



June 19th, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 25th June 2025 at 10:00 am** in **Council Chamber, Monaghan Row, Newry.**

Committee Membership 2025-26

Councillor M Larkin **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor W Clarke

Councillor C Enright

Councillor K Feehan

Councillor C King

Councillor D McAteer

Councillor D Murphy

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, Enright, Hanna, King, McAteer and S Murphy attended a site visit on 11 March 2025.

4.0 Minutes of Planning Committee held on 28 May 2025

 [Planning Committee Minutes 2025-05-28.pdf](#)

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

 [Addendum list - 25-06-2025.pdf](#)

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

6.0 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.

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

Cllrs Campbell, Enright, Hanna, King, McAteer and S Murphy attended a site visit on 11 March 2025.

Gerry Tumelty will be present to answer any questions, supported by Mrs Fries-Newman.

 [LA07.2021.0869.F Case Officer Report.pdf](#)

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Development Management - Planning Applications for determination

7.0 LA07/2025/0143 - Unit 3 Greenbank Industrial Estate, Newry, BT34 2QU, (House of Murphy) - Proposed re-construction of

commercial premises following fire damage and subsequent demolition

APPROVAL

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

 [LA07-2025-0144-F Case Officer's Report.pdf](#)

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8.0 LA07/2025/0144 - Unit 4 Greenbank Industrial Estate, Rampart Road, Newry, BT34 2QU (Formula Karting) - Proposed re-construction of commercial premises following fire damage and subsequent demolition

APPROVAL

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

 [LA07-2025-0144-F Case Officer's Report.pdf](#)

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9.0 LA07/2024/0869/F - Donard Park, Newcastle, Co. Down, BT30 6SR - Erection of New 2 Storey Sports Hub and retention of existing single storey pavilion for ancillary storage (Sports Hub previously approved under LA07/2015/0510/F) (amended description)

APPROVAL

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

 [LA07-2024-0869-F Case Officer Report.pdf](#)

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10.0 LA07/2024/0534/F - 12 Bridge Street, Newry, BT35 8AE - Change of use from Hairdresser to Dental Surgery with Extension to rear and minor alterations to front elevation *For Decision*

APPROVAL

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


 [LA07-2024-0534-F Case Officer Report.pdf](#)

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11.0 LA07/2023/3100/F - 101 Main Street, Dundrum, BT33 0LX - proposed retention of existing building fronting main street, to be incorporated in proposed development comprising 2no. commercial units at ground floor level (Main Street) and 4no. 2 bedroom apartments and associated curtilage parking. Proposed demolition of existing building fronting Manse Road.

APPROVAL

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


 [LA07-2023-3100-F - Case Officer Report.pdf](#)

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12.0 LA07/2023/2904/F - 2 Charlotte Street, Warrenpoint, Newry, BT34 3LF - Change of existing building into mixed-use development consisting of 2no. ground floor non-food retail units and 2no. 1st floor residential units, proposed new rear extension consisting of 1no. ground floor non-food retail unit and 1no. 1st floor residential unit

APPROVAL

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

 [LA07-2023-2904-F - Case Officer Report.pdf](#)

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13.0 LA07/2023/3412/O - Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ - New dwelling with detached garage on gap/infill site.

For Decision

REFUSAL

On agenda as a result of the call in process

 [LA07-2022-3412-O - Case Officer Report.pdf](#)

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14.0 LA07/2024/1008/F - 64 Upper Dromore Road, Warrenpoint, BT34 3PN - Erection of two detached dwellings

For Decision

REFUSAL

On agenda as a result of the call in process

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

15.0 LA07/2023/3099/O - Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ - New dwelling with detached garage on gap/infill site.

For Decision

REFUSAL

On agenda as a result of the call in process

16.0 LA07/2024/0490/O - 225m west of 81 Kilbroney Road, Rostrevor - Proposed dwelling on a farm

For Decision

REFUSAL

On agenda as a result of the call in process

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

17.0 LA07/2023/3444/O - 20m E of 21 Drakes Bridge Road, Downpatrick - Proposed infill dwelling.

For Decision

REFUSAL

On agenda as a result of the call in process


18.0 LA07/2024/0761/O - 46 Dromore Road, Ballynahinch - Infill dwelling

For Decision


REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested by Mr Conor Cochrane in support of the application.

 [LA07-2024-0761-O - Case Officer Report.pdf](#)

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 [18. LA07.2024.0761.O.pdf](#)

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19.0 LA07/2024/0207/F - 30m SE of 35 Carnally Road, Carnally, Silverbridge BT35 9LY - Erection of dwelling and garage on farm

For Decision

REFUSAL

On agenda as a result of the call in process

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

 [LA07-2024-0207-F - Case Officer Report.pdf](#)

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 [19. LA07 2024 0207 F.pdf](#)

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20.0 LA07/2024/0891/F - Lands approx. 25m north (west) of 52 Tullymacreeve Road, Mullaghbawn, Newry, BT35 9RE - Proposed farm dwelling and detached garage with all associated landscaping and site works

For Decision

REFUSAL

On agenda as a result of the call in process

Speaking rights have been requested in support of the application by Mark Hackett & Noel Murphy in support of the application

 [LA07-2024-0891-F.pdf](#)

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 [20. LA07.2024.0891.F.pdf](#)

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For Noting

21.0 Planning Department Update

 [Planning Department Update June 25.pdf](#)

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22.0 Historic Action Sheet

Invitees

Cllr Terry Andrews
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Cllr Callum Bowsie
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Fionnuala Branagh
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Cllr Jim Brennan
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Cllr Pete Byrne
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Mr Gerard Byrne
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Cllr Philip Campbell
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Cllr William Clarke
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Edel Cosgrove
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Cllr Laura Devlin
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Cllr Cadogan Enright
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Cllr Killian Feehan
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Cllr Doire Finn
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Ms Joanne Fleming
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Cllr Conor Galbraith
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Cllr Mark Gibbons
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Cllr Oonagh Hanlon
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Cllr Glyn Hanna
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Cllr Valerie Harte
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Cllr Martin Hearty
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Cllr Roisin Howell
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Cllr Tierna Howie
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Ms Catherine Hughes
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Cllr Jonathan Jackson
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Cllr Geraldine Kearns
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Miss Veronica Keegan
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Mrs Josephine Kelly
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Mrs Sheila Kieran
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Cllr Cathal King
.....
Cllr Mickey Larkin
.....
Cllr David Lee-Surginor
.....
Cllr Alan Lewis
.....
Cllr Oonagh Magennis
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Mr Conor Mallon
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Cllr Aidan Mathers
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Mrs Annette McAlarney
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Cllr Declan McAteer
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Cllr Leeanne McEvoy
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Jonathan McGilly
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Maureen/Joanne Morgan/Johnston
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Sinead Murphy
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Cllr Declan 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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Cllr Áine Quinn
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Cllr Henry Reilly
.....
Cllr Michael Rice
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Mr Peter Rooney
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Mr Pat Rooney
.....
Cllr Michael Ruane
.....
Cllr Gareth Sharvin
.....
Conor Smyth
.....
Donna Starkey
.....
Sarah Taggart
.....
Cllr David Taylor
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Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Mrs Marie Ward
.....
Cllr Helena Young
.....

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 28 May 2025 at 10am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor D Murphy

Committee Members in attendance in Chamber:

Councillor P Campbell	Councillor C Enright
Councillor K Feehan	Councillor G Hanna
Councillor S Murphy	Councillor A Quinn
Councillor M Rice	Councillor J Tinnelly

Committee Members in attendance via Teams: Councillor M Larkin

Officials in attendance:

Mr J McGilly, Assistant Director: Regeneration
 Ms A McAlarney, Development Manager: Planning
 Mrs B Ferguson, Senior Planning Officer
 Mr M Keane, Senior Planning Officer
 Miss S Taggart, Democratic Services Manager
 Mr C Smyth, Democratic Services Officer

Officials in attendance via Teams: Mr Peter Rooney, Head of Legal Administration (Acting)

P/049/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

There were no apologies.

P/050/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/051/2025: 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.

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/052/2025: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 30 APRIL 2025

Read: Minutes of Planning Committee Meeting held on Wednesday 30 April 2025. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 30 April 2025 as a true and accurate record.

FOR DISCUSSION/DECISION

P/053/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 28 May 2025. **(Copy circulated)**

The Chairperson advised that a request had been made to remove item 7 - LA07/2024/0891/F off the addendum list and defer to a future meeting.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Campbell, it was agreed to defer item LA07/2024/0891/F to a future Committee Meeting.

DEVELOPMENT MANAGEMENT

P/054/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/0055/O

On agenda as a result of the Call-In Process

Location:

20m SE of 15 Drummond Road Cullyhanna, Newry, BT35 0LN

Proposal:

Erection of a farm dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs McAlarney stated that outline permission had been sought for a farm dwelling with Neighbour notifications and consultations having been carried out and no objections received. The application was assessed against PPS21 CTY10 CTY13 and CTY14. The proposal was compliant with criteria A, B and C of CTY10, however policy CTY10 states that the proposed site must also meet the requirements of CTY13 criterion A to F and also CTY14. She advised that the proposal had been assessed against CTY13 and it was found that the site failed to provide a suitable degree of integration and enclosure. The proposal

was also assessed against CTY14 and was deemed contrary to policy as the site would add to a ribbon of development and detrimentally impact the rural character.

Speaking rights:**In Support:**

Mr Rooney presented the case for a proposed farm dwelling on an established and active farm business. He refuted the Planning Department's recommendation around ribbon development and argued that the chosen site was the most appropriate in terms of visual integration and clustering, in line with CTY 10. He advised that the topography of the land, including a steep gradient to the north, limited alternative siting options and locating the dwelling further north would have required significant ancillary works, which could have negatively impacted the character of the area and contravened planning policy. He also referenced previous Planning Appeals Commission decisions, which supported the view that visual integration and clustering could outweigh concerns about ribbon development. He stated that the site was considered well enclosed by mature vegetation and topographical features, which would help the dwelling sit comfortably within the landscape.

Mr Rooney concluded by urging the Committee to give due weight to the material considerations, including site constraints and planning precedent, and to overturn the recommendation for refusal.

The Chairperson noted the Planning Appeals Committee (PAC) decision in relation to an application in 2019 with regard to ribbon development and asked whether this had been considered. Ms McAlarney stated that all PAC decisions since 2019 had required compliance with CTY 13 and CTY14 and did not attach any weight to that decision. Mr Rooney stated that there were no alternative sites as the site sat alongside existing farm buildings within an established ribbon of development. He added that relocation would cause greater environmental impact due to steep gradients and would not suit the area's character.

Councillor Larkin asked whether consideration had been given to reducing the extent of the red line boundary, given that the land fell steeply to the rear and lacked vegetation, while the front and sides appeared adequately screened. Mr Rooney explained that the red line was extended for two main reasons. Firstly, the applicant preferred to site the dwelling adjacent to his father's house, and the extended area could then be retained as garden space, with conditions applied to prevent development on the steep gradient. Secondly, the extension allowed for a fallback option in case the preferred siting was not accepted by the Planning Department.

Councillor Larkin enquired if access had been provided through a laneway leading into the site, rather than a full road frontage, would that have helped alleviate concerns regarding ribbon development. Ms McAlarney stated that the basis for refusal had been the overall extent of the red line, not just the frontage and Mr Rooney's interpretation of ribbon development had been incorrect, as ribbon development did not require direct frontage; it could still occur with buildings set back or staggered from the road. She added that therefore, even siting a dwelling to the rear of the site would have constituted ribbon development as per policy.

The Chairperson acknowledged that approving the application would have aligned more closely with the flexibility previously demonstrated by the PAC in 2019, particularly given the

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

The proposal was declared carried.

Planning Officers be delegated authority to impose any relevant conditions.

On agenda as a result of the Call-In Process

Approx 65m south of 54 Manse Road, Crossgar

Site for dwelling and domestic garage under CTY2A

Refusal

Ms Ferguson stated that no representations had been received, and all statutory consultees, including DFI Roads, NI Water, Environmental Health, Rivers Agency, and NIEA, had responded with no objections. She advised that the Planning Department had carried out a site inspection and assessed the application against relevant regional planning policies. Ms Ferguson stated it had been determined that the site did not meet the criteria for a cluster of development under Policy CTY 2a as the buildings in the area did not form a visual entity due to separation distances, topography, and intervening vegetation. She advised that the site lacked visual linkage with surrounding buildings and did not relate to a focal point or crossroads. As such, the proposal failed multiple criteria of Policy CTY 2a, including those relating to visual cohesion, clustering, and integration. She concluded that the development would encroach into the open countryside and could not be absorbed into any existing cluster, supporting the reasons for refusal outlined in the report.

Speaking rights:In Support:

Mr Declan Rooney spoke in support of the application expressing disagreement with the Planning Department's recommendation for refusal, stating that the proposal had been assessed too harshly under Policy CTY 2a. He argued that the site formed part of a wider cluster known locally as Raffrey, which included not only the three dwellings identified by the case officer, but also an additional 19 dwellings and community buildings such as the church and hall. Mr Rooney stated that the site met all five criteria of Policy CTY 2a, including visual cohesion, association with a focal point, and appropriate enclosure on three sides. He made reference to published guidance supporting the interpretation of clusters without strict visual linkage. Mr Rooney also highlighted that the site would consolidate existing development and would not intrude further into the countryside. Additionally, Mr Rooney explained that the applications motivation for the proposal was to relocate closer to family in order to provide long-term care for elderly parents and a severely autistic relative.

Councillor Enright expressed difficulty in understanding how the site was not considered to be surrounded by development, noting that it appeared to be enclosed on three sides, except for the southern boundary. He suggested that the visual impression contradicted the assessment that the site lacked sufficient enclosure. Ms Ferguson explained that the assessment had been based on a visual inspection from the ground, rather than relying solely on site location or aerial maps. She added that it was determined that only three buildings were visually connected from surrounding viewpoints, which did not meet the definition of a cluster under Policy CTY 2a. As a result, the proposal was considered to have failed the relevant policy criteria.

Councillor Campbell sought clarification regarding the slide shown referencing "Building on Tradition" guidance. He questioned the relevance and accuracy of the example shown, which included buildings not visually linked to the community or social hub.

Ms Ferguson stated that while the *Building on Tradition* guidance provided examples, each application was assessed on its own merits and in this case, the focal point was considered to be significantly distant from the surrounding buildings, with no visual or physical linkage from key vantage points. She added that only three buildings were deemed to be visually connected, and the remaining buildings were discounted, and as such, the site was not considered to form a cluster under the relevant policy criteria.

Councillor McAteer sought clarification on how planning policy distinguished between a well-integrated cluster and one that was more open and visible. He questioned how visual linkage was assessed when integration through natural features such as trees and hedges might obscure views between buildings. He noted that, despite limited visibility, the site appeared to form a coherent cluster on the map and queried how this aligned with policy requirements for identifying a cluster in the landscape.

Ms Ferguson advised that the site needed to be read as a visual entity in the landscape but also had to meet all criteria set out in Policy CTY 2a. It had already been assessed as not connected to a focal point, being substantially removed and lacking visual linkage. She stated that despite the presence of vegetation and topographical features, the site could not be read with the focal point due to its distance. As such, it did not satisfy the initial criteria of the policy and consequently failed to meet the remaining requirements.

Mr Rooney reiterated that the cluster of development was represented by the settlement of Raffrey, as shown on the site location plan. He argued that this cluster was clearly associated with a focal point, as required by policy, and that it appeared as a visual entity in the landscape.

Councillor McAteer noted that there appeared to be some uncertainty regarding the extent of the cluster and therefore proposed that a site visit be undertaken. Councillor Campbell seconded the proposal.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	1

The proposal was declared carried.

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Campbell, it was agreed to defer the application to enable a site visit to be undertaken.**

(3) LA07/2023/3277/F

On agenda as a result of the Call-In Process

Location:

285m N of 40 Ballyhornan Road, Downpatrick, Co. Down BT30 6RH

Proposal:

Farm dwelling & attached carport

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Ferguson stated that one letter of objection had been received, raising concerns about visibility splays and land ownership. She explained that following deferral from the March 2025 agenda, the application was amended, including changes to the ownership certificate and the serving of notice on relevant landowners. She advised that DFI Roads were reconsulted and raised no objections, subject to conditions and revised drawings submitted in March 2025 showed a reduced roof pitch and ridge height. All statutory consultees responded with no objections.

DAERA confirmed the farm business had been active for over six years, with farm payments claimed annually. A site inspection and policy assessment were carried out, with the application considered under the relevant policies, and while the farm business met the criteria under CTY 10, the proposed dwelling was not visually linked to the existing farm buildings and failed to integrate with the cluster, contrary to policy. The site was considered elevated and visually prominent, with the proposed ridge height breaking the skyline, making the design inappropriate for the site and locality. The proposal was therefore contrary to CTY 13 and CTY 14. The proposal was also considered to result in ribbon

development due to its linear relationship with nearby agricultural buildings, contrary to CTY 8 and CTY 14. Given the site's location within an AONB, the two-storey design was deemed unsympathetic to the character of the area, contrary to Policy NH 6 of PPS 2.

Speaking rights:

In Support:

Mr Brendan Starkey spoke in support of the application and explained that outline planning permission had initially been pursued in 2019 but was withdrawn to address retrospective approval for farm buildings. The previous case officer's report, which found no issues with prominence or ribbon development, informed the current application. It was argued that the site, although elevated, sat within a natural depression created by former quarrying and was enclosed by rising land and mature vegetation. He noted that views of the site were limited due to distance from public roads and intervening landscaping. A native hedge had been planted to further screen the site, and rising land to the rear would prevent the dwelling from breaking the skyline. Mr Starkey also highlighted that land to the west had been zoned for major residential development, suggesting a shift toward a more suburban character. Regarding ribbon development, he stated that the site was located at the end of an agricultural lane, not along a public road, and clustered with existing farm buildings. Mr Starkey argued that the proposal did not meet the criteria for ribbon development and made reference to a similar approved application nearby.

Councillor Campbell asked for clarification regarding the contradictions between the case officer's report from 2019 and the current report. Ms Ferguson explained that the previous application was withdrawn with no decision made, so it could not be considered. She added that this was a new application and must be assessed on its own merits.

The Chairperson enquired whether the original application in 2019 was for a 2-story building in a similar site position to the current application. Mr Starkey stated that the previous application for a farm dwelling was withdrawn after the applicant had to regularise unauthorised agricultural buildings and no site concerns were raised at that time. He stated that the applicant addressed the issues and resubmitted, however, the current assessment identified the proposal as ribbon development.

Councillor Campbell referred to a slide presented by Ms Ferguson which highlighted a live planning application for 1,100 homes and queried whether this had any bearing on the current assessment under Policy CTY 8. In response, Ms Ferguson advised that the development was located within an urban context and was subject to a different policy framework, therefore did not carry any material weight in the assessment of the current application.

Councillor Enright stated that he struggled to understand how a site located at the end of an agricultural lane could have been classified as ribbon development. Ms Ferguson explained ribbon development could include buildings located along a laneway, not just a main road and the assessment considered the frontage provided by buildings along the laneway, as they contributed to the overall linear pattern of development.

Councillor Larkin enquired whether planting on the rear of the site on the height above the bank would mitigate the issue of breaking the skyline to which Ms Ferguson advised it would not mitigate that particular issue. Mr Starkey noted that the proposed dwelling would

marginally break the skyline from a single viewpoint over 620 metres away, along a road that ran perpendicular to the site. The view was considered fleeting and not representative of the overall visual impact and from most other viewpoints, including from the south and east, the dwelling would not break the skyline. He also highlighted that maturing hedgerows were expected to further screen the development by the time of construction.

Councillor Hanna asked whether the style of house in the application was typical of the traditional houses within the local area. Mr Starkey stated that design and appearance was suitable for its context and added that the planning department were generally content with the design and for appearance of the proposed dwelling.

Councillor Hanna proposed that the planning application refusal was overturned stating that he believed the site was part of an active farm business and met policy requirements. He highlighted the site's natural screening, including a substantial bank from a former quarry, and expressed the view that the dwelling would not be visually prominent. Councillor Hanna also questioned concerns about ribbon development, stating that the proposal clusters with existing farm buildings and does not constitute a continuous frontage. It was further noted that the land had limited agricultural value.

Councillor Campbell seconded the proposal.

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

FOR:	9
AGAINST:	2
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 LA07/2023/3277/F contrary to officer recommendation as contained in the Case Officer Report.
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(4) LA07/2024/0307/F

On agenda as a result of the Call-In Process

Location:
6 Church Road, Kilmore Crossgar BT30 9BQ

Proposal:
Proposed dwelling and garage

Conclusion and Recommendation from Planning Official:
Refusal

Power-point presentation:

Ms Ferguson advised that no objections or representations were received following neighbour notification and advertisement and that statutory consultations with NIEA, NI Water, and DFI Roads had returned no objections, subject to conditions. She stated the site lay within the Kilmore settlement limit as designated in the Ards and Down Area Plan (ADAP) 2015 and that a site inspection and assessment against relevant regional planning policies and material considerations had been undertaken. She explained that the surrounding area is characterised by single or 1.5 storey dwellings on large plots and the proposed two-storey dwelling was considered inappropriate in terms of layout, scale, massing, and appearance, and would not respect the local context. Ms Ferguson advised that the application also indicated a second dwelling as "future development," contributing to overdevelopment and failing to meet Policy QD1 (a) of PPS 7.

Ms Ferguson stated that the proposed dwelling's proximity (0.2m) to No. 6 Church Road raised concerns over privacy, overshadowing, and overdominance. Amenity space was not considered private due to overlooking, contrary to Policy QD1 (c). She explained that the design did not reflect local traditions, failing criterion (g), and raised further concerns under criterion (h) due to its impact on light and privacy. Policy LC1 of the PPS 7 Addendum was also not met, as the proposed density and plot size were inconsistent with the surrounding area. As the proposal failed to meet the requirements of Policies QD1 and LC1. Ms Ferguson added that the Planning Department refused the application for the reasons set out in the case officer's report.

Speaking rights:

In Support:

Mr Gerry Tumelty advised that the proposal was for a dwelling on land within the development limits, considered suitable for development and that the site had previously been subject to an application for demolition and construction of five dwellings, which was returned to the then-owner. The current applicant purchased the property and submitted a revised proposal for a single dwelling, which was considered more in keeping with the area. It was noted that the previous owner, a resident of No. 6 Church Road, had intended to develop the site while retaining her dwelling, with future plans for additional development, she decided to remain in her home, with the land still being developed appropriately. The applicant argued that the proposed plot sizes were comparable to others in the vicinity, and no objections were received from statutory consultees or the public. The proposal was said to address privacy, security, and amenity considerations, including lighting and boundary treatments.

The Chairperson queried the assertion that the site was overdeveloped and asked what would have been considered a reasonable amount of amenity space within the site, and why the proposed provision was deemed inadequate. Ms Ferguson advised that while the overall amount of amenity space met policy guidance, its location adjacent to No. 6 Church Road raised concerns. The space was directly overlooked and therefore not considered private and the front garden area was similarly exposed and could not be counted as usable amenity space.

The Chairperson asked how the applicant proposed to address the identified infringements arising from the relationship between the proposed dwelling and the existing dwelling on site. Mr Tumelty advised that the applicant had made every effort to engage with the

previous landowner and explored all development possibilities. A previous proposal for five dwellings, had been returned by Planning. It was noted that the individual most directly affected by the current proposal had not raised any objections and was supportive of the development.

Following a request from Councillor Hanna, Ms Ferguson provided an overview of the third reason for refusal. Mr Tumelty stated that the ridge heights of adjacent dwellings were comparable to the proposed dwelling and that similar designs had been approved in the surrounding area. It was further noted that the site sloped away from the existing dwelling, resulting in the proposed dwelling being set slightly below road level, thereby reducing its visual impact. Councillor Hanna asked if the height of the dwelling was what the planning department were unhappy with. Ms Ferguson stated that two storey dwellings would not be typical of the immediate area.

Councillor Hanna referred to Refusal Reason 5 and noted the presence of a nearby cul-de-sac comprising approximately five dwellings and asked for the rationale in issuing Refusal Reason 5 in light of this existing development pattern. Ms Ferguson advised that an assessment had been carried out of the immediate and surrounding area, which comprised predominantly larger plots with mainly single-storey dwellings. Based on this context, the proposed plot size was considered out of keeping with the established pattern of development and was deemed to be out of character with the area.

Mrs McAlarney advised that while the proposal may have met the minimum size requirement for private amenity space as set out in policy, the quality and usability of the space were inadequate. The front garden, being overlooked by a neighbouring property, could not be considered private, and therefore the proposal failed to meet policy requirements for meaningful and usable amenity space.

Mr Tumelty expressed the view that the proposal met the relevant planning criteria, providing sufficient private open space for domestic use, including areas for relaxation and recreation. It was stated that the development, located within an established settlement limit, did not adversely impact adjoining properties.

Councillor Enright noted that the site appeared significantly larger than neighbouring plots and questioned why the amenity space was considered insufficient. He asked whether the issue related to overlooking from No. 6 and, if so, why a condition requiring a boundary hedge could not address this concern, given the apparent size of the site. Ms Ferguson stated that Officers the concerns related not only to the adequacy of amenity space but also to overlooking, overdominance, and the overall layout of the site. The dwelling's position, influenced by the demarcated future development, was considered inappropriate. It was also noted that the finished floor level was not lower than the adjacent dwelling.

Councillor Larkin queried what separation distance between the two properties would have been considered acceptable in relation to the shared boundary. Ms Ferguson stated that she was unable to comment as that proposal was not being assessed. She added that what they were assessing was the distance to the property which was deemed to be unacceptable.

Councillor Larkin asked why the proposed dwelling was placed so close to the boundary. Mr Tumelty advised that the dwelling had been positioned in consultation with the adjacent landowner prior to submission and added that there was scope to revise the layout with an increase to the separation from the boundary.

Following a query from Councillor McAteer, Mr Tumelty clarified that there was potential within the current site layout to shift the proposed dwelling slightly to the right, while still maintaining access to the garage at the rear via the right-hand side of the property.

Mrs McAlarney expressed concern that the dwelling had been positioned too close to No. 6, appeared to prioritise future development to the rear of the site. She noted that the numerous refusal reasons reflected overdevelopment and a lack of alignment with the character of the area and that simply shifting the footprint would not resolve the fundamental issues.

Councillor Hanna expressed the view that, while the site was tight, the proposal was not out of character with the surrounding area, which included other two-storey dwellings. He stated that some degree of overlooking was typical in nearby developments and that the scale and layout were not considered excessive. The Member believed sufficient private amenity space had been provided and that the proposal represented an acceptable form of development within an established residential area, therefore proposed that the decision be overturned. This was seconded by Councillor Tinnelly.

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

FOR:	3
AGAINST:	8
ABSTENTIONS:	0

The proposal was declared lost.

The Chairperson proposed accepting the officer's recommendation and raised concerns regarding the quality of the amenity space and the application's failure to reflect the character of the area. He noted that significant design issues remained unresolved, and that the extent of change required would constitute a new application. Councillor Quinn seconded the proposal.

FOR:	8
AGAINST:	0
ABSTENTIONS:	3

The proposal was declared carried.

AGREED: On the proposal of Councillor D Murphy, seconded by Councillor Quinn, it was agreed to issue a refusal in respect of planning application LA07/2024/0307/F supporting the officer recommendation as contained in the Case Officer Report.

Councillor Campbell left the meeting at this stage - 11.58am.

(5) LA07/2024/0961/O

On agenda as a result of the Call-In Process

Location:

Site 70m NE from 3 Creevy Road, Crossgar

Proposal:

Proposed outline application for a house on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Ms Ferguson advised that no representations were received with no objections raised by statutory consultees, however, DAERA confirmed the applicant had not claimed agricultural payments in the past six years. Officers assessed the proposal under the SPPS and Policies CTY 1, CTY 10, CTY 13, CTY 14 of PPS 21, and NH 5 and NH 6 of PPS 2 and it was concluded that the applicant failed to demonstrate active farming over the required six-year period. Additionally, the proposal was considered to contribute to ribbon development, contrary to policy, and would negatively impact rural character.

Speaking rights:

In Support:

Mr David Donaldson spoke in support of the application and argued that the proposal met the requirements of Policies CTY 10 and CTY 13 of PPS 21. He noted that the farm business had been established for over 20 years and that sufficient evidence had been provided to demonstrate ongoing agricultural activity, including land maintenance, in line with the SPPS and PAC precedent. Mr Donaldson contended that the site did not constitute ribbon development under Policy CTY 8, as it lacked road frontage, was set back 50 metres, and was visually clustered with existing farm buildings.

The Chairperson queried why the farm business was not considered active and established for six years, given the agent's submission of invoices for silage, fertiliser, and other farm-related expenses. He asked whether maintaining the land in good agricultural and environmental condition had been adequately considered. Ms Ferguson advised that the submitted evidence primarily dated from 2018 and demonstrated only one year of land maintenance. Additional documentation from early 2019 lacked verifiable detail and was not considered sufficient or robust to demonstrate active farming over the required six-year period from 2018 onward.

Mr Donaldson referred to evidence that had been submitted, including sheep movement records from 2021–2023 and earlier invoices for silage cutting, fertiliser, and farm equipment dating back to 2018. He argued that that information, along with the long-established farm business number, demonstrated ongoing land maintenance and active farming over the required period.

In response to a query from Councillor McAteer, Mr Steele confirmed that he had four sheep on his land at present, and explained that the amount of sheep had increased and decreased over the years due to illness.

Councillor Hanna asked what the barometer was when defining what constituted a farm holding. Ms Ferguson acknowledged that maintaining land in good agricultural condition qualified as agricultural activity, however, the evidence provided was deemed insufficient to justify continuous agricultural activity from 2018 to the present. She advised that verifiable invoices or supporting documentation were required but were not adequately supplied. Mr Donaldson disagreed and offered to provide additional evidence.

Ms McAlarney advised that while evidence was submitted covering the relevant periods, its quality and verifiability were lacking with several documents were undated or lacked addresses, making them non-specific and not clearly linked to the applicant's holding. She stated therefore that due to this lack of credible evidence, the claim of agricultural activity was refused.

Councillor Larkin proposed overturning the recommendation and issuing approval, stating that adequate evidence had been submitted to demonstrate the farm had been active for over six years. He noted that receipts often lacked names and addresses and did not believe the proposal conflicted with ribbon development. Councillor Hanna seconded the proposal.

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

FOR:	8
AGAINST:	0
ABSTENTIONS:	2

The proposal was declared carried.

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2024/0961/O contrary to officer recommendation as contained in the Case Officer Report.**

Planning Officers be delegated authority to impose any relevant conditions.

(6) LA07/2024/1051/F

On agenda as a result of the Call-In Process

Location:
23 Seafields, Warrenpoint, Newry BT34 3TG

Proposal:
Conversion and extension to existing carport, lounge, bedroom and shower room to 2-bedroom house. Retention of existing site entrance to serve new dwelling. Formation of a new site entrance to existing main dwelling

Conclusion and Recommendation from Planning Official: Refusal

Power-point presentation:

Mr Keane stated that this was a full application for the conversion and extension of the existing dwelling within Seafields, to create an additional dwelling unit within the site curtilage of No. 23. The existing vehicular entrance in situ was to serve the new dwelling, while an additional new entrance was proposed to serve the existing dwelling. This was not a granny flat or ancillary accommodation proposal; it was for a new, separate dwelling house.

Mr Keane set out that the site was located within the residential development of Seafields, within the settlement limits of Warrenpoint. The Seafields development comprised a low-density development of detached dwellings on sizeable plots, purposely developed with each site comprising its own individual style and design of dwelling. It had a clear development pattern in this regard.

Mr Keane advised that the development proposed effectively created a pair of semi-detached dwellings, which would alter the unique character of this development. The result of this would be an increase in the density of the area, whereby the new plot proposed was much smaller than those typically found within this development. The proposal to subdivide the site to create two units, plots, and entrances in this location was completely out of keeping and would erode the unique character of the development, being at odds with policy. Subdividing the plot in this way would create a precedent for the development. In addition, Mr. Keane advised that the provision of usable private amenity space to serve the new plot was considered unacceptable, while the separation distance from the rear gable to the rear boundary also fell well short of the recommended distance of 10 metres. The internal layout to provide an additional residential unit would also create amenity issues in terms of overlooking and loss of privacy over No. 25, due to a first-floor bedroom window, which would now be the primary and only window serving this habitable room.

Mr. Keane advised that the planning department was not opposed to ancillary accommodation but objected to the creation of a new dwelling.

Speaking rights:

In Support:

Mr Colin O'Callaghan spoke in support of the application and explained that the application sought to formalise an existing annex as a separate two-bedroom dwelling to accommodate the applicant's son and grandson, with the applicant relocating to the annex. He stated that this arrangement aimed to support family care needs while allowing the applicant to downsize without leaving her established community.

In response to the planning officer's refusal reasons, Mr O'Callaghan argued that the wider Seafields area already included high-density developments and that the proposal aligned with paragraph 4.16 of the Strategic Planning Policy Statement (SPPS), which promoted balanced communities with a variety of house types and tenures. He also stated that the window in question already served a bedroom, was screened by vegetation, and was not a primary habitable room stating that while the amenity space fell slightly below the

recommended standards in *Creating Places*, the applicant argued it was reasonable and policy-compliant, particularly given the needs of smaller households.

Councillor McAteer asked for clarification on whether the proposal involved any significant external changes or if it was primarily an internal reconfiguration, noting that the front of the house appeared largely unchanged. Mr Keane confirmed that the proposal involved several changes, including a small extension, a new secondary access, and the subdivision of the plot into two separate units, each with its own entrance, driveway, and parking. It was noted that both building works and associated groundworks contributed to the overall impact. In response to Councillor McAteer’s question, he stated that the main visual changes were the front extension, which remained subservient to the main house, and the addition of a new gate. He emphasised that there had been no objections from neighbouring properties and suggested the focus remain on specific visual impacts rather than broader character considerations.

Councillor McAteer asked what the impact would be in terms of intensification, specifically whether the number of occupants under the new arrangement would significantly increase compared to the previous occupancy of the house. Mr O’Callaghan confirmed there would not be any intensification.

Councillor Larkin proposed accepting the officer’s recommendation. Councillor Quinn seconded the proposal.

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

FOR:	3
AGAINST:	6
ABSTENTIONS:	1

The proposal was declared lost.

Councillor Hanna stated that the application represented a gain for the community by providing additional accommodation with minimal impact on the area. It was noted that the annex would be slightly extended and a new entrance added, with no objections from DFI. He argued that the character of the area would not be significantly affected, especially given the presence of nearby flats and future development. On this basis, Councillor Hanna proposed to overturn the officer’s recommendation. Councillor McAteer seconded the proposal, stating that the extension was insignificant, the overall change minimal, and that the property’s use had not intensified compared to its previous use.

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 McAteer it was agreed to issue an approval in respect of planning application LA07/2024/1051/F
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contrary to officer recommendation as contained in the Case Officer Report.

(7) LA07/2023/3153/F

On agenda as a result of the Call-In Process

Location:

Adjacent to and south of 51A Mayo Road, Mayobridge, BT34 2EZ

Proposal:

Erection of off-site replacement dwelling, with retention of existing building for agricultural purposes, with alterations.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane stated that this was a full application for an off-site replacement dwelling with the retention of the existing dwelling for agricultural use, located on Mayo Road in the countryside.

Mr Keane advised that the Planning Department accepted the subject building exhibited the essential characteristics of a dwelling; however, the concern was the off-site location proposed and the retention of the existing building, which were considered contrary to policy. Mr Keane advised that an off-site replacement should only have been permitted where the existing curtilage was so restricted or where there were demonstrable benefits. This was not the case, as it was clear from the maps that the proposed curtilage was comparable in size to that existing, whereby the existing curtilage could accommodate the dwelling proposed. The farmyard and buildings were all within the applicant's control. Any smells or fumes from the farm operations were also under the control of the applicant. The historical maps showed the original curtilage as well.

Mr. Keane advised that if an applicant wished to retain an existing building, it was required to be sympathetically incorporated into the development of the site, such as ancillary accommodation or as a store to form part of an integrated building group. The two sites in this instance were entirely separate and did not achieve this in any way.

Mr. Keane advised that the off-site proposal, which was cut out of a field standing in isolation, would have a visual impact significantly greater than that existing, and that there were no overriding reasons why this development was essential.

Speaking rights:

In Support:

Mr Colin O'Callaghan spoke in support of the application. He contended that the existing curtilage was too constrained to accommodate even a modest replacement dwelling, contrary to the officer's assessment and he made reference to Policy CTY 3 of PPS 21, which permitted off-site replacement dwellings where either the existing curtilage was insufficient

or where demonstrable benefits existed at an alternative location. Mr O'Callaghan argued that the proposed site offered clear benefits, including improved access and greater separation from nearby farm infrastructure, such as a slurry tank located just 13 metres from the existing dwelling. He advised that the existing site was heavily built up with farm buildings, and that the suggestion to demolish family-owned agricultural structures to create space was unreasonable. Mr O'Callaghan also highlighted that the existing dwelling, dating back to 1905, could be retained for agricultural use, citing similar approvals granted in other locations. He urged members to consider the practical constraints and policy flexibility, concluding that the off-site location represented the most appropriate and reasonable solution.

Councillor Hanna referred to the final illustration shown, noting that the proposed dwelling appeared to have very limited garden or amenity space. He queried whether any evidence had been provided regarding farm safety, particularly in relation to the proximity of the dwelling to the working farmyard. Mr O'Callaghan confirmed that under policy, only one of the following benefits—landscape, heritage, access, or amenity—needed to be demonstrated to justify an off-site replacement dwelling. He believed clear amenity benefits had been shown and argued that constructing the replacement dwelling in situ would result in poor living conditions, with no private amenity space, exposure to noise and odours from the farmyard, and significant health and safety concerns, particularly for children.

Mrs McAlarney raised concern that the slide presented may have been misleading, as it showed a generic layout rather than the actual dwelling proposed. She advised that the illustration did not reflect the specific design or scale of the application and could have misdirected the committee's understanding of what could be accommodated on the site. Mr O'Callaghan clarified that the slide shown was a generic illustration intended to demonstrate that even a modest three-bedroom bungalow could not be accommodated within the existing farmyard.

Councillor Hanna asked Mrs McAlarney, whether she considered there was sufficient amenity space and a safe distance from the slurry tank, to allow for a house to be built at that location. Mrs McAlarney confirmed that she was satisfied and stated that the application was for a replacement dwelling and she had not heard any extenuating circumstances that would be justified in this situation. She added that while Mr O'Callaghan raised several points, the committee needed to assess the proposed siting against relevant policies, particularly regarding ribbon development and visual impact, and consider Policy CTY 3 in full. Mr O'Callaghan noted that CTY 3 only requires demonstrable heritage, access, landscape, or amenity benefits, not extenuating circumstances. He added that he felt the applicant was being held to a higher standard than the policy demanded.

The Chairperson queried the proposed usage of the older building if a replacement dwelling was approved. Mr O'Callaghan stated that it would be used for storage and added that the aim was to ensure that it did not look like an old dwelling house with alterations being made such as changing the front door to a barn door.

Councillor McAteer asked whether the applicants worked on the farm or if it was shared out amongst family members. Mr O'Callaghan advised that the applicant's father and other family members worked on the farm.

Councillor McAteer proposed that the refusal was overturned stated the current location of the dwelling was no longer appropriate for contemporary agricultural operations, particularly given that the applicants were not directly engaged in the day-to-day management of the farm. He further noted that the existing structure, which dated back to 1905, possessed local historical and architectural significance and by retaining the building a more suitable and enhanced residential environment for the applicants could be offered, as opposed to constructing a replacement dwelling on-site. The Chairperson seconded the proposal.

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 issue an approval respect of planning application LA07/2023/3153/F contrary to officer recommendation as contained in the Case Officer Report.

FOR NOTING

P/055/2025: AUDIT ACTION PLAN UPDATE

Read: Report from Mr J McGilly, Assistant Director: Regeneration, regarding Audit Action Plan Update. **(Copy circulated)**

AGREED: It was agreed on the proposal of Councillor Quinn, seconded by Councillor D Murphy, to note the contents of the Officer's Report.

P/056/2025: HISTORIC ACTION SHEET

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

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

There being no further business the meeting ended at 1.01pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 83% 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 25 June 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:

- **LA07/2025/0143** - Unit 3 Greenbank Industrial Estate, Newry, BT34 2QU, (House of Murphy) - Proposed re-construction of commercial premises following fire damage and subsequent demolition
APPROVAL
- **LA07/2025/0144** - Unit 4 Greenbank Industrial Estate, Rampart Road, Newry, BT34 2QU (Formula Karting) - Proposed re-construction of commercial premises following fire damage and subsequent demolition
APPROVAL
- **LA07/2024/0869/F**- Donard Park, Newcastle, Co. Down, BT30 6SR - Erection of New 2 Storey Sports Hub and retention of existing single storey pavilion for ancillary storage (Sports Hub previously approved under LA07/2015/0510/F) (amended description)
APPROVAL
- **LA07/2024/0534/F** - 12 Bridge Street, Newry, BT35 8AE - Change of use from Hairdresser to Dental Surgery with Extension to rear and minor alterations to front elevation
APPROVAL
- **LA07/2023/3100/F** - 101 Main Street, Dundrum, BT33 0LX - proposed retention of existing building fronting main street, to be incorporated in proposed development comprising 2no. commercial units at ground floor level (Main Street) and 4no. 2 bedroom apartments and associated curtilage parking. Proposed demolition of existing building fronting Manse Road.
APPROVAL
- **LA07/2023/2904/F** - 2 Charlotte Street, Warrenpoint, Newry, BT34 3LF - Change of existing building into mixed-use development consisting of 2no. ground floor non-food retail units and 2no. 1st floor residential units, proposed new rear extension consisting of 1no. ground floor non-food retail unit and 1no. 1st floor residential unit
APPROVAL

- **LA07/2023/3412/O** - Directly opposite No. 32A and adjoining 33A and 33B Newtown Road, Rostrevor, BT34 3BZ - New dwelling with detached garage on gap/infill site.
REFUSAL
- **LA07/2023/3099/O** - Directly opposite No. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ - New dwelling with detached garage on gap/infill site.
REFUSAL
- **LA07/2023/3444/O** - 20m E of 21 Drakes Bridge Road, Downpatrick - Proposed infill dwelling.
REFUSAL

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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 incutillage 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;

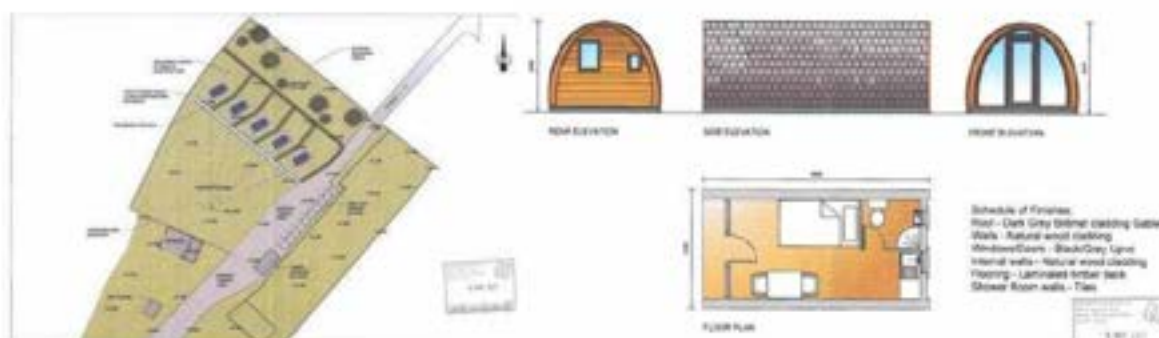
The site layout plan provides for an adequate area of communal open space as an integral part of the development. Each pod is to have their own dedicated area of open space.

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;

Committee Application

Development Management Officer Report	
Case Officer: Karen Bronte	
Application ID: LA07/2025/0144/F	Target Date:
Proposal: Proposed re-construction of commercial premises following fire damage and subsequent demolition	Location: Unit 4 Greenbank Industrial Estate, Rampart Road, Newry, BT34 2QU (Formula Karting)
Applicant Name and Address: Jim Feehan Unit 4 Greenbank Industrial Estate Newry BT34 2QU	Agent Name and Address: Colin Dalton Gray Design 40-41 The Mall Newry BT34 1AN
Date of last Neighbour Notification:	n/a
Date of Press Advertisement:	26 th February 2025
ES Requested: No	
Consultations: DfI Rivers – replied – 27.03.25, 05.06.25 – requested further information. DfI Roads – replied 08.03.25, 08.04.25 – no objection, conditions recommended. Environmental Health – replied 10.06.25 – no objection, conditions recommended.	
Representations: As required by The Planning (General Development Procedure) Order (Northern Ireland) 2015, the application was advertised in local press on 25 th February and 26 th February 2025. The statutory advertising period expired on 12 th March 2025 and no objections or representations have been received at the time of writing this report.	
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: n/a	

Site Visit Report
Site Location Plan:

Date of Site Visit:
Characteristics of the Site and Area <p>The site is approximately 0.6ha in size and is located within the Settlement Development Limit of Newry in an existing industrial estate. The site is currently a hardstanding yard due to the former unit (Formula Karting) on the site being demolished as a result of fire damage which occurred in 2024. The site is bound by hardstanding and beyond that an electricity substation and Gaelic football grounds and facilities to the north, Ballinacraig Way to the east, a hardstanding area to the south (formerly House of Murphy building) and hardstanding and beyond that playing fields to the west. The topography of the site falls from the south to the north and the site is accessed directly off Ballinacraig Way. The surrounding area is primarily of an industrial nature with recreational facilities (Gaelic and football grounds) also present to the north, west and south.</p>
Description of Proposal <p>Proposed re-construction of commercial premises following fire damage and subsequent demolition.</p>
Planning Assessment of Policy and Other Material Considerations <p><u>PLANNING POLICY AND GUIDANCE</u></p> <ul style="list-style-type: none">• Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)• Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)• PPS 3 - Access, Movement and Parking• PPS 4 – Planning and Economic Development• PPS 15 (Revised) – Planning and Flood Risk

- DCAN 10 (Revised) – Environmental Impact Assessment
- DCAN 15 – Vehicular Access Standards
- Parking Standards

PLANNING HISTORY

Planning

Application Number: LA07/2025/0143/F *Decision:* *Decision Date:*
Proposal: Proposed re-construction of commercial premises following fire damage and subsequent demolition

Application Number: P/1982/0569 *Decision:* Permission Refused *Decision Date:* 05 May 1983

Proposal: PROPOSED CHANGE OF USE FROM FACTORY TO SHOPPING CENTRE AND OFFICES

Application Number: P/1984/0318 *Decision:* Withdrawal *Decision Date:* 25 December 1984
Proposal: SITE FOR CUSTOMS & EXITIAL IMPORT/EXPORT

Application Number: P/1985/0919 *Decision:* Permission Granted *Decision Date:* 07 November 1985

Proposal: CHANGE OF USE FROM TEXTILE FACTORY TO INDUSTRIAL SELF CONTAINED WORK UNI

Application Number: P/1989/1281 *Decision:* Permission Granted *Decision Date:* 03 April 1990

Proposal: Change of use of part of existing factory to showroom and wholesale sales of plumbing equipment

Application Number: P/1991/1050 *Decision:* Permission Granted *Decision Date:* 08 January 1992

Proposal: Change of use from vacant textile mill to indoor go-kart racing facility

EIA DETERMINATION – THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NORTHERN IRELAND) 2017

The proposal falls within the scope of Schedule 2 (Category 10(a) – industrial estate development projects, where the area of development exceeds 0.5 hectare) of the above Regulations and as such, the Council is obliged to complete an EIA screening. Following completion of an EIA screening, the Council determined on 11th June 2025 that the proposal would not result in any significant environmental impacts and as such, an Environmental Statement was not required.

SUPPORTING DOCUMENTS AND DRAWINGS

The following submitted information (as amended) has been considered within this assessment:

Reports/Technical Assessments:

Flood Risk Assessment, dated 02.05.25

Drawings:

Existing Site Plan & Site Location Map (dwg no: 001)

Existing Plans (now demolished) (dwg no: 002)

Proposed Site Plan (dwg no: 003)
 Proposed Floor Plans (dwg no: 004)
 Proposed Elevations (dwg no: 005)
 Proposed CGI Images (dwg no: 006)
 Proposed Site Plan (dwg no: 003 Rev A)
 Existing Site Plan & Site Location Map (dwg no: 001 Rev A)

EVALUATION

Summary of the Proposal

The application is for the re-construction of the Formula Karting unit following its fire damage in 2024 and subsequent demolition. The proposed premises consists of 4778sqm of gross floorspace which is made up of 1354sqm of sales and 3424sqm of storage floorspace. The proposed building is sub-divided into six units which can be accessed via separate doors. Units B1 to B3 at the front of the building comprise ground sales and storage areas with each unit also including a mezzanine floor to be used for storage. Units B4 to B6 to the rear of the building comprise ground storage only. The height of the proposed building remains largely unchanged and is approximately 11m in height, similar to the adjacent proposed House of Murphy replacement premises which is subject to a separate planning application (ref: LA07/2025/0143/F).

The proposed design is of a contemporary style consisting of grey cladding panels on the roof and a mix of grey cladded panels, grey fair faced blockwork and red brick on the walls to match the adjoining buildings.

The proposed Formula Karting premises will use the existing access off Ballinacraig Way and will provide 41 car parking spaces largely to the front of the building which will be shared with the adjacent House of Murphy premises which is subject to a separate planning application.



Internal Elevation



Proposed CGI Images

Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)

Furthering sustainable development is at the heart of the SPPS and the planning system and means balancing social, economic and environmental objectives, all of which are considerations in the planning for and management of development.

The SPPS policy on retail/sales use is considered further below.

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

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 located within the Settlement Development Limit of Newry (designation NY 01) on unzoned land. Given the Formula Karting premises has been long established on the site and the proposed development is for a replacement building, the principle of the proposed development is considered acceptable and is compatible with the commercial and industrial nature of the surrounding industrial estate.

The agent has confirmed in writing that the use of the premises prior to the fire (Formula Karting) is also the proposed use of the replacement building. As a whole, the proposed building does not fall neatly within any Use Class specified in the Schedule of The Planning (Use Classes) Order (Northern Ireland) 2015 and therefore is termed 'sui generis'. However, given there is a sales and a large storage element to the proposed building, the retained planning policies relating to retail and storage are included below.

Retail – SPPS

The retail/sales element of the proposed premises relates for example to the sale of items associated with indoor go-karting and falls under *Use Class A1: Shops* of The Planning (Use Classes) Order (Northern Ireland) 2015. Paragraph 6.271 of the SPPS states the regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses. Whilst the proposed premises is not located within Newry town/city centre it has nonetheless been long established on the application site and is therefore considered acceptable. Furthermore, the sales/retail use comprises a small element of the overall use of the building (most of the floorspace is for storage purposes) which is considered below.

Storage – SPPS, PPS 4

Policy PED 1 – Economic Development in Settlements

The storage element of the proposed premises falls under *Use Class B4: Storage or Distribution* of The Planning (Use Classes) Order (Northern Ireland) 2015. Policy PED 1 states a development proposals for this Use Class will be permitted in an existing or proposed industrial area where it can be demonstrated that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally.

The proposed development is for a replacement building which is located in an existing industrial estate and is comparable to the scale, nature and form of the surrounding commercial and industrial units. The proposal will replace the Formula Karting premises formerly present on the site and therefore will not lead to a significant reduction in the industrial/employment resource in the local area.

Policy PED 9 – General Criteria for Economic Development Policy

PED 9 requires proposals for economic development use (i.e. storage) to meet all the following criteria:

- (a) it is compatible with surrounding land uses - *the proposal is in-keeping with the adjacent commercial and industrial units in the Greenbank Industrial Estate.*
- (b) it does not harm the amenities of nearby residents – *there are no residential properties in close proximity to the site.*
- (c) it does not adversely affect features of the natural or built heritage – *there are no natural or built heritage features in the vicinity of the site.*
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding – *see policy assessment below – Revised PPS 15.*
- (e) it does not create a noise nuisance – *it is a replacement building. Environmental Health have been consulted and have raised no concerns.*
- (f) it is capable of dealing satisfactorily with any emission or effluent – *the proposal is for reinstatement of the previous Formula Karting premises and will use existing mains connections for water supply, drainage and sewerage.*
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified – *the proposal is a replacement building and will not generate an increase in the*

number of vehicles or persons attending the premises daily. There will be no extra vehicular traffic or impact on the existing road network.

(h) adequate access arrangements, parking and manoeuvring areas are provided – DfI Roads have no objection to use of the existing access and number of proposed car parking spaces.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport - the proposed car parking spaces are largely located at the front of the building therefore providing convenient access for all.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity – the proposed design is in-keeping with the adjacent commercial and industrial units and will provide a betterment to the site which is currently a hardstanding yard following demolition of the previous building on the site.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view – no outside storage areas are proposed and boundary treatment is not necessary for the site.

(l) is designed to deter crime and promote personal safety – the proposed building will be secure and the proposed car parking spaces will be located to the front of the premises in an open area visible by users of the industrial estate.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape - not applicable.

Access and Parking – SPPS, PPS 3, DCAN 15, Parking Standards

Policy AMP 1 – Creating an Accessible Environment, Policy AMP 2 – Access to Public Roads, Policy AMP 7 - Car Parking and Servicing Arrangements

The design and layout of the proposed building provides an accessible environment through the provision of car parking spaces at the front of the building and several pedestrian entrances into the building itself. The premises will make use of the existing vehicular access directly off Ballinacraig Way and given there is no expected increase in the number of vehicles or persons attending the premises, the proposal will not prejudice road safety or inconvenience the flow of traffic in the surrounding area.

41 car parking spaces are proposed on the site (20 spaces previously) and will be shared with the adjacent replacement commercial premises which is subject to a separate planning application (House of Murphy).

DfI Roads were consulted and have no objection to the proposal; Policies AMP 1, AMP 2 and AMP 7 of PPS 3 are therefore satisfied.

Sewerage and Water Supply

The proposal is for reinstatement of the previous Formula Karting premises and will use existing mains connections for water supply, drainage and sewerage.

Flood Risk – SPPS, Revised PPS 15

Policy FLD 1 – Development in Fluvial and Coastal Flood Plains

The application site is located within the 1 in 100-year fluvial flood plain and the 1 in 200 year defended coastal flood plain and Policy FLD 1 states that development will not be permitted in

such areas unless it can be demonstrated that the proposal constitutes an exception to the policy. Through the consultation process the Planning Department confirmed to DfI Rivers that the principle of development is acceptable at this location as it meets exception (c) under Policy FLD 1 – ‘replacement of an existing building’.

A Flood Risk Assessment was submitted with the planning application and in their consultation response dated 5th June 2025, DfI Rivers requested a detailed hydraulic model incorporating mitigation measures demonstrating a zero impact to flood plain displacement and no detrimental impact to adjacent properties or flood plain extents.

The Planning Department have given consideration to DfI Rivers response however given the proposal is for a replacement building and there will be a decrease in the building footprint located in the flood plain (when considering the House of Murphy and Formula Karting replacement buildings together) by approximately 137sqm, we are satisfied that the proposal will not result in any material increase in the flood risk to the development or elsewhere. Para 6.21 of Revised PPS 15 states *a replacement proposal which involves significant intensification of use, for example through increasing the existing footprint or change of use, will be resisted if this would have the effect of introducing more people to a high flood risk area.* Given the proposed replacement buildings together (House of Murphy and Formula Karting) will lead to a reduction in building footprint overall and will not generate more people attending either premises or change their use, the Planning Department are satisfied that the location of the proposed building in the flood plain is acceptable, subject to conditions/informatives detailed at the end of this report.

Policy FLD 3 – Development and Surface Water

A Drainage Assessment was not required under Policy FLD 3 as the proposal did not exceed any of the specified thresholds.

Policy FLD 5 – Development in Proximity to Reservoirs

The Rivers Directorate reservoir inundation maps indicate that the application site is in a potential area of inundation emanating from Camlough Reservoir however given the reservoir has ‘Responsible Reservoir Manager Status’, DfI Rivers offered no objection to the proposal from a reservoir flood risk perspective. Furthermore, the Flood Risk Assessment shows that the developer will put in place Flood Resistance and Flood Resilience measures to protect the building and its occupants should reservoir flooding occur. Policy FLD 5 is therefore satisfied.

Flood Risk in the Climate Change Scenario

A portion of the application site is at risk of potential flooding in the climate change scenario however given the proposal meets the ‘exceptions’ principle contained within Policy FLD 1 and the proposal is for a replacement building, the Planning Department considers the proposed Formula Karting premises to be acceptable at this location.

RECOMMENDATION: Approval subject to conditions

Neighbour Notification Checked	Yes
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Summary of Recommendation

Taking into account that the proposal is for a replacement building and an established use, and given its compliance with planning policy, it is recommended that the application is approved subject to conditions.

Conditions/Reasons for Refusal:

Case Officer Signature: Karen Bronte

Date: 11th June 2025

Appointed Officer Signature: Patricia Manley

Date: 11th June 2025

CONDITIONS

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 001 Rev A bearing the date published 26th March 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.

3. Prior to the commencement of development on the site the applicant shall submit an updated Flood Risk Assessment detailing the final flood control and mitigation measures and safety procedures that will be included in the building design and final construction, for agreement in writing by the Planning Authority in conjunction with DfI Rivers.

Reason: To ensure the flood risks identified are adequately addressed.

4. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

Reason: To ensure human health is protected.

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: Karen Bronte	
Application ID: LA07/2025/0144/F	Target Date:
Proposal: Proposed re-construction of commercial premises following fire damage and subsequent demolition	Location: Unit 4 Greenbank Industrial Estate, Rampart Road, Newry, BT34 2QU (Formula Karting)
Applicant Name and Address: Jim Feehan Unit 4 Greenbank Industrial Estate Newry BT34 2QU	Agent Name and Address: Colin Dalton Gray Design 40-41 The Mall Newry BT34 1AN
Date of last Neighbour Notification:	n/a
Date of Press Advertisement:	26 th February 2025
ES Requested: No	
Consultations: DfI Rivers – replied – 27.03.25, 05.06.25 – requested further information. DfI Roads – replied 08.03.25, 08.04.25 – no objection, conditions recommended. Environmental Health – replied 10.06.25 – no objection, conditions recommended.	
Representations: As required by The Planning (General Development Procedure) Order (Northern Ireland) 2015, the application was advertised in local press on 25 th February and 26 th February 2025. The statutory advertising period expired on 12 th March 2025 and no objections or representations have been received at the time of writing this report.	
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: n/a	

Site Visit Report
Site Location Plan:

Date of Site Visit:
Characteristics of the Site and Area <p>The site is approximately 0.6ha in size and is located within the Settlement Development Limit of Newry in an existing industrial estate. The site is currently a hardstanding yard due to the former unit (Formula Karting) on the site being demolished as a result of fire damage which occurred in 2024. The site is bound by hardstanding and beyond that an electricity substation and Gaelic football grounds and facilities to the north, Ballinacraig Way to the east, a hardstanding area to the south (formerly House of Murphy building) and hardstanding and beyond that playing fields to the west. The topography of the site falls from the south to the north and the site is accessed directly off Ballinacraig Way. The surrounding area is primarily of an industrial nature with recreational facilities (Gaelic and football grounds) also present to the north, west and south.</p>
Description of Proposal <p>Proposed re-construction of commercial premises following fire damage and subsequent demolition.</p>
Planning Assessment of Policy and Other Material Considerations <p><u>PLANNING POLICY AND GUIDANCE</u></p> <ul style="list-style-type: none">• Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)• Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)• PPS 3 - Access, Movement and Parking• PPS 4 – Planning and Economic Development• PPS 15 (Revised) – Planning and Flood Risk

- DCAN 10 (Revised) – Environmental Impact Assessment
- DCAN 15 – Vehicular Access Standards
- Parking Standards

PLANNING HISTORY

Planning

Application Number: LA07/2025/0143/F *Decision:* *Decision Date:*

Proposal: Proposed re-construction of commercial premises following fire damage and subsequent demolition

Application Number: P/1982/0569 *Decision:* Permission Refused *Decision Date:* 05 May 1983

Proposal: PROPOSED CHANGE OF USE FROM FACTORY TO SHOPPING CENTRE AND OFFICES

Application Number: P/1984/0318 *Decision:* Withdrawal *Decision Date:* 25 December 1984

Proposal: SITE FOR CUSTOMS & EXITIAL IMPORT/EXPORT

Application Number: P/1985/0919 *Decision:* Permission Granted *Decision Date:* 07 November 1985

Proposal: CHANGE OF USE FROM TEXTILE FACTORY TO INDUSTRIAL SELF CONTAINED WORK UNI

Application Number: P/1989/1281 *Decision:* Permission Granted *Decision Date:* 03 April 1990

Proposal: Change of use of part of existing factory to showroom and wholesale sales of plumbing equipment

Application Number: P/1991/1050 *Decision:* Permission Granted *Decision Date:* 08 January 1992

Proposal: Change of use from vacant textile mill to indoor go-kart racing facility

EIA DETERMINATION – THE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS (NORTHERN IRELAND) 2017

The proposal falls within the scope of Schedule 2 (Category 10(a) – industrial estate development projects, where the area of development exceeds 0.5 hectare) of the above Regulations and as such, the Council is obliged to complete an EIA screening. Following completion of an EIA screening, the Council determined on 11th June 2025 that the proposal would not result in any significant environmental impacts and as such, an Environmental Statement was not required.

SUPPORTING DOCUMENTS AND DRAWINGS

The following submitted information (as amended) has been considered within this assessment:

Reports/Technical Assessments:

Flood Risk Assessment, dated 02.05.25

Drawings:

Existing Site Plan & Site Location Map (dwg no: 001)

Existing Plans (now demolished) (dwg no: 002)

Proposed Site Plan (dwg no: 003)
 Proposed Floor Plans (dwg no: 004)
 Proposed Elevations (dwg no: 005)
 Proposed CGI Images (dwg no: 006)
 Proposed Site Plan (dwg no: 003 Rev A)
 Existing Site Plan & Site Location Map (dwg no: 001 Rev A)

EVALUATION

Summary of the Proposal

The application is for the re-construction of the Formula Karting unit following its fire damage in 2024 and subsequent demolition. The proposed premises consists of 4778sqm of gross floorspace which is made up of 1354sqm of sales and 3424sqm of storage floorspace. The proposed building is sub-divided into six units which can be accessed via separate doors. Units B1 to B3 at the front of the building comprise ground sales and storage areas with each unit also including a mezzanine floor to be used for storage. Units B4 to B6 to the rear of the building comprise ground storage only. The height of the proposed building remains largely unchanged and is approximately 11m in height, similar to the adjacent proposed House of Murphy replacement premises which is subject to a separate planning application (ref: LA07/2025/0143/F).

The proposed design is of a contemporary style consisting of grey cladding panels on the roof and a mix of grey cladded panels, grey fair faced blockwork and red brick on the walls to match the adjoining buildings.

The proposed Formula Karting premises will use the existing access off Ballinacraig Way and will provide 41 car parking spaces largely to the front of the building which will be shared with the adjacent House of Murphy premises which is subject to a separate planning application.



Internal Elevation



Proposed CGI Images

Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS)

Furthering sustainable development is at the heart of the SPPS and the planning system and means balancing social, economic and environmental objectives, all of which are considerations in the planning for and management of development.

The SPPS policy on retail/sales use is considered further below.

Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)

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 located within the Settlement Development Limit of Newry (designation NY 01) on unzoned land. Given the Formula Karting premises has been long established on the site and the proposed development is for a replacement building, the principle of the proposed development is considered acceptable and is compatible with the commercial and industrial nature of the surrounding industrial estate.

The agent has confirmed in writing that the use of the premises prior to the fire (Formula Karting) is also the proposed use of the replacement building. As a whole, the proposed building does not fall neatly within any Use Class specified in the Schedule of The Planning (Use Classes) Order (Northern Ireland) 2015 and therefore is termed 'sui generis'. However, given there is a sales and a large storage element to the proposed building, the retained planning policies relating to retail and storage are included below.

Retail – SPPS

The retail/sales element of the proposed premises relates for example to the sale of items associated with indoor go-karting and falls under *Use Class A1: Shops* of The Planning (Use Classes) Order (Northern Ireland) 2015. Paragraph 6.271 of the SPPS states the regional strategic objectives for town centres and retailing are to secure a town centres first approach for the location of future retailing and other main town centre uses. Whilst the proposed premises is not located within Newry town/city centre it has nonetheless been long established on the application site and is therefore considered acceptable. Furthermore, the sales/retail use comprises a small element of the overall use of the building (most of the floorspace is for storage purposes) which is considered below.

Storage – SPPS, PPS 4

Policy PED 1 – Economic Development in Settlements

The storage element of the proposed premises falls under *Use Class B4: Storage or Distribution* of The Planning (Use Classes) Order (Northern Ireland) 2015. Policy PED 1 states a development proposals for this Use Class will be permitted in an existing or proposed industrial area where it can be demonstrated that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally.

The proposed development is for a replacement building which is located in an existing industrial estate and is comparable to the scale, nature and form of the surrounding commercial and industrial units. The proposal will replace the Formula Karting premises formerly present on the site and therefore will not lead to a significant reduction in the industrial/employment resource in the local area.

Policy PED 9 – General Criteria for Economic Development Policy

PED 9 requires proposals for economic development use (i.e. storage) to meet all the following criteria:

- (a) it is compatible with surrounding land uses - *the proposal is in-keeping with the adjacent commercial and industrial units in the Greenbank Industrial Estate.*
- (b) it does not harm the amenities of nearby residents – *there are no residential properties in close proximity to the site.*
- (c) it does not adversely affect features of the natural or built heritage – *there are no natural or built heritage features in the vicinity of the site.*
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding – *see policy assessment below – Revised PPS 15.*
- (e) it does not create a noise nuisance – *it is a replacement building. Environmental Health have been consulted and have raised no concerns.*
- (f) it is capable of dealing satisfactorily with any emission or effluent – *the proposal is for reinstatement of the previous Formula Karting premises and will use existing mains connections for water supply, drainage and sewerage.*
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified – *the proposal is a replacement building and will not generate an increase in the*

number of vehicles or persons attending the premises daily. There will be no extra vehicular traffic or impact on the existing road network.

(h) adequate access arrangements, parking and manoeuvring areas are provided – DfI Roads have no objection to use of the existing access and number of proposed car parking spaces.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport - the proposed car parking spaces are largely located at the front of the building therefore providing convenient access for all.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity – the proposed design is in-keeping with the adjacent commercial and industrial units and will provide a betterment to the site which is currently a hardstanding yard following demolition of the previous building on the site.

(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view – no outside storage areas are proposed and boundary treatment is not necessary for the site.

(l) is designed to deter crime and promote personal safety – the proposed building will be secure and the proposed car parking spaces will be located to the front of the premises in an open area visible by users of the industrial estate.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape - not applicable.

Access and Parking – SPPS, PPS 3, DCAN 15, Parking Standards

Policy AMP 1 – Creating an Accessible Environment, Policy AMP 2 – Access to Public Roads, Policy AMP 7 - Car Parking and Servicing Arrangements

The design and layout of the proposed building provides an accessible environment through the provision of car parking spaces at the front of the building and several pedestrian entrances into the building itself. The premises will make use of the existing vehicular access directly off Ballinacraig Way and given there is no expected increase in the number of vehicles or persons attending the premises, the proposal will not prejudice road safety or inconvenience the flow of traffic in the surrounding area.

41 car parking spaces are proposed on the site (20 spaces previously) and will be shared with the adjacent replacement commercial premises which is subject to a separate planning application (House of Murphy).

DfI Roads were consulted and have no objection to the proposal; Policies AMP 1, AMP 2 and AMP 7 of PPS 3 are therefore satisfied.

Sewerage and Water Supply

The proposal is for reinstatement of the previous Formula Karting premises and will use existing mains connections for water supply, drainage and sewerage.

Flood Risk – SPPS, Revised PPS 15

Policy FLD 1 – Development in Fluvial and Coastal Flood Plains

The application site is located within the 1 in 100-year fluvial flood plain and the 1 in 200 year defended coastal flood plain and Policy FLD 1 states that development will not be permitted in

such areas unless it can be demonstrated that the proposal constitutes an exception to the policy. Through the consultation process the Planning Department confirmed to DfI Rivers that the principle of development is acceptable at this location as it meets exception (c) under Policy FLD 1 – ‘replacement of an existing building’.

A Flood Risk Assessment was submitted with the planning application and in their consultation response dated 5th June 2025, DfI Rivers requested a detailed hydraulic model incorporating mitigation measures demonstrating a zero impact to flood plain displacement and no detrimental impact to adjacent properties or flood plain extents.

The Planning Department have given consideration to DfI Rivers response however given the proposal is for a replacement building and there will be a decrease in the building footprint located in the flood plain (when considering the House of Murphy and Formula Karting replacement buildings together) by approximately 137sqm, we are satisfied that the proposal will not result in any material increase in the flood risk to the development or elsewhere. Para 6.21 of Revised PPS 15 states *a replacement proposal which involves significant intensification of use, for example through increasing the existing footprint or change of use, will be resisted if this would have the effect of introducing more people to a high flood risk area.* Given the proposed replacement buildings together (House of Murphy and Formula Karting) will lead to a reduction in building footprint overall and will not generate more people attending either premises or change their use, the Planning Department are satisfied that the location of the proposed building in the flood plain is acceptable, subject to conditions/informatives detailed at the end of this report.

Policy FLD 3 – Development and Surface Water

A Drainage Assessment was not required under Policy FLD 3 as the proposal did not exceed any of the specified thresholds.

Policy FLD 5 – Development in Proximity to Reservoirs

The Rivers Directorate reservoir inundation maps indicate that the application site is in a potential area of inundation emanating from Camlough Reservoir however given the reservoir has ‘Responsible Reservoir Manager Status’, DfI Rivers offered no objection to the proposal from a reservoir flood risk perspective. Furthermore, the Flood Risk Assessment shows that the developer will put in place Flood Resistance and Flood Resilience measures to protect the building and its occupants should reservoir flooding occur. Policy FLD 5 is therefore satisfied.

Flood Risk in the Climate Change Scenario

A portion of the application site is at risk of potential flooding in the climate change scenario however given the proposal meets the ‘exceptions’ principle contained within Policy FLD 1 and the proposal is for a replacement building, the Planning Department considers the proposed Formula Karting premises to be acceptable at this location.

RECOMMENDATION: Approval subject to conditions

Neighbour Notification Checked	Yes
Summary of Recommendation	

Taking into account that the proposal is for a replacement building and an established use, and given its compliance with planning policy, it is recommended that the application is approved subject to conditions.

Conditions/Reasons for Refusal:

Case Officer Signature: Karen Bronte

Date: 11th June 2025

Appointed Officer Signature: Patricia Manley

Date: 11th June 2025

CONDITIONS

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 001 Rev A bearing the date published 26th March 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.

3. Prior to the commencement of development on the site the applicant shall submit an updated Flood Risk Assessment detailing the final flood control and mitigation measures and safety procedures that will be included in the building design and final construction, for agreement in writing by the Planning Authority in conjunction with DfI Rivers.

Reason: To ensure the flood risks identified are adequately addressed.

4. Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on site should immediately cease. The Environmental Health Department should be informed and a full written risk assessment in line with the current government guidance that details the nature of the risks and necessary mitigation measures should be prepared and submitted for appraisal.

Reason: To ensure human health is protected.

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____



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

Application Reference: LA07/2024/0869/F

Date Received: 19.06.2024

Proposal: Erection of new sports hub and retention of existing single storey pavilion for ancillary storage. Sports Hub previously approved under LA07/2015/0510/F) (amended description)

Location: Donard Park, Newcastle, Co. Down, BT30 6SR.

1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1 The application site is located within the settlement development limits of Newcastle close to the coast and comprises of lands within Donard Park; encompassing part of an existing playing pitch and an associated pavilion building. The character of the area is mixed; set within the context of the established wider park, there is also residential development to the NE, NW and SE, commercial properties to the east and assisted living accommodation to the south.
- 1.2 The urban site in its entirety is zoned as 'Existing Amenity Open Space and Recreation' and is located within an Area of Outstanding Natural Beauty (AONB2 Mourne and Slieve Croob.) Part of the site (the entrance point) is also located within an Area of Townscape Character (NE18) and part of the site to the south which encompasses the Glen River is located within a Local Landscape Policy Area (LLPA6 - Donard Park, Donard Lodge and associated planting and Glen River Corridor.) This river flows into the nearby coast to the east.



2.0 PLANNING HISTORY:

Previous site history

- **LA07/2015/0510/F:** Erection of new 2-storey sports hub & demolition of existing single storey pavilion, Permission Granted 28.04.2017
- **R/2006/1100/F:** Proposed new two storey sports pavilion including demolition of existing single storey pavilion and creation of new vehicular service access route, **Permission granted 06.02.2007**

Relevant history surrounding site

- **LA07/2024/0824/F:** Upgrade of existing sports pitch facility to provide covered seating (for 200 spectators), sheltered dug outs, new perimeter and ball stop fencing, replacement floodlighting, cycle parking, new pitch drainage system and realigned path from existing pavilion to the pitch. Proposal includes all associated site works, **Approved Associated PAN LA07/2024/0089/PAN**
- **LA07/2022/1327/DC:** Discharge of condition 5 of planning approval LA07/2020/1689/F, **Approved 15.11.2022**
- **LA07/2022/0866/DC:** Discharge of condition 4 of Planning approval LA07/2020/1689/F, **Approved 11.11.2022**
- **LA07/2022/0857/DC:** Discharge of condition 3 of planning approval LA07/2020/1689/F, **Approved 27.07.2022**

- **LA07/2022/0856/DC:** Discharge of condition 10 of Planning approval LA07/2020/1689/F, **Approved 08.09.2022**
- **LA07/2022/1840/F:** Erection of 2no anti vandal units for ancillary storage/office/welfare use, **Permission Granted 13.03.2023**
- **LA07/2020/1689/F:** Overflow asphalt car park (163 car parking space & 13 disabled car parking spaces) accessed via existing Donard Park, car park, erection of 6m high ball stop & 1.8 paladin fence, new footpaths and associated lighting, landscaping and drainage, **Permission Granted 06.04.2022**
- **R/2010/0488/F:** Provision of reinforced grass to existing area of open space, orientation points, entrance feature and interpretation boards, **Permission Granted 31.05.2011**
- **R/2009/0056/F:** Proposed new two storey sports pavilion including demolition of existing single storey pavilion and creation of new vehicular service access route, **application withdrawn 05.11.2009**
- **R/2007/0936/TPO:** TPO Request, **TPO CONFIRMED 08.05.2008.**
- **R/2004/0387/F:** Upgrade existing gravel pitch to synthetic turf playing pitch, new six lane running track & flood lighting, **permission granted 15.11.2004**
- **R/2002/0403/F:** Re-levelling and upgrading existing grass playing pitch, **permission granted 24.05.2002**
- **R/1998/0591:** 3 Sided tourist information case, **permission granted 29.09.1998**
- **R/1997/0274:** Public Toilet provision, **permission granted 21.05.1997**
- **R/1996/0992:** Replacement toilet block, **permission granted 20.03.1997**
- **R/1993/0961:** New floodlighting to playing fields, **Permission Granted 23.12.1993**
- **R/1992/0171:** Change of use of park land to form rally-kart circuit, **Permission Refused**
- **R/1987/0792:** Public Toilets, Donard Park Carpark – Hoarding

- **R/1974/0452:** New Access to Donard Park

2.18 In terms of surrounding planning records, the following may be relevant considerations within this assessment on lands directly adjacent and north of the application site (site of former St Mary's Primary School):

- **LA07/2023/1926/F:** Vary Conditions 2 (Approved Plans) 3 (Access), 5 (Road Works) & 10 (Service Management Plan) of planning approval, **Permission Granted 23.05.2024**
- **LA07/2021/0786/RM:** Demolition of former school building, erection of food store and mountain rescue centre, provision of car parking and associated site works, **Permission Granted 06.12.2021**

3.0 PLANNING POLICIES & MATERIAL CONSIDERATIONS:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Ards and Down Area Plan 2015 (ADAP)
- A Planning Strategy for Rural Northern Ireland (PSRNI)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS6 – Planning Archaeology and the Built Heritage
- PPS6 Addendum – Areas of Townscape Character
- PPS8 – Open Space, Sport and Outdoor Recreation
- PPS13 – Planning and Transportation
- PPS15 (Revised) – Planning and Flood Risk
- DCAN10 – Environmental Impact Assessment
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards
- 'Creating Places' & 'Living Places' Design Guides

4.0 CONSULTATIONS:

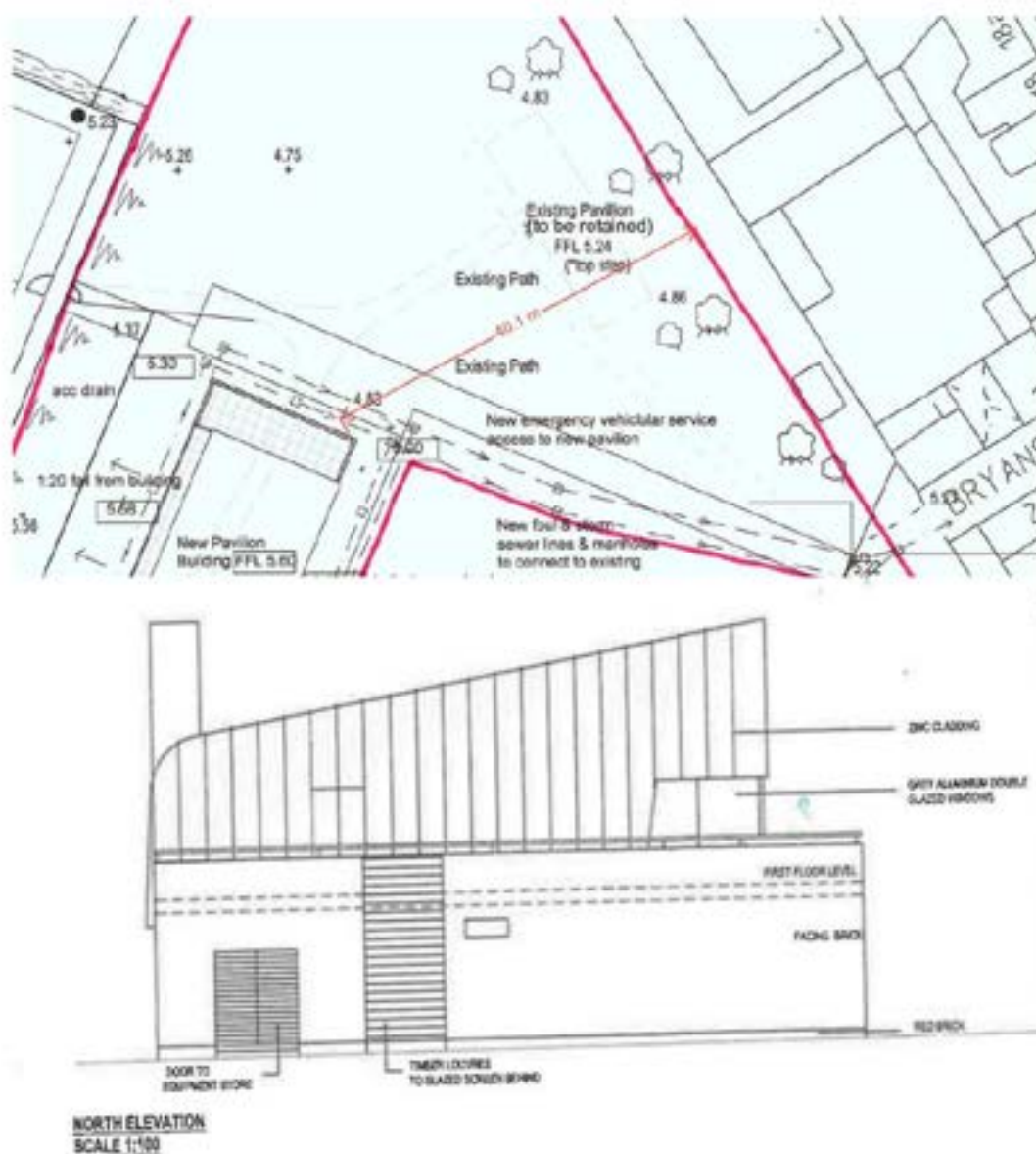
- 4.1 **Shared Environmental Services (SES)-** Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site.
- 4.2 **NI Water** – Approved with Standard Planning Conditions and response specific conditions.
- 4.3 **NI Electricity** – No objections.
- 4.4 **NMDDC Environmental Health-** No Environmental Health objections subject, 1 to connection to main sewer with NI Water approval.

2 to any floodlighting should being installed not to cause disturbance to neighbouring residents.

- 4.5 **DfC Historic Environment Division** – Historic Monuments are content that the proposal is satisfactory to SPPS and PPS6 policy requirements.
- 4.6 **DfI Roads**- No objections
- 4.7 **DfI Rivers Agency** – see detailed response below
- 4.8 **DAERA Natural Environment Division** – building to now be retained no NED concerns.
- 4.9 **DAERA Water Management Unit**- If NIW advise the Planning Case Officer that they are content that the WWTW and associated sewer network for this development can take the additional load, with no adverse effect on the WWTW and sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal.

5.0 **OBJECTIONS & REPRESENTATIONS:**

- 5.1 The application was advertised initially in the Mourne Observer on 28.08.24, with the statutory advertising period expiring on 11.09.2024; Re-advertisement on 7.05.25 with the statutory advertising period expiring on 21.05.25.
- 5.2 34 neighbouring properties were notified of the application by letter on 22.11.2024 and again on the 07.05.25 with the statutory notification period expiring on 21.05.25;
- 5.3 6 third party emails were lodged. 4 objections and 2 in support.
- 5.4 Issues of concern:
 - Amenity issues- loss of privacy and noise/lighting impacts- To the side gable (north gable shown below) there is to be one ground floor bathroom window and 2 ground floor door openings. The first-floor elevation contains a kitchen window and corner window serving a multi-purpose room. This elevation at its closest point is sited over 40metres away from the rear boundary of Roslyn Place (dimensions shown below). There is no floodlighting proposed. External lights to the building will have no greater impact than that caused by the existing development surrounding the neighbouring residential properties.
Having considered all the above, the Planning Department do not consider any unreasonable impacts to the residential amenity of the neighbouring properties will occur as a result of this development. It must be noted that the Planning Department have consulted with the Councils Environmental Health Department and they have raised no concerns with the proposed development.



- Procedural matters surrounding NN procedure- appears to have been a delay in receiving the initial nn letter. Due to a change in the proposal description re-advertising and re-nn was issued and expired 21.5.25. No further issues raised. The Planning Department is satisfied that the statutory processes have taken place, and no prejudice has been caused.
- NIW recommendation to refuse- further to reconsultation on the proposed development NIW have recommended approval subject to planning conditions.
- Lack of landscaping proposed- the layout does not indicate any hard or soft landscaping to the site boundaries. The proposal is to sit within the existing park grounds an area of open space. To proposed boundaries would detract from the openness of the development to the surrounding open space. There are a number of existing mature trees within the application site which will be conditioned to be retained.

- Potential to host occasional licence functions- this issue is outside the remit of the Planning Department.
- Ex pavilion to be retained is currently not being maintained and detracting from the AONB- the maintenance of the building to be retained and its surroundings is outside the remit of the Planning Department.

6.0 CONSIDERATION AND ASSESSMENT:

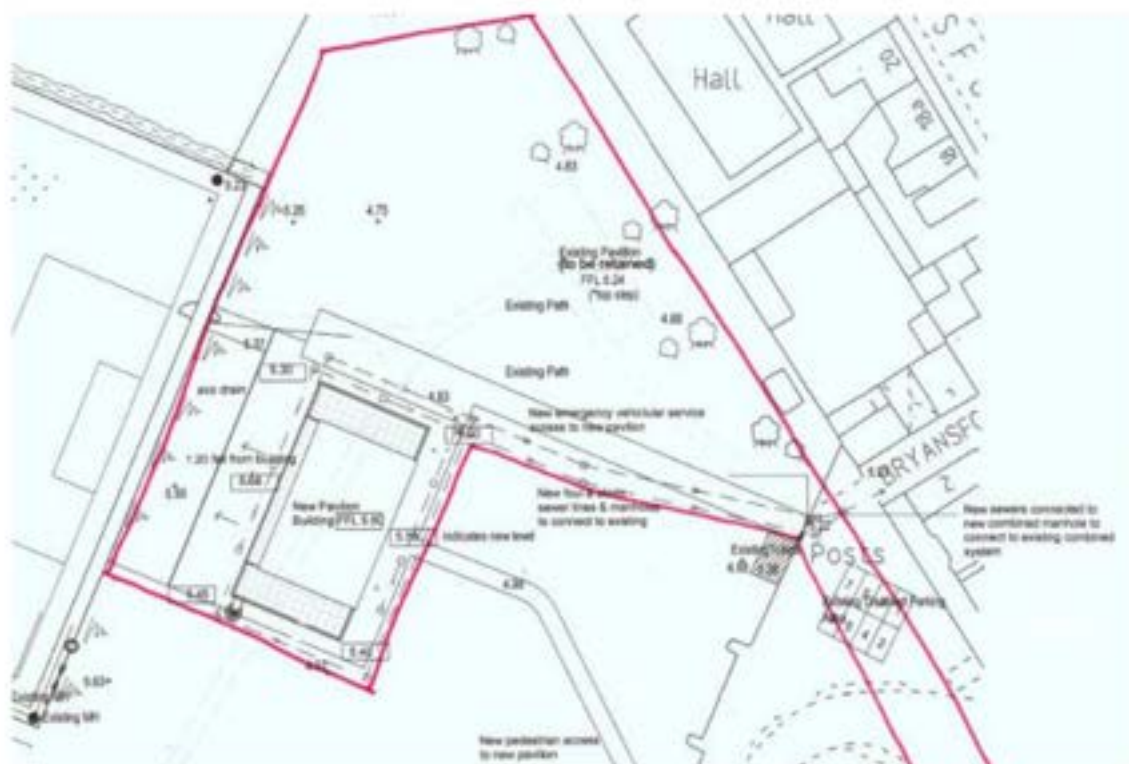
6.1 Proposal Summary:

The proposal relates to the erection of a new sports hub and the retention of the existing sports pavilion. Having reviewed the site history the proposed scheme as submitted was previously granted approval under both the following applications:

- **R/2006/1100/F:** Proposed new two storey sports pavilion including demolition of existing single storey pavilion and creation of new vehicular service access route, Permission granted 06.02.2007
- **LA07/2015/0510/F:** Erection of new 2-storey sports hub & demolition of existing single storey pavilion, Permission Granted 28.04.2017

As no works commenced on either application, given the passage of time both applications have subsequently expired.

6.2 A copy of the proposed layout is included below:



6.3 RDS 2035:

THE RDS seeks to promote development which improves the health and wellbeing of communities. Strategic Planning Guideline ENV 6 of the RDS aims to create healthier living environments and to support healthy lifestyles. A particular aspect of this policy is to encourage the protection and enhancement of open spaces and playing facilities for the long term benefit of the whole community and to recognise the value to health and well-being of greenery, including community greenways, woodlands and landscape. The proposal is considered to be aligned with these objectives of the RDS in providing betterment (and enhanced access to) established community sporting and recreational facilities within Donard Park.

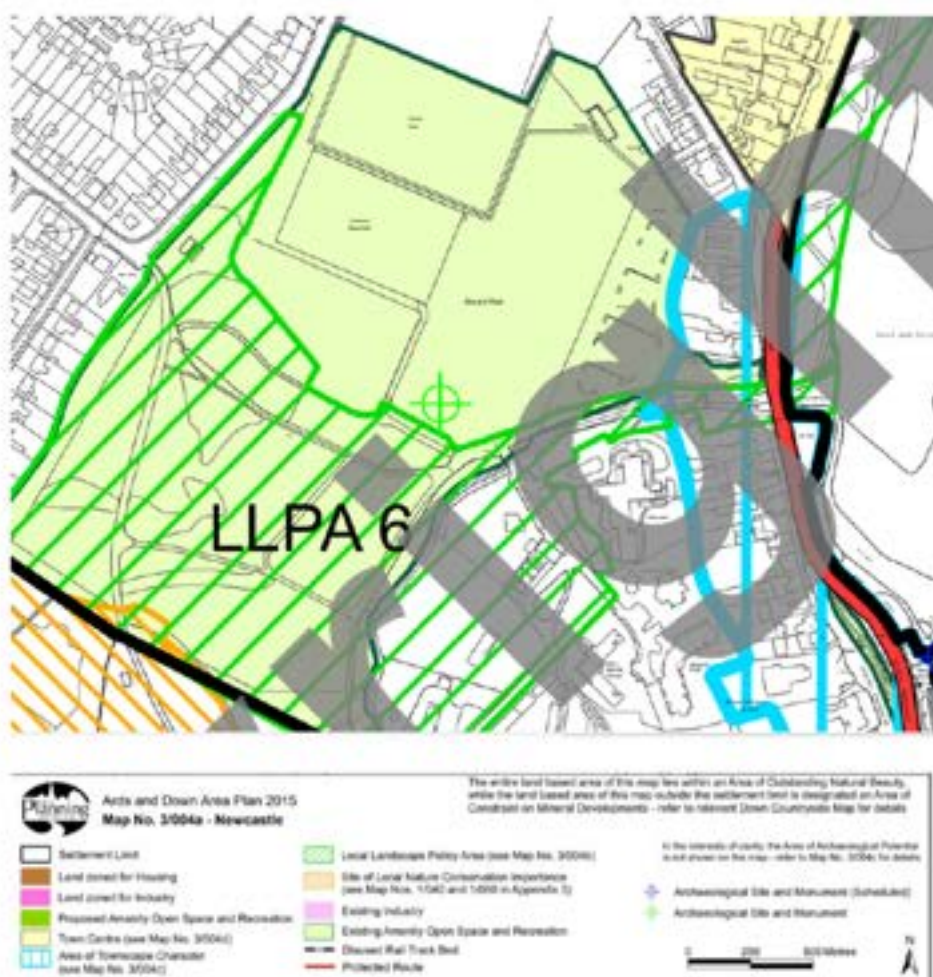
6.4 SPPS:

The SPPS is a material consideration in the assessment of all planning applications and sets out the core planning principles to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making, while preserving the natural environment. As there is no significant change to the policy requirement for community facilities following the publication of the SPPS, the provisions of the Area Plan (BNAMP 2015) and PPS8 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS, together with the retained policies listed above.

6.5 Ards and Down Area Plan 2015 (ADAP 2015):

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the Local Development Plan (LDP,) so far as material to the application, and to any other material considerations.

6.6 ADAP 2015 operates as the current LDP plan for this site and identifies the site as being located within the settlement development limits of Newcastle (NE01,) whilst it is zoned as an area of 'Existing Amenity Open Space and Recreation' (NE20.) In addition, part of the access to the site is located within an Area of Townscape Character (NE18 - The Harbour, The Rock & King Street) and there is a Local Landscape Policy Area identified adjacent and west / south of the site (NE17- LLPA 6: Donard Park, Donard Lodge and associated planting and Glen River corridor.) An extract from Map 3/004a Newcastle is included below:



- 6.7 Policy SETT1 (Vol. 1) and designation NE01 (Vol. 3) Settlement Limits:** Under Policy SETT1, favourable consideration will be given to development proposals within settlement limits including zoned sites provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; and is in accordance with the requirements and guidance contained in Volumes 2 and 3 of the Plan. The proposed development beside the existing playing fields would not compromise the intentions of NE01 settlement limits in principle.
- 6.8 Designation NE 20 (Vol. 3) Existing Amenity Open Space and Recreation):** Donard Park Playing fields is identified as 'Active Open Space' and Donard Park is identified as 'recreation area' under this designation, which is designated in accordance with PPS8: Open Space, Sport and Outdoor Recreation. **The proposal complies with the provisions of PPS8 (as assessed below and in this regard, raises no concerns in relation to plan designation NE20.**
- 6.9 Designation NE18 (Vol. 3) Area of Townscape Character:** The entrance point to Donard Park off Central Promenade falls within this designation. The proposal does not include any alterations in this area of the site, with its inclusion within the site boundary to demonstrate access off the public road. **The proposal would not raise any concerns in relation to the ATC designation or requirements of PPS6 Addendum given this.**

6.10 Policy CON2 (Vol. 1) and designation NE17 (Vol. 3) Local Landscape Policy Areas: Under Policy CON, planning permission will be refused for development proposals which are liable to adversely affect the environmental quality, integrity or character of these areas. Vol 3 of the Plan identifies the features or combination of features that contribute to the environmental quality, integrity or character of this LLPA as:

- important tree groups within surviving area of planned landscape associated with Donard Lodge forms a buffer between heavily wooded mountain slopes and the town;
- river corridor with mature trees along river and within Donard Park are important in visual amenity terms; and;
- green area of local amenity importance within easy reach of the town centre is a popular recreation and tourist attraction

6.11 Subject to HRA legislative requirements and PPS2 policy requirements being met in relation to the protection of the Glen River Corridor from pollutants arising from the proposed development (including during construction and the operational lifetime,) the proposal would not compromise the integrity of this LLPA. Further consideration of this is included within PPS2 assessment below.

6.12 In summary, subject to meeting PPS2 and HRA requirements, the proposal is acceptable to the requirements of The ADAP 2015, including designations NE01, NE17, NE18, NE20 (Volume 3) and policies SETT1 and CON2 (Volume 1.)

6.13 A Planning Strategy for Rural Northern Ireland (PSRNI)

Policies REC1 (Recreational Open Space and Amenity Land), DES2 (townscape) and SP18 (Design in towns and villages) of the PSRNI are relevant to this assessment. Policy REC1 directs that consideration of proposals for the development of open space for other purposes will take into account the long term impact of the loss of such space. For reasons outlined in the detailed PPS8 assessment below, the Planning Authority considers that the proposal is acceptable.

Policy SP18 seeks to promote high standards of siting and design within towns and villages whilst Policy DES2 requires development proposal in towns to make a positive contribution to the townscape and be sensitive to the character of the areas surrounding the site in terms of design, scale and use of materials. The proposed design and detailing will not offend the surrounding context . **On the basis of information provided, the proposal does not raise any concerns in relation to Policies REC1, DES2 or SP18 of the PSRNI.**

6.14 Habitats Regulations Assessment (Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015,)

As part of this planning assessment, a HRA screening was also completed on 22/11/24, which identifies that the application site is directly hydrologically linked to Murlough SAC via Glen River. The application was referred to Shared Environmental Services (SES) for further advice.

6.15 SES: Due to the significant land buffer between the proposed development and Murlough SAC (130m approx.), the lack of open watercourse(s) in proximity to

the site, the existing land uses and the effects of dilution/dispersal, there is no viable environmental pathway for conceivable effects to the qualifying features of any European designated site from the proposal.

6.16 SPPS and PPS8

PPS8 Policy OS1 (Protection of Open Space): Under this policy, development that would result in the loss of existing open space or land zoned for the provision of open space will not be permitted, with a presumption against the loss of existing open space irrespective of its physical condition and appearance. Policy OS1 details where exceptions to this may be permitted. The proposed development of the sports hub will result in a small loss of existing open space however the proposed development will provide community benefits. There will be no significant detrimental impact on the amenity, character or biodiversity of the area. The proposal is considered compliant with the exceptions outlined within this policy.

6.17 Policy OS4 (Intensive Sports Facilities): Given the scale and nature of proposal, it would be considered as an 'intensive sports facility' as defined under OS4. Under this policy, such proposal should be located within settlements, as the proposal is. In addition, proposals should meet all of the following criteria:

6.18 ***There is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;*** Potential amenity issues discussed within para.5.4. The position of the new sports hub is sited over 40metres from the rear of the boundary with the residents of Roslyn Place. The development is sited within an existing area of open space and recreation. Environmental Health have raised no concerns to the proposed development.

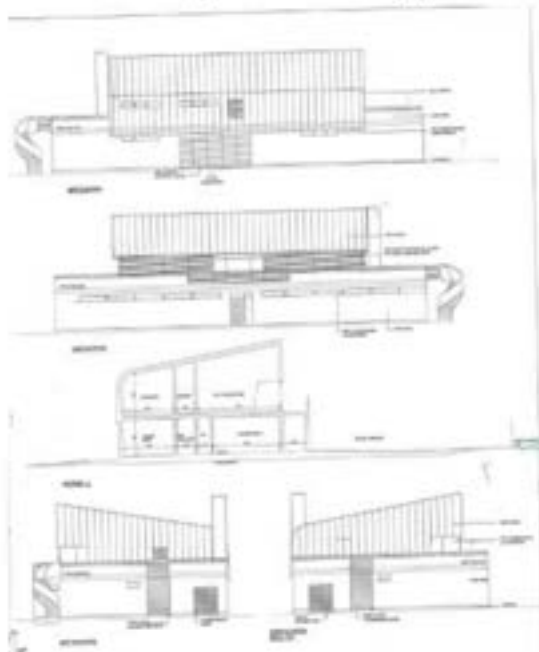


6.19 ***there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;*** HED's Historic Monuments Division is content that the proposal meets the SPPS and PPS6 archaeological requirements.

On the basis of HED's advice, the proposal is considered acceptable to this criterion in addition to PPS6 requirements policies BH1-BH4.

6.20 ***buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape***

treatment; The proposal has been designed to be in keeping with other sports hubs. The overall scale, detailing and finishes are considered appropriate to the site and the surrounding context. The site is within an existing area of open space in which its boundaries are defined by existing development or mature natural screening. This will assist in the visual integration of the proposed development. Existing natural landscaping shall be conditioned to be retained.



- 6.21 the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport; and**

The proposed development layout includes ramped access throughout and the provision of a lift to the first floor internally.

- 6.22** The proposed development is located towards the centre of Newcastle Town. The area has existing pedestrian walkways throughout and benefits from existing dropped kerbs, and tactile paving on access to the site. A controlled pedestrian crossing is also located approximately 50m from the car park access and is accompanied by a splitter island, connecting the site on Bryansford Road to Central Promenade. Furthermore, the proposed layout incorporates a new emergency service access from Donard Park car park direct to the pavilion.

- 6.23 the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.**

There are no proposed changes to the access point to the site (and Donard Park) off Central Promenade. In relation to carparking, the application form notes that there is to be 1 additional staff vehicle, 5 visitor vehicles and 1 goods vehicle as a result of this development is expected. In line with the Departments (DOE) published Parking Standards the layout should provide for 1 space per 3 staff and 1 space per 5 spectators. This would equate to a minimum requirement of 3 car parking spaces. The proposed layout does not provide for any additional car parking associated with this development. It is considered by the Planning Department that the existing provision at Donard alongside the

proposed location within the town centre that the need for an additional 3 spaces is not critical.

DfI Roads having been consulted on the proposal advise there are no objections in principle. On the basis of details provided, the proposal is considered acceptable to this criteria, in addition to PPS3 and PPS13 policy DCAN15 and DOE Parking Standards.

6.24 SPPS and PPS2 (Policies NH1, NH2, NH5, NH6):

PPS2 Policy NH1 (European and Ramsar Sites International): As noted through the HRA screening, the site is directly hydrologically linked to Murlough SAC. The development works have the potential to impact on the adjacent watercourse by way of pollutants entering the river corridor.

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 which is the competent authority responsible for authorising the project.

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

6.25 PPS2 Policy NH2 (Species Protected by Law) and Policy NH5 (Habitats, Species, or features of Natural Heritage Importance): As noted, the application has been accompanied with a Biodiversity Checklist.

NED had requested a Bat Roost Potential (BRP) Survey to be completed on the existing building to be demolished. The applicant amended the proposal to include the retention of this building. Therefore, the need to provide a BRP is not considered necessary.

6.26 The proposal is considered acceptable to PPS2 policies NH2 and NH5.

6.27 PPS2 Policy NH6 (Areas of Outstanding Natural Beauty): Overall, whilst the proposal will alter the visual appearance of the landscape this is not considered to be a significant effect on the character of the AONB, in the context of the established urban park and existing facilities and landscape backdrop, which is to be retained. **On the basis of details submitted, the proposal is considered acceptable to the requirements of criteria a-c of Policy NH6.**

6.28 SPPS and PPS15 (Revised) – Flooding / Drainage:

FLD1 - Development in Fluvial and Coastal Flood Plains – Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or the 1 in 200 year coastal flood plain.

Flood Risk in the Climate Change Scenarios

FLD1 - Development in Fluvial and Coastal Flood Plains – Flood Maps (NI) indicates that the development does not lie within the 1 in 100 year fluvial or the 1 in 200 year coastal flood plain.

Rivers Agency have advised in relation to climate change and predicted flood risk that the vast majority of the site lies within the 1 in 100 year climate change fluvial flood plain.

The existing and proposed development are already located within an area of flood risk with the current uses long established at this location and will be continued as such. Although there is a potential future risk, the Planning Department would remain of the opinion that proposals would continue to meet exemption principles as set out within policy and for this reason would still be in compliance with FLD1 of PPS15.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record. Therefore, this policy does not apply.

FLD3 - Development and Surface Water – Flood Maps (NI) indicates that the majority of the site lies within an area of predicted pluvial flooding.

A Drainage Assessment is required by Policy FLD 3 where a development proposal exceeds any of the following thresholds:

1. Residential development comprising of 10 or more dwelling units.
2. A development site in excess of 1 hectare.
3. New buildings and/or hardsurfacing exceeding 1000m².

This site does not exceed the above thresholds; therefore a Drainage Assessment is not required.

Although a DA is not required the developer should still be 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.

FLD4 - Artificial Modification of Watercourses – Not applicable to this site based on the information provided.

FLD5 - Development in Proximity to Reservoirs – Not applicable to this site.

6.29 **Sewerage, Utilities and Servicing considerations:**

The proposal is to connect to the mains foul sewer. NIW confirm that there is a foul sewer is within 20m and there is capacity at the receiving WWTW.

There is no public surface water sewer within 20m of the proposed development boundary however access is available via extension of the existing public surface water network, or via direct discharge to a designated watercourse, at an agreed discharge rate.

NIW confirm that there is a public water main within 20m of the proposed development boundary which can adequately service this proposal. An application to NI Water is required to obtain approval to connect.

- 6.30 NIE Networks has no objection to make to the planning application based on the application, however NIE note an existing distribution substation within the site boundary. This substation is held on lease agreement dated 07/12/1981. NIE Networks have no objection on the basis the condition that the terms laid out in the Lease are adhered to. NIE further note the existing High Voltage (HV) overhead and underground equipment bordering the area for development. NIE advise the applicant to apply for a mark up to determine the exact location of this equipment prior to construction commencing and provide the applicant with the following HSE guidance notes which should be considered.

Further details will be provided in relation to these matters by way of informatives in the decision notice.

- 7.0 RECOMMENDATION:** Approval, subject to the following conditions being met:

8.0 DRAFT PLANNING CONDITIONS:

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

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

2. The development hereby approved shall not commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) 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.

3. 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 1, have been fully constructed and implemented by the developer (and the relevant authority). 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.

4. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

Case Officer: **Joanne McVeigh**

Authorised Officer: **Patricia Manley**

Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2024/0534/F	Target Date:
Proposal: Change of use from Hairdresser to Dental Surgery with Extension to rear & Minor Alterations to Front Elevation	Location: 12 Bridge Street, Newry, BT35 8AE
Applicant Name and Address: Eamon O'Reilly 33 Crewmore Road Poyntzpass Newry BT35 6RJ	Agent Name and Address: Ian Foster 6 Lurgan Road Banbridge BT32 4LU
Date of last Neighbour Notification:	2 January 2025
Date of Press Advertisement:	29 May 2024
ES Requested: No	
Representations: No objections or representations have been received for this application.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The application shall be considered against all relevant planning policy and any material considerations.	

Site Visit Report
Date of Site Visit: 19th February 2025
<p>Characteristics of the Site and Area</p> <p>The application site is located within the Newry City Centre as defined within the Banbridge / Newry and Mourne Area Plan 2015; the site is located within a designated Area of Townscape Character (ATC) NY 110 Bridge Street.</p> <p>The site at present contains a two and a half storey quite traditional mid terrace building which is currently used as a hairdressers / beauty salon. The site includes a small rear yard, the building has an existing two-storey rear return. The site is located on the busy Bridge Street and positioned between the Quays and Buttercrane Shopping Centres.</p> <p>This area of Bridge Street is a mixture of residential and business uses, the buildings along this section of Bridge Street have on street parking at present.</p>
<p>Description of Proposal</p> <p>Change of use from Hairdresser to Dental Surgery with Extension to rear & Minor Alterations to Front Elevation</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The following policies will form the basis of the policy consideration for this application;</p> <ul style="list-style-type: none"> • Banbridge Newry Mourne Area Plan 2015. • Strategic Planning Policy Statement for Northern Ireland. • Planning Policy Statement 3- Access, Movement and Parking. • Addendum to Planning Policy Statement 6 – Areas of Townscape Character. <p>PLANNING HISTORY</p> <p>Application Number: P/2003/0966/F Decision: Permission Granted Decision Date: 19 January 2004, Proposal: Change of use from dwelling to ground floor hairdressing salon with first and second floor apartment</p> <p>CONSULTATIONS</p> <p>DFI Roads – The response from DFI Roads states they have no objections in principle to the proposal. The response states that the comment is on the basis that Planning are content with the on-street parking and use of public car parks.</p> <p>Council Environmental Health – No objections were raised, informatives suggested.</p>

NI Water Strategic Applications – The response raised objections and recommended refusal, the agent for the application then was in contact with NIW to try and overcome the issue, a Wastewater Impact Assessment was then submitted.

The agent has liaised with NIW and submitted a WWIA, in this case negative conditions may be placed on any decision as to allow the planning application to progress but also ensure that a solution is agreed before any development may commence.

REPRESENTATIONS

The proposal was advertised in local press on 28/05/2023 and 29/05/2023, five neighbours were notified of the proposal on 17/12/2024, no objections have been received to the proposal.

EVALUATION

Banbridge Newry and Mourne Area Plan 2015

The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the settlement limits of Newry City and within the City Centre boundary as illustrated on map 3/02a. The site is within an area designated as an Area of Townscape Character NY110 in the plan. The key features of Bridge Street is a cohesive terrace of fourteen two-storey and roof dormer houses with a painted render finish terminated at its northern end by an individual three-storey bay fronted house.

The application requests a change of use from a hairdressers to dental surgery which would fall under Class D1 (a - for the provision of any medical or health services except the use of premises attached to the residence of the consultant or practitioner).

The Plan Strategy and Framework document which forms part of the Banbridge / Newry and Mourne Area Plan includes Policy ECU1, Education, Health, Community and Cultural Uses. Given that this proposal is for a change of use to dental surgery Policy ECU1 is specific to the proposal and will form part of the consideration of this application.

Strategic Planning Policy Statement (SPPS) for Northern Ireland

Paragraph 6.273 of the SPPS states planning authorities must adopt a town centre first approach for retail and main town centre uses. In this instance the proposal is for a change of use to a dental surgery which is categorised as use D1 in the Planning Use Classes Order 2015. The SPPS includes this use class within the definition of main town centre uses as outlined at Paragraph 6.271. The application site as outlined above is within the city centre boundary of Newry as illustrated on Map 3/02a and is thus in line with the thrust of this policy.

Strategic Plan Framework

Policy ECU 1 Education, Health, Community and Cultural Uses

Planning permission will be granted for education, health, community and cultural uses within settlement development limits provided all the following criteria are met:

- there is no significant detrimental effect on amenity or biodiversity;

The proposal will see the change of use of the existing building from existing hairdresser to dental surgery. The proposal will see a small two-storey flat roof rear extension, the extension is to be set below the ridge level of the existing rear return. The extension is to be positioned beside an existing derelict property although the size and scale of the extension is such that it will only have a minimal impact on the adjacent building, other buildings in the area have a range of different rear returns, as such there is no definitive set design or character to returns in the area. The proposal will see existing first floor windows removed and replaced with rendered walls, this will remove any potential for overlooking and so protect the amenity of any surrounding properties. The proposal will not result in any detrimental effect on the amenity of any neighbouring properties and biodiversity will not be impacted by the change of use.

- the proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites;

The proposal will not impact on the ability to develop any surrounding land, the application site is not zoned within the LDP.

- the proposals are in keeping with the size and character of the settlement and its surroundings;

As stated the application is for a change of use with only a small extension proposed, it is felt that the size of the subject building suits the proposed use, the proposal is considered in keeping with the character of the area. The proposed alterations to the front elevation will see a new door which is to be suitable for wheelchairs along with modern ground floor window openings which are in keeping with the existing character of the buildings and adjacent development.

- where necessary, additional infrastructure is provided by the developer;

The applicant has submitted a WWIA to NIW, to ensure any additional infrastructure is provided negative conditions shall be included on any approval.

- there are satisfactory access, parking and sewage disposal arrangements:

As stated, negative conditions can be included to ensure that there are satisfactory sewage disposal arrangements. DFI Roads in their response raised no objections to the proposal with regards to parking subject to the Planning Department being satisfied, more consideration will be given under PPS3.

Addendum to Planning Policy Statement 6 – Areas of Townscape Character

Policy ATC 2 New Development in an Area of Townscape Character

Policy states that the Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area.

Although this proposal is not technically new development it does include a small rear return and alterations to the front elevation. The proposal will see only minimal changes to the exterior of the building, the proposed new windows and doors are to be aluminium which is the preferred material in an ATC. The rear return will not be visible and alterations to the front elevation are modest and will be in keeping with other properties in the vicinity within the ATC. The proposal will help to maintain and enhance the character of the building and entire ATC.

Access and Parking

The proposal includes no in-curtilage parking and as such access to the site is not considered an issue.

Planning Policy AMP7 in Planning Policy Statement 3: Access, Movement & Parking illustrates circumstances where reduced levels of parking will be acceptable, including, for example,

- Where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- Where the development is in a highly accessible location well served by public transport; or
- Where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking.

The application is located within the City Centre where there is a presumption in favour of this type of proposal, the response from DFI Roads raises no specific objections although this was subject to the Planning Department being satisfied with parking.

There is existing on-street parking to the front of the subject building, close transport links and existing car parks within close proximity of the site.

Having considered all relevant information it is considered that the City Centre location along with the available level of parking in the surrounding area and close proximity to local transport results in the proposal being in line with policy AMP7 of PPS3.

Neighbour Notification Checked

Yes

Summary of Recommendation

Having considered relevant planning policies and other material considerations the proposal is considered acceptable in this location.

Conditions:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. 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.

3. 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 2, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

Case Officer Signature: Wayne Donaldson

Date: 03/06/2025

Appointed Officer Signature: Pat Rooney

Date: 05/06/2025

Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/3100/F	Target Date:
Proposal: PROPOSED RETENTION OF EXISTING BUILDING FRONTING MAIN STREET, TO BE INCORPORATED IN PROPOSED DEVELOPMENT COMPRISING 2 no. COMMERCIAL UNITS AT GROUND FLOOR LEVEL (Main Street) and 4 No. 2 BEDROOM APARTMENTS AND ASSOCIATED IN CURTILAGE PARKING. PROPOSED DEMOLITION OF EXISTING BUILDING FRONTING MANSE ROAD.	Location: 101 Main Street, DUNDRUM, BT33 0LX
Applicant Name and Address: FRANCES FLYNN C/O 3 MURLOUGH BAY COURT DUNDRUM BT33 0WH	Agent Name and Address: JIM IRELAND 18 moss road BANBRIDGE
Date of last Neighbour Notification:	13 February 2024
Date of Press Advertisement:	13 September 2023
ES Requested: No	
Consultations: See Report	
Representations: Dr Patrick Brown MLA Chris Hazzard MP	
Letters of Support	2
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located at 101 Main Street, Dundrum.



Date of Site Visit: 19th February 2024

Characteristics of the Site and Area

The application site is located on the corner site of a derelict former public house and fronts onto both Main Street and Manse Road in the village of Dundrum. The remaining existing building fronts along main Street and continues a row of terraces along Main Street. This vacant building has rendered walls and comprises a two/two and a half storey dwelling, with the original bay window removed and currently bricked up with also the bottom floor windows all blocked up. The demolished section of the terrace was formerly known as 'The Castle Vaults'.

The site also contains an additional two storey outbuilding, which along Manse Road and fronts onto Manse Road situating tight to the rear of the existing pavement. Manse Road rises steadily from its junction with Main Street so that the ground floor level of the outbuilding is almost one storey higher than the ground floor level at Main Street. A small

vacant area is noted to the immediate east of the building. This area is retained by a small wall onto Manse Road.

Main Street has some residential, retail and service use and is part of Dundrum Area of Townscape Character.



Description of Proposal

Removal of existing buildings to be replaced with proposed development comprising 2 no. commercial units at ground floor level (main street) and 4 no. 2 bedroom apartments and associated in curtilage parking

Planning Assessment of Policy and Other Material Considerations

The site is located within the development limits of Dundrum, and with The Area of Townscape Character of Dundrum as identified in the Ards and Down Area Plan 2015. The following plans and policies have been used to assess the application:

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland (PSRNI) – DES 2 - Townscape

Planning Policy Statement 3 Access Movement and Parking

Planning Policy Statement 6 Planning Archaeology and the Built Heritage

Addendum to Planning Policy Statement 6 Areas of Townscape Character

Planning policy Statement 7 Quality Residential Environments

Ards and Down Area Plan 2015

Associated Guidance –

DCAN 8 Housing In Existing Urban Areas

DCAN 15 Vehicular Access Standards

Parking Standards

Ards and Down Area Plan (2015) – The site lies within the settlement limits of Dundrum.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

SPPS: Town Centres and Retailing: Para 6.278 relates to retailing in villages. Policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.

PPS 3: Access, Movement and Parking: Sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS 6: Planning Archaeology and the Built Heritage sets out the policies for the protection and conservation of archaeological remains and features of the built heritage.

PPS 15: Planning and Flood Risk (Revised September 2014): sets out planning policies to minimise flood risk to people property and Environment.

PLANNING HISTORY

Planning

Application Number: R/1974/0326

Decision: Permission Granted

Decision Date: 10 February 1975

Proposal: conversion of shop to cafe.

Application Number: R/1976/0574

Decision: Permission Granted
Decision Date: 18 November 1976
Proposal: carry out café

Application Number: R/1979/0510
Decision: Permission Refused
Decision Date: 28 July 1981
Proposal: Rebuilding of Castle Vault inn/licensed premises

Application Number: R/1982/0558
Decision: Permission Granted
Decision Date: 29 November 1982
Proposal: Rebuilding of Castle Vaults

Application Number: R/1990/0268
Decision: Permission Refused
Decision Date: 18 September 1990
Proposal: Dwelling

Application Number: R/1997/0661
Decision: Appeal Dismissed
Decision Date: 20 February 1998
Proposal: One gable mounted 48 sheet display panel

Application Number: R/1999/1054/O
Decision: Permission Refused
Decision Date: 29 December 1999
Proposal: 15 no apartments

Application Number: R/1999/0126
Decision: Permission Granted
Decision Date: 28 April 2000
Proposal: Residential development consisting of 29 town houses and 65 apartments and associated site works, public spaces and tourist walk (amended scheme)
Application Number: R/2000/0174/F

Decision: Permission Refused
Decision Date: 25 September 2001
Proposal: Proposed offices over shop with alterations and extension and 4 No townhouses and 1 apartment to rear of shop, fronting onto Manse Road (amended scheme)

Application Number: R/2001/1354/F
Decision: Permission Granted
Decision Date: 26 July 2002

Proposal: Proposed offices over shop with alterations and extension and 4 No. townhouses and 1 No. apartment to rear of shop, fronting onto Manse Road.

Application Number: R/2001/1050/O

Decision: Withdrawal

Decision Date: 03 March 2003

Proposal: Proposed demolition of licensed premises and provision of new apartment complex together with associated car parking.

Application Number: LA07/2019/0959/F

Decision: Permission Refused

Decision Date: 28 May 2020

Proposal: Change of use and extension to existing public house to create 7No. Apartments

Application Number: LA07/2020/1851/F

Decision: Permission Refused

Decision Date: 13 May 2022

Proposal: Demolish all totally unstable structures and make good gable

Proposal

The proposal seeks full planning permission for 4 no. 2 Bedroom Apartments & 2 no. Commercial Units. This will include a mix use development comprising of two commercial units (150m² for 2 units) at ground floor onto Main Street with 3no. two bedroom apartments over and an additional duplex apartment located in the Manse Road return.

Design & Access Statement

A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application lies within an Area of Outstanding Natural Beauty (Mourne AONB). The Design & Access Statement provides details of the design principles and concepts that have been applied to the development. The agent undertook consideration of the proposal in terms of the design principles and concepts in relation to the size, layout, orientation and appearance. Proposed vehicular access, vehicular and pedestrian circulation, service access, waste refuse and cycling parking have also been considered.

EIA Determination

Under regulation 12 of the Planning 'Environmental Impact Assessment (EIA) Regulations (NI) 2017, the Planning Authority is required to make a determination as

to whether the proposed development would or would not be deemed EIA development.

While the proposal does not exceed the development threshold of 0.5 hectares given the site area is only 0.13 hectares, the site is located within an Area of Outstanding Natural Beauty. It follows that the proposal will therefore falls within Schedule 2, being in a sensitive area. Category 10 (B) of the Planning Environmental Impact Assessment) Regulations (Ni) 2017. Schedule 2: Category 10 (B) is the carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks.

In accordance with the regulations, a screening exercise was carried out to determine whether or not an EIA is required. 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.

PUBLICITY & CONSULTATIONS

Objections & Representations

In line with statutory requirements neighbours have been notified on 30-01-2024. The application was advertised in the Mourne Observer on 13-09-2023.

Two letters of support have been received.

Dr Patrick Brown MLA (now ceased to be an MLA)

- improvement on the land as it currently sits. In its present state the site is in a derelict condition with the Manse Road outbuildings at the back of the site in a further state of dereliction and indeed, structurally unsound state.
- the front of the site faces out to the characteristic village Main Street and the rear of the site is on the approach to the historic Dundrum Castle. Neither side is representative of the village nor indeed the hard work many residents are committed to in the upkeep and development of the village.
- The plans for the site satisfy the parking requirements on the 'DOE Parking Standards', and the architectural plans have been created with the aesthetic and historical elements of the previous 'Castle Vaults' site in mind, every effort has been made to capture the essence of the village.
- I am pleased to see such determination and thoughtfulness being put into such a development and support the efforts to build small, local businesses in a thriving village such as Dundrum.

Chris Hazzard MP

- Application validated in Aug 2023 and yet to be assigned a case officer
- Dundrum Development Association is a local charity which has invested in the above property with a view to enhancing a derelict building and site for the benefit of the community.
- Applicant is in receipt of a 'Dangerous Structure Notice' relating to existing buildings at the application site. This correspondence highlights that planning permission and listed building consent etc may be a prerequisite prior to works commencing to address the content of the notice.
- Grateful if planning could review this case as a matter of priority, with a view to having the case assigned and update the office accordingly.

Consultations

NI Water – Refusal. NI Water notes there is available capacity at the WWTW – see further consideration

DFI Roads – No objections subject to conditions

NIEA – Water Management Unit – No objections subject to informatives

NIEA – NED – No objections subject to informatives

Environmental Health – No objections subject to conditions

Shared Environmental Services – No objections subject to a condition

Consideration and Assessment:

The main issues to consider in the determination of this application are:

- Policy Context and Principle of Development
- Retail development
- Development in an Area of Townscape Character
- Layout and quality of development
- Open space and residential amenity
- Access Movement and Parking
- Natural Heritage
- Townscape
- Other Matters

Policy Context and Principle of Development

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 Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The application site is located within the Settlement Limit of Dundrum 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.

Planning Policy Statement 7 Quality Residential Environments (PPS7) sets out planning policies for achieving quality in new residential development. Policy QD1 of PPS7 states that 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. 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.

This policy therefore provides broad support for the principle of this mixed-use development.

The site is located within the village of Dundrum within an Area of Townscape Character.

Retail Impact

Paragraphs 6.267-6.292 of the SPPS set out policy in relation to 'Town Centres and Retailing', incorporating a town centres first approach for retail and other main town centre uses. The SPPS states that where retail uses are proposed outside of main town centres, a sequential test should be applied to establish whether or not sequentially preferable sites exist within the catchment area of the proposal. Para 6.281 states *'Applications for main town centre uses are to be considered in the following order of preference (and consider all of the proposal's catchment):*

- *primary retail core;*
- *town centres;*
- *edge of centre; and*
- *out of centre locations, only where sites are accessible by a choice of good public transport modes.'*

As Dundrum is a village as per the ADAP, then paragraph 6.278 would be relevant. Para 6.278 states that policies and proposals for shops in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement. It is deemed that the two retail units would be of appropriate scale and size. A planning condition would have to be used specifying Class A1 (Shops), Class A2 (Financial, Professional and Other Services) Use for the provision of services which it is appropriate to provide in a shopping area, where the services are provided principally to visiting members of

the public including— (a) financial services; or (b) professional services. The reason for this is to enable the Council to retain control over the nature, scale and intensity of activities on the site and in the interests of residents of this building and adjoining neighbours.

Development in an Area of Townscape Character

PPS 6 (Addendum) Area of Townscape Character

The site is located within the existing development limits for Dundrum, located within an Area of Townscape Character (ATC) as per ADAP 2015. The SPPS refers at paragraph 6.137 to the need to deliver increased housing without town cramming and espouses the importance of new development respecting local character and environmental quality, as well as safeguarding the amenity of existing residents. At paragraph 6.22, the SPPS echoes Policy ATC 1 of the addendum to PPS 6 stating that the demolition of an unlisted building in an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate arrangements for the redevelopment of the site. The SPPS also advises that sustainable development ought to be granted where it accords with the area plan and causes no harm to areas of acknowledged importance. Thus Policy ATC 1 of Addendum to PPS 6 states that there will be a clear presumption in favour of retaining any building that makes a positive contribution to the character of an ATC. Demolition of an unlisted building will only be permitted where it makes no material contribution to the distinctive character of the area.

The site accommodated the demolished section of the terrace which previously housed a public house with upper storey accommodation and was known as 'The Castle Vaults.' The remaining existing buildings comprise the end building on a row of terraces along Main street and the two storey 'outbuilding', previously used as storage and function rooms to the public house, which fronts onto Manse Road and is situated tight to the rear of the existing pavement.

The existing end terrace building occupies a prominent position along a main road frontage. It is visible from both directions along Main Street. The building has distinctive features including moulded surrounds to traditionally proportioned windows and door openings with pitched slate roof and traditional chimney to the western gable. Unfortunately, the upper floor bay window which is a feature along this row of terraces has been removed and blocked up. The majority of the other buildings have varying heights of 2 storeys some with projecting bay windows to the front elevation. The building is considered to be of architectural merit, especially the front façade which as stated exhibits many architectural distinctive features. The building does exhibit signs of neglect with sections of the outer woodwork and render falling into disrepair, however, on the whole the building retains much of its period

characteristics. It is considered that the building, offers a significant contribution to the ATC especially when consideration is given to its prime location at a busy road frontage.

The buildings to the rear and along Manse Road are in a poor state of repair and the building along Manse Road, lacks the distinct characteristics of the row of terraces along Main Street where the building lies adjacent to more recent developments like the Clockhill development and therefore its presence in the streetscene and its visual contribution is limited. It is not considered that in its own right the demolition of this subject building and those to the rear and its plainer architectural style would have a significant adverse impact to the quality of the wider context of the ATC. In light of this, it is considered that removal of these building would not have a significant adverse impact in the ATC and its demolition is considered acceptable.

While comment on the demolition of a building within the ATC rests with the council, HED were consulted in relation to the site's proximity to listed buildings in the immediate area. It is worth noting however, their comments in relation to the remaining end terrace building:

'HED Historic Buildings welcomes the proposal to retain the front elevation of the existing building to main street. Dundrum is not protected by a conservation area designation, but it is a designated ATC (DM 05) and we consider the building makes a positive contribution to the character of the area'.

The application was initially submitted indicating only the retention of the front and western side wall. It is important to note that demolition of a building that makes a positive contribution within an ATC will not be given simply because redevelopment is economically more attractive to the developer than repair and re-use of the building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing building.

The agent submitted a structural appraisal report which indicated from observations that there are significant cracks with rot to timbers and it's the engineer's opinion that it is unsafe and should be demolished. There was previously a safety issue where Building Control had issued a dangerous structure notice to the structure onto Manse Road. However, the issue was remedied and made safe. Having consulted with Building Control, there isn't anything further on the site with regard to safety issues with any of the buildings at the site. Therefore a Building Control assessment of the Manse Road element was evaluated as not being a dangerous structure therefore the Main street element is not considered to be dangerous or structurally unsound. It is noted that the report submitted is not by a Conservation accredited Engineer.

SPPS - Non-Designated Heritage Assets

Paragraph 6.24 states, the effect of an application on the significance of a non-designated heritage asset such as an unlisted vernacular building, or historic building of local importance should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Councils may wish to bring forward bespoke local policies for such buildings.

Planning are therefore of the opinion that the building fronting onto Main Street in its entirety is deemed to be worthy of retention and contributes positively to the character of the ATC and should be retained.

It is recognised that buildings in an ATC have legislative protection and their demolition requires planning permission, additional regard must be had to the impact of demolition and redevelopment proposals with an ATC. Demolition of a building in an ATC is therefore a material planning consideration. The impact of their demolition cannot be assessed in isolation and divorced from the merits of the redevelopment scheme.

The agent took on board this assessment and has now amended the proposal to retain this building onto main Street and has now incorporated this into the overall scheme.

As mentioned above ATC 1 also refers to the policy requirement for there to be appropriate redevelopment proposals for the site. This is a full application with full plans submitted as detailed above.



After some amendments to the scheme including reducing the link, (which connects the buildings towards Manse Road) it was deemed that this should be more subservient to the main building. The agent also removed the front dormer and has reinstated the upper floor bay window, which is welcomed.

It is considered that the replacement scheme would maintain and enhance the overall character and appearance and would now respect the built form of the ATC. The retention of the building along Main street offers variation and interest in frontage and façade.

Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

The application site is within the historic settlement of Dundrum (DOW 044:067) and within the zones of two known battles which occurred in 1147 and 1642. 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 application site is closest to 97 Main St. Dundrum, Newcastle, Co.Down, a Grade B listed building and will affect several other listed buildings:

- HB18/11/031 - Clock House 1 Manse Road (Grade B)

- HB18/11/029 A-C - 6-10 Main St. (Grade B1)
- HB18/11/015 A&B - 93-95 Main St (Grade B)

HED Historic Buildings has considered the effects of the proposal on the listed building and on the basis of the information provided and advise that the proposal satisfies the policy requirements of 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, subject to conditions.

Notwithstanding the above the proposal must also be assessed against the criteria under policy QD 1.

Planning Policy Statement 7 Quality Residential Environments

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

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

Given that the principle of demolition on the buildings to the rear and along Manse Road has been accepted and the retention of the building along Main Street is welcomed.



The primary frontage of the development reads as being two buildings ending the row of terraces along Main Street where it commences/terminates depending on which direction of travel. Proposed eaves and ridge heights are to match those on the original buildings. A gable peak at the end of terrace end of the Main Street elevation takes into account this is a corner site at the juncture of Main and Manse Roads.

These buildings are linked by a roughly centrally positioned and now visibly more subservient linking element. This linking element is recessed from the main frontage

and from Manse road and provides for the wider structure to turn the corner/change street direction which leads and connects the Manse Road two storey element. Whilst the scale of the Manse Road element is larger than what is currently there at present it is not offensive to the general character. The link has been designed with a pitched roof which ties in with both elements on Main Street and Manse Road and the continuity of material finishes ties in also.

The Main Street buildings have ground floor units with accommodation above, with a variation in ridge heights and would be similar to the former Castle Vaults building. It is considered that the height, frontage width, roof pitch, solid to void ratio and detailing are comparable to the existing context building which is now being retained. The windows on the ground floor are larger in scale and more reflective of their commercial nature in a similar way of the former building in this position, however, it is considered to be acceptable. The proposal will enhance the character of the area which will assist with regenerating this prominent location which has laid vacant and falling into disrepair for years.

It is therefore considered that following amendments the redevelopment scheme is now acceptable. It stands that the redevelopment scheme would respect the surrounding context and is appropriate to the character or topography of the site in terms of layout, scale, proportions, massing and appearance of buildings.

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

HED have assessed the application and, are content that the proposal is satisfactory to SPPS and PPS 6 policy requirements.

(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 open space provision will provide for a landscaped area to provide approx. 50sqm of communal amenity open space for those residents living in apartments 1-3. This equates to approximately 17 sqm per unit in accordance with the recommendation of 'Creating Places' i.e. 'In the case of apartment developments, private communal open space will be acceptable in the form of landscaped areas. These should range from a minimum of 10sqm to around 30sqm per unit.' The proposed duplex apartment would have its own private amenity provision of approx. 10sqm. While this would be on the lower side, it is deemed adequate considering its urban context. The site is located within close proximity to the shoreline and Castle for recreational use.

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

All the necessary services are located in close proximity to the site given its location.

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

The site provides a good location in terms of providing a movement pattern that supports walking and cycling. Proposal offers proximity to good public transport links and neighbourhood facilities.

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

DFI Roads have been consulted and. Planning are satisfied with the parking and cycling arrangement. Vehicular access is from the Manse Road is via 4.0m wide double gates in keeping with the previous service access. A pedestrian gate is also provided from Manse Road to serve the residential element.

Following amendments DFI Roads are now satisfied with the access and parking arrangements and have no objections subject to PSD's.

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

As mentioned previously in the report, the design of the redevelopment scheme is found to be acceptable. The materials used will be in keeping with traditional building themes to include painted render, natural slate, coursed random rubble granite, PPC aluminium rainwater goods, hard wood windows and doors, traditional styled barge boards to feature gables, clipped eaves elsewhere, conservation type roof lights, feature plaster bands and mouldings.

On balance materials and finishes are 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

It is deemed that the apartments will not adversely affect the residential amenity of neighbouring properties nor that of future residents. The building along Manse Road

acts to encloses the site which will ensure that private amenity is protected. The duplex apartment block has upper floor side windows but these are both bathrooms with obscure glazing, the kitchen/lounge/dining is on the ground floor so no issues of overlooking from habitable rooms and the bedroom windows will look out towards the road. It is deemed that the proposal complies with (h).

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

No issues identified

Having assessed the proposal in terms of PPS 7 it complies with QD 1 (a) to (i).

Natural Heritage

Policies NH 1 – European and Ramsar Sites – International and Policy NH 3 - Sites of Nature Conservation Importance – National of PPS 2 are relevant to the proposal.

The application site is in close proximity to national, European and international designated sites. Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval. The proposal would comply with Policies NH1 and 2 of PPS 2.

A Biodiversity Checklist & Ecological Statement and Bat Emergence Survey Report were submitted as part of the application. NIEA, Natural Environment Division (NED) were consulted and have 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. NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats. NED notes that the Bat Survey has indicated that no bats were recorded emerging or re-entering the building, therefore NED is content that the building is unlikely to currently support roosting bats. However, if roosting bats are found during works, all works must stop and advice sought from NIEA Wildlife Team. The proposal would comply with policies NH2 and 5 of PPS 2.

Policy NH 6 of PPS 2 relates to Areas of Outstanding Beauty, it is considered that the proposed scheme on this site would not negatively impact on the setting of the AONB.

Access, Movement and Parking

DFI Roads have been consulted and have no objections subject to PSDs.

Proposed in Curtilage Parking provision includes:

Residential Element

4no. two bedroom apartments with unassigned parking –

1.5 spaces per unit = 6no. spaces included in curtilage with in curtilage turning.

Commercial Element

Total 150sqm GFA in two proposed units

Parking requirement for Class A – Food Retail = 1 parking space per 14sqm of GFA

Total spaces required = 11 no. spaces.

As no parking has been provided for this element of the scheme, the agent has submitted a parking survey in support of the application.

Cycle parking for 4 no. bikes – 2 per commercial unit

Policy AMP7 of PPS3 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. It goes on to state that beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in a number of circumstances, including where the development is in a highly accessible location well served by public transport and where the development would benefit from spare capacity available in nearby public car parks or adjacent on-street car parking.

Historically no parking would have been associated with the public House use. In assessment of this it is recognised that there is on street parking within walking distance and in addition a council owned public carpark within a short walk (approx 350m). The site is located within a village close to the where there is access to public transport. On this basis the proposal complies with PPS 3 AMP 7.

Townscape

DES 2 of Planning Strategy for Rural Northern Ireland has not been superseded by the SPPS and remains to be considered. DES 2 requires proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area in terms of design, scale and overall materials. The building is considered to lie within an area to be of a mixed use character. In this case the materials and

finishes, layout, design and appearance of the proposal are all considered acceptable. The proposal would comply with DES 2.

Residential Amenity

The impact on the local residents also has to be taken into account. On this basis the Council's Environmental Health department were consulted regarding the proposal and required further information and clarity regarding a number of aspects of the proposal including noise, odour, opening hours of the units and location of bins.

The submitted information has been considered and has been accepted by Environmental Health demonstrating that these elements of the proposal would not cause adverse harm to the living conditions of local residents. Suitable conditions will be imposed to safeguard the amenity of local residents.

On balance and given the conditions imposed by environmental health It is considered this proposal will not result in any significant or unacceptable residential impact on any adjoining properties, or character of the area, due to its design, size and location. In addition, as discussed previously, it is deemed that that the proposed buildings, within the site would not have an adverse impact on neighbouring properties in terms of loss of privacy, light and outlook.

Other Matters – NI Water

The applicant has engaged with NI Water and has submitted a Waste Water Impact assessment as per NI Water request. A Solution Engineer Report was issued 7th June 2024. A WwIA is not deemed complete until a solution has been agreed upon and deemed deliverable by both NIW and the developer. Until this has reached its conclusion, NIW's response will remain the same as that which was issued on 31st January 2024, with the following overall recommendation: Refusal. Subject to successful discussions and outcomes regarding issues highlighted in the responses below, NI Water may reconsider its recommendation. As a solution has not yet been found the application requires to be presented to Committee.

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

The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies. A condition placed on the decision notice should ensure that prior to any development all the necessary connections are obtained by the relevant authorities.

Conclusion

On balance, the application has also been assessed taking into account all material considerations including the representations, and consultee responses, it is determined that the proposal is acceptable in planning terms. The details and layout of the proposed scheme, amenity space, parking, design, form, proportion, materials, finishes are acceptable in this ATC and are in keeping with the SPPS, PPS7, PPS7 Addendum, PPS 6 and APPS 6.

Recommendation:

Approval

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 accordance with the following approved plans:

Site location plan – 01B

Proposed Site layout plan – 03B

Proposed floorplans – 04C

Proposed Elevations – 05B

Private Street Determination drawing 01

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.

Council Planning 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. 01 details.

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

4. No 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. 01 Private streets road details published on 13th May 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.

5. The vehicular accesses, including visibility splays and any forward sight Distance, shall be provided in accordance with Drawing No. 01 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining 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.

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

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

7. All hard and soft landscape works shall be carried out in accordance with site layout plan 03B, prior to the **occupation** of any part of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planting shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

8. 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.

9. 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 8, 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 and to ensure the project will not have an adverse effect on the integrity of any European site.

10. Materials shall be:

- Roof: Natural slate.
- Walls: Smooth rendered finish.
- Windows/Doors: Painted hardwood timber.
- RWG: Profiled cast aluminium or cast iron.
- Rooflights: Conservation style rooflights.

Reason To respect the character and setting of the listed building and to respect the traditional building materials and techniques found on these buildings, ensuring the detailed design 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 in that:

(a) The detailed design respects the listed building in terms of scale, height, massing and alignment;

(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and (

c) The nature of the use proposed respects the character of the setting of the building.

11. The units hereby approved shall be used only for Class A1 and Class A2 of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To control the nature, range and scale of commercial activity to be carried out at this location.

Reason: To control the nature, range and scale of commercial activity to be carried out at this location.

12. The units hereby approved shall not be operational outside the following times:- 09.00 – 23.00 hours.
Reason: To safeguard the living conditions of residents in nearby properties.
13. Deliveries to any retail unit/business within the site should be made during the hours of 09:00 – 17:00.
Reason: To safeguard the living conditions of residents in nearby properties.
14. No live or amplified music is permitted within the development retail units.
Reason: To safeguard the living conditions of residents in nearby properties.
15. Any noise producing equipment which is to be located outside the fabric of the building must be positioned and maintained in a way as to not cause noise or odour disturbance to nearby sensitive receptors.
Reason: To safeguard the living conditions of residents in nearby properties.
16. A three-stage extraction ventilation system shall be installed to include: -
 - Filtration
 - Electrostatic Precipitation
 - Chemical NeutralisationReason: To safeguard the living conditions of residents in nearby properties.
17. The outlet from any extract ventilation shall terminate at a height not less than 1 metre above the eaves height of the main building and it should be directed away from nearby dwellings and commercial premises.
Reason: To safeguard the living conditions of residents in nearby properties.
18. The extraction and ventilation system must be cleaned and maintained in accordance with manufacturer's instructions to ensure compliance with condition 15 above.
19. Waste storage arrangements should be of that as shown in drawing no: 03 rev B.
Reason: To safeguard the living conditions of residents in nearby properties.
20. The structure must be designed so that the internal ambient noise levels do not exceed the BS8233:2014 guideline values.

Reason: To safeguard the living conditions of residents in nearby properties.

21. No flood lighting to be installed on site without prior approval from the planning department.

Reason: To safeguard the living conditions of residents in nearby properties.

Informatives

1. This decision relates to planning control and does not cover any other approval which may be necessary under other legislation.

2. NIEA – Water Management

The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Multiple Dwellings.

Care will need to be taken to ensure that polluting discharges to the watercourse do not occur during the works phase. The applicant must refer to and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidelines. Water Management Units Pollution Prevention Team are available for any pollution prevention advice and guidance required and can be contacted at nieapollutionprevention@daera-ni.gov.uk at any stage.

In addition please refer to the guidance series of best practice documents found here:

<https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

NED advise that any 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), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, Which includes all species of bat;
- b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
- c) 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

e) 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 should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Clare House, 303 Airport Road West, Belfast, BT3 9ED.

Tel. 028 9056 9558. 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
- 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 or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).

3. 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

<p>(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. It is a DFI Roads requirement that all structures which fall within the scope of the current version of CG300 of Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division. 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 Development which this access leads to will remain private & the roads within will not be adopted by DFI Roads. 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.</p>			
4.	This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.		
5.	This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development,		
<table border="1"> <tr> <td>Neighbour Notification Checked</td> <td>Yes</td> </tr> </table>		Neighbour Notification Checked	Yes
Neighbour Notification Checked	Yes		
<table border="1"> <tr> <td>Summary of Recommendation - Approval</td> </tr> </table>		Summary of Recommendation - Approval	
Summary of Recommendation - Approval			
<table border="1"> <tr> <td>Case Officer Signature: C Moane</td> <td>Date: 05 June 2025</td> </tr> </table>		Case Officer Signature: C Moane	Date: 05 June 2025
Case Officer Signature: C Moane	Date: 05 June 2025		
<table border="1"> <tr> <td>Appointed Officer Signature: Brenda Ferguson</td> </tr> <tr> <td>Date: 05/06/2025</td> </tr> </table>		Appointed Officer Signature: Brenda Ferguson	Date: 05/06/2025
Appointed Officer Signature: Brenda Ferguson			
Date: 05/06/2025			

Application

Development Management Officer Report	
Case Officer: Eadaoin Farrell	
Application ID: LA07/2023/2904/F	Target Date:
Proposal: Conversion of existing building (former Bank) into a mixed-use development consisting of 2 no. ground floor non-food retail units and 2 no. 1st floor residential units, Proposed new rear extension consisting of 1 no. ground floor non-food retail unit and 1 no. 1st floor residential unit	Location: 2 Charlotte Street, Warrenpoint, Newry, BT34 3LF
Applicant Name and Address: Conrad Haughian 22 Rathmore Warrenpoint Newry BT34 3SF	Agent Name and Address: Damian Morris OHagan And Associates 10B (1st-3rd Floor) 10 Trevor Hill Newry BT34 1DN
Date of last Neighbour Notification:	A final round of neighbour notifications were issued 24 th February 2025.
Date of Press Advertisement:	The application was re-advertised on 12 th March 2025.
ES Requested: No	
Consultations: <ul style="list-style-type: none"> NI Water initially recommended refusal due to capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. In response, a Waste Water Impact Assessment application was submitted to NI Water for consideration. The assessment carried out by NI Water has indicated that it should be possible to permit a foul connection from this site subject to the developer undertaking some measure of storm water offsetting. This is where storm water is removed from the existing NI Water foul/ combined sewer network to permit the connection of foul only from the proposed development. A Solution Engineer Report has also been submitted recommending options for possible Storm Water offsetting locations. NI Water issued a final response dated 15th March 2024 acknowledging the SER report, however reminded Planning that a WWIA is not deemed complete until a solution has been agreed upon, and deemed deliverable by both NIW and the developer, thus recommending refusal. While the position to date from NIW has been noted and is fully acknowledged and respected, the applicant 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. 	

<ul style="list-style-type: none">• Dfl Roads offer no objections to the proposal on the basis that the information on letter dated 14th February 2024 submitted by the applicant is accurate and correct and Planning are satisfied with the car parking for this application. This will be discussed further under PPS 3.• Environmental Health offer no objections to the proposal, subject to conditions outlined in the Noise Impact Survey Report.	
Representations: No representations received.	
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, amenity, parking, natural and built heritage.	

Site Visit Report

Site Location Plan:



Date of Site Visit: May 2024

Characteristics of the Site and Area

The application site is within Warrenpoint Town Centre, an Area of Townscape Character and the Mourne Area of Outstanding Beauty as designated in the Banbridge, Newry and Mourne Area Plan 2015.

The red line boundary comprises a large 2 storey building situated at the corner of Duke St and Charlotte St. The building was formerly used as a bank, however the building has lain vacant for a couple of years. The site does not have any off street parking provisions. The area is predominantly used for retail. Adjacent uses include a café, opticians and vet.

Description of Proposal

The proposal involves a rear 2 storey extension and change of use. The change of use and extended building will be used for retail at ground floor (3 no. non food retail units) and 3 no. apartments at first floor.

Initially the application sought permission for the demolition of the building and replacement with 6 No. apartments residential development with associated siteworks. The Planning Department relayed concerns regarding the demolition of the building within the ATC, the scale, form and overall design of the replacement building and the replacement of GF retail with residential within a Town Centre. In response, the reduced scheme, shown on the drawings below, was submitted for consideration.



Current scheme



Original scheme

Planning Assessment of Policy and Other Material Considerations

- Banbridge, Newry and Mourne Area Plan 2015
- The Regional Development Strategy 2035
- Strategic Planning Policy Statement 2015
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6 Addendum: Areas of Townscape Character
- PPS 7: Quality Residential Environments
- PPS 7 Addendum: Safeguarding the Character of Established Residential Areas
- PPS 12: Housing in Settlements
- DCAN 8: Housing in Existing Urban Areas
- DCAN 15: Vehicular Access Standards
- Creating Places: Achieving Quality in Residential Environments

PLANNING HISTORY

- P/2004/2396/F - Ulster Bank, No.2 Charlotte Street, Warrenpoint - Erection of ramp at the entrance of the building for disabled access – Permission granted
- LA07/2015/0547/A - Ulster Bank 2 Charlotte Street Warrenpoint Co Down BT34 3LF - Retrospective 1no 1400mm high ATM surround - internally illuminated lettering and logo – Consent granted

- LA07/2022/0920/LDP - 2 Charlotte Street Warrenpoint Newry BT34 3LF - Removal of automatic teller machine -
Permission granted

EVALUATION

The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the settlement limits of Warrenpoint and within the Town Centre boundary, the site is within an area designated as an Area of Townscape Character WB 34 in the Plan. The key features outlined are the proportions of buildings bounding the square, the design including two-storey and three-storey and the finishes of buildings.

The application seeks the change of use of former bank premises to 3 no. non food retail units at GF and 3 no. apartments at first floor. The application also seeks permission for the erection of a rear two storey extension.

The Area Plan states that Warrenpoint is an important commercial focal point and service centre for its rural hinterlands.

To sustain and enhance the vitality and viability of town centres the Plan adopts a strategy for accommodating retail, commercial and leisure growth within existing centres based on their role within the settlement hierarchy. Warrenpoint town centre is important for meeting both the daily and weekly needs of surrounding residents. Whilst the capacity and demand for retail growth within these centres is limited, mixed use development holds the key to their regeneration.

The Area Plan also states that town centre housing has an important role both in terms of contributing to the vitality of a town/city centre and offering a sense of security and the benefits of the "Living over the Shop" initiative are recognised.

The Regional Development Strategy 2035

The RDS 2035 supports both urban and rural renaissance (RG7) and recognises that regeneration is necessary to create more accessible, vibrant city and town centres which offer people a choice for shopping, social activity and recreation. Urban renaissance is described as the process of development and redevelopment in urban areas to attract investment and activity, foster revitalisation and improve the mix of uses. It advises that innovative ways should be developed to bring forward under-utilised land and buildings particularly for mixed use development with a focus on integrating new schemes within the existing townscape.

Strategic Planning Policy Statement (SPPS) for Northern Ireland

The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS. Paragraph 6.273 of the SPPS states planning authorities must adopt a town centre first approach for retail and main town centre uses. In this instance the proposal is for a change of use from a bank to 3 no retail units at GF and 3 no. apartments at FF. The proposed use is in line with the SPPS.

Planning Policy Statement 2 – Natural Heritage

The application site lies within the Mourne Area of Outstanding Natural Beauty therefore

NH 6 Areas of Outstanding Natural Beauty is considered. Given that the scheme is change of use and extension to the rear of a building on an existing plot, and taking account of the scale, massing and design of the extended areas, the application cannot be considered to offend any of the policy considerations of policy NH6. The proposals including design, size and finishes are considered to comply with the provisions of this policy.

Planning Policy Statement 3 – Access, Movement and Parking

The proposal includes no in-curtilage parking and as such access to the site is not considered an issue. Planning Policy AMP7 in Planning Policy Statement 3: Access, Movement & Parking illustrates circumstances where reduced levels of parking will be acceptable, including,

for example,

- Where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- Where the development is in a highly accessible location well served by public transport; or
- Where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking.

The application is located within the Town Centre where there is a presumption in favour of this type of development, the latest response from DfI Roads raises no specific objections. Parking Standards state 6 spaces for the retail units and 3.75 spaces for the apartments above.

As per Parking Standards, the pre-existing use of the building required 9 spaces. Thus, there is a shortfall of 1 space. The application site is in a highly accessible location, serviced by public transport. Given the town centre location and available local transport links it is considered in this case that parking provisions are acceptable and the proposal is in line with Policy AMP7.

Addendum to Planning Policy Statement 6 – Areas of Townscape Character

Policy ATC 2 New Development in an Area of Townscape Character Policy states that the Department will only permit development proposals in an Area of Townscape Character where the development maintains or enhances its overall character and respects the built form of the area.

The proposal will see a change of use of the existing building with a new rear extension. The corner plot location means the building has frontage onto both Charlotte Street and Duke Street. The site also contributes to the wider setting of the square. The rear extension will introduce an active outlook onto Duke Street, filling in a vacant yard currently blocked off by a block wall. The important view of the site is adjacent the town centre square which has a mix of buildings, with some offering more in terms of character than others. The external works to the building including new shop front and extension will not result in a detrimental impact on the character of the area, given the sympathetic size and scale and appropriate design and materials which will ultimately see the overall appearance of the elevations fronting onto Charlotte St and Duke St reflecting the existing traditional appearance and respecting the overall character of the ATC and the key features outlined in the ATC Designation with the creation of traditional shop fronts at ground floor and proportionally designed windows at first floor. The proposal will enhance the overall character of the ATC, respecting the building form of that area.

Planning Policy Statement 7 – Quality Residential Environments

Policy QD1 Quality in New Residential Development 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 development. All proposals for residential development will be expected to conform to all 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 area.

In terms of the appearance onto Charlotte St, the building will remain the same in terms of scale and massing. The extension to the rear will present onto Duke St with the ridge height being the same as the existing. Whilst extensions should normally be subordinate to the host building, given the corner plot location, the extension will essentially present as a 'new' building fronting onto Duke Street, consolidating the existing street scene. The creation of traditional shop fronts (stallriser, a fascia and pilasters) at ground floor, proportionally designed windows at first floor and use of appropriate materials will enhance the area respecting the overall character of the area. It is thought that the proposal will have a positive impact on the area.

(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 application site is within the Mourne Area of Outstanding Natural Beauty and Warrenpoint Area of Townscape Character. This has been covered 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 in its integration with the surrounding area.

The works are apartments located above 3 no. retail units within the town centre of Warrenpoint. This type of accommodation is generally limited in provision of any meaningful private open space. The space provided here is a courtyard area, to be used mainly for bin storage. This provision is not out of character of what is expected for over the shop type accommodation and given the location within Warrenpoint with excellent access to a number of amenities there is ample public space that can be utilised. Over the shop living encourages a more vibrant town centre that does not become totally dormant outside trading hours, on balance the private space is considered acceptable and the scheme presented is visually 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 size and scale of the proposal and taking account of the change of use it is not considered that necessary that neighbourhood facilities are included as part of the proposal. In introducing accommodation and above shop living as it will in itself help with the vitality and sense of community. It is not considered that the additional residential units will put undue pressure on the existing neighbourhood facilities.

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.

As this is a part change of use the buildings can make use of the existing movement pattern that exists within Warrenpoint as far as is necessary. The works will not have a negative impact on the existing movement pattern. Movement patterns are generally built into the design at the outset. This change of use application will not impact

negatively on the existing movement pattern or offend this aspect of policy.

f) adequate and appropriate provision is made for parking.

This proposal cannot offer any allocated parking and will rely on the existing parking available within Warrenpoint. Parking has been fully considered above under PPS 3.

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

The overall design and detailing does respect the existing design, form and detailing exhibited in the surrounding area and the character of Warrenpoint given the creation of traditional shop fronts (stallriser, a fascia and pilasters) at ground floor, proportionally designed windows at first floor and use of appropriate materials

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 use of the building with extension is not thought to offer any objections in terms of impact on adjoining land uses. The use as residential will not cause any demonstrable harm on surrounding land uses. Taking account of the existing built development it is not considered that there will be any demonstrable harm in terms of loss of light or privacy nor is it considered that the works will dominate any surrounding property.

Environmental Health was consulted in relation to the proposal and responded with no objections subject to conditions which primarily relate to the proximity of the site to an existing Public house and other uses adjacent to the site. It is considered that with necessary design requirements met that there will not be any demonstrable harm on the future occupiers of the apartments. All apartments can make use of natural sunlight as windows are provided to the main living areas and to the bedrooms, the bedroom windows will look onto a shared courtyard area overlooking the access door. It is not considered that any adjacent land uses will suffer a demonstrable loss of privacy as a result.

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

It is not considered that there will be any potential for increase in crime or reduction of personal safety as a result of the works. The apartments are served off an access off Charlotte St with the access being overlooked by several buildings and adjacent the square, which improves the safety of an entrance by virtue of the overlooking, passing traffic, pedestrians and street lighting, this level of passive or natural surveillance is encouraged. It is not considered there will be any demonstrable harm as a result of the works.

Addendum to PPS 7 Safeguarding the Character of Established Residential Areas

The development is not in what could be considered as an established residential area, the land usage of the area is mixed use with residential, commercial and community. However, the site is within Warrenpoint TC and therefore Policy LC 1 does not apply.

Policy LC2 The Conversion or change of use of existing buildings to flats or apartments is considered and it states that permission will only be granted for the conversion or change of use of existing buildings to flats or apartments where all the criteria is met in QD1 of PPS 7 and all of the criteria set out below is met:

a) there is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area.

Warrenpoint is a seaside town and a tourist town boasting many assets, it is a popular residential location both for long term accommodation and holiday accommodation. The town is very much characterised by pockets of residential development and the change of use of the upper floors of this building along with extension will not detract from the overall character of the area. Local character will not be impacted upon nor will the environmental quality of the area be impacted negatively as a result of the works. As per the justification set out under QD1 it is not considered that the works will have any demonstrable harm in terms of amenity. The works will not cause an unacceptable loss of light onto neighbouring windows and the residential amenity of neighbouring units will not suffer unacceptable harm. The potential impact on future occupants of the apartments has been covered above.

b) the proposal maintains or enhances the form, character and architectural features, design and setting of the existing building.

The works will not detract from the overall character and appearance of the area. In terms of the appearance onto Charlotte St, the building will remain the same in terms of scale and massing. The extension to the rear will present onto Duke St with the ridge height being the same as the existing. Whilst extensions should normally be subordinate to the host building, given the corner plot location, the extension will essentially present as a 'new' building fronting onto Duke Street, consolidating the existing street scene. The creation of traditional shop fronts (stallriser, a fascia and pilasters) at ground floor, proportionally designed windows at first floor and use of appropriate materials will enhance the area respecting the overall character of the area. It is thought that the proposal will have a positive impact on the area.

c) the original property is greater than 150 square metres gross internal floorspace.

The existing property in total has a gross internal floorspace exceeding 150sqm, the upper floor which is to be converted to apartments has a floor space of approx. 90sqm. Whilst this does not meet this part of the policy, an extension is proposed will bring the floorspace to over 150sqm.

d) all flats or apartments are self-contained (i.e. having separate bathroom, w.c. and kitchen available for use only by the occupiers).

There are 3 units proposed as part of this approval all being 2 person 1 bedroom apartments and are approx. 50sqm. Each unit has a separate shower room, bedroom and kitchen/dining/living area. There is a communal bin store located in a compound to the rear of the site. The units are all self-contained and rely on no shared facilities. All apartments meet the space standards as set out in Annex A of the Addendum to PPS 7.

e) the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street.

There is one access serving the 3 units and this is accessed off Charlotte St. None of the properties are considered to contain any flat or apartment which is wholly to the rear of the property without access out onto the public street. This access is considered acceptable.

Planning Policy Statement 12 - Housing in Settlements

HS 1 Living Over the Shop is considered and it states that planning permission will be granted for residential use above shops and other businesses premises subject to the provision of:

- a suitable living environment.

Taking account of the character of the area and the land uses and taking account of the level of residential amenity provided in each unit it is considered that proposed apartments offer a suitable living environment. This aspect of policy has not been offended.

- adequate refuse storage space (large enough to allow for the separation of recyclable waste).

A bin store has been provided to the rear of the site that can provide storage for three bins per apartment. It is considered that sufficient storage space has been provided for the storage of bins and sufficient storage space to allow for a number of methods/mixes of storage to be stored for collection. This aspect of policy has not been offended.

Foul sewage connection

NI Water initially recommended refusal due to capacity issues which establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. In response, a Waste Water Impact Assessment application was submitted to NI Water for consideration. The assessment carried out by NI Water has indicated that it should be possible to permit a foul connection from this site subject to the developer undertaking some measure of storm water offsetting. This is where storm water is removed from the existing NI Water foul/combined sewer network to permit the connection of foul only from the proposed development. A Solution Engineer Report has also been submitted recommending options for possible Storm Water offsetting locations. NI Water issued a final response dated 15th March 2024 acknowledging the SER report, however reminded Planning that a WWIA is not deemed complete until a solution has been agreed upon, and deemed deliverable by both NIW and the developer, thus recommending refusal. While the position to date from NIW has been noted and is fully acknowledged and respected, the applicant 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.

On this basis the application must proceed to Committee as negative conditions will be applied to safeguard NI Water concerns as essentially the matter goes against the recommendation of a consultee and must be progressed through Planning Committee with safeguarding negative conditions attached.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval, as per the assessment above.

Drawing nos. 1799-01, 1799-04A, 1799-05B

Conditions:

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

3. 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 2, 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.

4. The 3 no. ground floor units hereby approved, indicated on Drawing No. 1799-05B shall be used only for A1 use of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use.

5. Prior to the occupation of any apartment hereby approved, a ventilation system shall be installed within all habitable rooms and must provide attenuation of 40 Dne. The system shall be permanently retained thereafter.

Reason: In the interests of residential amenity.

6. The hours of operation of the 3 no. retail units hereby approved shall be:

- 9.00am – 6.00pm Monday to Saturday
 - 1.00pm – 6.00pm Sunday
- Deliveries shall be restricted to those hours.

Reason: In the interests of residential amenity.

7. Prior to the occupation of any apartment hereby approved, the existing timber floors between the retail units at ground floor and the apartments at first floor shall be upgraded to meet the required level of attenuation and to comply with Part G of the Northern Ireland Building Regulations, and shall be permanently retained thereafter.

Reason: In the interests of residential amenity.

8. All noise and vibration generating plant must be resiliently mounted and isolated from the structural frame with proprietary isolation mounts at all times.

Reason: To ensure no excess noise or vibration transfer through the building fabric in the interests of residential amenity.

9. Any mechanical extraction systems shall be fitted with acoustic attenuation, designed to prevent noise disturbance to neighbouring properties. Any air conditioning units shall be fitted within the rear service yard area and shall have noise levels below the proposed levels achieved by the acoustic glazing proposed to this area, outlined in condition no. 11. These systems and units shall be in place and operational prior to any unit coming into operation which shall be permanently retained thereafter

Reason: In the interests of residential amenity.


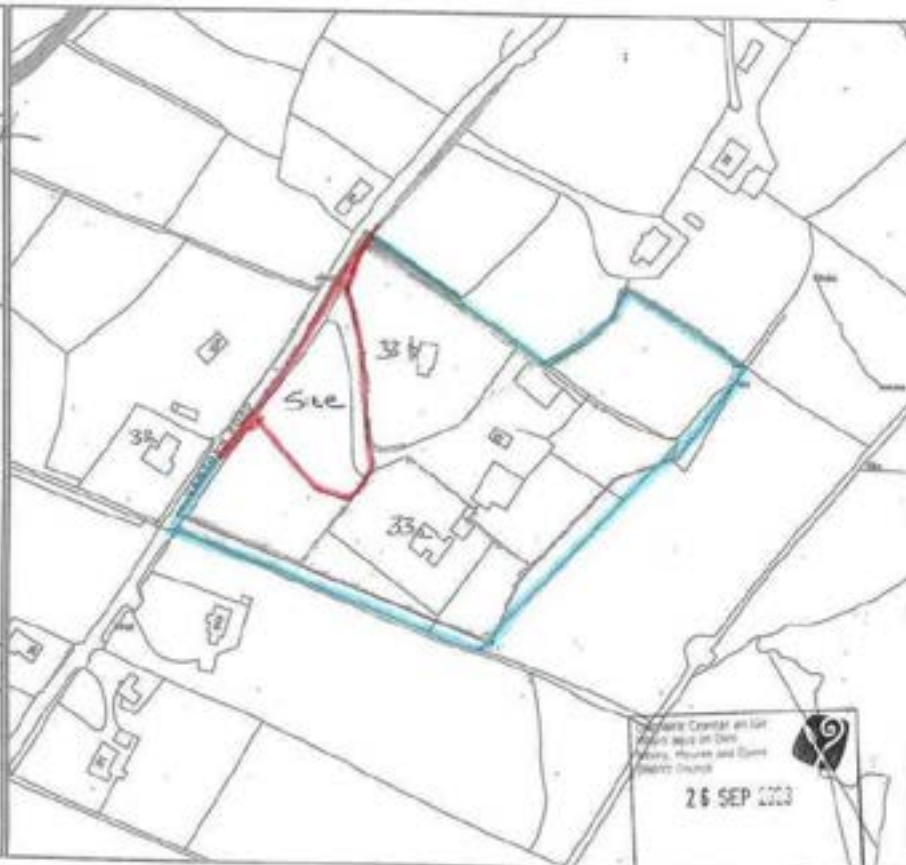
10. Prior to the occupation of the apartments hereby approved, the following mitigation measures shall be implemented and permanently retained thereafter:

- Bedroom window overlooking Duke Street shall be fitted with 6-16-8.8mm acoustic glazing laminate double glazed units and an acoustic ventilator or acoustically attenuated MVHR System.

<ul style="list-style-type: none"> • Bedroom windows overlooking Rear Courtyard shall be fitted with 6-16-6mm acoustic thermal double glazed units and an acoustic ventilator or acoustically attenuated MVHR System. • Living / Dining Rooms overlooking Charlotte & Duke Street shall be fitted with 6-16- 6.8mm acoustic glazing laminate double glazed units and an acoustic ventilator or acoustically attenuated MVHR System. <p>Reason: In the interests of residential amenity.</p>
<p>Case Officer Signature: Eadaoin Farrell</p>
<p>Date: 2 June 2025</p>
<p>Appointed Officer Signature: M Keane</p>
<p>Date: 02-06-25</p>

Application

Development Management Officer Report	
Case Officer: Rhys Daly	
Application ID: LA07/2023/3412/O	Target Date:
Proposal: New dwelling with detached garage on gap/infill site.	Location: Directly opposite No 32A and adjoining 33a and 33b Newtown Road, Rostrevor, BT34 3BZ' (Amended Address)
Applicant Name and Address: Martin McGinn 33 Newtown Road Rostrevor BT34 3BZ	Agent Name and Address: Collins & Collins 11 Marcus Street Newry BT34 1ET
Date of last Neighbour Notification:	3 rd October 2024
Date of Press Advertisement:	25 th October 2023
ES Requested: No	
Consultations: <ul style="list-style-type: none"> • NI Water – No objections to the proposal • DFI Roads – No objections to the proposal • NIEA- Refers the Planning Authority to the DAERA Standing Advice – NED – Single Dwellings 	
Representations: 6 Neighbours were notified on 3 rd October 2024. The application was advertised in the local press on the 11th October 2023. No representations 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: As set out above this is an outline application and therefore no details, elevations or finishes have been submitted nor are required as part of this application. These matters would be assessed at reserved matters stage. The main objective of this application is to establish the principle of the development on the application site.	

Site Visit Report	
Site Location Plan:	
<div style="text-align: center;">  <p>Land & Property Services Seirbhíse Talmhaí & Máicíní THE LAND ROADS & SURVEY SERVICE FOR IRELAND</p> </div> <p> Date: 26 May 2022 <i>26/05/22</i> County: Down Folio: 1:25000 Our Ref: M227-3 Your Ref: 21700186 </p> <p><i>Scale: 1:25000</i></p> <p><i>Site Location Map</i></p> <p> COLLINS & COLLINS CHARTERED SURVEYORS / ASSESSORS 2 MARCUS STREET NEWRY, BT34 1EZ Tel: 028 302 86602 Fax: 302 50457 Email: info@collinscollins.biz </p> <p><small>Copyright Reserved</small></p>	 <div style="position: absolute; bottom: 10px; right: 10px; border: 1px solid black; padding: 5px; font-size: small;"> Planning Committee 4th List 26 SEP 2023 </div>
Date of Site Visit: 05/06/2024	
Characteristics of the Site and Area <p>The application site is located out-with any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is located within an Area of Outstanding Natural Beauty and a Local Landscape Policy Area.</p> <p>The application site is located within a field accessible via a field gate off a private laneway which sits along the Newtown Road. The red line boundary comprises the north eastern portion of a larger sloping field, which falls downwards towards the Newtown Road. The site is bounded by a hedgerow along the road side and a wooden fence along the eastern boundary. The south western boundary is currently undefined. The size, scale and form of the neighbouring dwellings is varied. The lane also gives access to a farm which consists of multiple sheds and a concrete yard.</p>	
Description of Proposal	

New dwelling with detached garage on gap/infill site.

Planning Assessment of Policy and Other Material Considerations

The planning application has been assessed against the following:

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

PLANNING HISTORY

No relevant history on the site. There is currently an application under consideration to the south of the site; reference LA07/2023/3099/O.

SUPPORTING DOCUMENTS

The P1 form was submitted along with relevant drawings and maps. A biodiversity checklist was also submitted.

EVALUATION

Banbridge/Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan. The Site is within a Local Landscape Policy Area.

Policy CVN 3 of Area Plan

Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character.

LLPAs are designated to help protect the environmental assets within or adjoining settlements. They include:

- archaeological sites and monuments and their surroundings;
- listed and other locally important buildings and their surroundings;
- river banks and shore lines and associated public access;
- attractive vistas, localised hills and other areas of local amenity importance; and
- areas of local nature conservation importance, including areas of woodland and important tree groups.

The application site is within Designation RR 09 Local Landscape Policy Area Rostrevor. Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed as the following:

The Kilbroney, Rostrevor and Ghann river corridors including associated mature vegetation providing local wildlife habitats and nature conservation interest and the hills and woodland surrounding the settlement including that inside the Kilbroney Park.

A PEA was submitted with the application which concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided.

The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east.

The proposed development is not likely to negatively impact the Local Landscape Policy Area.

Strategic Planning Policy Statement

There is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Building on Tradition a Sustainable Design Guide for Northern Ireland

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 considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

PPS21- Sustainable Development in the Countryside

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

CTY 8 – Ribbon Development

CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

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

The application site is located within an agricultural field just off the Newtown Road. The field sits west of 33b Newtown Road. 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. NE of the application site lies an agricultural field that has frontage to the Newtown Road. There are no buildings within this field. SW of the red line boundary lies the remaining portion of the agricultural field that is under consideration for the erection of an infill dwelling under LA07/2023/3099/O. SW of that there is another field, with a large detached dwelling and garage that has frontage to the Newtown Road located beyond this field. A ranch style fence denotes the curtilage of this dwelling, whereby a gap exists between the dwelling and detached garage and the southern boundary of the subject field.

The Department notes the presence of No. 33b Newtown Road, however this dwelling has frontage to the private laneway only. The curtilage of this property does not have frontage to the Newtown Road.

There are no buildings to either the north or south sides of the application site with frontage to the Newtown Rd, thus there can be no gap site to infill.

In order for a building to have road frontage, the plot on which it stands must abut or share a boundary with that road, footpath or lane.

In respect of the laneway (aside from the Newtown Rd), whilst the application site has frontage to the laneway, it is located on the other side of the laneway to No. 33b. As the application site is at the junction of the laneway with Newtown Road, there are no buildings with frontage to the laneway to the north.

There is no continuous built-up frontage along this stretch of road or laneway, thus the proposal therefore fails the initial policy test.

Image showing the application site and surrounding area



Policy CTY8 states *"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 can produce a design solution to integrate the new buildings."*

The Planning Department have considered the characteristics of the site and do not consider the infilling of this site as acceptable given the reason outlined above, whereby

the site provides a visual break in the countryside. To permit such a development in the open countryside would be out of keeping with the character of the area.

While it is noted there has been pressure for building along this road, it is clear from a site visit and inspection of the grounds there is no substantial and continuous built up frontage to infill a gap. There is no policy to support the principle of development in this instance.

The proposal does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

Policy CTY13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

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

The application has been presented as an outline application and therefore no detailed design has been provided. The site is open to public view when travelling along the Newtown Road in both directions. Long distant views of the site are also from the adjacent Kilbroney Road that runs parallel to the Newtown Road. The site does not benefit from mature landscaping and would require proposed landscaping to aid its integration. The site also sits on an elevated position comparable to the public road.

The surrounding landform comprises significant natural and built features immediately adjacent to the site and would provide a backdrop to the proposed development. The proposed development would not be at odds with these existing features, which would allow the development to integrate into the surrounding landscape. It is considered that a single storey dwelling with a low ridge height would adequately integrate into the site with the existing buildings providing a suitable degree of enclosure. The degree of enclosure provided by the existing built and natural features then means that the

proposed development does not rely primarily upon new landscaping to aid integration. The surrounding built and natural features also provide a significant backdrop to the proposed development which then allows that it would not be a prominent feature in the landscape.

Policy 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.*

As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that a dwelling on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road.

CTY 16 Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A package treatment plant is proposed to serve this development, with surface water disposed to an underground stratum. There appears to be sufficient lands within the control/ownership of the applicant to accommodate this method of sewage disposal and associated soak-away whilst maintaining sufficient separation distance between the existing dwellings and proposed dwelling. The proposal appears to conform to Policy CTY 16.

Residential Amenity

It is considered that there is sufficient space to accommodate a modest sized dwelling and maintain acceptable separation distances to avoid any unacceptable loss of light or overshadowing of the neighbouring dwellings. Careful design can also prevent any unacceptable overlooking of adjacent properties. No objections from neighbouring properties had been received as part of this application.

Planning Policy Statement 3 – Access Movement and Parking

DCAN 15- Vehicular Access Standards

Policy AMP2 of PPS3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road. DFI Roads were consulted in relation to the proposed development.

DFI Roads have offered no objections to the principle of development on this occasion and provided conditions to be attached to any favourable decision.

PPS 2 Natural Heritage

There are currently no built structures on site. Adjacent habitats include areas of bare ground, residential buildings with gardens, grasslands and hedgerows. The site is located approximately 600m northeast of Rostrevor, in a semi-rural environment. The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east. The site has good linear connectivity within the wider landscape, via hedgerows, watercourses and woodland which are all present in the local area. Proposed works are for the erection of a new dwelling with detached garage and all associated site works.

The closest designated sites are the Western Mourne and Killeaghan Upper ASSI, located 1101m east of the site which is not hydrologically connected to the site. Hydrological connections are likely to exist between the site and Carlingford Lough ASSI/SPA/RAMSAR site via the unnamed watercourse running through the northern site boundary.

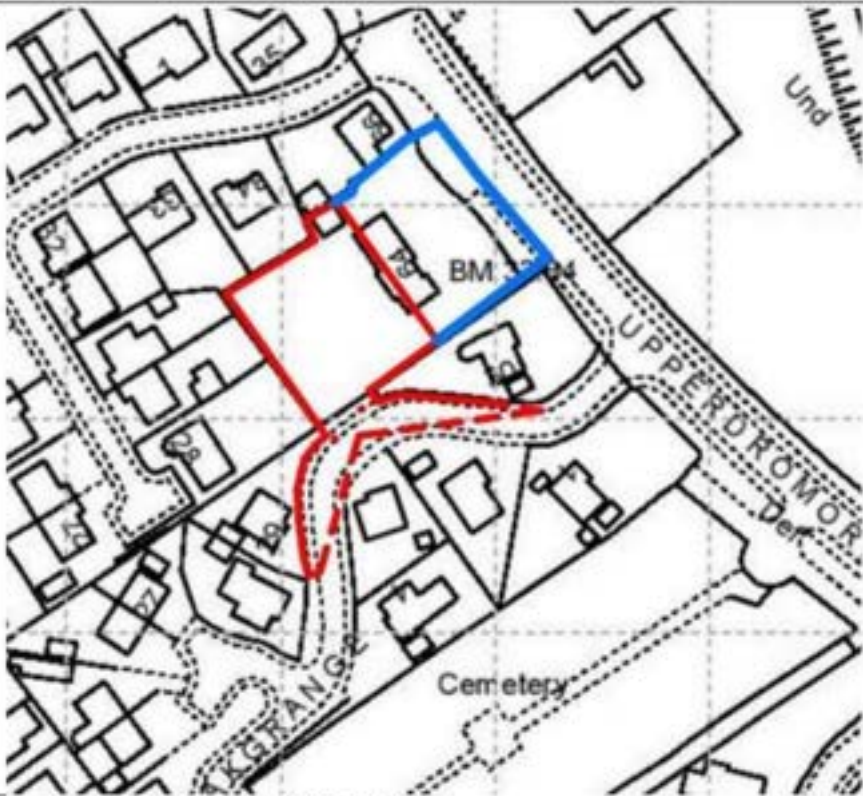
A PEA was submitted for consideration. The PEA concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided. In this case, if light spill onto any retained hedgerow with trees cannot be kept below 1 Lux, a bat activity survey will be required in accordance with NIEA/BCT Guidelines.

The application site is within an Area of Outstanding Natural Beauty. Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all three specified criteria are met. Criterion (a) requires the siting and scale of the proposal to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. This is an outline application and no floor plans or elevations have been submitted. Whilst a dwelling on this site would benefit from the surrounding landform which comprises significant natural and built features and would provide a backdrop to the proposed development, development on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road. Thus, the proposed siting would be unsympathetic to the special character of the Mourne AONB.

Neighbour Notification Checked	Yes
Summary of Recommendation	
The Planning Department recommend 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 CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built-up frontage. 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 buildings would, result in a suburban style build-up of development when viewed with existing buildings. 4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, as the development of this site is inappropriate and therefore unsympathetic to the special character of this AONB. 	
Case Officer Signature: R.Daly	
Date: 29th April 2025	
Appointed Officer Signature: M Keane	
Date: 29-04-25	

Delegated Application

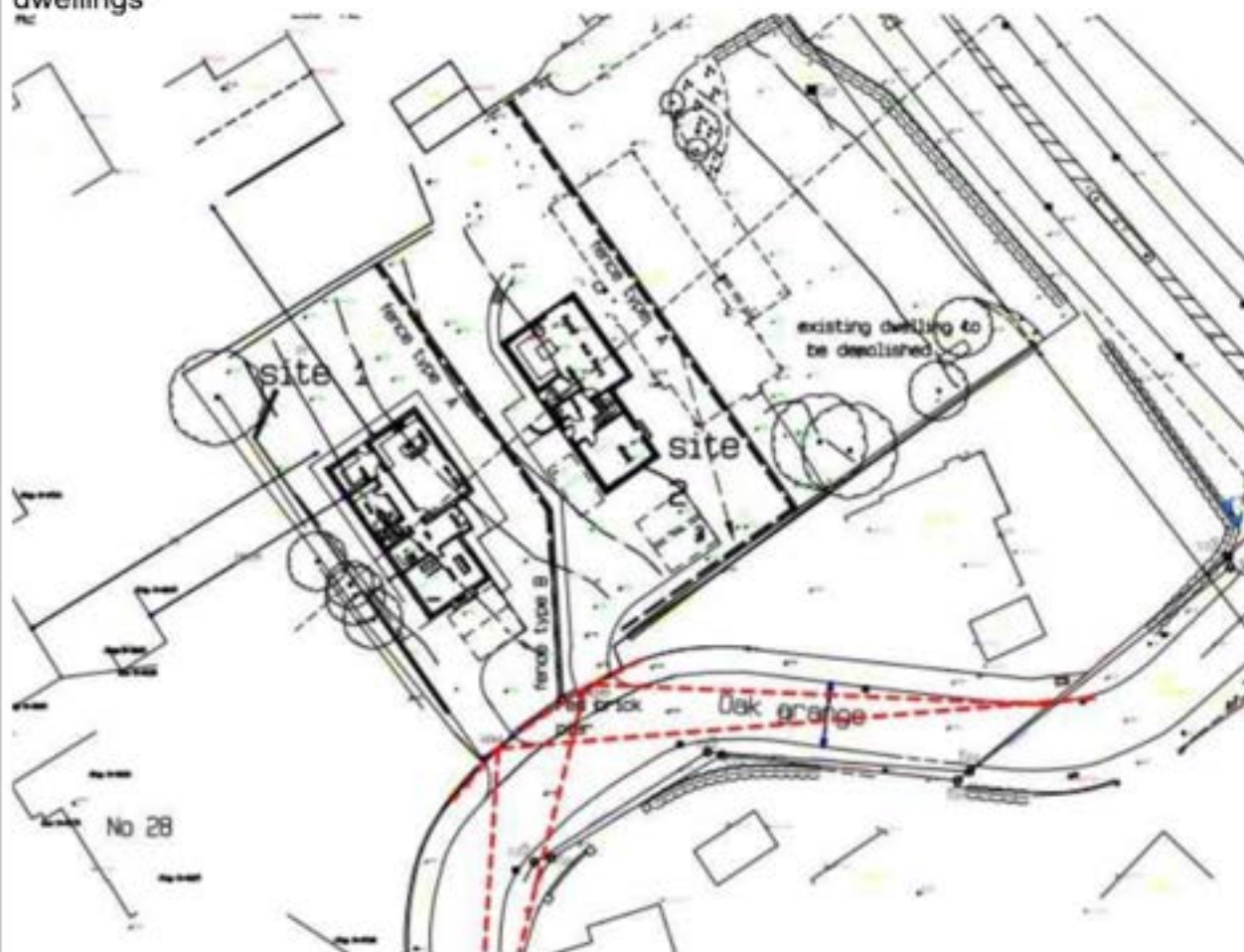
Development Management Officer Report	
Case Officer: Michael Tomlinson	
Application ID: LA07/2024/1008/F	Target Date:
Proposal: Erection of two detached dwellings	Location: 64 Upper Dromore Road, Warrenpoint, BT34 3PN
Applicant Name and Address: John O' Hanlon 64 Upper Dromore Road Warrenpoint BT34 3JY	Agent Name and Address: John Cole 12A Duke Street Duke Street Warrenpoint BT34 3JY
Date of last Neighbour Notification:	25 March 2025
Date of Press Advertisement:	25 September 2024
ES Requested: No	
Consultations: Consultations carried out on this application are summarised below.	
Representations: 11 letters of objection have been received on this application. The contents of which is summarised below.	
Letters of Support	0.0
Letters of Objection	11
Petitions	0.0
Signatures	2
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 28/03/2025	
Characteristics of the Site and Area <p>The application site is located in the rear garden area of No. 64 Upper Dromore Road, Warrenpoint. This is an urban location within the development limits of Warrenpoint/Burren as identified in Map No. 3/06a of the Banbridge/ Newry and Mourne Area Plan 2015. The application site is within the Mourne AONB and is on unzoned, white land as denoted in the Plan.</p> <p>The application site is a rectangular site that makes up the rear amenity space for the subject dwelling. The sites boundaries are made up by the rear building line of the subject dwelling to the northeast, the southeastern boundary is defined by a close boarded timber fence with leylandii hedging planted within. The southwestern and northwestern boundaries is defined by a mature leylandii hedgerow. The topography of the application site rises gradually from northeast to southwest.</p> <p>The surrounding area is characterised by dwellings and surrounding housing developments of various finishes and character. Oak Grange is where the proposed development is to be accessed from consists of detached chalet bungalows set within of red brick and white painted render finishes, with the dwellings orientated slightly off the road at an angle, with each having a visible frontage onto the street.</p>	



Description of Proposal

The application seeks full planning permission for the Erection of two detached dwellings



front elevation
(to Oak Grange)

Notes:
1. All walls and floors to be constructed of brickwork.
2. All windows and doors to be constructed of UPVC.
3. All external walls to be finished with a render finish.
4. All internal walls to be finished with a plaster finish.
5. All floors to be finished with a carpet finish.

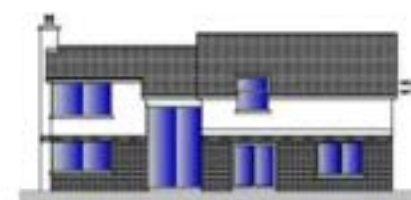


side elevation A



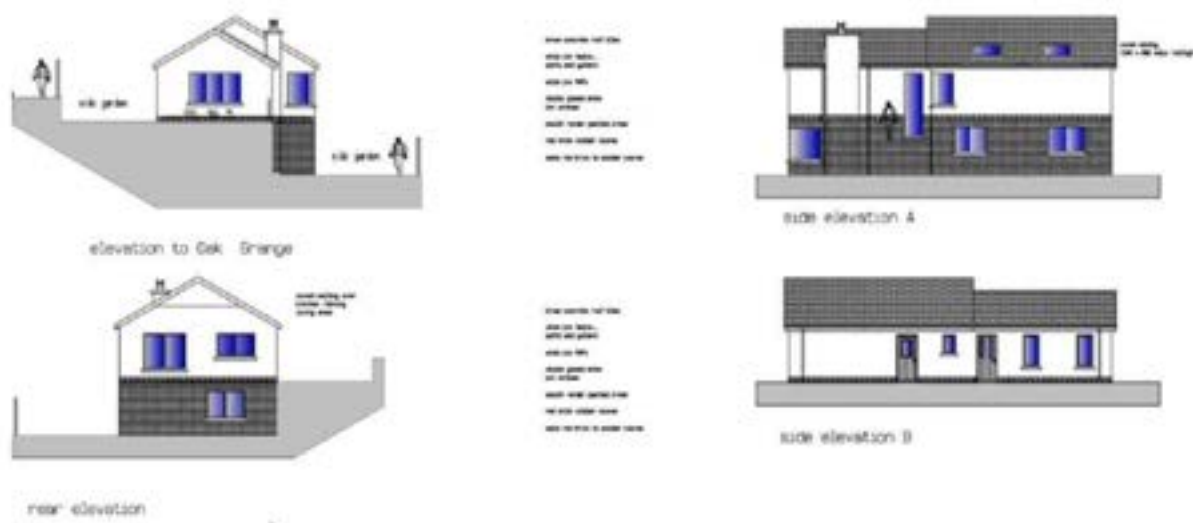
rear elevation

Notes:
1. All walls and floors to be constructed of brickwork.
2. All windows and doors to be constructed of UPVC.
3. All external walls to be finished with a render finish.
4. All internal walls to be finished with a plaster finish.
5. All floors to be finished with a carpet finish.



side elevation B

Site 1



Site 2

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Application Number: LA07/2023/3044/F Decision: Permission Granted Decision Date: 17 February 2025

Proposal: Removal of existing dwelling and construction of housing site for two dwellings with detached garages

Representations

10 neighbouring dwellings were notified of the proposal and 11 letters of representation from 11 addresses and 2 signatures have been received. The application was also advertised in the local press and no wider representations have been received.

A summary of the key points of objection are as follows:

- Incorrect location given in the Design and Access Statement
 - Whilst acknowledged this is erroneous, the actual site location is correct and the objector who raised this concern was appropriately notified.
- Incorrect answers given in the Application Form
 - The details as submitted were sufficient to enable a full assessment without amendment.
- 4 dwellings had been previously refused on the application site and this constitutes piecemeal development.
 - It is acknowledged an early scheme under LA07/2023/3044/F had included 4 dwellings, this was amended. This application is for a different scheme and therefore can be afforded full consideration.
- Traffic and road safety concerns for pedestrians at the access/egress for the two proposed sites.
- Visibility and access issues for the access/egress of the objectors dwelling.
- Increase in congestion within Oak Grange development.
- Increase in noise, pollution and disruption of amenity for nearby residents.
- Recommendation to move access location to a location that is perceived where it won't interfere with existing access points.

- The proposed accesses are located on a tight bend that in adverse weather is particularly dangerous.
- The proposal would result in an unacceptable damage to the character of the area.
- The increase in housing density is not in keeping with the surrounding area.
- Dispute regarding legal ownership of a strip of land within the application site.
- Loss of privacy.

Consultations

DfI Roads – No objection in principle. Conditions included.

NI Water – No objection

Assessment

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 7: Quality Residential Environments
- Addendum to PPS 7: Safeguarding the Character of Established Residential Areas
- PPS 12: Housing in Settlements
- Creating Places

Banbridge, Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations.

The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The application site is located within unzoned white land, within the development limits of Warrenpoint/Burren as identified on map 3/06a of the Plan. There are no specific policies relevant to this site.

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015

The SPPS 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.

PPS7 Quality Residential Environments

The relevant planning policy in determining housing development within development limits is PPS 7: Quality Residential Development. Policy QD 1 of 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. It then lists the criteria required for housing development within development limits. Due to the scale and nature of the proposal, only certain criteria apply to this application.

Scale, Massing and Design

Planning Control Principle 1 of PPS 12 'Increased Housing Density without Town Cramming' advises that: 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 existing residential area of Oak Grange has a clear development pattern of detached dwellings within established curtilages of modest plot sizes, orientated at a slight angle to the public road, with each dwelling providing a strong frontage onto the road. There is quite a spacious urban grain within the development, with each dwelling provided with off street parking and good provision of clearly defined private amenity space. It is noted that a tighter urban grain is demonstrated deeper into Oak Grange and further into in the abutting development in Ashley Heights, however, the application site and proposed dwellings will become part of the street scene within the lower section of the development, where there is a demonstrably lower density.

Policy LC 1 of the Addendum to PPS 7 requires that the proposed density is not significantly higher than that found in the established residential area of which is considered to be a calculation of dwellings per hectare.

Fig. 1 shows a measurement of the development surrounding the application site, excluding the application site and the applicant's dwelling. There are 15 dwellings within a 1.1 hectare area within, to include those within Ashley Heights, Upper Dromore Road and Oak Grange. This would mean the average plot size within the surrounding area is 730sqm (0.07ha). The application site is 1400sqm (0.14ha), with site 1 having 670sqm and site 2 having 730 sqm. It is acknowledged therefore that in plot size alone, the proposal fits with the average of the immediate surrounding area.



Fig. 1:

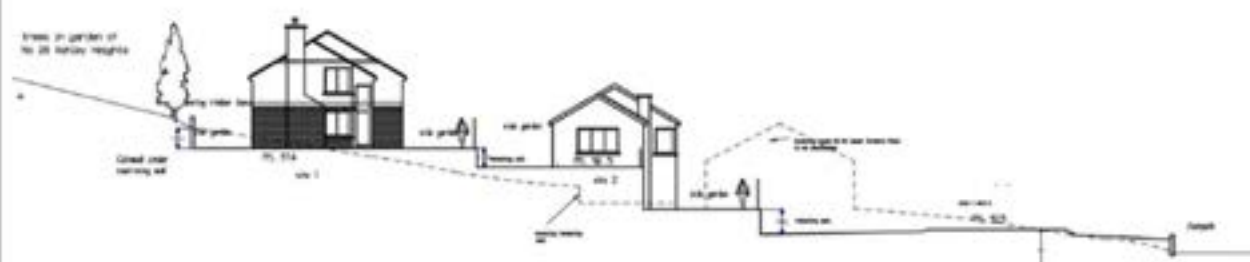
However, Policy QD1 (a) requires the development to respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. The proposal seeks to subdivide the rear portion of the curtilage of the existing dwelling of No. 64 Upper Dromore Road to create two additional detached dwellings within linear curtilages that run perpendicular to the public road. (Notwithstanding the existing dwelling and remainder of the curtilage is to be cleared to provide 2 other dwellings). The prevailing character of the Oak Grange is chalet bungalows with a clear frontage and identifiable curtilages. The proposal will create an elongated plan form within the application site with a narrow frontage in the case of Site 1 and no frontage in the case of site 2 onto the street and a broad depth running into the two curtilages. The narrow frontage and seemingly perpendicular orientation to Oak Grange is not considered to be a character of the location. With the depth of the dwellings into the plots, the principal elevation appears to be along the northeastern elevations of the proposed dwellings, as opposed to the elevation facing Oak Grange.

The provision of private amenity space within the wider development is clearly defined, with the amenity space located to the rear of the dwellings. Due to the elongated nature of the plots and the subject dwellings, the perceived principal elevation to the northeast would give the appearance that the private amenity space should be provided to the southwestern side of the dwelling in keeping with the character of the area, however, it is provided to the northwest of the dwelling, which appears more so as the side garden. The layout in this case is not

considered to respect the surrounding context of private amenity space located clearly to the rear of the dwelling.

Furthermore, the retaining walls to be provided to enable the split-level nature of the proposed dwelling in site 2, along the south western boundary and the common boundary between the two sites will not appear sympathetic to the topography of the site. It is acknowledged that the supporting statement identifies that retaining walls are a feature in the location, however they are more subtle, with the majority of the dwellings blending with the topography. In this case, the elongated, narrow plots and deep curtilages that require substantial exposed retaining walls to accommodate this proposal are symptomatic of overdevelopment and thus inappropriateness of the development in this locality.

The agent was made aware of this consideration in an email dated 14th April 2025, whereby it was explained that one suitably designed dwelling would be suitable and could be accommodated within the application site; however, this was rebutted and the applicant wished to pursue the two dwellings. It is therefore considered that whilst the two plots sit within the average for the surrounding area in terms of space, they do not reflect the character of the surrounding area by means of their layout, scale and appearance.



The design and appearance of the dwellings in the surrounding development as previously mentioned takes the form of chalet bungalows orientated to have a strong frontage onto the public road within Oak Grange, albeit at slight angles to it. The appearance of the dwellings, whilst not strongly symmetrical, there is a consistent theme of rectangular plan dwellings of consistent ridgelines, frontal projections and picture windows provided on the front elevations.

The design of the two proposed dwellings differs due to the topography of the two sites. Site two is to be a split-level dwelling with a lower ground and ground floor providing two full floors of accommodation. The appearance of this dwelling will read as a two storey from the northeast elevation and as single storey from the southwestern elevation. When viewing this dwelling from within Oak Grange, there will be a sudden drop from the ground floor to the lower ground floor. The frontage therefore onto Oak Grange will not only be somewhat limited in terms of its presence, but also in its appearance, with what will appear as a gable wall providing the public facing elevation. The dwelling will have a rectangular plan form, with a split ridgeline roof. The lower ridged element will be facing towards the public road in Oak Grange, with the ridge then stepping up and the footprint of the dwelling increasing in width in line with the increased ridgeline. The windows in the northeastern dwelling will consist of one split level window, with the majority of the remaining windows provided on the lower ground floor. In its appearance, there is no consistency in the design. It appears that the dwelling has been

designed purely to overcome potential neighbouring amenity issues and disregarding the character of the surrounding area.

The proposed dwelling to be located in site 1 is to follow a broadly similar footprint layout to site 2: albeit slightly enlarged; and will have a ground floor and first floor level. It will have a similar plan form, with a stepping up ridgeline. The window design will however differ, with the northeastern elevation being provided with more first floor windows, an enlarged full height window. This dwelling will have a greater public presence within Oak Grange than the proposed dwelling on site 2, nevertheless due to the restricted nature of the plot widths, the frontage is similar to site 2 in the sense that it will appear as a gable wall or side elevation. Furthermore, the externally expressed chimney breast will provide the central feature on this public facing elevation, reinforcing its appearance of being orientated with the gable to the road. In both cases, the perceived principal elevation is the northeastern side elevation which will not be afforded any street presence within the Oak Grange development

It is considered that the design of the proposed dwellings does not respect or reflect the surrounding context or the character and topography of the site and thus does not reasonably comply with the requirements of criterion (a) of Policy QD 1 of PPS 7.

Impacts on Neighbouring Amenity

Criterion (h) of Policy QD 1 of PPS 7 states 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. It is acknowledged that the application site will require the demolition of the dwelling known as No. 64 Upper Dromore Road to provide the curtilage to site 2. A recent planning approval under planning reference LA07/2023/3044/F granted 2 dwellings on the footprint and in the northeastern garden of No. 64 Upper Dromore Road. The dwellings granted on this site are two storey and are to have a finished floor level of 32.5 metres. The proposed dwelling in site 2 will have a finished floor level of 33.8 metres and there will be a separation distance of 14 metres. The relationship between the proposed dwelling in site 2 of this proposal and the two dwellings approved in the abutting site will be side to rear. It is considered; however, that due to the elongated plan form and design, this elevation presents itself as the principal elevation of the dwelling and will read as front to rear. The separation distance between the proposed northeastern elevation of the proposed dwelling in site 2 and the approved dwellings in the abutting site will be 18 metres.

Due to the elongated plan form of this proposed dwelling, the 1.3 metre taller increase in topography and 7.5 metre ridge height; when combined with the increase in land level and provision of what will appear as first floor level windows, it is considered that the created relationship between the approved and proposed dwellings will be unacceptable. The created relationship will give rise to an unacceptable perception of dominance and overlooking into the rear amenity space by the dwellings approved under LA07/2023/3044/F. It is noted that due to the northeast-southwest relationship, any loss of light that may be experienced by the approved dwellings will be restricted to the evening and would not be so significant to be carried into a reason for refusal.

The relationship between the two dwellings within the application site will be side to side, however as previously mentioned, due to the elongated plan form, the northeastern elevation of both dwelling stakes the appearance of the principal elevation. The proposed separation distance dwelling the two dwellings will be 10 metres and there will be a further rise in land levels of 0.9 metres from the finished floor level of the ground floor of the dwelling proposed in site 2 and the dwelling proposed in site 1. The southwestern elevation of the dwelling in site 2 is single storey, where that facing elevation of the dwelling in site 1 is two storey and is provided with upper floor bedrooms and two floor wraparound window expressed on this elevation. Whilst a 1.8 metre tall close boarded timber fence will define this common boundary and reduce the level of overlooking at the ground floor level, the upper floor windows and raised topography will give rise to an unacceptable perception of overlooking and with the 10 metre separation distance, there will be an inappropriate perception of dominance created by this proposed relationship.

The existing dwelling at No. 30 Oak Grange is located on a similar level to the existing dwelling at No. 64 Upper Dromore Road. It is noted in the submitted plan 3433 PL SP RC 16-05-2025, a full outline of this dwelling has not been provided and the closest elevations as measured on the outline provided would show a separation distance of 16 metres. Online mapping of the site shows that there is a closer point on this dwelling. An accurate measurement based on the true outline of this dwelling would indicate a separation distance of 14 metres. As previously mentioned, the northeastern side elevation provides the perceived principal elevation and as such the relationship created will be a staggered front to back. With the finished floor level of 36.5 at the ground floor, there will be a floor level difference of 2 metres, but an overall ridge height difference of only 0.1 metres due to the split level nature of the site. Due to the staggered nature of the relationship that will be created, similar ridge heights and location of this dwelling, it is not considered that there will be any significant impact with regards to loss of light or dominance. The first floor windows to be provided on the northeastern elevation will be off set and will not have an inappropriate view towards this dwelling. It is considered that there will be no significant impact on the privacy and amenity of this neighbouring dwelling.

It is considered that the remaining dwellinghouses that abut the application site are afforded mature boundary treatments that should planning permission be granted, will be retained to safeguard the amenity of the residents of these dwellings. The proposed and approved dwellings however will have an inappropriate relationship that will not demonstrate suitable compliance with criterion (h) of Policy QD1.

Access and Parking

Parking Standards sets the required amount of parking to be provided for each type of development. Table 8 of Parking Standards outlines that for a 4 bedroom detached dwelling, 3 in curtilage parking spaces are required. Both sites within the application site can meet this parking need.

It is noted that almost all received letters of objection identify road safety as a primary source of concern. DfI Roads were consulted in light of the application and have provided no objection, subject to conditions regarding the creation and maintenance of visibility splays. It is considered that the proposal is acceptable in terms of the access and parking arrangements.

Provision of Services

NI Water have provided no objection to the proposal. No other statutory consultees have been consulted and no objections have been received from any third parties in relation to the provision of services to the proposal.

Impact on the AONB

Due to the application site being located within the development limits of Warrenpoint, within a largely built up location and the scale and nature of the proposal, it is not considered that there will be any conceivable impact on the AONB.

Loss or Damage to Trees/Landscape

There is no loss or damage to trees or landscape features as a result of the proposed development.

RECOMMENDATION – REFUSE FULL PLANNING PERMISSION

Neighbour Notification Checked

Yes/No

Summary of Recommendation

For the reasons outlined above, the proposal fails to meet with the relevant planning policy requirements and other material considerations and therefore it is recommended to refuse full planning permission.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS), Policy QD 1 of PPS 7 and Policy LC 1 of the Addendum to PPS 7, Safeguarding the Character of Established Residential Areas in that the proposal would, if permitted, not be in keeping with the overall character of the established residential area, does not respect the surrounding context and is not appropriate to the character by reason of its layout, scale, and appearance and would, if permitted result in unacceptable damage to the local character of the area.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy QD 1 of PPS 7, Quality Residential Environments in that the proposal would, if permitted, result in an unacceptable adverse effect on the 2 approved/proposed properties immediately adjacent in terms of overshadowing and overlooking.

Case Officer Signature: M. Tomlinson
Date: 21 May 2025
Appointed Officer Signature: M Keane
Date: 21-05-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Cole Partnership Architecture and Project Management

12A Duke Street Warrenpoint
Co.Down BT34 3JY

Proposed planning application for two dwellings at 64 Upper Dromore Road Warrenpoint Ref: LA07/2024/1008/F

This is a planning application for the erection of two dwellings at 64 Upper Dromore Road Warrenpoint. The existing site consists of a large bungalow and large steep rear garden. The applicant Mr.O'Hanlon is at an age now where he and his family have no requirement for such a large site, it is not sustainable for him to maintain and not practicable for him to manage as the years go on. As we are all aware housing supply in Warrenpoint is low and cost of buying a house in the Warrenpoint area is extremely high. Mr O'Hanlon has two daughters who wish to remain in the area and live close to their parents.

The planning department are of the opinion that the proposal should be recommended for refusal for a number of reasons:

- The proposal would not be in keeping with the overall character of the area, does not respect the surrounding context and is not appropriate to the character of the area by reason of its layout, scale
- result in an unacceptable adverse effect on the 2 approved/proposed properties immediately adjacent in terms of overshadowing and overlooking.

Planning policy QD1 of PPS 7 consists of 9 criteria which have to be met to gain planning permission. The planning department are of the opinion that the proposal meets 7 of the nine criteria and is only contrary to A and H.

The case officers report suggests that the proposed dwellings would be out of keeping with the character of the area due to the principle elevations facing towards the Upper Dromore road as opposed to the elevation facing Oak Grange. Please see image 1, 2, 3 and 4. These images are taken from the road in Oak Grange, in the immediate vicinity of the accesses to the proposals. The existing dwellings within the area of the proposed sites all have gable walls facing Oak Grange. The case officers report is incorrect to suggest that the principle elevation of dwellings in the area of the proposal face on to the road at Oak Grange. Both proposed dwellings have the same access orientation as dwellings 1, 2, and 30 Oak Grange. The proposed accesses would be in keeping with the character of the area. See existing accesses in images 2 and 3.

The case officers report implies that the private amenity space should be provided to the southwestern side of the dwelling in keeping with the character of the area please see image 5 which shows the orientation of the amenity spaces of the dwellings in the area. There is no sustained orientation of private amenity space. The orientation of No. 2 Oak Grange faces South East, No.4 face North East, No.28 and 29 faces North West. The orientation of the private amenity space to 28 to 32 Ashley Heights, which abuts the proposed site, face North East. There is no consistent orientation of private amenity space in the area. In relation to position of amenity space PPS 7 QD 1 para 4.31 states '*Developers should therefore make adequate provision for private open space in the form of gardens, patios, balconies or terraces, depending on the characteristics of the development proposed and the surrounding context.*' The surrounding area clearly has a varied orientation of amenity spaces. The proposed amenity space to the dwellings will be in keeping with the character of the area.

From Clough Mor View to Ashley Heights, the topography of the land dictates that a vast majority of dwellings in this area are subject to retaining walls. Retaining walls in the area range from 1.2m to 3.5m see images 6, 7, 8, 9 and 10. The proposed retaining walls within the site are only 1.2m and 2.5m high which would match the character of the area. We would point out that on approach to a lot of the dwellings in this area the most notable feature is the required retaining walls. Although retaining walls are required for the proposal, they will not be visible from any public view due to their position within the site and the retained mature landscaping surrounding the sites. The statement in the case officers report that '*retaining walls to accommodate this proposal are symptomatic of overdevelopment*' is incorrect retaining walls are only used when the topography of the ground requires them.

The dwellings have been designed to match the finishes of the existing dwellings in the area, red brick and render. The proposed dwelling on site No.2 is split level due to the topography of the site with a retaining wall that tappers with the ground level. Windows have been orientated to allow for views towards Warrenpoint and to make the most of solar gain. The step in the dwelling is to allow for a design to allow views from the living area, not as the case officer

states to overcome potential neighbouring issues, and if that was the case para 7.15 of creating places documents allows for *'mitigating measures to help promote privacy'*. Given site No.2's position within the proposed site, the existing levels within the site and the road levels in conjunction with the existing fence and mature land scaping, which is to be retained, site No.2 will not be visible from the road in Oak Grange

The case officers report has similar opinion in relation to site one. It has been designed to face Oak Grange with the front door facing onto Oak Grange. Site No.1 will be visible from Oak Grange with front door facing Oak Grange making it the front elevation. The case officers report notes that *'the externally expressed chimney breast will provide the central feature on this public facing elevation, reinforcing its appearance of being orientated with the gable to the road'*. This would appear exactly the same as No.2 Oak Grange which has an expressed chimney breast facing onto Oak Grange, see image 2 and 3, however in addition the proposal on site No.1 has a front door facing Oak Grange identifying it as the front elevation. The dwellings within this area are of varied orientation to the road, the proposals would be in keeping with this trend. This information would indicate that the proposals are in keeping with the character of the area. The front elevation of many of the dwellings within Oak Grange do not face on to Oak Grange. We would note that para 4.21 of PPS 7 encourages variety of dwellings with residential developments it states *'The overall design concept for a new residential environment should seek to provide contrast and interest balanced by unifying elements to provide coherence and identity. As well as greater variety in the spatial form of development this will entail a greater diversity of dwelling form and type to help produce a lively street scene'*


The case officer feels that there would be no adverse effect in terms of overlooking, overshadowing and no significant impact on the privacy and amenity of No. 30 Oak Grange. Concern is raised on the impact of the proposed dwellings on approved application LA07/2023/3044/F for two dwellings on the site of 64 Upper Dromore Road. There is a separation distance of 32m between site No.1 and the approved dwellings under LA07/2023/3044/F, it is not possible for the proposed dwelling at site No.1 to have any adverse effects on the two approved dwellings. Site No.2 is the only dwelling in this proposal that could have any effect on the approved dwellings. The separation distance between proposal at site No.2 and approved dwellings is 15.5m. There are no windows at first floor level that will look into the private amenity space of the approved dwellings, as per para 7.15 of creating places document this is an allowed mitigating measure to help promote privacy. There is also a 1.8m high closed board timber fence that will prevent any overlooking into private amenity space of approved dwellings. The rear private amenity space to the dwelling at site No.1 abuts the dwellings in Ashley Heights. The separation distance of 15.5m also prevents any overshadowing of the approved dwellings. There is a separation distance of 9.1m between the two proposed dwellings and an insignificant change in ground level. The separation distance of 9.1m is adequate to prevent any over shadowing on to the side garden on site No.2. There are no windows that will look into the private amenity space of site No.1 which abuts the dwellings in Ashleigh Heights. There will be a 1.8m closed board timber fence which will prevent any overlooking into the site No.2.

11 objections have been submitted in relation to this proposal, 9 of the objections are the exact same letter. A main concern is road safety; roads service have been consulted and are happy with the accesses and visibility provided to the proposal. In relation to effect on existing amenity the case officers report sees no concern with the proposals effect on existing amenity of the dwellings in the area. Density and overdevelopment have been raised as a concern, the plot size of the proposals is larger than the plots in surrounding area, amenity space of the proposals is larger than the amenity of existing dwellings, we would query how the site can be overdevelopment.

The information provide shows the proposal will match in with the character of the area and that the proposed dwelling at site no.2 will have no effect on the approved dwellings or No.30 Oak Grange which has been accepted by the planning department.

Application

Development Management Officer Report	
Case Officer: Rhys Daly	
Application ID: LA07/2023/3099/O	Target Date:
Proposal: New dwelling with detached garage on gap/infill site	Location: Directly opposite no. 32 and 32A Newtown Road, Rostrevor, Newry, Co. Down, BT34 3BZ (amended address)
Applicant Name and Address: Martin McGinn 33 Newtown Road Rostrevor BT34	Agent Name and Address: John Collins 11 Marcus Street, Newry BT34 1ET
Date of last Neighbour Notification:	21 June 2024
Date of Press Advertisement:	12 June 2024
ES Requested: No	
Consultations: DFI Roads – Following a second consultation, Roads have no objections with conditions NI Water – Approved with standard planning conditions DFI Rivers – Content with attached advice for the Department HED – Content it will have no impact NIEA - Refers the Planning Authority to the DAERA Standing Advice – NED – Single Dwellings Environmental Health – No objection to the proposal subject to the submission of details at RM stage.	
Representations: 7 neighbours notified as part of the application process. No representations have been received to date.	
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:	
 <p>Proposed Access to be shared access between 2 sites visibility splays can be obtained 2.4m x 70m</p> <p>NEWTOWN</p> <p>Site Location Plan</p> <p>Scale 1:42500</p> <p>A.4</p>	
Date of Site Visit: 05/06/2024	
Characteristics of the Site and Area	
<p>The application site is located out-with any defined settlement development limits as designated in the Banbridge, Newry and Mourne Area Plan 2015. The application site is located within an Area of Outstanding Natural Beauty and a Local Landscape Policy Area.</p> <p>The application site is located within a field accessible via a field gate off a private laneway which sits along the Newtown Road. The red line boundary comprises the southern portion of a larger sloping field, which falls downwards towards the Newtown Road. The site is bounded by a hedgerow along the road side and a wooden fence along the eastern boundary. The northern boundary is currently undefined.</p> <p>The size, scale and form of the neighbouring dwellings is varied. The lane also gives access to a farm which consists of multiple sheds and a concrete yard.</p>	
Description of Proposal	
<p>New dwelling with detached garage on gap/infill site</p>	

Planning Assessment of Policy and Other Material Considerations

The planning application has been assessed against the following:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- PPS 2 Natural Environment
- PPS3 Access Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS 6 Planning, Archaeology and the Built Heritage
- PPS 15 Planning and Flood Risk
- PPS21 Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

PLANNING HISTORY

Planning

Application Number: LA07/2023/3412/O Decision: Decision Date:

Proposal: New dwelling with detached garage on gap/infill site.

Application Number: P/2001/0066/O Decision: Permission Granted Decision
Date: 14 March 2001

Proposal: Site for replacement dwelling.

Application Number: P/2003/2857/O Decision: Permission Granted Decision
Date: 14 April 2004

Proposal: Site for replacement dwelling

Application Number: P/2007/0997/F Decision: Permission Granted Decision
Date: 10 September 2008

Proposal: Erection of replacement dwelling.

Application Number: P/2010/0414/F Decision: Permission Granted Decision
Date: 31 January 2012

Proposal: Retention of former dwelling to be used as farm office with storage

Application Number: P/2010/0252/F Decision: Permission Granted Decision
Date: 02 February 2012

Proposal: Retention of agricultural building

Application Number: P/2009/1554/F Decision: Permission Granted Decision
Date: 23 June 2012

Proposal: Erection of farm dwelling and domestic garage.

EVALUATION

Banbridge/Newry and Mourne Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limit of any designated settlement as illustrated on Map 3/01 of the plan. The Site is within a Local Landscape Policy Area.

Policy CVN 3 of Area Plan

Within designated LLPAs, planning permission will not be granted to development proposals that would be liable to adversely affect their intrinsic environmental value and character.

LLPAs are designated to help protect the environmental assets within or adjoining settlements. They include:

- archaeological sites and monuments and their surroundings;
- listed and other locally important buildings and their surroundings;
- river banks and shore lines and associated public access;
- attractive vistas, localised hills and other areas of local amenity importance; and
- areas of local nature conservation importance, including areas of woodland and important tree groups.

The application site is within Designation RR 09 Local Landscape Policy Area Rostrevor. Those features and areas that contribute to the environmental quality, integrity or character of these areas are listed as the following:

The Kilbroney, Rostrevor and Ghann river corridors including associated mature vegetation providing local wildlife habitats and nature conservation interest and the hills and woodland surrounding the settlement including that inside the Kilbroney Park.

A PEA was submitted which concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided.

The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east.

The proposed development is not likely to negatively impact the Local Landscape Policy Area.

Strategic Planning Policy Statement

There is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies of PPS21 will be given substantial weight in determining the principle of the proposal in accordance with para 1.12 of the SPPS.

Building on Tradition a Sustainable Design Guide for Northern Ireland

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 considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be developed to integrate the new building(s) within the local context.

PPS21- Sustainable Development in the Countryside

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

CTY 8 – Ribbon Development

CTY8 allows for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage provided they respect the existing development pattern along the frontage in terms of size, scale, siting and plot size. In assessing proposals against CTY 8, the Planning Appeals Commission (PAC) have set out four steps to be undertaken (e.g in appeal decision 2016/A0040):

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

The application site is located within an agricultural field just off the Newtown Road. The field sits directly opposite 32 Newtown Road. 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. Immediately SW of the application site lies an agricultural field that has frontage to the Newtown Road. There are no buildings within this field. NE of the red line boundary lies the northern portion of the agricultural field that is under consideration for the erection of an infill dwelling under LA07/2023/3412/O. Further to the SW of application site, beyond the field, there is a large detached dwelling and garage that has frontage to the Newtown Road. A ranch style fence denotes the curtilage of this dwelling, whereby a gap exists between the dwelling and detached garage and the southern boundary of the subject field.

The Department notes the presence of No. 33b Newtown Road, however this dwelling has frontage to the private laneway. The curtilage of this property does not have frontage to Newtown Road. In order for a building to have road frontage, the plot on which it

stands must abut or share a boundary with that road, footpath or lane. Whilst the application site has frontage to the laneway, it is on the other side of the laneway to No. 33b. As the application site is at the junction of the laneway with Newtown Road, there are no buildings with frontage to the laneway to the north. There is no continuous built-up frontage along this stretch of road, thus the proposal therefore fails the initial policy test.

The below images is satellite image of site and the surrounding area.



Policy CTY8 states *"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 can produce a design solution to integrate the new buildings."

The Planning Department have considered the characteristics of the site and do not consider the infilling of this site as acceptable given the reason outlined above, whereby the site provides a visual break in the countryside. To permit such a development in the open countryside would be out of keeping with the character of the area.

While it is noted there has been pressure for building along this road, it is clear from a site visit and inspection of the grounds there is no substantial and continuous built up frontage to infill a gap. There is no policy to support the principle of development in this instance.

The proposal does not represent one of the types of residential development considered acceptable in principle in the countryside. Policy CTY 1 advises that other types of development will only be permitted where there are overriding reasons why it is essential and could not be located in the nearby settlement. No overriding reasons were presented to demonstrate how the proposal is essential and why it could not be located in a settlement. The proposal therefore fails Policy CTY 1 of PPS 21.

Policy CTY13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

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

The application has been presented as an outline application and therefore no detailed design has been provided. The site is open to public view when travelling along the Newtown Road in both directions. Long distant views of the site are also from the adjacent Kilbroney Road that runs parallel to the Newtown Road. The site does not benefit from mature landscaping and would require proposed landscaping to aid its integration. The site also sits on an elevated position comparable to the public road.

The surrounding landform comprises significant natural and built features immediately adjacent to the site and would provide a backdrop to the proposed development. The proposed development would not be at odds with these existing features, which would

allow the development to integrate into the surrounding landscape. It is considered that a single storey dwelling with a low ridge height would adequately integrate into the site with the existing buildings providing a suitable degree of enclosure. The degree of enclosure provided by the existing built and natural features then means that the proposed development does not rely primarily upon new landscaping to aid integration. The surrounding built and natural features also provide a significant backdrop to the proposed development which then allows that it would not be a prominent feature in the landscape.

Policy 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.*

As above, this is an outline application with no detailed design elements submitted; it is considered that however, the application does not comply with CTY14 in that a dwelling on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road.

CTY 16 Development Relying on Non-Mains Sewerage

CTY 16 ensures that new developments will not create or add to a pollution problem. A package treatment plant is proposed to serve this development, with surface water disposed to an underground stratum. There appears to be sufficient lands within the control/ownership of the applicant to accommodate this method of sewage disposal and associated soak-away whilst maintaining sufficient separation distance between the existing dwellings and proposed dwelling. The proposal appears to conform to Policy CTY 16. As per Environmental Health's response, if approval was granted, fully detailed drawings showing the location of the plant should be submitted at RM stage for consideration.

Residential Amenity

It is considered that there is sufficient space to accommodate a modest sized dwelling and maintain acceptable separation distances to avoid any unacceptable loss of light or overshadowing of the neighbouring dwellings. Careful design can also prevent any unacceptable overlooking of adjacent properties. No objections from neighbouring properties had been received as part of this application.

Planning Policy Statement 3 – Access Movement and Parking

DCAN 15- Vehicular Access Standards

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

PPS 2 Natural Heritage

There are currently no built structures on site. Adjacent habitats include areas of bare ground, residential buildings with gardens, grasslands and hedgerows. The site is located approximately 600m northeast of Rostrevor, in a semi-rural environment. The landscape in the local area is dominated by agricultural grasslands bounded by trees and hedgerows in all directions with large areas of long-established woodland to the east and south. Residential and commercial properties are found to the southeast in the town of Rostrevor. Watercourses are common in the local area, with the closest being an unnamed watercourse which passes through the northern site boundary, although it has been culverted. Areas of woodland are common in the local landscape, with the nearest area being approximately 105m to the east. Areas of long-established woodland are also located 205m to the east. The site has good linear connectivity within the wider landscape, via hedgerows, watercourses and woodland which are all present in the local area. Proposed works are for the erection of a new dwelling with detached garage and all associated site works.

The closest designated sites are the Western Mourne and Kilfeaghan Upper ASSI, located 1101m east of the site which is not hydrologically connected to the site. Hydrological connections are likely to exist between the site and Carlingford Lough ASSI/SPA/RAMSAR site via the unnamed watercourse running through the northern site boundary.

A PEA was submitted for consideration. The PEA concluded that through appropriate mitigation measures including, the sensitive timing of works, pollution prevention measures, and the avoidance of habitat illumination, it is likely that all significant ecological impacts can be avoided. In this case, if light spill onto any retained hedgerow with trees cannot be kept below 1 Lux, a bat activity survey will be required in accordance with NIEA/BCT Guidelines.

The application site is within an Area of Outstanding Natural Beauty. Planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality and all three specified criteria are met. Criterion (a) requires the siting and scale of the proposal to be sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality. This is an outline application and no floor plans or elevations have been submitted. Whilst a dwelling on this site would benefit from the surrounding landform which comprises significant natural and built

features and would provide a backdrop to the proposed development, development on this site would result in a suburban style build up when viewed with the existing buildings, namely Nos. 33, 33A and 33B Newtown Road, from various vantage points along the Newtown and Kilbroney Road. Thus, the proposed siting would be unsympathetic to the special character of the Mourne AONB.

PPS 6: Planning, Archaeology and the Built Heritage

Kilbroney House, which is a Grade B listed building (HB16/06/011), is located along Kilbroney Road. HED HB were consulted given the possible associated views of the development which may harm the setting of the listed building. HED HB confirmed that that the development is sufficiently removed in situation and scale of development from the listed asset as to have negligible impact thus complying with Policy BH 11 of PPS 6.

PPS 15: Planning and Flood Risk

The development does not lie within the 1 in 200 year coastal flood plain. In relation to the watercourse bounding the site to the south west, due to its small catchment size, the watercourse present has not been modelled and hence has no associated 1 in 100 year fluvial flood plain shown on DfI Flood Maps (NI). However, this does not mean that there is no associated flood risk with this watercourse. Rivers Directorate would advise it is the applicant's responsibility to appoint a competent professional to assess the flood risk and to mitigate the risk to the development and any impacts beyond the site.

Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained along the existing watercourse, but up to 10m where considered necessary. Rivers Directorate requires that the working strip is shown on a site layout drawing that will be included in any Planning Decision Notice to enable enforcement of the provision of the working strip.

As this is an outline application, no floor plans or site layout plan has been submitted for consideration. As per Policy FLD 3, if the new buildings/hardstanding exceeds 1000sqm a Drainage Assessment is required. The submission of a DA can be conditioned if permission was to be granted.

Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. As this is an outline application, no site layout plan has been submitted. If outline approval was to be granted, a fully detailed site layout plan should be submitted for consideration.

Neighbour Notification Checked	Yes
Summary of Recommendation	
The Planning Department recommend refusal.	
Reasons for Refusal:	

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap site within an otherwise substantial and continuously built-up frontage.
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 buildings would, result in a suburban style build-up of development when viewed with existing buildings.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage, as the development of this site is inappropriate and therefore unsympathetic to the special character of this AONB.

Case Officer Signature: R.Daly


Date: 29 April 2025

Appointed Officer Signature: M Keane

Date: 29-04-25

Delegated Application

Development Management Officer Report	
Case Officer: Michael Tomlinson	
Application ID: LA07/2024/0490/O	Target Date:
Proposal: Proposed dwelling on a farm	Location: 225 M West of 81 Kilbroney Road. Rostrevor
Applicant Name and Address: Sean Sweeney 81 Kilbroney Road Rostrevor BT 34 3BL	Agent Name and Address: John Cole 12A Duke Street Warrenpoint
Date of last Neighbour Notification:	22 January 2025
Date of Press Advertisement:	22 May 2024
ES Requested: No	
Consultations: Consult 11/02/2025	
Representations:	
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
<p>Site Location Plan:</p> 
<p>Date of Site Visit: 14/01/2024</p>
<p>Characteristics of the Site and Area</p> <p>The application site is located 225m west of 81 Kilbroney Road, Rostrevor. This is a countryside location beyond any development limits and is within the Mourne AONB, as identified in the Banbridge/ Newry and Mourne Area Plan 2015.</p> <p>The site outlined in red extends from the Kilbroney Rd and is located within a wider field that has been subdivided into quarters by means of two crossing ranch style fences, each providing separate paddocks. The application site is located within the southern most quarter of the field. The boundaries of the site are demarcated by ranch style fencing along its southern, northeastern and northwestern boundaries. The roadside boundary where the proposed access is located is defined by a 1 metre tall post and wire fence and a 1 metre embankment running up to road level. The wider road boundary of the field is open to uninterrupted views and the application site can be seen for long distances when travelling towards Rostrevor from the direction of Hilltown. The topography of the site slopes away from the road gradually with slight undulation along the northwestern section of the site.</p>

The existing farm clustering is not visible from the roadside and is located approximately 225 metres to the east of the application site. The surrounding location is characterised by Kilbroney Cemetery located immediately to the south, interspersed detached dwellings and agricultural fields. The development limits of Rostrevor are located in general proximity to the application site and suburban development can be seen from the roadside.

Description of Proposal

The application seeks outline planning permission for a proposed dwelling on a farm.

PLANNING HISTORY

No relevant/ recent planning history.

Consultations

DfI Roads – Advice

DAERA – Farm business ID has been established greater than 6 years ago and has claimed payments through the Basic Payment Scheme or Agri Environment scheme in each of the last 6 years

NI Water – No objection

NIEA – Standard Advice

Historic Environment Division – Refusal: the proposal will have a detrimental impact on the setting of a regionally significant historic site.

SES (informally) – No objection

Representations

Two neighbouring dwellings have been notified and on the application was advertised in the local press and no letters of representation have been received.

Planning Assessment of Policy and Other Material Considerations

Planning Policies & Material Considerations:

Banbridge Newry and Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21

Planning Policy Statement 6

Planning Policy Statement 3 / DCAN 15

Planning Policy Statement 2

Building on Tradition

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.

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

Principle of Development

PPS 21 Sustainable Development in the Countryside is the relevant planning policy in determining the principle of development for this proposal. Policy CTY 1 gives a number of opportunities for housing development in the countryside. The relevant planning policy for the assessment of this planning application is policy CTY 10 of PPS 21. The policy lists a number of requirements that must be met in order for the principle of development to be established. Firstly, it has been demonstrated by means of the submission of the applicant's farm business ID in consultation with DAERA, that the farm business has been active and established for each of the last 6 years. The second criterion requires that no development opportunities have been sold off the farm holding in the last 10 years. Having thoroughly checked the lands within the farm holding, it does not appear that any such opportunities have been sold off the farm in the last 10 years.

Lastly, the policy requires that 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 this case, there is a separation distance of over 200 metres from the main farm holding. The planning statement submitted in support of the application identifies two buildings in field 6E approximately 75 metres southeast of the application site (as per the submitted farm maps) that the proposed new building is to be visually linked with. When measuring the distance from this agricultural building to the nearest building within the applicant's farm cluster, there is a separation distance of 115 metres. A review of historic satellite imagery revealed that one of the two buildings of which the proposed dwelling is to be visually linked with did not exist prior to August 2022. Under Part 7 Class A.1 (e) of the Planning (General Permitted Development) Order (Northern Ireland) 2015, permitted development for agricultural buildings is not permitted if the nearest part of any building or structure so erected or extended is more than 75 metres from the nearest part of a group of principal farm buildings. It is considered that this building is not lawful. The other building within field 6E may have existed there for greater than 5 years, however with no supporting CLEUD to demonstrate its lawfulness, it too is considered unlawful. With no planning history available for these buildings, they are considered unlawful and therefore cannot be included within the assessment of the visual linkage between the application site and the farm group.



Fig. 1: Satellite image of field 6E August 2022



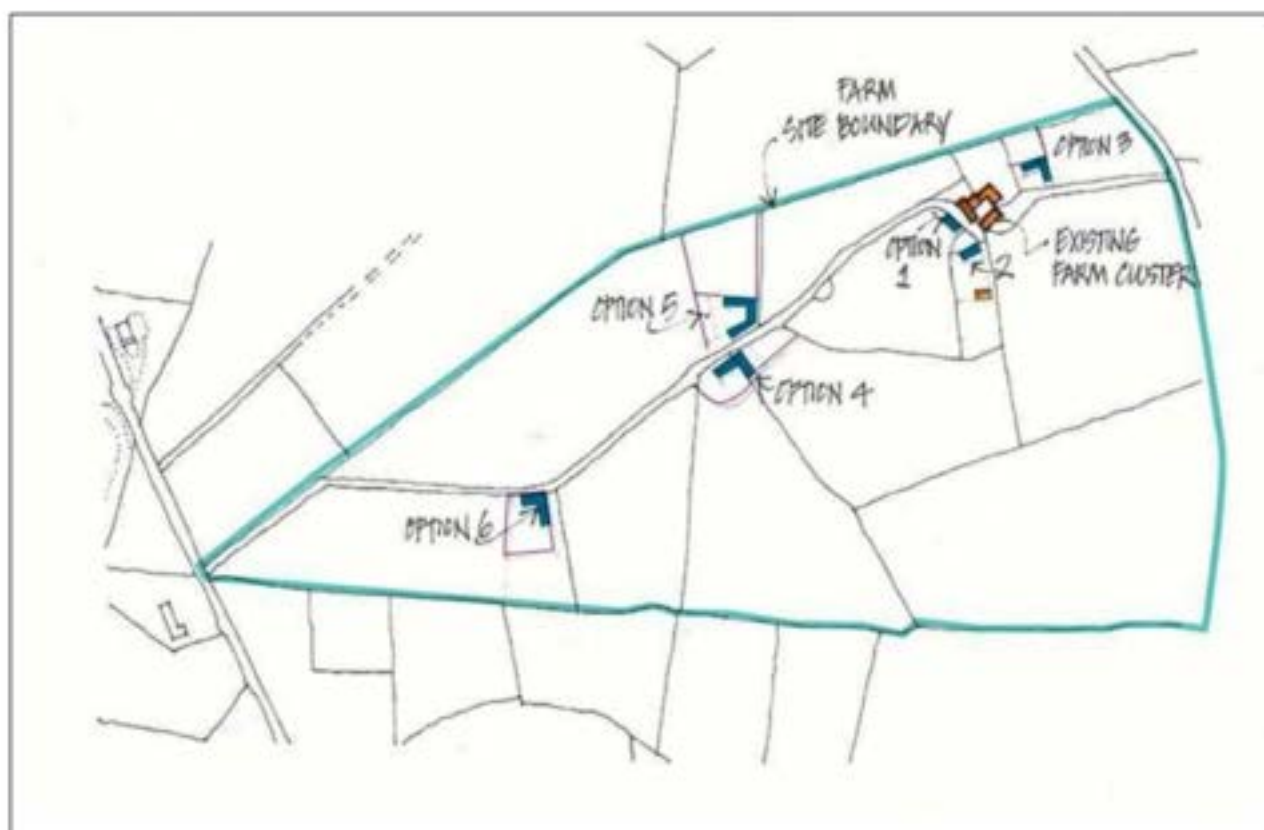
Fig. 2: Satellite image of field 6E April 2024

The agent was informed of the unlawful nature of the two buildings and they have argued in their response dated 3rd March 2025 that the buildings were constructed in 2014 and thus immune from enforcement action. The subject planning application is not to determine the legality of these buildings through immunity and without demonstration that the buildings are legal, by means of the submission of a certificate of lawful development, these buildings cannot be included within the farm group and therefore a dwelling can not be accepted to cluster with these buildings.

As such, the closest building within the farm holding that can be considered lawful to the application site is over 150 metres to the east. It is noted within the agent's letter dated 28/01/2025 that this chosen site is suitably divorced for safety reasons namely the movement of horses. This is not considered sufficient to require such a removed siting of the proposed dwelling. It has therefore not been reasonably demonstrated that this siting so far removed from the existing farm group is required in accordance with demonstrable health and safety reasons; or verifiable plans to expand the farm business at the existing building group and therefore it is considered unacceptable in this instance.

It is noted that in both supporting statements submitted by the agent, that they make particular reference to paragraph 5.41 of the justification and amplification of policy CTY 10 referring to the use of an adjacent site which reads: *'If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation.'* Whilst it is acknowledged that the landscaping on the lands abutting the application site to the south and south east provide a good standard screening, where the applicants farm is not visible from public vantage; the proposed dwelling will not benefit from such screening from public view. It is noted that the application site is sited at a lower topography than the public road, however, long public views can be achieved for up to 150 metres from the proposed access location to the north east when travelling northeast to southwest along the Kilbroney Road. In addition, there are lands within the applicant's farm holding that are both closer to the farm buildings and benefit from a significant level of screening vegetation that would mitigate significant public vantage. From here, the application site appears to sit in isolation.

In their final supporting statement dated 3rd March 2025, the agent contends that paragraph 5.41 of the justification and amplification is in this case applicable and has included a screenshot from page 84 of Department guidance document 'Building on Tradition – A Sustainable Design Guide for Rural Northern Ireland' shown below, with siting 6 being quoted as the option that this proposal seeks to mirror. Whilst this document is guidance, it notes that this option may be appropriate in certain circumstances. It is not considered that this site is of a similar circumstance to the hypothetical siting demonstrated by option 6 of the guidance document, as there are other lands within the applicant's farm holding that would demonstrate a high level of visual linkage and integration that the chosen site fails to provide. Furthermore, all options shown in this diagram demonstrate options for visually linked siting off the spine; the spine being the laneway of which the farm buildings are located. The application seeks to create its own access, separate from the spine and thus is incomparable.



It is therefore considered that the proposed siting location is not acceptable due to its separation distance from the farm grouping, with no visible interlinking regardless of screening vegetation; especially when viewed from the Kilbroney Road when travelling in a southwestern direction; and the lack of demonstration for the need of this exaggerated separation. It is therefore considered that the principle of development for a dwelling on a farm has not been established on the application site.

Impact on the Character and Appearance of the Area

As established, a dwelling within the application site would not be visually linked or cluster with the established group of buildings within the farm. The application site is exposed to elongated public vantage when viewed 150 metres to the northeast of the proposed access location, travelling in the direction of Rostrevor. Despite its lower topography, the site does not benefit from any established natural boundaries along its northeastern and northwestern boundaries which would aid integration. Subsequently, any buildings within this site would depend upon new landscaping to encourage integration which contravenes criterion (c) of CTY 13 and is therefore unacceptable. The landscaping to the south of the application site provides a suitable backdrop, however it does not sufficiently offset the lack of boundary treatments along its northern boundaries.

The proposed access shown on drawing 3378 PL SP shows a long sweeping driveway into the site. Such a feature is resisted under Policy CTY13 and demonstrates a suburban character. The agent was asked why access could not be taken off the existing access to the applicant's address at No. 81 Kilbroney Road. A signed letter from the applicant's solicitor dated 22nd January 2025 was submitted to explain why access

cannot be legally taken from the existing laneway. It is considered however that this is a civil issue, unrelated to planning and therefore does not sufficiently demonstrate the need for this new access. The proposed creation of this new access when read in conjunction with other accesses in the wider location will have a combined impact damaging to the rural character of the area. It is therefore considered that the creation of the new access is not appropriate for the site and locality.

Due to this being an outline planning application, a full assessment on the impact of a dwelling on the application site in regards to its location within the Mourne AONB cannot be made. Should outline planning permission be granted, an assessment on the impact of any proposed buildings within the application site should be made in light of policy NH 6 of PPS 2.

Impact on the Historic Environment and Built Heritage

It is noted that the application site is within the setting of a regionally important archaeological monument – Kilbroney Church and Graveyard (DOW 051:058). As such, Department for Communities Historic Environment Division (HED) was consulted who have provided a substantive response based on its location and the importance of the abutting feature. It identifies that the application site as being adjacent to the remains of Kilbroney Church and Graveyard (DOW 051:58). This unique and important ecclesiastical site, which dates from at least the medieval period, consists of ruins of the medieval church on an earlier monastic site, associated graveyard, St Bronagh’s Well and two ancient crosses. The overall site is a Scheduled Monument of regional importance and afforded statutory protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. Paragraph 6.8 of SPPS and Policy BH1 of PPS 6 apply in this case.

HED provided the following recommendation: the proposal is contrary to paragraph 6.8 of the SPPS and Policy BH 1 of PPS 6 in that the development, if permitted, would have a significant adverse impact upon the integrity of the setting of a regionally important archaeological monument – Kilbroney Church and Graveyard (DOW 051:058). The scheme as proposed cannot be made acceptable with conditions. No exceptional circumstances have been demonstrated in this case.

Impact on the AONB

Policy NH 6 of PPS 2 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. The policy then lists a number of other essential criteria that must be met. In this case, this is an outline planning application and no indicative plans regarding landscaping, finishes or appearance have been provided. Should outline permission be granted, a number of conditions are recommended to ensure any development within the application site is sympathetic to this location.

Neighbour Notification Checked	Yes
Summary of Recommendation	

For the reasons stated above, it is considered that the proposal fails to meet with the policy requirements of CTY 10, CTY 13 and CTY 14 of PPS 21 and Policy BH 1 of PPS 6 and therefore it is recommended to refuse outline planning permission.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that: the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm or that health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to paragraph 6.8 of the SPPS and Policy BH 1 of PPS 6 in that the development, if permitted, would have a significant adverse impact upon the integrity of the setting of a regionally important archaeological monument – Kilbroney Church and Graveyard (DOW 051:058).

Case Officer Signature: M Tomlinson

Date: 21 May 2025

Appointed Officer Signature: M Keane

Date: 21-05-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

Cole Partnership Architecture and Project Management

12A Duke Street Warrenpoint
Co.Down BT34 3JY

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Proposed outline planning application for dwelling on a farm 225m West of 81 Kilbroney Road Rostrevor Ref: LA07/2024/0490/O

This is an outline planning application for a dwelling on a farm located 225m West of Kilbroney Road Rostrevor. The applicant Mr.Sweeney is the principal owner of The Greens Stud Farm which is based at 81 Kilbroney Road Rostrevor. This stud farm is run by the applicant and his family.

The farm has enjoyed some quiet success, for example Isleofhopedreams 2nd in the Irish Grand National in both 2018 and 2019, Prairie Dancer winner of 9 races including the Listowel Lartigue Hurdle, the Naas November Handicap and 3rd in the prestigious Galway Hurdle, Prairie Angel, winner of 4 races in 2024 and King of the South, winner of 7 races and 2nd in the UK Winter Derby Trial. The farm's graduates have competed in all the major Irish and English festivals and internationally in France, Australia and the USA.

The Thoroughbred breeding stock requires constant 24/7 care. The farm's mares are all currently in foal to leading Irish and English stallions. The applicant's family are integrally involved in the management of the farm and its future development and expansion. The applicant is applying for a site for a house for his daughter so she that she can live close to the farm and help manage the daily running of a successful stud farm. Being readily available to the farm is paramount during the stressful breeding season in order that the farm can continue to function, protect employment and compete at the highest level. Being able to live in close proximity to the farm will also be beneficial particularly during the night to deal with the myriad of challenges that arise including colic onset and emergency veterinary visits.

The planning department are of the opinion that the proposal should be recommended for refusal for the following reasons:

- Not essential in this rural location
- Not visually linked or clustered with existing farm buildings
- not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape be unsympathetic to the special character of the area.
- would have a significant adverse impact upon the integrity of the setting of a regionally important archaeological monument – Kilbroney Church and Graveyard

The planning department are content that the principle of a dwelling on the applicant's farm is acceptable. PPS 21 states that a new dwelling must be visually linked or sited to cluster with an established group of buildings on a farm. The farm consists of farm dwelling and a number of farm buildings in the surrounding fields associated with the farm business. Para 5.41 of PPS 21 states that **the 'dwelling should be positioned sensitively with an established group of buildings on the farm, either to form an integral part of that particular building group, or when viewed from surrounding vantage points, it reads as being visually interlinked with those buildings, with little appreciation of any physical separation that may exist between them. If however, the existing building group is well landscaped, or where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation.'** The existing farm dwelling and some of the farm buildings are well landscaped by existing mature landscaping and vegetation, circled in image 1.

When viewing the proposed site head on from the Kilbroney Road, image 1, the existing farm dwelling and farm buildings, which are landscaped, are positioned directly to the rear of the proposed site. The proposed site and the landscaped farm buildings are visible together indicating they would be visually linked.

Paragraph 5.4 of PPS 21 established that even when visual linkage is limited or non-existent between the existing well landscaped farm buildings and the proposal they should still be classified as visually linked. Vantage points of the site are limited due to existing landscaping and topography when the site is visible it is in conjunction with the existing farm buildings.

The proposal is positioned away from the existing farm buildings, however PPS 21 CTY 10 states as long as the proposal is visually linked, which it is, that there is 'little appreciation of any physical separation that may exist between them'. There is no mention of a maximum or minimum separation between new building and existing buildings. Building on tradition document also deals with dwellings on farms, again there is no statement in this document stating a maximum or minimum separation distance between buildings as long as the farm buildings are visually linked with the proposal. As previously stated, when looking at the proposed site head on it is visible with the existing farm buildings, separation distance is not a concern raised in any documentation.

The case officer states that the proposal will be visible from 150m when travelling towards Rostrevor from Hiltown, however has provided no images to show the visibility of the site. See images two, three, four and five. All images have been taken from the Kilbroney Road facing towards Rostrevor. Image two is taken approximately 150m from the entrance, the proposed site cannot be seen. Image three is taken from approximately 120m away from the entrance towards the site, the proposed site is not visible, image four is taken from approximately 90m from the access to the site, the site is not visible from the road, image five is taken from approximately 60m from the entrance towards the site, again the proposed site cannot be seen. The case officers' statement that **'long public views can be achieved for up to 150m'** is incorrect.

The proposed site is not visible due to mature landscaping and vegetation to boundary fields which are in the applicant's ownership. The mature landscaping and trees along the Kilbroney Road which also prevent the proposed site being seen from long public views are also in the applicant's ownership. The only position the proposal will be visible from is a limited distance at the new access. The proposal and the existing farm dwelling and farm buildings at this point will be visible in conjunction from the new access providing visual linkage.

The case officers report states that the landscaping abutting the site provides **'a good standard of screening'**. The report goes on to say that the proposal is contrary to CTY13 of PPS 21 which states the proposal should 'not rely primarily on new land scaping for integration'. The case officer has already established that good screening abuts the site to the south and southeast this would indicate that the proposal is not relying primarily on new land scaping and only requires some land scaping to integrate into the landscape.

Policy BH1 of PPS 6 states that in assessing proposals the department will pay particular attention to the impact of the proposal on, critical views of and from the site/monument, the accesses and public approaches to the site/monument and the understanding and enjoyment of the site/monument by visitors.

HED in their response have defined the immediate area as rural. 70m from the church is a new dwelling which has been constructed in the last ten years. The entrance to Mourne Hall housing development is approximately 75m away from the church and is much closer to the church than the proposed site, which is approximately 90m away from the graveyard/church, see image 6. A church positioned beside a residential area cannot be classified as rural.

HED's report also states that there are 'key public views of the church and graveyard when travelling south on the Kilbroney Road into Rostrevor' please see images 2 to 5 taken from the road traveling into Rostrevor, the church is not visible.



HED are also of the opinion that the **'proposed scheme will be visible in public views of the church from Kilbroney Road and from views within and around the church itself'** Please see images 7 and 8. Image 7 taken from the Kilbroney Road facing towards the site not only shows that the site itself is not visible from the Kilbroney Road but the church is not visible from the Kilbroney Road either. Image 8 taken from within the graveyard shows that the church and the proposal are not visible in conjunction. Image 9 taken from the proposed site towards the graveyard shows that due to the topography of the site being lower 5m lower than the church, the two large walls forming the boundary of the graveyard and the extensive mature boundary landscaping the proposal cannot and will not be visible in conjunction with the church.

The information and images provided clearly shows that the proposal is visually linked with the existing farm buildings, the proposal will integrate into the land scape, as it is not visible from critical views points and will not rely primarily on additional landscaping. The images also show that at no point is the site visible in conjunction with the historic monument or visible from or to the historic monument.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2023/3444/O	Target Date:
Proposal: Proposed infill dwelling	Location: 20m east of 21 Drakes Bridge Road, Downpatrick, BT30 9EW
Applicant Name and Address: Patrick Megoran 218 Belfast Road Ballynahinch BT24 8UP	Agent Name and Address: Planning Permission Experts Declan Rooney 32a Bryansford Avenue Newcastle
Date of last Neighbour Notification:	18.04.2025
Date of Neighbour Notification Expiry:	02.05.2025
Date of Press Advertisement:	01.11.2023
Date of Press Ad Expiry:	15.11.2023
ES Requested: No	
Consultations: NI Water was consulted and responded with no objections to the proposal. DFI Roads was consulted and responded with no objections subject to conditions. It is noted that the RS1 required the widening of the lane to allow two cars to meet at the access point, the required amendments to the red line of the application site. Historic Environment Division was consulted and Historic Monuments responded to consultation advising that the proposal is satisfactory and meets the requirements of SPSS and PPS 6. Translink was consulted in error – no further investigations required.	
Representations: A letter of objection was received from the owner/occupier of no 19 Drakes Bridge Road and the basis of the objection was that the line is encroaching onto our property and they are not prepared to relinquish part of their property or change the fence of their property for the purposes of this permission and on this basis they object. Upon re neighbour notification due to amended plans a further letter of objection was received from no 19 Drakes Bridge Road and included the following points: <ul style="list-style-type: none"> - There would be a loss of privacy onto their dwelling taking account of the change in levels on the land. - The road is narrow and the increase in traffic would be detrimental. 	

<ul style="list-style-type: none"> - The objector is not prepared to allow any lands to be used for the access or splay purposes. - There are bats under bridges in close proximity to the site and could be impacted upon as a result of the works. 	
Letters of Support	0
Letters of Objection	2
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	
Summary of Issues: two objections have been raised in relation to the proposal based on the provision of splays and land ownership issues. There are no issues as a result of the consultation process.	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 02.10.2024	
Characteristics of the Site and Area <p>The site in question is located off the Drakes Bridge Road and is part of an agricultural field. The site is relatively flat in nature and to the eastern boundary is a thick band of planting, mainly being trees, south of the site is planting that separates the site from the amenity area of no 19 Drakes Bridge Road, west of the site is a residential dwelling and its curtilage separated from the site by a dry-stone wall. The northern boundary is undefined, there is a barn to the northwestern corner of the site.</p> <p>The site in question is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is however in close proximity to the development settlement limits of Crossgar as defined in the Ards and Down Area Plan 2015. There are no other constraints identified as impacting on the site.</p>	
Description of Proposal <p>Proposed infill dwelling</p>	
Planning Assessment of Policy and Other Material Considerations <p><u>PLANNING HISTORY</u></p>	

R/2014/0069/F - To the rear of 21 Drakes Bridge Road Crossgar - Proposed change of use from existing barn with renovations to form small dwelling house – Refusal – 27.06.2014

R/2014/0050/O - 21 Drakes Bridge Road Crossgar - Proposed Replacement Dwelling – Approval – 05.11.2014

R/2019/1087/O - Approx. 50m North East 21 Drakes Bridge Road, Crossgar - Replacement dwelling and garage – Approval – 14.12.2023

Consideration and Assessment

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 2 Natural Heritage.
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

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 Strategic Planning Policy Statement for NI Ireland (SPPS) is material to all decisions on individual applications. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Consideration against PPS 21

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development – CTY 8 of PPS 21 Ribbon Development states that planning permission will be refused for a building which creates or adds to a ribbon of development with an exception being 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 (SCBUF) 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.

Firstly it is necessary to establish if there is an existing gap in a ribbon of development at this location. It is noted that no 19 Drakes Bridge Road faces out onto Drakes Bridge Road however is screened from the road at times of the year by a large planted hedge. To the rear of no 19 is a detached garage. The dwelling and garage of no 19 face onto the lane that serves no 21 Drakes Bridge Road, the lane extinguishes at the entrance of no 21, which is at the point of the rear boundary of no 19. Therefore it can only be considered that two buildings present onto this lane. The curtilage of no 21 appears to start at the location point of the gates which can be seen on the image below however it is acknowledged that the gates had been removed with only pillars intact at the date of the site inspection. There is no public road or lane or even a private lane travelling past the front of no 21, the front of no 21 appears as its curtilage. Within the curtilage of no 21 is a dwelling house and turning and parking area to the front and side and some outbuildings that present into the yard of no 21. There is a gate separating the curtilage from a farm yard to the north of no 21. The farmyard does not appear to be in heavy use and is not in an overly good state of repair. There are access routes to agricultural lands to the rear of the site but these are not bona fide lanes rather lightly trodden pathways.



The application has been made on the basis that the outbuilding north of no 21 is the third building on the right hand side of the lane therefore there is a substantial and built up frontage on the lane however this is not accepted, the lane is considered to extinguish at the entrance to no 21 with the lane travelling no further. Below are photos to illustrate the surroundings.



The site adjacent to the corner of the building the applicant considers to be the end building of the gap.





As it is not considered that there is an existing gap within an otherwise substantial and continuously built-up frontage it is not accepted that the provisions of CTY 8 or CTY 1 respectfully have been met.

Consideration of CTY 13 Integration and Design of Buildings in the Countryside

The proposal is also considered against the provisions of CTY 13 which states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Taking account of the fact that this application seeks outline planning with no design particulars presented and taking account of the provisions of CTY 13 it is not considered that a dwelling at this location would offend any aspect of CTY 13 in principle provided an appropriate design and layout is provided that respects the context of the area and also respects the amenity of the adjacent dwellings no's 19 and 21. Points A-F are not offered with point G not being applicable.

Consideration has been given to the potential for loss of amenity onto neighbouring dwellings with the objection noted from no 19 however it is considered that a suitably designed dwelling could be sited on the grounds that would not have any detrimental impacts in terms of loss of amenity in terms of loss of privacy, or overlooking, nor will there be any demonstrable harm in terms of overshadowing or loss of light as a result of the works given the separation distance between the site and other residential dwellings.

Consideration of CTY 14 Rural Character

CTY 14 states that 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 the area. A new building will be unacceptable where:

a) it is unduly prominent in the landscape.

A suitably designed dwelling at this location would be acceptable within the current landscape without being prominent in the landscape. The site is sufficiently located off the road away from public view points and can avail of existing mature planting and boundaries to accommodate a dwelling and allow it to not be prominent within the landscape. This is subject a suitable design being presented.

b) it results in a suburban style build-up of development when viewed with existing and approved buildings.

The dwelling, if approved would sit facing the dwelling known as no 21 Drakes Bridge Road, it would change the current layout of the curtilage of no 21 as this would be required to provide access to the new dwelling, it has not been clearly demonstrated at outline stages how this arrangement would operate. Taking account of the existing buildings and site context it is acknowledged that the layout and arrangement of buildings will alter however it is not considered that the would have the potential to change the overall character and appearance of the area that would result in it appearing as a more suburban style setting. It is not thought that this aspect of policy has been offended as a result of the works.

c) it does not respect the traditional pattern of settlement exhibited in that area.

It is not considered this this proposal will alter the overall traditional pattern of development exhibited within the area. The provision of a dwelling at this site would not be highly visible from public view points therefore when travelling along the Drakes Bridge Road there would be little perception of the dwelling other than reading the roof of the dwelling however the ground works and operational elements on the ground will not be highly visible. It is not considered that the works would have a detrimental impact on the character and appearance of the area or alter the existing character.

d) it creates or adds to a ribbon of development (see Policy CTY 8)

As it is not considered by definition of Policy CTY 8 that there is an established SCBUF existing at this location and the proposed dwelling site currently faces onto the curtilage of no 21 Drakes Bridge Road and not out onto a lane or road it is not considered that the development, if permitted, would result in the creation or addition of a ribbon of development.

e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

It is not considered that the ancillary works will have any detrimental impacts in terms of character or appearance on the surrounding area. The ancillary works will not have any detrimental impacts in terms of character and will not be detrimental to rural character within the existing area.

Consideration of PPS 3 Access, Movement and Parking

Policy AMP2 Access to Public Roads is considered, AMP 2 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:

a) such access will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads were consulted and responded with no objections subject to the condition that splays be provided of 2m by 33m and the existing lane widened to 6m for the first 10m, currently only a maximum of 4m available within the red line of the application site therefore 6m cannot be provided within the red line of the application site.

The resident of no 19 has objected on the basis that they are not willing to alter any part of their property or change the fence and on this basis objects.

An amended plan was submitted to show the red line increased at the access to allow for the widening to 6m of the lane at the entrance and DFI Roads were re consulted.





b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

This proposal will have no impact on any protected route, the road the site accesses out onto is a minor road and not protected. This aspect of policy has not been offended.

<p><u>Consideration of PPS 2 Natural Heritage NH 2 Protected Species Protected by law and NH 5 Habitats, Species or Features or Natural Heritage Importance</u></p> <p>The agent has submitted a bio diversity checklist and taking consideration of the site it is not considered that any further information is required. It is noted that the objector has drawn the Authorities attention to bats in a close by however having considered the development and site characteristics it is not considered that any further information is needed in terms of PPS 2, the Authority is content that the works will not negatively impact on protected species.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation</p> <p>Taking account of the assessment above a recommendation of refusal is made for the reasons outlined below.</p>	
<p>Reasons for Refusal:</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it fails to meet the provisions for an infill dwelling and does not constitute an exception in that there is no small gap site within an otherwise substantial and continuously built up frontage. 	
<p>Case Officer Signature: Fionnuala Murray</p>	
<p>Date: 02 May 2025</p>	
<p>Appointed Officer Signature: Brenda Ferguson</p>	
<p>Date: 02/05/2025</p>	

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2024/0761/O	Target Date:
Proposal: 1 no. infill dwelling	Location: 46 Dromore Road Ballynahinch BT24 8HS
Applicant Name and Address: Conor Cochrane 29 Ashgrove Park Belfast BT146NE	Agent Name and Address: Conor Cochrane 29 Ashgrove Park Cliftonville Road Belfast
Date of last Neighbour Notification:	6 December 2024
Date of Press Advertisement:	24 July 2024
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	
Site Location Plan: The site is located at 46 Dromore Road, Ballynahinch.	
	
Date of Site Visit: 4 th March 2025 & 22 May 2025	
Characteristics of the Site and Area The application site is located on the southern side of the Dromore Road and comprises the side garden of No 46 which is a single storey detached bungalow with side detached garage. The boundaries of the site are comprised by an existing timber post fence and grass verge along the roadside boundary as well as existing hedgerows to the west and south. The eastern boundary is undefined and is open to No 46.	
The area is rural in character and comprises mainly single house/ farms in the countryside.	
	
Description of Proposal 1 no. infill dwelling	
Planning Assessment of Policy and Other Material Considerations	

The application site is located outside any settlement development limits as designated by the Ards and Down Area Plan 2015.

The following planning policies have been taken into account:

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 21 Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 8 Ribbon Development
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

Ards and Down Area Plan (2015)

PLANNING HISTORY

No planning history on the site.

In close proximity to the site

LA07/2022/0491/O | Proposed infill site for detached dwelling and garage | Permission Granted 21 June 2022

Consultations:

NI Water – Statutory response – no objections

DFI Roads – No objections subject to RS1 form

Environmental Health – No objections

NIEA Water management Unit – refer to standing advice

Objections & Representations

In line with statutory requirements neighbours have been notified on 22.11.2024. The application was advertised in the Mourne Observer on 24.07.2024 (Expiry 07.08.2024). 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 (ADAP).

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.

PPS 21

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 in his supporting statement has indicated that the site shares a common frontage along Dromore Road with no 46 to the east along with its detached garage, and nos. 50 and 54 to the west.

However, no 54 cannot be included in this built up frontage as it was previously deemed that there was a gap between No 50 and 54, therefore this gap would constitute a break in this frontage given that planning permission was granted for an infill site for a dwelling (LA07/2022/0491/O) and on the ground, no building is in place. Therefore the proposal relies on No 46, its detached garage and No 50 and its detached garage (No 50 has previously been accepted as having frontage to the road under LA07/2022/0491/O). It is considered that for the purposes of the policy there are 3 buildings which have frontage to the Dromore road. The first part of the policy is met.

Policy CTY 8 indicates that this exception will only be accepted "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"

The site forms part of the larger garden of No 46 and not 'an existing field to the west of no. 46 Dromore Road' as described by the agent. No 46 has an overall plot frontage of 75m and No 50 is approx. 18m. No 46 has an overall plot size of 0.32ha and No 50 is 0.35ha. As the existing curtilage of No 46 is now being subdivided to accommodate the proposal, this reduces the plot sizes down to 0.14ha and 0.18ha, bearing in mind that LA07/2022/0491/O was approved on the basis that No 46 had its original plot size of 0.32.

On the indicative layout due to the paired access arrangement, whereby the new site will have an access that runs along the front of the site to the existing access point resulting in No 46 now having a frontage of 14m with the proposed site now having a frontage of 61m. As the arrangement relies on buildings from singular curtilages the access arrangement which is typical of an urban setting is not appropriate within this rural context and this new arrangement would be out of character with the established pattern of development at this location.



Proposed site layout

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

Policy CTY 13 requires a new building in the countryside to be able to be integrated visually within the landscape in which it is set. As this is an outline application the specific siting and design would be determined at the Reserved Matters stage. The area inside the red line takes in the former side garden of No 46. Officers note the site benefits from planting to the south and west with the existing development (No 46) to the east. It is deemed that there would be sufficient landscaping to provide a satisfactory backdrop for a dwelling of low elevation, however, the (d) ancillary works by way of the access arrangements do not integrate with their surroundings. The proposal would be contrary to Policy CTY 13.

Policy 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. Given the above, it is deemed that the application site does not respect the traditional pattern of settlement exhibited in that area. This

would result in a detrimental change in the rural character of the area contrary to Policy CTY 14 read as a whole and the related provisions of the SPPS.

PPS 2 – Natural Heritage

The roadside boundary comprises a wooden range style fence and therefore the proposal will not involve the loss of any roadside hedging. The proposal is not therefore considered to offend protected species or priority habitats and complies with policies NH2 and 5.

PPS 3 Access, Movement and Parking

The proposal must accord with AMP2 of PPS3. DfI Roads were formally consulted and responded with no objections to this proposal, subject to the access being constructed in accordance with RS1 of 2.4m x 100m visibility splays. From a road safety perspective, the access arrangements are considered to be acceptable.

Conclusion

Having considered the relevant policy, the proposal does not meet with the criteria as set out in CTY 1, CTY 8, CTY 14 of PPS 21 and refusal is recommended.

Recommendation: Refusal

Reasons for Refusal:

- 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 13, CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the plot sizes and access arrangement does not respect the existing pattern of development along Dromore Road.

Informative

The plans to which this refusal relates include: 0003 REV B

Neighbour Notification Checked	Yes
Summary of Recommendation -refusal	

Case Officer Signature: C Moane	Date: 22 May 2025
Appointed Officer: A.McAlarney	Date: 22 May 2025

**Speaking Note – Committee Referral Request: Infill Dwelling Application
LA07/2024/0761/O**

Chair, Members,

This application seeks outline permission for a single infill dwelling. The officer's recommendation is for refusal, citing conflict with CTY 1, 8, 13 and 14 of PPS 21 and the SPPS.

I'll be addressing key issues where we believe the proposal meets policy and where further scrutiny by Committee is appropriate.

The officer's report confirms the site meets the basic infill test under CTY 8 – acknowledging three buildings with frontage. That is a critical starting point, confirming the principle of development.

There are no objections from statutory consultees, including DfI Roads, Environmental Health, NI Water or NIEA, and there have been no third-party representations.

Concerns raised about access and pattern are, in our view, subjective. The outline nature of this application means that design, scale, and access can be addressed at reserved matters stage through appropriate conditions.


I'll also touch briefly on nearby precedent, which the officer references, and on the applicant's intention to downsize within their local area – aligning with the SPPS aim of supporting sustainable rural communities.

In short, this is a policy-compliant infill opportunity with no technical objections and no demonstrable harm.

I respectfully ask members to consider the full context and to support referral to Committee for further examination of the planning balance.

Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2024/0207/F	Target Date:
Proposal: Erection of dwelling and garage on farm	Location: 30M SE OF 35 CARNALLY ROAD CARNALLY SILVERBRIDGE BT35 9LY
Applicant Name and Address: Bryan Murphy 35 Carnally Road Silverbridge BT35 9LY	Agent Name and Address: Caoimhe O'Callaghan O'Callaghan Planning 20 Castle Street Newry BT34 2BY
Date of last Neighbour Notification:	30 August 2024
Date of Press Advertisement:	27 March 2024
ES Requested: No	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The application will be considered against all relevant planning policies and any relevant material considerations.	

Site Visit Report

<p>Characteristics of the Site and Area</p> <p>The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area Plan 2015.</p> <p>The site is positioned on the edge of the public road and includes a portion of agricultural land which rises from the road to the western boundary with the site rising and becoming elevated above road level. The site is located adjacent to number 35 which is single storey in design with an element one and a half storey, a detached garage is set to the side of No 35, other properties in the area range from single storey to two-storey in design.</p> <p>Although located in a rural area there are a number of other properties in the vicinity of the site although at present the character of the area remains rural.</p>
<p>Description of Proposal</p> <p>Erection of dwelling and garage on farm</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The following policy documents provide the primary planning context for the determination of this application:</p> <ul style="list-style-type: none"> • Banbridge / Newry and Mourne Area Plan 2015 • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 21 – Sustainable Development in the Countryside • Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15 • Planning Policy Statement 2 Natural Heritage • Building on Tradition <p>PLANNING HISTORY</p> <p>Application Number: LA07/2021/0012/F Decision: Permission Refused</p> <p>Decision Date: 21 April 2021</p> <p>Proposal: New dwelling house and garage.</p>

CONSULTATIONS

NI Water – No objections.

DFI Roads – No objection.

DAERA – Farm number has been in existence for at least 6 years and subsidies have been claimed for each of the last 6 years.

NIEA (Water Management Unit) – No objections raised, the response refers to standing advice.

REPRESENTATIONS

The application was advertised on 27/03/2024, four neighbours were notified on 15/08/2024, no representations or objections have been received.

EVALUATION

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for dwellings on farms in accordance with policy CTY10. This is the policy that the agent stated they felt the proposal was in line with however during the consideration of the application further information was submitted to try and show that there are personal circumstances and that CTY6 is relevant, as such both CTY6 and CTY10 are relevant and must be considered.

Policy Consideration

Policy CTY10 outlines the criteria that must be met for planning permission to be granted for a dwelling house on a farm.

DAERA has confirmed the Business ID submitted with the application has been in existence for more than 6 years with subsidies claimed in each of the last 6 years. The proposal meets the policy requirements of CTY10a.

The farmland has been checked for any potential development opportunities being disposed of. The initial supporting statement for the application outlined planning history within the holding identifying applications P/2006/1341/RM and P/2006/2327/RM / LA07/2024/0123/F, the supporting statement states that these previous approvals have been commenced. A letter from a solicitor has been submitted in which it states that no opportunities have been sold off.

Given the information submitted and available, it would appear that a development opportunity out-with settlement limits has not been sold off from the farm holding within 10 years from the date of this application and as such the proposal complies with policy requirements of CTY10b.

The application site is located adjacent and south east of associated farm buildings which form the farm holding, No 35 and its garage, it is considered that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm given the existing buildings adjacent to the site. The proposal meets CTY10c in that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm. Policy states that access should be from an existing lane, an existing lane does not provide access to the site, any access points are off the public road with the closest being a residential access to No 35, it would not be considered feasible to provide access to the site via No 35 as this would have an unacceptable impact on the amenity of No 35, in this case there is no suitable existing access to be utilised for the proposed development.

The principle of a dwelling under CTY 10 is considered acceptable given that all criterion are met, policy CTY10 does however state that other relevant policy must be met including CTY13 and CTY14.

CTY 13

Policy CTY 13 states that a new building will be unacceptable where any of the criteria (a) – (f) are met.

(a) it is a prominent feature in the landscape; or

When travelling along the public road the site sits on the edge of the road, a section of the roadside boundary will be removed to allow access with the remaining roadside hedge offering minimal screening to the site. The site is roadside however when travelling along the road existing development screens views from the north and to the south the narrow road and existing vegetation outside the application site helps to reduce views of the site. As such it is considered that the modest dwelling located on the lower section of the site would not be prominent as views are along a short area of the public road.

(b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or

The site is very open due to a lack of established natural boundaries with the result being that a suitable degree of enclosure is not provided to allow the dwelling to integrate. Although views of the site are limited when travelling along the public road the new dwelling will be placed in an open field with only one existing boundary providing any form of screening, the site lacks existing natural boundaries and so will not integrate.

(c) it relies primarily on the use of new landscaping for integration; or

As outlined above the application site lacks established natural boundaries, to allow any dwelling to integrate the proposal will rely primarily on the use of significant new landscaping as is shown on the submitted site layout drawing.

(d) ancillary works do not integrate with their surroundings; or

Ancillary works would be in the form of a new access, it is considered that the proposed access including driveway has been designed in a way that will not visually impact on the character of the area.

(e) the design of the building is inappropriate for the site and its locality; or

The proposal is for a single storey dwelling, this scheme has been reduced from the initial one and a half storey dwelling submitted. The proposed single storey dwelling is quite traditional with a small porch, chimneys to the ridge, sunroom set below the main ridge level, the design includes a rear return. The proposed dwelling is considered to be appropriate in its design with other similar properties in the vicinity, the new dwelling will be finished with materials seen as acceptable. The proposal includes a double garage set to the rear of the new dwelling; the garage is similar in design to the proposed dwelling with materials to match. A sufficient area of amenity has been shown within the new proposed curtilage, the design and layout are seen as acceptable.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

The proposed design has been amended with a reduced size and scale, the position of the dwelling has also been amended with the dwelling moved forward on the site to a less elevated location. It is considered that the new location will allow the dwelling to blend with the landform.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As previously outlined it is considered that a dwelling on this site would be visually linked and sited to cluster with an established group of buildings on the farm.

For the reasons outlined above the proposal is considered to fail criterion b and c, this is due to the site lacking established boundaries that would allow a dwelling to integrate, the proposed dwelling will require new boundaries to allow integration.

CTY14

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area.

A new building will be unacceptable where

(A) It is unduly prominent in the landscape; or

As outlined within the consideration of CTY13 the proposed dwelling would not be seen as prominent.

(B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or

The site is adjacent to No 35 and its detached garage, other dwellings are positioned on the opposite side of the public road. When viewed along with these buildings the proposal would result in a suburban style build-up of development.

(C) It does not respect the traditional pattern of settlement exhibited in that area; or

The traditional pattern of development in the vicinity are detached dwellings close to the road edge, the proposal would respect the traditional pattern exhibited in the area.

(D) It creates or adds to a ribbon of development; or

The position of the application site adjacent to No 35 and its detached garage which have a frontage to the road would create a ribbon of development along Carnally Road. The site is not considered to be an infill opportunity under CTY8 as it is not a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.

The agent for the application was advised that the Planning Department had concerns that the proposal would create a ribbon development along the public road.

The agent provided comments to show how they felt that the proposed dwelling would be screened from views when travelling along the public road, amendments were also made to the design and position of the dwelling. Although views of the site are limited the proposal will still create a ribbon of development as outlined above.

Relevant PAC decision 2022/A0114 which is very similar to this case with the site being on the road edge adjacent to buildings on the farm. The commissioner in this case takes the below view when considering a proposed farm dwelling against CTY14. The PAC decision states in paragraph 15,

"Travelling in both directions along Cargin Road towards the appeal site there would be transient views of these existing buildings and the appeal development, with a sequential awareness of the development fronting the road evident. Irrespective of the positioning of the appeal development within the site itself, it would create ribbon development along this part of the road as it would visually link with No. 74 Cargin Road and the group of agricultural buildings. As a result, it would add to the suburban style build-up of development at this part of the Cargin Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. For these reasons, the Council's second reason for refusal based on Policies CTY 8 and CTY 14 of PPS 21 and the related provisions of the SPPS is sustained."

A further example of a decision taken within a PAC decision is within appeal 2019/A0184 which states in paragraph 14,

"Policy CTY10 does not contain an absolute guarantee that a dwelling will be approved on a farm. The policy is permissively worded but it makes it clear that approval will be conditional upon certain criteria being met. Compliance with policy CTY10 does not provide an exemption from compliance with other policies. CTY10 refers to the need for a proposal to meet the tests of policies CTY13 and CTY14 and the latter states that development creating ribbon development will be unacceptable. Whilst there is some entitlement for a dwelling on a farm implied in CTY10, it is not absolute or overriding."

The Planning Department have considered the information submitted by the agent, however it is still considered that the proposed development will create a ribbon of development and is contrary to policy.

(E) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The main ancillary works would relate to a new access, as such the ancillary works would not damage the rural character.

For the reasons outlined above it is considered that the proposal fails to comply with policy criterion b and d. The proposal would result in a suburban style build up and create a ribbon of development which would result in a detrimental change to the rural character of the countryside.

Policy CTY 6 – Personal and Domestic Circumstances

To try and set aside the issues raised by the Planning Department with regards to CTY13 and CTY14 the agent for the application has submitted medical information to try and show that there are personal circumstances related to the need for this dwelling.

Policy CTY6 states that planning permission will be granted for a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site-specific reasons for this related to the applicant's personal or domestic circumstances and provided the following criteria are met:

- (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short-term circumstances.

Information has been submitted as part of the application to provide details of the personal and domestic circumstances. The information submitted states that the applicant has cared for his uncle for a number of years and the proposed dwelling is required to allow the applicant to create a family home and continue to provide care. The medical information provided outlines that the uncle has multiple diagnoses which require supervision and that the applicant provides a level of care at present and that they would support the applicant's application. It is not considered that the information submitted would identify that there are compelling and site-specific reasons to permit a dwelling in this countryside location, related to the applicants personal and domestic circumstances. A previous application on the site LA07/2021/0012/F which was submitted solely on the grounds of CTY6 was refused when considered against policy.

Policy CTY 6 states that any dwelling approved under this policy would be related to the applicants personal or domestic circumstances, the application has not been made by the person outlined as needing care provided.

The information submitted states that a new dwelling is the only option to allow the applicant to start a family home with independence but to still provide care to his uncle. As was outlined within the consideration of CTY10 there appears to be two extant approvals within close proximity of the site which are within the farm holding. The agent has outlined that these sites have been promised to other family members, the Planning Department consider that these are alternative options.

Having considered the information submitted the proposal would not be seen as acceptable under the requirements of policy CTY 6. Even if the proposal was seen to meet CTY6 the proposal would still need to meet CTY13 and CTY14 which as outlined above it is considered that the proposal does not meet those policies.

Neighbour Amenity

The proposed single storey dwelling will not unduly impact on the amenity of any neighbouring property given separation distance and the established boundary between the site and No 35.

CTY16

Any approval would require the inclusion of negative condition for the applicant to provide the Council with the consent to discharge before any work commences, the proposal is in general compliance with policy CTY16.

PPS2

The proposal will not result in a significant area of mature vegetation being removed with part of the roadside hedge needing removed to provide a new access. The proposed dwelling includes the planting of new boundaries which will benefit biodiversity in the area, it is considered that the proposal would not have a detrimental impact on biodiversity.

Neighbour Notification Checked

Yes

Summary of Recommendation

For the reasons outlined above the application is considered contrary to policy and refusal is recommended.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

-the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;

-the proposed building relies primarily on the use of new landscaping for integration;

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 dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted result in the creation of a ribbon of development along Carnally Road.

and would therefore result in a detrimental change to further erode the rural character of the countryside.

Case Officer Signature: Wayne Donaldson

Date: 30/04/2025

Appointed Officer Signature: Maria Fitzpatrick

Date: 06/05/2025

LA07/2024/0207/F Erection of dwelling and garage on farm 30M SE of 35 Carnally Road, Silverbridge

Planning permission is sought for a house on a farm. Policy CTY 10 has been satisfied in full – there are no concerns whatsoever in this regard: the farm business is active and established; no development opportunities have been disposed of, and the proposal is clustered and visually linked with buildings on the farm. Policy CTY 1 of PPS 21 has been satisfied also. The overall intent of PPS 21 has been satisfied.

Officers rely only upon PPS 21's other environmental criteria, and they have also added CTY 6 onto the list of refusal reasons.

While the applicant's personal circumstances may not be strong enough to secure permission under CTY 6, they did not need to be because CTY 10 was already satisfied. In general, where no single factor tips the balance in favour of an applicant, a combination of a number of factors can lead to an application being granted (see planning 1995/A188, for example). While personal circumstances may evidently not justify approval in the countryside, in principle, they are not considerations that ought to be lightly set aside.

On learning of the Council's concerns regarding the house, the applicant immediately reduced the house from 2-storey to single-storey. Significantly, his previous application was a substantial 8-metre high house with a front spanning some 21 metres. Officers, at that time, recorded that "any dwelling on this site would be required to be of a smaller scale and size to reduce any visual impact it might have on the area". That is actually now the case as a single storey is proposed and the house is lower down the slope than before.

Officers accept this proposal is not prominent but feel that the site is not well enough enclosed. Officers have failed to acknowledge or have regard to the guidance laid out in Building on Tradition, which advises applicants to look to sites with at least two and preferably three boundaries in situ. The site is in close proximity to two side boundaries. The absence of a rear boundary is not fatal because the site is positioned well below the crest of a hill.

While the requirements of CTY 13 and 14 cannot be set aside altogether, in the case of farm dwellings a decision-maker cannot ignore that sometimes meeting one policy requirement (clustering) might bring you into conflict with another part of a policy.

Evidence has been provided to the Council verifying the applicant's role in caring for his uncle Michael, who has a learning disability, severe epilepsy, is blind and paralysed and resides at No.35 Carnally Road with Bryan's parents. Living next door would enable Bryan to move on with his own life whilst continuing to be available at short notice any time of the day or night to provide care and support both to Michael and his own parents' who will need more and more support as

they themselves get older. This information was not recorded as having been given any weight in the assessment of CTY 13 and 14.

The concerns regarding integration do not convey the reality that the house can only be seen on approach from one direction, not the other. Even at that, it is only for a short stretch of frontage that the house will even be visible, and from here it will be set well below the crest of a hill that will provide an effective backdrop.

It is suggested that the site is "very open", but this was never suggested at the time of the previous application (which involved a two-storey house on higher ground).

Officers accept that the proposal will successfully blend with the landform (as per CTY 13) yet are not satisfied that the rising ground above the site; the farm grouping adjacent to the site or the surrounding vegetation are sufficient to enclose the site. Members are invited to visit the site and form their own views on this, but the images on the attached slides show this is a narrow rural lane with only filtered views towards the site.

As this is a farm dwelling and it is satisfactorily clustered with a farm grouping, and it is admittedly not prominent, concerns regarding lack of enclosure (CTY 13) would not be fatal.

The determination of whether a new building integrates into the landscape is not a test of invisibility; instead 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.

Officers suggest CTY 14 is offended (ribbon development) despite the fact the proposal is beside the farm grouping as required under CTY 10 of PPS 21. This concern loses much of its potency given officers have no concerns in relation to Policy CTY 8 (ribbon development).

Officers acknowledge that the traditional pattern of settlement is detached dwellings close to the roadsides. In this respect, the proposal has respected the pattern exhibited in the area and does not actually offend CTY 14, especially as it is clustered as per CTY 10.

While CTY 13 and 14 are relevant, in the case of appeal 2020/A0055 the PAC ruled that "as the appeal dwelling satisfies the locational requirements of policies CTY10 and CTY13 and would respect the existing pattern of development already established in this rural area, I do not consider that it would read as suburban-style build-up". The circumstances of this appeal are also comparable with those raised in appeal 2019/A0090 (appeal allowed) and these decisions are at odds with the appeal decisions cited by officers. That illustrates that ultimately this decision is a matter of judgement, necessitating the input and oversight of the Committee rather than an arbitrary adherence to policy, or reliance upon appeal decisions that do not stand squarely on all fours.

Application

Development Management Officer Report	
Case Officer: Wayne Donaldson	
Application ID: LA07/2024/0891/F	Target Date:
Proposal: Proposed Farm Dwelling and Detached Garage with all associated landscaping and site works	Location: Lands approx. 25m North (West) of 52 Tullymacreeve Road, Mullaghbawn, Newry, BT35 9RE
Applicant Name and Address: Noel Murphy 52 Tullymacreeve Road Mullaghbawn Newry BT35 9RE	Agent Name and Address: Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2AY
Date of last Neighbour Notification:	5 February 2025
Date of Press Advertisement:	4 September 2024
ES Requested: No	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	0.0
Summary of Issues: The application will be considered against all relevant planning policies and any relevant material considerations.	

Site Visit Report
<p>Characteristics of the Site and Area</p> <p>The application site is located outside any settlement limits, as designated in the Banbridge/ Newry and Mourne Area Plan 2015. It lies within the Ring of Gullion Area of Outstanding Natural Beauty (AONB). The area is rural in nature. The residential pattern is characterised mainly by single detached dwellings and agricultural buildings.</p> <p>The proposed site is an agricultural field and is accessed off the Tullymacreeve Road. It is located to the north of 52 Tullymacreeve Road, Mullaghbawn, a agricultural building is also set to the south of the site. The site slopes gently to the northern boundary which is defined by mature trees and hedges.</p>
<p>Description of Proposal</p> <p>Proposed Farm Dwelling and Detached Garage with all associated landscaping and site works.</p>
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The following policy documents provide the primary planning context for the determination of this application:</p> <ul style="list-style-type: none"> • Banbridge / Newry and Mourne Area Plan 2015 • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 21 – Sustainable Development in the Countryside • Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15 • Planning Policy Statement 2 Natural Heritage • Building on Tradition <p>PLANNING HISTORY</p> <p>Application Number: LA07/2023/2389/O Decision: Permission Refused Decision Date: 04 March 2024. Proposal: Proposed 1.5 storey farm dwelling and detached garage with all associated landscaping and site works</p> <p>CONSULTATIONS</p> <p>NI Water – No objections.</p> <p>DFI Roads – No objection.</p> <p>DAERA – Farm number has been in existence for at least 6 years and subsidies have been claimed for 5 of the last 6 years. The response for previous application LA07/2023/2389/O stated that payments had been claimed for the previous 6 years.</p>

NIEA (Water Management Unit) – No objections raised; the response refers to standing advice.

REPRESENTATIONS

The application was advertised on 04/09/2024, five neighbours were notified on 22/01/2025, no representations or objections have been received.

EVALUATION

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. PPS21 states that planning permission will be granted for dwellings on farms in accordance with policy CTY10.

Policy Consideration

Policy CTY10 outlines the criteria that must be met for planning permission to be granted for a dwelling house on a farm.

DAERA has confirmed the Business ID submitted with the application has been in existence for more than 6 years with subsidies claimed in 5 of the last 6 years. Taking into consideration the response received and the previous response for LA07/2023/2389/O it is seen that the proposal meets the policy requirements of CTY10a.

The farmland has been checked for any potential development opportunities being disposed off, the Council are content from the information available that no development opportunities have been disposed of from the holding and so the proposal meets criteria CTY10b.

The application site is located adjacent and north of associated farm buildings which form the farm holding, it is considered that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm given the existing buildings adjacent to the site. The proposal meets CTY10c in that a dwelling on the site will be visually linked and sited to cluster with an established group of buildings on the farm. Policy states that access should be from an existing lane, an existing lane does not provide access to the site, any access points are off the public road with the closest

being a residential access to No 52, it would not be considered feasible to provide access to the site via No 52 as this would have an unacceptable impact on the amenity of No 52, in this case there is no suitable existing access to be utilised for the proposed development.

The principle of a dwelling under CTY 10 is considered acceptable given that all criterion are met, policy CTY10 does however state that other relevant policy must be met including CTY13 and CTY14.

CTY 13

Policy CTY 13 states that a new building will be unacceptable where any of the criteria (a) – (f) are met.

(a) it is a prominent feature in the landscape; or

When travelling along the public road the site sits on the edge of the road, a section of the roadside boundary will be removed to allow for a new access. The site has a mature northern boundary with trees and hedges providing screening of the site when travelling south, the curve in the road and existing development results in views of the site when travelling north being quite limited. The proposal is for a one and a half storey dwelling set back from the road edge, it is not considered that the proposal will be 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

The site has a mature northern boundary which provides screening and will help integrate any proposed dwelling. It is considered that the proposed dwelling will integrate into the landscape due to existing vegetation, the curve of the public road and surrounding development.

(c) it relies primarily on the use of new landscaping for integration; or

The proposal does not rely on new landscaping for integration, as stated the proposal will integrate into the landscape.

(d) ancillary works do not integrate with their surroundings; or

Ancillary works would be in the form of a new access, it is considered that the new access will integrate with the surroundings.

(e) the design of the building is inappropriate for the site and its locality; or

The proposed dwelling is to be one and a half storey in design, the design is quite modern. The proposed design includes two main living areas with a central link, initially the Planning Department had some concerns with the design and had requested that

the design be simplified. The agent has provided supporting information with regards to the contemporary design and highlighted a similar dwelling design approved under LA07/2017/0146/RM, this property is located south of the application site on the edge of the public road. Given the similar house type in close proximity the proposed modern house type is seen as acceptable in this specific case.

The submitted layout drawing shows acceptable access and parking along with a sufficient garden area, proposed boundary treatments are also shown on the layout plan. It is considered that the design, appearance and layout of the proposal are acceptable and will not result in a detrimental impact on the character of the area, the proposed dwelling is seen to draw from examples within Building on Tradition.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

The proposal is of a design that will blend with the surrounding area including adjacent dwelling and farm building.

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

As previously outlined it is considered that a dwelling on this site would be visually linked and sited to cluster with an established group of buildings on the farm.

The proposal is considered to be in line with Policy CTY13 as outlined above.

CTY14

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area.

A new building will be unacceptable where

(A) It is unduly prominent in the landscape; or

As outlined within the consideration of CTY13 the proposed dwelling will not be prominent in the landscape.

(B) It results in a suburban style build-up of development when viewed with existing and approved buildings; or

The site is adjacent to No 52 and associated farm building, when viewed along with these buildings the proposal would result in a suburban style build-up of development.

(C) It does not respect the traditional pattern of settlement exhibited in that area; or

The traditional pattern of development in the vicinity are detached dwellings close to the road edge, the proposal would respect the traditional pattern exhibited in the area.

(D) It creates or adds to a ribbon of development; or

The position of the application site adjacent to No 52 and associated farm building along with existing development further south would create a linear form of development and therefore create a ribbon of development along Tullymacrieve Road which is contrary to the requirements of CTY8 and CTY14. The site is not considered to be an infill opportunity under CTY8 as it is not a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage.

The agent for the application was advised that the Planning Department had concerns that the proposal would create a ribbon development along the public road.

Comments received from the agent did not directly address the concerns with ribbon development but instead looked to establish that the proposal would integrate.

As previously stated there is a need for applications to adhere to policies CTY 13 and 14 as is clearly outlined as part of CTY10.

PAC decision 2022/A0114 states in paragraph 15,

"Travelling in both directions along Cargin Road towards the appeal site there would be transient views of these existing buildings and the appeal development, with a sequential awareness of the development fronting the road evident. Irrespective of the positioning of the appeal development within the site itself, it would create ribbon development along this part of the road as it would visually link with No. 74 Cargin Road and the group of agricultural buildings. As a result, it would add to the suburban style build-up of development at this part of the Cargin Road and accordingly it would cause a detrimental change by eroding the rural character at this location within the countryside. For these reasons, the Council's second reason for refusal based on Policies CTY 8 and CTY 14 of PPS 21 and the related provisions of the SPPS is sustained."

A further example of a decision taken within a PAC decision is within appeal 2019/A0184 which states in paragraph 14,

"Policy CTY10 does not contain an absolute guarantee that a dwelling will be approved on a farm. The policy is permissively worded but it makes it clear that approval will be conditional upon certain criteria being met. Compliance with policy CTY10 does not provide an exemption from compliance with other policies. CTY10 refers to the need for a proposal to meet the tests of policies CTY13 and CTY14 and the latter states that development creating ribbon development will be unacceptable. Whilst there is some entitlement for a dwelling on a farm implied in CTY10, it is not absolute or overriding."

The Planning Department have considered the information submitted by the agent, however it is still considered that the proposed development will add to a ribbon of development and is contrary to policy.

(E) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The main ancillary works would relate to a new access, as such the ancillary works would not damage the rural character.

For the reasons outlined above it is considered that the proposal fails to comply with policy criterion b and d. The proposal would result in a suburban style build up and add to a ribbon of development which would result in a detrimental change to the rural character of the countryside.

Neighbour Amenity

The proposed dwelling will not result in an unacceptable impact on any surrounding properties outside the farm holding given the separation distance.

CTY16

Any approval would require the inclusion of negative condition for the applicant to provide the Council with the consent to discharge before any work commences, the proposal is in general compliance with policy CTY16.

PPS2

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB, it is considered that the proposed dwelling is of design and layout that will respect the character of the AONB.

The proposal will not result in a significant area of mature vegetation being removed with part of the roadside hedge needing removed to provide a new access. The proposed dwelling will include the retention of mature vegetation and the planting of new boundaries which would benefit biodiversity in the area, it is considered that the proposal would not have a detrimental impact on biodiversity.

Neighbour Notification Checked	Yes
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Reasons for Refusal:
1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in

the Countryside in that, if permitted, it would add to ribbon development along Drummond Road and does not represent an exception to policy

3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings, would add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.

Case Officer Signature: W Donaldson

Date: 16/04/2025

Appointed Officer Signature: Maria Fitzpatrick

Date: 28/04/2025

This application made on behalf of Mr Noel Murphy and is for a proposed farm dwelling and detached garage with all associated landscaping and site works on the Tullymacreeve Road, north-west of Mullaghbawn on his own farm lands with the intention of having his son live nearby the farm business.

The case officer on the application has determined that the application is contrary to CTY 1, CTY 8 and CTY 14.

We believe that the planning departments application of policy, particularly CTY 8 has been particularly harsh in this instance.

In response to the planning departments determination that this application fails to comply with planning policy CTY 1, we would contest that the current farm business owner requires that his son be at hand and near to the farm for the purposes of helping out with the running of farm operations, with a view to taking over, particularly as he ages and his mobility inevitably declines. It is not convenient, particularly during intense birthing seasons on the farm for this essential farm worker to be living a distance from the farm holding and PPS21 in Northern Ireland does make an allowance within its policy for this form of legacy farming which is engrained in the fabric of Northern Irish farming. We consider a farm dwelling under CTY 10 of PPS 21 and the necessity of having a farm workers son on site and at hand to be an overriding rationale for the siting of a residential dwelling in this rural location and on the farm holding itself, rather than within a nearby settlement.

With regards to policy CTY 8, we submitted upon request a rationale for the siting of this dwelling and an alternative interpretation that the settlement pattern is reflective of cluster development rather than ribbon development. We would contest that the figure ground diagrams submitted to rationalise the siting and which have been dismissed by the planning service, demonstrate that the proposed development of the site does nothing more than complete and mimic a traditional courtyard farmyard traditional settlement pattern. Furthermore, it is our opinion that the settlement along the Tullymacreeve Road is in fact too sparse and disjointed to be considered explicitly as a ribbon development to which this proposal has been deemed to be extending.

The proposals have also been determined to be contrary to CTY 14 in that they would result in a suburban style buildup of development, and a ribbon of development resulting in detrimental change, further eroding the character of the countryside. We would contest that the figure-ground diagrams which were submitted to the planning service demonstrated sufficiently that the style of this development is in keeping with the locality, i.e. small clusters of development that are sufficiently distinct and spaced such that they are not interpreted as a ribbon development, rather small holdings which are characteristic of the countryside. We believe, our proposals are a strong example of this and the determination that it extends a ribbon is not a reasonable assertion.

It is my opinion that if the planning committee were to visit the site and consider the proposal in the context within which it is proposed, along with the supporting statements and figure ground diagrams which make a case for the assertion of a ribbon development not being the appropriately designated settlement pattern, then granting permission to settle a young farmers family alongside his own father for support in running and growing the farm business is not an irrational outcome.

PPS 21 is a permissive policy and there are mechanisms under which exceptions to the hard and fast rule of policy can be made. Many points of policy are open for interpretation and without and it is my opinion that we offered justifiable reasons for the proposed siting of this farm dwelling in the absence of any other appropriate locations within the farm holding.

It is our hope that a site visit to experience the degree of enclosure provided by existing and natural boundaries, the settlement clustering and visual linkage between the proposed and existing would offer sufficient understanding to the committee as to why we feel policy has been applied unfairly.

A site visit might allow the committee to establish if they believe the planners determination to be correct. We do hope that in fact the proposals are as we contest and in keeping with the rural farmyard patterns of settlement as documented and encouraged by the 'Building on Tradition' sustainable design guide which we utilised throughout this design and planning process.

Report to:	Planning Committee
Date of Meeting:	25 June 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	<input type="checkbox"/>	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 an update report has been prepared to update members on activity since last report and reflecting data from report for Q3 2024/2025 published in April 2025					
2.0	Key issues					
2.1	NISRA Statistics (Excludes those not validated and PADs, PAN, Certificates of lawfulness, discharge of Conditions)					
	Live Planning application 31 December 2023					1442
	Live Planning application 31 March 2024					1506
	Live Planning application 30 June 2024					1505
	Live Planning application 30 September 2024					1466
	Live Planning application 31 December 2024					1529
	Major applications					
	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	
	QE Dec 2024	21.7 wks	0	0	2	

LOCAL APPLICATIONS

Period	Av processing time	Nr Applications received	Nr Applications Withdrawn	Nr Applications decided
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
QE Dec 2024	50.1 wks	295	34	202

Average for year to date 46.5 weeks

Processing times for local applications remains above target and NI Average.

Q1-3 in current year 719 decisions issued, for same period in previous year 669 applications were determined 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 12.7% of NI total

CURRENT ANALYSIS

Based on latest **available data as of 1/6/25:**

1782 live applications – (This includes ALL applications that are not captured and reflected in NISRA stats)

Made up as follows:

1278 applications are allocated & processing, approx. 25% are awaiting consultee responses.

504 awaiting allocation,

114 new applications to be validated.

For period April 2024 – March 2025, 1408 applications were determined. (23.5% increase)

For same period April 2023 – March 2024, 1140 applications were determined.

LOCAL DEVELOPMENT PLAN

Revised Development Plan timetable was agreed by Council in June 2023 and by the Department in September 2023.

Draft Plan strategy was presented and agreed by Council on 31 March 2025 and will be formally launched on 27 June and will be followed by 12 week consultation period with a series of consultation sessions and venues agreed across the District.

ENFORCEMENT

The NI target for the Enforcement is that 70% of enforcement cases are concluded within 39 weeks of receipt.

For Q3 October – December 2024, 54% closed within target this has improved from 36.5% in Q2

For period April to December 2024, 213 cases were closed, by comparison 170 were closed in all of 23/24.

For period April to December 2024, 200 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 were presented in draft to February Committee, there followed a period of public consultation and 2 workshops with agents. Feedback has been received and a final proposal will be presented to Committee in June 2025, subject to approval implementation and training will be rolled out over July to September.

Recruitment 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 3 recruitment exercises completed.

In March a recruitment for Senior planners resulted in no appointments being made and an internal trawl for acting up for 2no Senior planners is currently underway. If successful this will provide a career development opportunity for staff but will result in a temporary loss of potential 2 Planning Officers.

Work is ongoing with HR and Professional bodies to review JD Criteria and there will be a further trawl thereafter to permanently fill the 3 vacant posts and hopefully establish reserve lists.

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.
- 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, this is being delivered by part time Principal Planning Officer.
- 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

	<ul style="list-style-type: none"> ○ Allocation of projects with Economic development impact, grant funding, medical considerations etc. <p>This has commenced however will increase when the full compliment of additional Planning Officers are in place.</p> <ul style="list-style-type: none"> • 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 resulting in formation being provided but needs to be monitored and implemented more extensively • 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 has been introduced to help reduce the number of NIW consultations relating to rural applications. • Continue to review staff complement and react to emerging resource challenges. • Options outside of staff recruitment are currently being explored to address challenge of backlog and will be presented to Committee.
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>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</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>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</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>Proposal initiating consultation</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>Rationale:</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 checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	Appendices
	NA
8.0	Background Documents
	NA

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	A.Donaldson	Readvertisement Aug 24 following amended proposal description. Under consideration.	N
PLANNING COMMITTEE MEETING - 5 FEBRUARY 2025					
LA07/2022/1602/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	Amended scheme now received for formal review and reconsideration.	N
PLANNING COMMITTEE MEETING - 2 APRIL 2025					
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.	Deferred for a site visit	P Manley	Site visit attended 11/03/25. To be tabled at June Committee	Y
PLANNING COMMITTEE MEETING – 30 APRIL 2025					
LA07/2023/2274/F -	Lands at Abbey Way Multi-Storey Car Park Mill Street & Lower Water Street, Newry - Proposed Civic Hub building	Deferred	M Keane	To be tabled at a future Committee Meeting	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.				
PLANNING COMMITTEE MEETING - 28 MAY 2025					
LA07/2024/0891/F	Lands approx. 25m north (west) of 52 Tullymacreeve Road, Mullaghbawn, Newry, BT35 9RE - Proposed farm dwelling and detached garage with all associated landscaping and site works	Deferred – to be tabled at a future meeting date.	A. Donaldson	Tabled at 25 June 2025	Y
LA07/2023/2548/O	Approx 65m south of 54 Manse Road, Crossgar - Site for dwelling and domestic garage under CTY2A	Deferred – to allow for a site visit	B Ferguson	Site visit being arranged	N