, Planning Assistants and Principal Planning Manager (LDP and Enforcement)

Since September 2024 there has been a further 2 recruitment exercises completed and a third is due to complete by end of January

Performance Management –

Current performance improvement actions

- Majors and Legacy applications are being reviewed monthly with an agreed action plan to determine / close applications that have been in the system before 2020
- Ongoing performance meetings with Senior Planning staff to review performance and agree actions to address challenges.
- Regular reporting to SMT
- Ongoing engagement with statutory consultees around response times.
- Senior Planners have developed workplans with all team members to be reviewed weekly/fortnightly to plan for weekly determination figures

Additional performance improvement actions

- It is accepted that the performance improvement within the department in respect of development management is not progressing at the speed to deal with the backlog. As a result additional performance improvement actions have been introduced within the department.
- Dedicated training/mentoring programme to build capacity of new Planning Assistants, to be led and delivered by part time Principal Planning Officer – This has now commenced and will continue.
- Ongoing review of applications district wide. Allocation of case loads on the basis of application complexity to ensure caseloads are reflective of experience of each individual, eg
 - A more flexible allocation of cases, not based purely on geographical boundaries of planning teams.
 - Allocation of applications out of sequence ie not based on the date received
 - Allocation of projects with Economic development impact, grant funding, medical considerations etc.

This has commenced however will increase when the full compliment of additional Planning Officers are in place.

- Stringent application of how many times applicants are given opportunities to resubmit information to address application shortcomings and missing information. If outstanding or revised information is not provided within specified timeframe, then will move the application to a decision. – This has been introduced and is

	<p>resulting in formation being provided but needs to be monitored and implemented more extensively</p> <ul style="list-style-type: none"> • Introduction of individual team performance management with individual performance targets to ensure output is managed at an individual level as well at a department level – Ongoing • Reviewing consultations to ensure we only consult with statutory partners where necessary. – This is ongoing, lead by Seniors. • Following engagement with NIW a pilot is being introduced to help reduce the number of NIW consultations relating to rural applications. • Continue to review staff complement and react to emerging resource challenges.
3.0	Recommendations
3.1	Note the content of the report
4.0	Resource implications
4.1	NA
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
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7.0	<p>Appendices</p>
	<p>NA</p>
8.0	<p>Background Documents</p>
	<p>NA</p>

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
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	Readvertisement Aug 24 following amended proposal description. Under consideration.	N
PLANNING COMMITTEE MEETING 13 DECEMBER 2023					
LA07/2021/1479/F	Lands immediately opposite No.3 Newtown Road, Bellek, Newry - Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works	Defer for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit.	M Fitzpatrick	Deferred for further legal clarification; to allow applicant to submit new information relating to retail and for a site visit. Agent contacted to advise retail info received and under consideration. Site visit arranged 17/02/2025 – tabled at March Committee	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 7 FEBRUARY 2024					
LA07/2022/1712/O	Lands between 51 and 53 Dundrinne Road, Castlewellan - 2no. infill dwellings and garages	Deferred – to allow applicants to submit amendments	B Ferguson	In progress	N
PLANNING COMMITTEE MEETING 10 JULY 2024					
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 per NAP requirements	Deferred for site visit	M Fitzpatrick	Issued on 28-01-25	Y
PLANNING COMMITTEE MEETING 6 NOVEMBER 2024					
LA07/2024/0470/F	4 Cargagh Road Annacloy, Downpatrick, BT30 9AG - Retention of existing granny	Deferred as per operating protocol until enforcement issue is resolved.	B Ferguson	Application has been withdrawn by applicant	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	flat with single storey flatroof extension to side				
PLANNING COMMITTEE MEETING 5 FEBRUARY 2025					
LA07/2024/006 6/F	100m South of 57 Wateresk Road, Maghera, Castlewellan - 2 storey dwelling and garage	Deferred to allow for a site visit	B Ferguson	Site visit arranged for 17 February 2025. To be tabled at March Committee	Y
LA07/2022/160 2/F	To the rear and immediately NE of 7-9 Queen Street Warrenpoint - Proposed 4 no. 3 bedroom semi- detached dwellings with in curtilage parking with access onto Queen Street	Deferred to allow the agent to work with Planning Department to provide further information	M Keane		N
LA07/2023/251 4/F -	26 Station Road, Newry, BT35 8JH - Proposed replacement dwelling with original dwelling retained for ancillary domestic storage, gym and home office	Deferred to allow for a site visit	M Fitzpatrick	Site visit arranged for 17 February 2025. To be tabled at March Committee.	Y