



July 18th, 2025

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 23rd July 2025 at 10:00 am** in **Council Chamber, Downshire Civic Centre.**

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 - LA07/2023/2548/O - Cllrs Enright, Hanna, Larkin, McAteer, D Murphy & Rice attended a site visit on 19 June 2025.

Item 7 - LA07/2024/0490/O - Cllrs Clarke, Hanna, Larkin, McAteer, D Murphy, S Murphy and Rice attended a site visit on 25 June 2025.

4.0 Minutes of Planning Committee PDH 19 June 2025 and Planning Committee Meetings of 19 and 25 June 2025

 *Special Planning Committee Minutes - predetermination hearing of 2025-06-19.pdf*

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 *Planning Committee Minutes 2025-06-19*

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 *Planning Committee Minutes 2025-06-25.pdf*

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

 *Addendum list - 23-07-2025.pdf*

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

6.0 LA07/2023/2548/O - Approx 65m south of 54 Manse Road, Crossgar - Site for dwelling and domestic garage under CTY2A

For Decision

REFUSAL

On agenda as a result of the call in process.

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

Cllrs Enright, Hanna, Larkin, McAteer, D Murphy & Rice attended a site visit on 19 June 2025.

7.0 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.

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

Cllrs Clarke, Hanna, Larkin, McAteer, D Murphy, S Murphy and Rice attended a site visit on 25 June 2025.

John Cole will be in attendance to answer any queries.

LA07-2024-0490-O - Case Officer Report.pdf

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Development Management - Planning Applications for determination

8.0 LA07/2023/2555/F - 60M NE Of Coast Guard Station, Shore Road, Killough - Proposed New Farm Diversification - For 4 No. Glamping Pods Ancillary Building And Landscaping Utilising Existing Access Onto Shore Road Killough

For Decision

APPROVAL

On agenda as a result of the Operating Protocol

LA07.2023.2555.F - Case Officer Report.pdf

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9.0 LA07/2023/3285/F - NI Water Waste Water Pumping Station Opposite No.21 Shore Road, Annalong, BT34 4TU - Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers, enclosed by a 1.2m high stone wall with 4m wide, 1.2m high access gate for vehicular access. Above ground will have control kiosk housing pump control, wash-water kiosk, lighting column with site lighting & telemetry to allow for remote monitoring.

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

10.0 LA07/2024/0227/RM - immediately adjacent to and North of 32 Bettys Hill Road, Ballyholland, Newry, BT34 2NB - Two Storey Dwelling

For Decision

APPROVAL

On agenda as a result of the Operating Protocol.

LA07-2024-0227-RM - Case Officer Report.pdf

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11.0 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 objection of the application by Ms Claire Loughran.

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

LA07-2024-1008-F - Case Officer Report.pdf

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11. LA07.2024.1008.F.pdf

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11. LA07.2024.1008.F in objection.pdf

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12.0 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

Speaking rights have been requested in support of the application from Mr John Young

LA07-2023-3099-O - Case Officer Report.pdf

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12. and 13. LA07.2023.3099.O and LA07.2023.3412.O.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 LA07/2023/3444/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

Speaking rights have been requested in support of the application by Mr Declan Rooney and Mr Paddy Megoran

 **LA07-2023-3444-O - Case Officer Report.pdf**

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 **14. LA07.2023.3444.O.pdf**

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15.0 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 in support of the application by Mr Conor Cochrane

 **LA07-2024-0761-O - Case Officer Report.pdf**

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 **15. LA07.2024.0761.O.pdf**

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Items deemed to be exempt under paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014

16.0 Legal Advice Regarding a Judicial Review - LA07/2022/1953/O

For Information

This item is deemed to be exempt under Paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 - information in relation to which a claim to legal professional privilege could be

maintained in legal proceedings - and the public may, by resolution, be excluded during this item of business.

Development Management - Planning Applications for determination


**17.0 LA07/2022/1953/O - Lands at 24 Teconnaught Road
Downpatrick - 2no infill dwellings and garages including
revised access to No 24 Teconnaught Rd and all associated
site works**

For Decision

REFUSAL

On agenda as a result of the call in procedure.

Speaking rights have been requested in support of the application by Mr Paul Kelly

 **LA07.2022.1953.O - Case Officer Report.pdf**

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 **17. LA07.2022.1953.O.pdf**

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For Noting

18.0 Historic Action Sheet

For Information

 **Planning Historic Tracking Sheet - 2025-06-25.pdf**

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NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Special Planning Committee Meeting – Pre-determination Hearing of Newry, Mourne and Down District Council held on Thursday 19 June 2025 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber: Councillor K Feehan Councillor G Hanna
Councillor C King Councillor D McAteer
Councillor D Murphy

Officials in attendance: Mr J McGilly, Assistant Director Regeneration
Ms A McAlarney, Development Manager: Planning
Mr M Keane, Senior Planning Officer
Miss S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

Also in attendance: Ms N Largey, Belfast Legal Services

Also in attendance via Teams: Mr Niall Marshall, Department for Infrastructure
Ms Aileen Nelson, Department for Infrastructure
Ms Sarah Douglas, Department for Infrastructure
Ms Kim Boal, Department for Infrastructure

Mr M Priestley, Hamilton Architects; Mr K Carlin, Carlin Planning were in attendance in support of the application, with Mr S Livingston, Systra, in attendance online to answer any questions that Members may have had.

Mr A Stephens, Matrix Planning Consultancy; Mr S Warke, SW Consultancy; Canon F Brown and Mr A Patterson were in attendance in objection to the application.

SP/004/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

The Chairperson opened the meeting by advising that the aim of the hearing was to hear the interested parties' views, and for Members of the Committee to seek clarification on the facts surrounding the development, confirming that no decision was to be reached at the meeting.

The Chairperson further advised that the hearing would be conducted similar to that of the Planning Committee, however the applicant would be afforded ten minutes to present their case, followed by the objectors for ten minutes, then the Committee Members could ask questions of both parties.

The Chairperson confirmed that those who had requested speaking rights at the hearing were present and understood the procedure.

Apologies were received from Councillors S Murphy and Tinnelly

SP/005/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

SP/006/2025: PREDETERMINATION HEARING IN RESPECT OF THE FOLLOWING APPLICATIONS

(1) LA07/2023/2774/F

Location:

Lands at Abbey Way Multi-Storey Car Park, Mill Street & Lower Water Street, Newry

Proposal:

Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mrs McAlarney presented the details of the proposal, confirming that it was a full application for a new Civic Hub located adjacent to Abbey Way and was accompanied by an application that sought demolition consent in the Conservation Area for the multi-storey car park on site. She further advised that the proposal would accommodate a Council room, meeting rooms and Council offices, with additional public realm works to part of the existing surface car park, part of Lower Water Street and Mill Street.

Mrs McAlarney reminded those present that the application had been discussed at length at the Planning Committee Meeting of 18 December 2024, where the Committee resolved to approve the application. She further reminded Members that Council had been under the direction from the Department to inform them when the Planning Committee had reached a recommendation on the application, which was communicated on the 7 January 2025. Correspondence had since been received from DFI on 5 March 2025 that they did not intend to invoke their call-in powers under Section 29 of the Planning Act (NI) 2011.

Mrs McAlarney advised that under Regulation 7(1) of the Planning (Development Management) Regulations (Northern Ireland) 2015, Council was required to hold a pre-determination hearing to give the applicant and interested parties the opportunity to appear before the Planning Committee.

Mrs McAlarney detailed the proposal site, reminding Members that it was located within the Newry Town Centre, outside of the primary retail core, within the boundary of the Conservation Area and within an Area of Archaeological Potential, was sited along the Protected Route of Abbey Way and was proximate to listed buildings, monuments, Newry River and Canal, and a Local Landscape Policy Area.

Mrs McAlarney confirmed that the proposal was roughly rectangular in shape, comprised of 3 floors of accommodation with a flat roof, would have frontage on all sides and would be modern in appearance. She advised that a retaining wall was required along the boundary of the site adjacent to Abbey Way that would require technical approval.

Mrs McAlarney advised that the proposal had been extensively consulted on during the processing of the application, and that no objections had been offered in principle to the proposal. She confirmed that over 2600 objections had been raised in opposition to the proposals, raising issues such as traffic and parking; the need for the proposal; the design; size and scale of the building; ecology; flooding and drainage aspects and some had raised procedural issues in relation to the processing of the application.

In response to these, Mrs McAlarney noted that the main planning issues to be considered included the principle of development, taking account of the impact on the setting of the Newry Conservation Area, nearby listed buildings, road safety to include parking and access, and natural heritage.

Mrs McAlarney then noted the Planning Policies PPS6, BH11 and BH12, relating to development affecting the setting of a listed building and new development within a Conservation Area had been engaged, and the Planning Department were of the opinion that the design, size, layout and appearance of the building were considered appropriate and that special regard had been given to the preservation and enhancement of the conservation area, and further that following consultation with Historic Monument Unit and Historic Environment Division (HED), both had offered no objection in principle to the proposal.

Mrs McAlarney confirmed that the building would accommodate some 215 members of staff, relocated from existing Council offices within Newry, highlighting the hybrid working policy of the applicant, who would provide desks for 75% of the workforce, approximately 162 members of staff.

Mrs McAlarney advised that a Transport Assessment and a Travel Plan had been submitted in support of the application, the final version being completed in August 2024, alongside parking surveys undertaken in November 2023 to reflect the trends since COVID restrictions, and stated that these highlighted the highly accessible location of the site, and included a number of measures such as the inclusion of electric bikes and a shuttle bus.

She reiterated that no parking was provided within the proposal, as a case had been made that the parking surveys undertaken demonstrated that there was ample parking provision available that exceeded demand, and that there was sufficient car parking within Newry City Centre at present to accommodate the proposed development.

Mrs McAlarney advised that the Planning Department had considered all relevant factors and accepted the case that there was sufficient parking capacity within the city centre to accommodate the proposal, while the central and highly accessible location of the site from various modes of travel, together with the active travel plan measures proposed were considered to comply with the requirements of PPS3, and AMP7 in relation to car parking.

She advised that in relation to other concerns raised such as biodiversity, protected species, NI Water and flooding issues and noise nuisance and disturbance, a preliminary ecological assessment had been submitted and the Natural Environment Division had been consulted with, and no objections were raised. She confirmed that DFI Rivers had also been consulted

and confirmed that the site was not within the 1 in 100 fluvial flood plain nor the 1 in 200 coastal flood plain and therefore had no objections. A Drainage Assessment had also been submitted and deemed acceptable by DFI Rivers, and Environmental Health consulted in relation to residential amenity, and returned with no objections.

Mrs McAlarney ended by reminding Members that the accompanying report did not make a recommendation on the application as this was to be addressed in the subsequent Planning Committee following the pre-determination hearing.

Speaking rights:

In Support:

Mr Priestly spoke in support of the application, reminding Members that the Civic Hub was part of the Newry City Centre Regeneration Programme (NCCR), supported by the Belfast Region City Deal (BRCD) and the aim of the proposal was to consolidate Council estate within Newry, to adapt to Council's flexible working pattern. He advised that the site had been chosen by Council as the preferred location, which was currently a multi-storey car park that made little contribution to the character and appearance of its city centre location. He stated that the proposal would breathe new life into the city centre, would make a positive contribution to the conservation area and surrounding heritage, and would create a new public front overlooking the Cathedral, while maintaining a portion of the surface car park.

Mr Priestly advised that careful consideration had been given to the setting of the Cathedral, and he believed that the proposal would enhance the setting, while respecting the prominence of the grade A listed building.

Mr Carlin summarised the key issues he felt required clarification with regard to the application, stating that the Regional Development Strategy recognised the importance of vibrant town and city centres with Planning Policy SPPS supporting a town centre first approach, therefore locating the proposal outside the city centre was not an option. He also confirmed that there was no requirement to undertake a retail impact assessment as the application was in compliance with the policy PPS4, Town Centre First approach, which it was accepted would ultimately benefit the town centre.

Mr Carlin noted that parking had been a consistent issue throughout the discussions of the application, noting the strong focus on the Systra surveys, and stressed that no evidence had been put forward to contest the evidence submitted. He advised that policy AMP7 of PPS3 advised that a reduced level of parking was acceptable with an application proposal. He stressed that a balance had been found with the retention of half the parking spaces within the Abbey Way car park, alongside a package of transport measures to compliment the aim of the NCCR, which was to increase footfall within the city centre, and not cars.

Mr Priestly then addressed the recent objection submitted at 11.25pm the night prior to the meeting that referred to the HED response to the numerous consultations. He confirmed that during the processing of the application there had been many detailed discussions with HED relating to the design of the proposal, alongside testing a 3D model of the proposal from verified views of the area as stipulated by HED, alongside a ministerial advisory group discussion and that it had been widely tested and scrutinised by statutory bodies.

Mr Priestly advised that the proposal did not try to compete with the grand gothic architecture of the Cathedral but was rather a modern interpretation of the design and

structure of the listed building. He noted that the late submission included the Consarc Report which stated that the design of the new buildings planned alongside historic buildings must respect the existing design. He advised that this had been considered and catered for, in the form of alignment and use of appropriate materials as detailed within the application proposal. He further confirmed that new buildings did not have to copy the older neighbours in detail, which had also been a consideration of the proposal and groundworks.

Mr Priestly referenced some other issues that had been discussed previously, to include the following:

- The network capacity for wastewater was undergoing engagement with NI Water to develop a solution designed approach to separate storm/foul water and would only progress as a condition on approval
- The retaining wall would act as a support to the carriage way and the proposed building and would be carried through a task approval process with highway structures, overseen by DFI Roads.
- The application had been subject to a Pre-application Community Consultation (PACC) and numerous neighbourhood notifications as detailed by the Planning Department.
- The application was in compliance with the Local Development Plan and with local and regional planning policies

In Objection:

Mr Stephens stated that a proposed building of approximately 5680 sqm over 3 floors on a development site of approximately 7000 sqm would be extremely physically constrained, further compounded by the Cathedral 45m to the West, a protected route 5m to the East and residential area 35m to the South. He stated that the outcome of the proposal would have long lasting negative impacts on Newry's built heritage, transportation and city centre car parking. He argued that the proposal did not include an assessment of rental yield within the Newry area against build costs, nor would it bring any economic benefits to the city.

Mr Stephens stated that he had undertaken a detailed review of the application and had written to Council in October 2024 highlighting that there were a number of out of date reports, missing detail and a noted lack of enquiry into numerous areas, stressing that the Council should be exemplar in their processing of this application to silence any statements of apparent bias and predetermination that the application was decided before being processed correctly. He stated that he believed no other application had ever been afforded the same level of flexibility with regard to policy compliance and stated that he had been led to believe that construction contracts had been awarded for the proposal with no planning permission, which further strengthened his argument for predetermination and bias.

Mr Stephens outlined that following the recent neighbour notifications of 28 May, he had been advised that the application description did not refer to the fixed plant machinery on the roof, nor the fixed array of PV panels. He noted that the acoustic report on the planning portal was a preliminary report from 2020, undertaken during the Covid 19 pandemic and was therefore not reflective of normal noise levels within the area, and that no updated noise survey had been carried out.

Mr Stephens outlined his argument regarding parking availability, stating that the proposal would require some 230 parking spaces and that the Community Treatment Care Centre (CTCC) would require 781 parking spaces at peak times, the loss of parking would have a

profound and long-lasting impact on shoppers, businesses, parishioners, tourists and all who would visit Newry.

With regard to parking, Mr Stephens argued that the applicant's parking surveys were not representative of current parking requirements as they surveyed car parks as far away as 15-minute walk from the city centre, stating that no one would walk that distance while carrying shopping. He further questioned where the additional users of the spare office space would park, noting that the proposal included parking spaces at Cecil Street and North Street, stating that these should be discounted as they were not determined as yet, further stating that the Systra surveys were inconsistent as they incorporated a different number of car parks and he believed that one car park didn't exist.

Mr Stephens stated that the applicant's verified views of the proposal did not appear to reconcile with the current proposal, advising that the scale and massing of the proposal would significantly detract from the ecclesiastical view of the cathedral from various viewpoints around the city.

Mr Stephens ended by advising that he believed that the proposal was in breach of Section 75 as the Council did not have due regard to the needs or good relations of the parishioners.

Councillor Larkin advised Mr Stephens that he still had some time remaining of his 10-minute presentation and queried whether he wanted to avail of his remaining time.

Mr Stephens noted that questions had been raised with regard to his parking queries, stating that it was not up to the objector to provide evidence with regard to parking.

Councillor Hanna asked for clarification regarding the discussions from a previous Committee Meeting regarding the PACC, noting that Mr Stephens had claimed that the PACC to accompany this application had been submitted some 3 to 4 months after the application.

Ms Largey advised that the issue had been considered and addressed within the Case Officer's Report and set out the rationale as to why the Planning Department were of the opinion that the application was still valid.

Mr Stephens disagreed at this point, highlighting that his late submission the night prior to the meeting highlighted Article 3(3)e of the General Development Planning Order (GDPO) was a legislative requirement that all applications were to be accompanied by. He further argued that paragraph 7.9 of the Development Management Practice advised that a PACC must accompany an application when submitted and any claims to the contrary were legally vulnerable.

Ms Largey advised the Committee that they should not be distracted with regard to an argument regarding legal advice, noting that submissions had been received to question the validity of the application and the Case Officer's Report had explained the rationale of the Planning Department, which also referenced the legislation as put forth by Mr Stephens.

Councillor Hanna queried whether the correct fee had been applied to the application, to which Mrs McAlarney advised that this had also been considered within the Case Officer's Report and confirmed that the correct fee had been paid for the application.

Mr Stephens disagreed at this point, stating that he believed the legislation was open to interpretation with regard to fee, and he had interpreted the legislation different to what the Planning Department had interpreted.

Following a further query from Councillor Hanna regarding reference to reports being out of date, a discussion ensued regarding the shelf life of consultations. The outcome of this was Mr Stephens advising that many reports were, in his opinion, out of date as they had not been updated since 2020. Mrs McAlarney advised that unless a proposal was amended the statutory consultation was considered valid on that application, the exception being biodiversity checklists. Mr Carlin advised that he didn't believe the acoustic report was out of date.

Councillor Hanna then queried the parking surveys and whether they were up to date.

Mr Livingstone advised that the latest parking survey had been carried out in November 2023 and carried a shelf life of 3 – 5 years. He stated that the parking survey was not advising that people should walk the 15 minutes to the Civic Hub, but rather that there was adequate parking within the city centre to meet demand. He stated that all the car parks utilised within the survey did exist, and it was bordering on slanderous to state that a referenced car park did not exist.

Following an interruption by Mr Stephens, Councillor Larkin reminded Members that all statements were to be addressed through the Chair and attendees were not permitted to talk across the chamber.

Councillor Hanna queried whether anyone was to be disadvantaged by the loss of car parking, to which Mr Livingstone advised that the surveys showed that Abbey Way car park was underutilised. He further advised that infrastructure couldn't be designed on worst case scenarios such as funerals or weddings as that would lead to large amounts of unused space within towns and city centres.

Councillor Hanna queried whether the Planning Department were content that the proposal would integrate with the design of the local area, to which Mrs McAlarney advised that the Planning Department had to have regard to the design and constraints of the proposal site and that the Cathedral had been to the fore when processing the application. She confirmed that HED had been heavily involved during the processing of the application, and they were of the opinion that the proposal would have no detrimental impact on the listed building.

Councillor Feehan requested clarification on when the application had been reclassified as a major application, and when the PACC had been undertaken and submitted, to which Mrs McAlarney advised that if Councillor Feehan was content this detail could be brought to the subsequent meeting.

As there were no further questions, Councillor Larkin offered those with speaking rights the opportunity to address any inaccuracies or rebuttals following the discussions, reminding them that this was not another opportunity to present their case but rather to solely address any inaccuracies.

Mr Stephens acknowledged speaking out of turn in addressing Mr Carlin but stated that the acoustic report needed to be included for consultation, and further that he was not being slanderous when querying one car park's existence but rather had queried whether all the surveyed car parks were officially designated car parks.

Following this discussion, those present confirmed that they were content with the process of the hearing.

Councillor Larkin advised that the application would be tabled at the Planning Committee meeting scheduled for 12pm.

There being no further business the meeting ended at 11.12am

Signed: _____ Chairperson

Signed: _____ Chief Executive

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Thursday 19 June 2025 at 12pm in the Council Chamber, Downshire Civic Centre, Downpatrick

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

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|----------------------|---------------------|
| Councillor C Enright | Councillor K Feehan |
| Councillor G Hanna | Councillor C King |
| Councillor D McAteer | Councillor D Murphy |

Officials in attendance: Mr J McGilly, Assistant Director: Regeneration
Ms A McAlarney, Development Manager: Planning
Mr M Keane, Senior Planning Officer
Miss S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer

Also in attendance: Ms Nora Largey, Belfast Legal Services

Also in attendance via Teams: Mr Niall Marshall, Department for Infrastructure
Ms Aileen Nelson, Department for Infrastructure
Ms Sarah Douglas, Department for Infrastructure
Ms Kim Boal, Department for Infrastructure

P/057/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors S Murphy and Tinnelly

P/058/2025: DECLARATIONS OF INTEREST

Councillor Quinn and Rice were noted to be absent as they had previously declared an interest in the item at Planning Committee Meeting of 30 April 2025.

Councillor Feehan requested legal opinion in regard to declarations of interest, following which Councillor Larkin queried whether the Committee was happy to proceed into closed session.

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

AGREED: On the proposal of Councillor Feehan, seconded by Councillor D Murphy, it was agreed to exclude the public and press from the meeting during discussion on the following matters which related to exempt information by virtue of

Paragraph 5 of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information in relation to which a claim to legal professional privilege could be maintained in legal proceedings.

AGREED:

On the proposal of Councillor Feehan, seconded by Councillor D Murphy, it was agreed the Committee come out of closed session.

Legal opinion had been provided during closed session discussions.

Councillor Enright advised that following legal advice he would withdraw from the meeting, stating that other Members should also withdraw from the decision as he believed that many had already expressed an opinion on the application.

DEVELOPMENT MANAGEMENT

P/059/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2023/2274/F

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

Location:

Lands at Abbey Way Multi-Storey Car Park Mill Street & Lower Water Street, Newry

Proposal:

Proposed Civic Hub building accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park, part of Lower Water Street and along Mill Street.

Demolition of the existing multi-storey car park and alterations to the existing road network.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Keane confirmed this was a full planning application for a Civic Hub building to accommodate a Council room, meeting rooms, Council offices and associated ancillary accommodation with public realm works to part of the existing surface car park, part of Lower Water Street and along Mill Street. He noted that there was an associated Demolition Consent application for demolition of the existing multi storey car park, which was processed by the Department in line with legislation, and the Department issued a notice of opinion to grant demolition consent in April 2025.

Mr Keane advised that following the earlier Pre-Determination Hearing (PDH) the application was now being presented to Members with a recommendation to approve, advising that a number of issues had been raised at the PDH to include:

- Siting with regard to proximity to the cathedral
- Financial viability of the scheme
- Contracts being signed for works prior to planning permission

- Legislation breaches
- Neighbour notification
- Preliminary acoustic report dated 2020
- car parking & accuracy of assessments and any permissions
- PV panels and plant on roof
- Impact on listed buildings
- Rebuttal from Consarc regards impact on listed buildings.
- Details of retaining walls
- Out of date surveys
- Building out of character
- The Pre Application Community Consultation (PACC)
- Fee query

Mr Keane advised that a number of the issues raised had been previously considered and were addressed within the Case Officer's Report. He stated that in regard to the PACC, a public event had been held in December 2019, with the current application having been submitted in March 2023. The PACC report had been requested on 20 June 2023 and received on 28 June 2023 whereby the application was reclassified to a Major Application and was readvertised week commencing 10 July 2023.

Mr Keane advised that Historic Environment Division (HED) had been involved in the processing of the application from the initial Pre-application Discussion (PAD) stage, with their final comments having been received in June 2024 with no objection in principle. He noted that further comment had been received from HED in December 2024, following further consultation in response to the Listed Building Setting Assessment supplied by Consarc in November 2024, but their opinion had remained unchanged. The latest Comments from Consarc have been noted.

With regard to the PV panels and plant on the roof not being included in the description, Mr Keane confirmed that the proposal description adequately described the development proposed and that the submitted plans were accurate. He further confirmed that Environmental Health had been consulted on the preliminary acoustic survey and offered no objections subject to conditions, those being included within the draft conditions of the Case Officer Report.

Mr Keane reminded Members that this was a major application that had been subject to a PAD and a Planning Advice Note (PAN), as detailed within the Case Officer Reports, addendums, and papers associated with the previous PDH. He confirmed that a suite of drawings and supporting information had been submitted with the application.

Mr Keane confirmed that the Council were required to have regard to the Local Development Plan, reminding Members that the site was located within the boundary of Newry Town Centre, outside the Primary Retail Core and Frontage but within the boundary of the Conservation Area and within an Area of Archaeological Potential, within a Protected Route of Abbey Way, and in close proximity to listed buildings, monuments, Newry River and Canal and a Local Landscape Policy Area.

Mr Keane outlined that the proposed building would be modern in appearance, 3 floors of accommodation, based on a simple rectangular form based on 2 blocks, one above the other, rectangular in shape with a flat roof and designed to provide frontage on all sides. He confirmed that a retaining wall would be required along the boundary of the site adjacent to Abbey Way which would be subject to technical approval.

With regard to statutory consultation, Mr Keane advised that this had been undertaken with a number of organisations during the processing of the case, whereby no objections had been offered in principle to the application, subject to conditions which were detailed within the Case Officer's Addendum Report.

Mr Keane advised that over 2600 representations had been received in opposition to the proposal, and that while some of these representations were not material planning considerations, those that were had been fully considered and detailed within the Case Officer's Reports.

Mr Keane advised that in line with statutory requirements, advertising and neighbour notification had been undertaken, with further rounds of advertising and neighbour notification carried out as the application progressed with any responses being considered by the Planning Department and detailed within the Case Officer's Report.

Mr Keane advised that having taken account of the nature of the proposals and constraints of the site and wider area, a number of policies were engaged and required to be considered. He stated that the site was located within the town centre boundary and outside the primary retail core with the proposed usage considered appropriate for the site and would complement existing uses within the city centre in accordance with the town centre first approach indicated within SPPS. He advised the site was also located within the Conservation Area and Area of Archaeological Potential as well as being adjacent to a number of listed buildings therefore policies contained within PPS6 and the SPPS were key.

Mr Keane stated the size, design, layout and appearance of the building, as outlined within the case officer's report, was considered appropriate and had special regard to the zoning and would preserve and enhance the character of the Conservation Area. He also advised that HED had advised the siting, size, design, height, scale, massing, form, alignment, finishes and appearance of the development proposed would not adversely affect the setting of any listed building, and offered no objections in principle. HED monuments were also consulted and offered no objections in principle.

Mr Keane stated that with respect to the access, movement and parking, it was noted that the building and site were enclosed by the existing road network and the existing vehicular access from Abbey Way would be retained, with a new road layout, whereby the building would be accessed from the Northern end. He advised that it was acknowledged that the proposals did not include any specific on-site or in-curtilage parking stating that PPS3 required that development proposals should provide adequate provision for car parking and appropriate servicing arrangements, with the precise amount of car parking being determined according to the specific characteristics of a development and its location having regard to the Department's published standards.

Mr Keane outlined that the Parking Standards guidance document indicated that some 220 parking spaces would be required to serve the proposed office building, or approximately 230 when including the wedding suite. He stated that the submitted proposals indicated that the building would accommodate a total of some 215 members of staff that would be relocated from existing Council offices within Newry. He highlighted that the applicant confirmed that Newry, Mourne and Down District Council operated a hybrid (agile) working policy and therefore would only provide desks for 162 staff (75%).

Mr Keane advised that a Transport Assessment (TA) and Travel Plan (TP) had been submitted in support of the application with the final version submitted in August 2024, while parking surveys were also undertaken most recently in November 2023 to reflect current trends since the COVID pandemic. He outlined that the TA also set out the city centre and highly accessible location of the site and included a number of measures including provision of bikes and a shuttle bus.

He stated that as part of the Council's strategy to address current and future parking demands in Newry City, the Council had also submitted planning applications that proposed to formalise the current unmarked car park at North Street and planned to create car parking at Cecil Street (for use by NMDDC staff) as part of the Newry City Centre Regeneration.

He reiterated that no parking was being provided for the proposed development, rather a case had been made that the parking surveys undertaken, in 2023, demonstrated there was an abundance of parking provision which exceeded demand and that there was sufficient existing car parking capacity within Newry city centre at present. Notwithstanding the proposals to also provide additional town centre parking, the issue of car parking associated with existing committed developments was also considered as the application progressed.

Mr Keane highlighted that the Planning Department had considered all relevant factors, and considered a case has been made to show there was sufficient parking capacity within the town centre to accommodate the proposal, while the central and highly accessible location of the site using various modes of travel, together with the active travel and measures proposed were considered to fit with the requirements of PPS3, Policy AMP 7, in relation to car parking provision, subject to appropriate conditions.

Mr Keane highlighted the issue of the loss of existing public car parking spaces, should the proposal go ahead, due to the demolition of the multi storey car park, which had also been raised. He stated there was currently a total of some 334 parking spaces on site and immediately adjacent, between the multi-storey carpark, surface park and on-street parking.

He said the removal of the multi-storey carpark would result in the loss of 196 spaces, with 138 surface and on-street parking being retained. He highlighted that the applicant had stated the upper deck of the multi storey area of parking, comprising some 61 parking spaces, had been closed for some time and was therefore out of use, thus the loss of operational parking was actually 135, not 196, however, this had been disputed by 3rd Parties.

He stated that the Planning Department had fully considered this issue, as part of its assessment of the planning application and while it was acknowledged there would be a loss of existing spaces, it was considered, taking into account all relevant material considerations and the alternative existing and proposed car parking provision available, that the loss of the car parking spaces was justified.

He highlighted other issues including biodiversity, protected species, connection to mains and flooding, noise, nuisance and disturbance stating that these had also been fully considered.

Mr Keane stated that the application had been fully assessed having account to the area plan, applicable policy context, consultee responses and also all representations received. He advised it had been processed in line with legislative requirements and was recommended

for Approval subject to conditions, which were listed at the end of the Officers Addendum report.

Speaking rights:

In Objection:

Mr Andy Stephens was present in objection to the application, supported by Mr Simon Warke, Canon Francis Brown and Anthony Patterson.

Mr Stephens stated that he did not accept that all reports had been fully considered by either the Planning Department or by statutory consultees. He stressed that the application form was still marked as a local application, despite being subject to considerable debate, that the acoustic information was out of date as discussed at the Pre-Determination Hearing (PDH) with no consideration being given to the application of a condition regarding the screening of the plant equipment on the roof. He further stressed that the average floor space to desk ratio was well above that of Belfast offices and could not understand why rental could not be offered to third party rentals.

With regard to the legal opinion that had been discussed in closed session, Mr Stephens advised that while he did not have sight of it, he stressed that it was one opinion, that opinions could differ, and urged Members to be mindful of that. He referenced the Council's planning application validation checklist that had been subject to recent public consultation, stressing that Council had not kept in line with their proposed validation checklists that they were considering adopting.

Canon Brown referenced the information in relation to the parking surveys, stressing that they did not account for the full range of activities that occurred regularly within the cathedral, such as funerals, weddings or events such as holy communion. He further stressed that the proposal could be built elsewhere, was deemed ugly by his parishioners and appealed to Members present to consider his parishioners plight with regard to parking and refuse the application.

In Support:

Mr Mark Priestly was present in support of the application, supported by Mr Kieran Carlin and Mr Stephen Livingstone online.

Mr Carlin noted that the presentation had been shown to Members both at previous Committee meetings and at the earlier PDH and unless requested, he would not go through the proposal in detail again. He stressed that the application was valid and robust, and that all material considerations had been considered by the Planning Department prior to submission of the application and following the legal advice, the Case Officer had confirmed this again.

Mr Carlin noted that the proposal would help the vitality of Newry, while stressing that the Systra parking surveys highlighted that there was sufficient car parking availability within the city. He referenced the objectors' statement with regard to unreliability of the submitted surveys but stated that they had been carried out in line with DFI requirements and that the proposal was in line with all planning policy requirements.

Mr Priestly clarified that while the floor space may seem large, it was to accommodate hybrid working, large and small meeting rooms, a wedding venue and a council chamber and would not solely be for office space.

Mr Priestly stressed that the application had attempted to be sympathetic and harmonious to the cathedral while progressing through the planning application process, confirming that he had met with Canon Brown on two separate occasions to discuss the proposal. He advised that conditions could be applied to the proposal should consent be granted, but stressed that despite numerous objections and multiple consultations later, the Case Officer Report still recommended approval for the application.

Councillor Larkin queried whether any party had a rebuttal or inaccuracies that they wished to address.

Mr Stephens stated that he had submitted parking surveys that had been undertaken in October, November and May, therefore it was incorrect to say that the objectors had not provided any parking surveys. He further stated that the parking surveys carried out by the applicant did not take account of ad hoc activities within the cathedral. He also advised that he believed that the issue with regard to floor space within the proposal was still awaiting clarification as by his calculations the floor space to desk ratio was too large.

Mr Carlin advised that Mr Stephens statements were an expression of opinion rather than clarification of factual inaccuracies and confirmed that they had nothing further to add.

Mrs McAlarney advised that the Planning Reports detailed the consideration given to the issues raised by the objectors and a recommendation for approval was still the opinion of the Planning Department.

Councillor D Murphy stated that the Committee had heard the arguments both for and against the application on a number of occasions and having listened all opinions and details outlined he believed any decision of the Committee would be a robust one. He proposed to accept the Officer's recommendation for approval of the application, stating that he had believed that the concerns raised had all been considered by the Planning Department.

Councillor King seconded the proposal.

Councillor Hanna requested a recorded vote on the proposal, a copy of which is appended to these minutes.

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

| | |
|--------------|---|
| FOR: | 4 |
| AGAINST: | 1 |
| ABSTENTIONS: | 1 |

The proposal was declared carried.

AGREED: On the proposal of Councillor D Murphy, seconded by Councillor King, it was agreed to issue an approval in respect of planning application LA07/2023/2774/F supporting officer recommendation as contained in the Case Officer Report.

Councillor Larkin thanked everyone present for their time, patience and professional conduct.

There being no further business the meeting ended at 1.02pm

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 0% of decisions overturned

NEWRY, MOURNE & DOWN DISTRICT COUNCIL
PLANNING COMMITTEE RECORDED VOTE

DATE: _19/06/25 **VENUE:** Downshire Civic Centre

MEETING: Planning Committee

SUBJECT OF VOTE:

Item 3 – LA07/2023/2274/F - Lands at Abbey Way Multi-Storey Car Park Mill Street & Lower Water Street, Newry

| COUNCILLOR | FOR | AGAINST | ABSTAIN | ABSENT |
|---------------|----------|----------|----------|----------|
| W Clarke | | | | 1 |
| C Enright | | | | 2 |
| K Feehan | | | 1 | |
| G Hanna | | 1 | | |
| C King | 1 | | | |
| M Larkin | 2 | | | |
| D McAteer | 3 | | | |
| D Murphy | 4 | | | |
| S Murphy | | | | 3 |
| A Quinn | | | | 4 |
| M Rice | | | | 5 |
| J Tinnelly | | | | 6 |
| TOTALS | 4 | 1 | 1 | 6 |

NEWRY MOURNE AND DOWN DISTRICT COUNCIL

Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 25 June 2025 at 10am in the Boardroom Council Offices, Monaghan Row, Newry

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

| | |
|----------------------|----------------------|
| Councillor W Clarke | Councillor C Enright |
| Councillor G Hanna | Councillor C King |
| Councillor D McAteer | Councillor D Murphy |
| Councillor S Murphy | Councillor M Rice |

Officials in attendance: Mr J McGilly, Assistant Director: Regeneration
 Mr P Rooney – Head of Legal Administration (Acting)
 Ms A McAlarney, Development Manager, Planning
 Mr A Donaldson, Senior Planning Officer
 Mr M Keane, Senior Planning Officer
 Miss S Taggart, Democratic Services Manager
 Ms F Branagh, Democratic Services Officer
 Mr C Smyth, Democratic Services Officer

Officials in attendance via Teams: Mr P Rooney, Development Manager: Planning

P/060/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received from Councillors Feehan, Tinnelly, Quinn and Mrs B Ferguson, Senior Planning Officer.

P/061/2025: DECLARATIONS OF INTEREST

An interest was declared by Councillor S Murphy with regard to LA07/2025/0143 and LA07/2025/0144 that were listed on the addendum list.

P/062/2025: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

Item 6 – LA07/2021/0869/F - Councillors Campbell, Enright, Hanna, King, McAteer, and S Murphy attended a site visit on 11 March 2025. The Chairperson noted that as there was not a quorum present at the meeting the application would be heard again.

MINUTES FOR CONFIRMATION

P/063/2025: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 28 MAY 2025

Read: Minutes of Planning Committee Meeting held on Wednesday 28 May 2025. **(Copy circulated)**

Councillor McAteer stated that he had attended the above meeting but was not listed among the attendees and requested that this be corrected.

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 28 May 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/064/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 25 June 2025. **(Copy circulated)**

The Chairperson acknowledged that unforeseen issues could arise and were sometimes unavoidable, however, he emphasised the importance of those requesting speaking rights attending the committee to respond to Members' questions.

AGREED: **On the proposal of Councillor Rice, seconded by Councillor McAteer, it was agreed to defer Item 13 LA07/2023/3412/O to a future Committee Meeting.**

On the proposal of Councillor Rice, seconded by Councillor McAteer, it was agreed to defer Item 15 LA07/2023/3099/O to a future Committee Meeting.

On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to defer Item 17 LA07/2023/3444/O to a future Committee Meeting.

On the proposal of Councillor Hanna, seconded by Councillor Rice, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 25 June 2025:

- **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

P/065/2025: PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)

(1) LA07/2021/0869/F

On agenda as a result of the Call-In Process

Location:

NE of 81 Ardglass Road, Ballywooden, Downpatrick

Proposal:

5 No. glamping pods, associated car parking and site works with hard and soft landscaping.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs McAlarney reminded Members of the detail of the application, noting that the application had been previously subject to debate at the Planning Committee Meeting of 5 March 2025. She outlined that the site lay within Bishop Court airfield, and no statutory consultee had

raised any objection, subject to conditions being met, further advising that four third party objections had been received and were detailed within the Case Officer's Report.

Mrs McAlarney advised the Members that the application was considered against PPS21, which directed the Planning Department to the Tourism Policies of TSM6 and 7, confirming that the Planning Department were of the opinion that the proposal did not fully meet the requirements of TSM6 and had therefore been considered against TSM5. She stated that policies CTY13, 14 and 16, relating to rural character and integration were also applicable to the application.

Speaking rights:

In Support:

Mr Tumelty spoke in support of the application, arguing that the application should be recommended for approval as it would be a boost to tourism within the area. He noted that the location was generally regarded as a deprived area and stated that he believed Council should want to support tourism to help boost the economy of the area.

Mr Tumelty put forth his rebuttals for the refusal reasons as stated by the Planning Department, noting that CTY1 included self-catering accommodation as a form of non-residential development that would be accepted within the countryside, that the site was 300m off the public road and would not be visible, the low profile structures of the pods would easily integrate with the surrounding area and that the applicant was willing to engage with the Planning Department in terms of any additional planting they believed would be required to assist with integration.

With regard to Planning Policies, Mr Tumelty stated that he believed that the application should have been considered under TSM5 as self-catering accommodation, not TSM6 and 7 as had been applied. He stated that this application would provide a boost to a deprived area and would assist in providing much needed bed accommodation for the surrounding area.

Councillor Hanna queried the level of proposed planting across the site, noting that the area was a flat open expanse of land with minimal planting on the area.

Mr Tumelty advised that the applicant was willing to take advice on what species would be most suited to the area to assist with integration, taking account of plant survival rates within the open space.

Councillor Hanna further queried the positioning of the pods in relation to the surrounding small soil banks he had observed on site, to which Mr Tumelty confirmed that while the area could be bleak in the winter months, the applicant operated a business that allowed people to come to the area to provide accommodation via the use of the pods. He further noted that since the site visit, there had been mobile homes moved onsite illegally that were being used as holiday lets and the applicant was attempting to follow the rules to ensure any accommodation would help generate a boost to the local economy.

Councillor Larkin requested that the answers remain focused on the questions asked and not raise further issues that were not within the remit of the Planning Committee.

Councillor Enright stated that this application was an exceptional case that would provide a welcome boost to the tourism of the area, and as Council had no plans to develop the hundreds of acres of concrete that appeared to be treated as countryside he proposed to overturn the application to an approval to assist in changing the dereliction of the area and to promote tourism.

Councillor Larkin asked Councillor Enright to address the refusal reasons when proposing to overturn the application, to which Councillor Enright reiterated that the proposal would be a huge tourism opportunity for the area as the location had little holiday accommodation and this was an opportunity to address the dereliction of the area.

Councillor Hanna seconded the proposal, noting that the application site was adjacent to an on-site race track which had the opportunity to be developed into something substantial, and he felt that this could not be accomplished should it be located elsewhere. He noted that there was a natural hollow that the pods were to be located within, which would make them less prominent within the area which addressed policy CTY13 and 14. He further stated that the proposal was compliant with TSM5 despite not being considered against this policy, as it was not a holiday park, the pods would be screened and conditions should be delegated to officers to ensure adequate planting was in situ.

Councillor Enright stated that conditions should also be applicable to landscaping and zoning within the area.

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

| | |
|--------------|---|
| FOR: | 9 |
| AGAINST: | 0 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED: **On the proposal of Councillor Enright, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2021/0869/F contrary to the officer recommendation as contained in the Case Officer Report.**

Planning Officers be delegated authority to impose any relevant conditions.

DEVELOPMENT MANAGEMENT

P/066/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/1008/F

Location:

64 Upper Dromore Road, Warrenpoint, BT34 3PN

Proposal:

Erection of two detached dwellings

Conclusion and Recommendation from Planning Official:

Refusal

Councillor McAteer requested a deferral for this item.

Agreed: **On the proposal of Councillor McAteer, seconded by Councillor Hanna it was agreed to defer Item LA07/2024/1008/F to a future Committee Meeting.**

(2) LA07/2024/0490/O

On agenda as a result of the call in process

Location:

225m west of 81 Kilbroney Road, Rostrevor

Proposal:

Proposed dwelling on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane presented an outline application for a dwelling on a farm off Kilbroney Road, situated in the countryside and within an Area of Outstanding Natural Beauty (AONB) near Rostrevor. The application was recommended for refusal as the proposed siting did not visually link or cluster with the established group of farm buildings located approximately 150–200 metres to the east. He noted that two nearby structures referenced by the agent lacked planning permission, and no justification had been provided on health and safety grounds or in relation to business expansion to support the isolated location.

He advised that the proposed dwelling would have appeared visually isolated from public viewpoints along Kilbroney Road and lacked natural screening and a new access laneway was proposed from Rostrevor Road, despite the existence of an established access. He confirmed that policy discouraged such proposals, and that no planning justification had been submitted for the additional access.

Mr Keane further explained that the site lay within the setting of Kilbroney Church and Graveyard, a Scheduled Monument of regional importance. Historic Environment Division (HED) had advised that the proposal was contrary to the Strategic Planning Policy Statement (SPPS) and Policy BH 1 of PPS 6, as it would significantly harm the integrity of the monument's setting. The site, which included medieval ruins and remains in use, was located within an unspoilt rural landscape, with key public views contributing to its historic and visual significance.

He concluded that although the applicant operated an active and established farm business, the application site was considered fundamentally unacceptable as there were other more appropriate locations that appeared to be available elsewhere on the farm, as indicated on the submitted site location plan. Refusal was recommended on the grounds of inappropriate

siting, unjustified access, and the adverse impact on a regionally important archaeological site.

Speaking rights:In Support:

Mr Cole advised that the Planning Department had accepted the principle of a dwelling on the applicant's farm stating that the proposed site was visually linked to existing farm buildings, which were well landscaped and visible from key viewpoints. He noted that the policy did not specify a separation distance, and that the proposal met visual linkage requirements. He disputed the case officer's assessment of visibility from Kilbroney Road, presenting images showing the site was screened by vegetation and topography, with visibility limited to the new access point.

On integration, Mr Cole stated that existing screening was sufficient and aligned with Policy CTY 13. He challenged HED's objection regarding Kilbroney Church and Graveyard, presenting images to show no intervisibility due to topography and landscaping, concluding that the proposal was visually linked, integrated into the landscape, and would not impact the Scheduled Monument, thus complying with policy.

Councillor D Murphy noted the site appeared well landscaped and queried whether this had been considered in assessing visual linkage. He also sought clarification on visibility from the road. Mr Keane responded that the site was visible from Kilbroney Road, particularly when approaching Rostrevor, and that the farm buildings were screened, making the site appear isolated. He added that nearby structures lacked permission and were not prominent, and that the proposal relied on planting for integration.

Councillor D Murphy asked if alternative sites had been considered. Mr Cole explained that the applicant lacked permission for a dwelling via the existing laneway, and the proposed site allowed for a new access without removing trees or vegetation, as agreed by statutory bodies.

Mr Sweeney confirmed he had no legal access via the laneway and that DfI Roads had advised additional traffic would constitute intensification. He disagreed with visibility concerns, citing submitted imagery.

Councillor McAteer asked whether HED's objection related to proximity or principle. Mr Keane responded that HED believed the proposal could not be made acceptable with conditions and that no exceptional circumstances had been demonstrated. He confirmed HED considered the development would significantly impact the setting of the church and graveyard.

Councillor Rice noted other dwellings had been approved closer to the church and queried the difference. Mr Keane explained that the referenced development was within the settlement limit and not comparable. He acknowledged a counterargument could be made but emphasised the distinction.

Mr Cole questioned why HED had not objected to a dwelling approved 10 years ago across the road, arguing that policy had not changed and that the proposed site and church could not be viewed together.

Councillor Rice asked Mr Rooney whether any inference could be drawn from the differing views. Mr Rooney stated that HED had cited a significant adverse impact on the setting of a regionally important archaeological monument, which would need to be addressed.

Councillor Hanna asked if the main issue was archaeological significance. Mr Keane confirmed this and noted two additional refusal reasons. He added that HED had clearly stated the proposal could not be made acceptable with conditions.

Councillor Rice proposed a site visit, seconded by Councillor Clarke. Councillor McAteer requested that a representative from HED attend when the application returns to Committee. Mr Keane advised this could be requested.

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

| | |
|--------------|---|
| FOR: | 9 |
| AGAINST: | 0 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED: On the proposal of Councillor Rice, seconded by Councillor Clarke, it was agreed to defer planning application LA07/2024/0490/O to allow for a site visit.

(3) LA07/2024/0761/O

Location:

46 Dromore Road, Ballynahinch

Proposal:

Infill dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Councillor Larkin requested a deferral for this item.

Agreed: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to defer Item LA07/2024/0761/O to a future Committee Meeting.

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

Agreed: On the proposal of Councillor D Murphy, seconded by Councillor McAteer, it was agreed to exclude the public and press from the meeting during discussion on item 19 - LA07/2024/0207/F, which related to exempt information by virtue of para. 1 of Part 1 of Schedule 6 of the Local /Government (Northern Ireland) 2014 –

information relating to any individual, and the public may, by resolution, be excluded during this item of business.

Agreed: **On the proposal of Councillor D Murphy, seconded by Councillor Rice, it was agreed to come out of closed session.**

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

RESTRICTED – FOR DECISION

(4) LA07/2024/0207/F

AGREED: **On the proposal of Councillor Larkin, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2024/0207/F, contrary to the officer recommendation as contained in the Case Officer Report.**

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

(5) LA07/2024/0891/F

On agenda as a result of the call in process

Location:

Lands approx. 25m north (west) of 52 Tullymacreeve Road, Mullaghbawn, Newry, BT35 9RE

Proposal:

Proposed farm dwelling and detached garage with all associated landscaping and site works

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Donaldson advised that no objections were received following neighbour notifications or advertisement. Statutory consultees, including NI Water, DAERA Countryside, and DfI Roads, raised no objections. The site, located in the countryside within the Ring of Gullion AONB, was assessed against relevant planning policy. Following a site inspection, the Planning Department concluded that the proposal failed to meet PPS 21 policies: CTY 1, as there was no overriding reason for development in this rural location; CTY 8, due to its contribution to ribbon development; and CTY 14, as it would result in a suburban-style build-up when viewed alongside existing and approved buildings.

Speaking rights:

In Support:

Mr Hackett spoke in support of the application, arguing that policy—particularly CTY 8—had been applied too strictly. In response to CTY 1, he stated that the applicant's son was

needed on-site to assist with the farm and eventually take over, aligning with PPS 21 and meeting the criteria under CTY 10 for a farm dwelling.

He maintained that the proposal formed a traditional courtyard-style cluster rather than ribbon development, noting that the settlement pattern along Tullymacreeve Road was too sparse and fragmented to qualify as ribbon.

Regarding CTY 14, Mr Hackett argued that the development would not result in suburban-style build-up or harm rural character, as it reflected local patterns of small clusters.

He suggested a site visit to assess enclosure, visual linkage, and settlement pattern, believing it would demonstrate alignment with rural character and the 'Building on Tradition' design guide. He concluded that the proposal was a justified exception under PPS 21 and promoted intergenerational continuity on a working farm.

Councillor D Murphy asked about the traditional development pattern along Tullymacreeve Road. Mr Donaldson described it as irregular, with some ribbon development and other areas more dispersed.

Councillor Larkin noted that using the lane for access would impact the existing farmhouse and was not supported by the report stating that if the lane was avoided, alternative access would be required, though using the lane might still breach CTY 8. Mr Donaldson added that the proposal could still contribute to ribbon development, even without road frontage. Mr Hackett stated that the proposal did not meet the definition of ribbon development, describing the layout as staggered and set back, and more consistent with a cluster.

Councillor Hanna proposed overturning the recommendation for refusal, stating that the application aimed to sustain the farm and that the site formed a cluster rather than ribbon development. He added that any suburban-style build-up could be addressed through planning conditions. The proposal was seconded by Councillor D Murphy.

| | |
|--------------|---|
| FOR: | 9 |
| AGAINST: | 0 |
| ABSTENTIONS: | 0 |

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor D Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/0891/F contrary to officer recommendation as contained in the Case Officer Report.

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

FOR NOTING

P/067/2025: PLANNING DEPARTMENT UPDATE

Read: Report from Mr J McGilly, Assistant Director: Regeneration, regarding Planning Department Update. **(Copy circulated)**

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

The Chairperson advised that Members were invited to the launch of the NMDDC Local Development Plan Draft Plan Strategy, taking place at the Burrendale Hotel, Newcastle, on Friday 27 June 2025.

P/068/2025: HISTORIC ACTION SHEET

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

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

There being no further business the meeting ended at 12.23pm.

Signed: _____ **Chairperson**

Signed: _____ **Chief Executive**

NB: 33% 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 23 July 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:

- **LA07/2023/2555/F** - 60M NE Of Coast Guard Station, Shore Road, Killough - Proposed New Farm Diversification - For 4 No. Glamping Pods Ancillary Building And Landscaping Utilising Existing Access Onto Shore Road Killough
APPROVAL
- **LA07/2023/3285/F** - NI Water Waste Water Pumping Station Opposite No.21 Shore Road, Annalong, BT34 4TU - Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers, enclosed by a 1.2m high stone wall with 4m wide, 1.2m high access gate for vehicular access. Above ground will have control kiosk housing pump control, wash-water kiosk, lighting column with site lighting & telemetry to allow for remote monitoring.
APPROVAL
- **LA07/2024/0227/RM** - immediately adjacent to and North of 32 Bettys Hill Road, Ballyholland, Newry, BT34 2NB - Two Storey Dwelling
APPROVAL

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

Delegated Application

| Development Management Officer Report | | |
|--|--|---|
| Case Officer: Richard McMullan | | |
| Application ID: LA07/2023/2548/O | | Target Date: |
| Proposal: Site for dwelling and domestic garage under CTY2A | | Location: Approx 65m South of 54 Manse Road, Crossgar |
| Applicant Name and Address: Eugene Flynn 45a Killyleagh Road Saintfield BT24 7EH | | Agent Name and Address: David Burgess 24 Templeburn Road Crossgar |
| Date of last Neighbour Notification: | | 15 th March 2024 |
| Date of Press Advertisement: | | 12 th July 2023 |
| ES Requested: No | | |
| Consultations: DFI Rivers-No objections DFI Roads-No Objections EHO-No objections NI Water-No objections DAERA WMU-Standing Advice | | |
| Representations: Application advertised in local press, 12 th July 2023 & neighbours as below notified, 1 st March 2024. | | |
| Name | Address | Sent Date |
| Occupier | 50 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 52 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 52A MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 54 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 56 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 61 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 61A MANSE ROADRAFFREYSAINTFIELD BT30 9LZ | 01/03/2024 |
| Occupier | 65 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 67 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 69 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| Occupier | 71 MANSE ROADRAFFREYCROSSGARBT30 9LZ | 01/03/2024 |
| No objections received to date, 7 th April 2025. | | |

| | |
|--|-----|
| Letters of Support | 0.0 |
| Letters of Objection | 0.0 |
| Petitions | 0.0 |
| Signatures | 0.0 |
| Number of Petitions of Objection and signatures | |
| Summary of Issues: | |
| Principle of development (Cluster CTY2a), Roads, Amenity, Rivers (flooding), Natural Heritage etc. | |

Site Visit Report

Site Location Plan:



Date of Site Visit: 29th Feb. 2024.

Characteristics of the Site and Area



This site is located upon the southern side of the Manse Road, Crossgar, which is noted to run in an east-west direction along this section of road. Access is gained via an existing access which serves numbers 54 & 54a Manse Road. The site is seen to be located to the rear of and to the south of no's 54 & 54a. It is seen to comprise of a grassed agricultural field which has an area of approx. 0.6h. It is irregular in shape and its topography falls in a southern direction.

The boundaries of the site were observed to be defined as follows:

- Northern- Post and wire fence & in situ outbuildings
- Eastern- Mature hedging
- Southern- Mature hedging

Western- Mature trees/bushes/hedging



The character of the area is seen to be rural. Open agricultural lands are noted to the south of the site. To the north and east of the site several dwellings (and associated outbuildings) are noted fronting onto the Manse Road in a ribbon of development. To the west of the site a further detached dwelling with associated outbuildings and menage are noted, set back from the Manse Road.

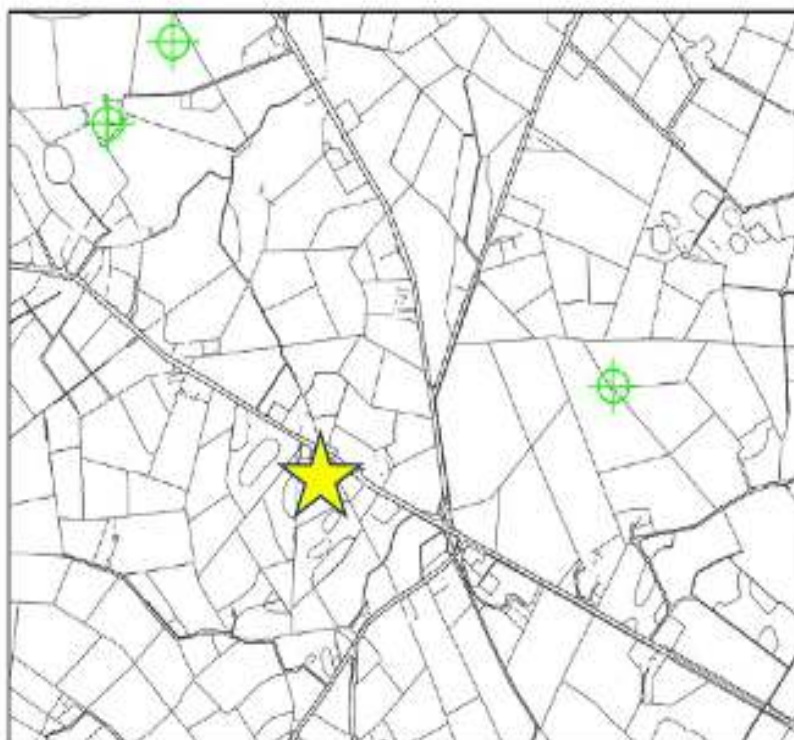
Further to the southeast of the site it is noted that the Manse Road meets the Carrickmannon Road which runs in a north/north western direction away from the Manse Road. In turn approx. 55m further along the Manse Road its junction with the Templeburn Road is noted. Raffrey Presbyterian Church and associated hall are noted adjacent to the aforementioned road junctions.



Raffrey P. Church and Hall (site beyond trees)

Description of Proposal

Site for dwelling and domestic garage under CTY2A

Planning Assessment of Policy and Other Material Considerations

Site within rural context outside of any defined settlements (Ards and Down Area Plan 2015)

PLANNING HISTORY

Planning Application Number: R/1978/0048

Decision: Permission Refused

Decision Date:

Proposal: DWELLINGS

Application Number: R/1981/0342

Decision: Permission Granted

Decision Date: 24 July 1981

Proposal: ALTERATIONS AND IMPROVEMENTS TO DWELLING

Application Number: R/1980/0875

Decision: Permission Granted

Decision Date: 28 July 1981

Proposal: BUNGALOW

Application Number: R/1982/0193

Decision: Withdrawal

Decision Date: 17 May 1982

Proposal: DWELLING

Application Number: R/1983/0561

Decision: Permission Granted

Decision Date: 28 September 1983

Proposal: GARAGE

Application Number: R/1984/0555

Decision: Permission Granted

Decision Date: 25 September 1984

Proposal: EXTENSION TO DWELLING.

Application Number: R/1994/4029

Decision: Permitted Development

Decision Date: 01 July 1994

Proposal: Roofsapce conversion

Application Number: R/1999/0233

Decision: Withdrawal

Decision Date: 01 April 2000

Proposal: Site for single storey dwelling (outline) 150m southeast of 64 and opposite 69 Manse Road Raffrey Crossgar

Application Number: R/2000/0213/F

Decision: Permission Granted

Decision Date: 22 August 2000

Proposal: Construction of a 2 storey dwelling, garage & stables

Application Number: LA07/2024/0214/O

Decision: Permission Granted

Decision Date: 24 September 2024

Proposal: Proposed infill dwelling and garage (amended plans)

SUPPORTING DOCUMENTS

Application form

Drawing

Design and Access Statement (Supporting Statement)

N.I. Biodiversity Checklist (Ayre Environmental Consulting Ltd.).

CONSULTATIONS

DFI Rivers-No objections
 DFI Roads-No Objections
 EHO-No objections
 NI Water-No objections
 DAERA WMU-Standing Advice

REPRESENTATIONS

No objections received to date, 7th April 2025.

EVALUATION

The aim of the SPPS with regard to the countryside is to manage development in a manner which strikes a balance between protection of the environment from inappropriate development, while supporting and sustaining rural communities consistent with the RDS.

All development in the countryside must integrate into its setting, respect rural character and be appropriately designed.

New dwellings in existing clusters: provision should be made for a dwelling at an existing cluster of development which lies outside a farm provided it appears as a visual entity in the landscape; and is associated with a focal point; and the development can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

In all circumstances proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings, must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Supplementary planning guidance contained within 'Building on Tradition': A Sustainable Design Guide for the Northern Ireland Countryside' must be taken into account in assessing all development proposals in the countryside.

Planning Policy Statement 21

Policy CTY 1 – Development in the Countryside

There are 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.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a

Policy CTY 2a – New Dwellings in Existing Clusters

Planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

Policy CTY 13 – Integration and Design of Buildings in the Countryside

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

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.

Policy CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to or further erode the rural character of an area.

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.

Policy CTY 16 – Development Relying on Non-Mains Sewerage

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem.

Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made.

In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

PPS2 Natural Heritage:

Policy NH 1 - European and Ramsar Sites – International

Policy NH 2 - Species Protected by Law

Policy NH 3 - Sites of Nature Conservation Importance – National

Policy NH 4 - Sites of Nature Conservation Importance – Local
Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance
Policy NH 6 - Areas of Outstanding Natural Beauty

PPS 3

Policy AMP 2 Access to Public Roads

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; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

Policy AMP 7 Car Parking and Servicing Arrangements

PPS 15

Revised Planning Policy Statement 15 'Planning and Flood Risk'

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains
Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure
Policy FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains
Policy FLD 4 Artificial Modification of Watercourses
Policy FLD 5 Development in Proximity to Reservoirs

Guidance

Building on Tradition - A sustainable Design Guide for the Northern Ireland Countryside

Policy CTY 2a New Dwellings in Existing Clusters, defines what constitutes a cluster and sets down very clear guidance on how new developments can integrate with these. The key requirement is that the site selected has a suitable degree of enclosure and is bounded on two sides with other development in the cluster.

Consideration.

While the supporting information provided has been noted it is considered that the site does not fall within a cluster of development which lies outside of a farm consisting of four or more buildings (excluding ancillary building) of which at least three are dwellings. When viewed from the Manse Road no's 52, 52a & 54 are qualifying buildings for the purpose of policy CTY2a. Noted buildings beside each of the qualifying buildings are seen to consist of a mixture of garages and outbuildings and are therefore discounted. No. 56 which is a dwelling, is not a visible feature that reads with no's 52, 52a & 54 when viewed from the Manse Road and is discounted. It is considered that the site is located to the rear of a ribbon of development running along the Manse Road which includes no's 44, 48, 50, 52a, 52 & 54.

It is therefore considered that the cluster does not consist of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open side structures) of which at least three are dwellings.

In turn, Council consider that the development is not part of a cluster that appears as a visual entity within the local landscape. As you travel past the site in a southeastern direction no's 54 & 52 are visually linked only. The topography of the road is then noted to fall and a field is noted between 52 and 52a. Numbers 50 and 52a are visually linked to each other but are not visually linked to 52 and 54 as a result of rising topography and intervening hedging and mature trees. The site is also seen not to be visually linked to no's 50, 52a and 52 & 54 as a whole as a result of the noted undulating topography of the road and strong screening noted in the form of trees and hedging associated with the in situ dwellings. When viewed from the south upon the Templeburn Road there is no cluster of development visible that appears as a visual entity within the local landscape with only scattered piecemeal development being visible.



Views from Templeburn Road

As a consequence, it is considered that the cluster does not appear as a visual entity within the local landscape. The cluster does not present as a collective body of buildings separate from the countryside when viewed from the surrounding vantage points. Consequently, it does not appear as a visual entity in the local landscape

The site and adjacent dwellings are noted to be between 168m-275m west of Raffrey Pres. Church and Hall as illustrated below.



Separation distances

The above outlined separation distances in conjunction with intervening dwellings, rising topography and vegetation result in it being considered that the cluster is not associated with a focal point such as a social/community building/facility. It is also seen not to be associated with a cross roads. No visual linkage is presented on the ground between the presbyterian church and the site. Therefore, it is considered to fail this section of policy CTY2a.

Three of the four boundaries of the site are defined via mature hedging and trees and bushes providing for a suitable degree of enclosure. However, as the site is seen not to fall within a cluster of development it follows that it is not bounded on at least two sides with other development in a cluster. The proposed development/site therefore fails this section of policy CTY 2a.

As Council contend that the site is not contained within an existing cluster of development, there is no scope for rounding off and consolidation to permit the development to be absorbed into an existing cluster. The development would therefore encroach into open countryside. Therefore, the proposal is contrary to this section of policy CTY2a.

Notwithstanding that policy does not support the principle of development in this case, it is considered that no issues of concern would arise with respect to neighbouring amenity levels. Adequate space is available to provide a dwelling that would not adverse impact upon neighbouring existing dwelling by virtue of overlooking, dominance, noise or overshadowing etc.

CTY13 and 14

When viewed from the Manse Road, it is considered that no issues with regards to prominence shall arise. This is because of the degree of set back from the road, falling topography noted within the site and noted trees and hedging observed along the site boundaries and adjacent areas. It is in turn considered that the site consists of long established natural boundaries (hedging etc.) to be able to provide a suitable degree of enclosure for the development to integrate into the landscape. It would not rely upon new landscaping for integration purposes. Given the nature of the sites topography earthworks would be required to provide the development as proposed. As the site is not visible from surrounding public viewpoints it is considered that any such works would therefore be able to integrate into the site and surrounding area. In the event of the principle of development being seen to be acceptable, appropriate conditions relating to existing/proposed levels and FFL's of the dwelling and garage could be utilised. As this application is for outline approval only, no design detail has been provided for consideration. Notwithstanding that the principle of development is seen to be unacceptable, it is considered that a dwelling of appropriate scale, design and massing etc. could blend into the site utilising adjacent vegetation, buildings and the falling topography of the site as noted. Point (g) of policy CTY 13 is not engaged as the development sought is not a dwelling on a farm.

With regards to policy CTY 14 it again is considered that the development would not be a prominent feature within the local landscape. As the site is not highly visible from the local road network it is considered that no issues of concern about the build-up of development shall arise. Considering adjacent developments which are seen to consist of roadside dwellings with a few dwellings being seen to be set back to the rear, on balance to refuse this development as proposed on the basis that it does not respect the traditional pattern of development noted within the local area would not be sustainable. Given the location of the site set to the rear of existing properties, it is seen that no issues of concern regarding ribbon development shall arise. Required ancillary works it is considered (via the use of appropriate conditions) would not damage the rural character of the local area.

Access

The development as proposed proposes to alter an existing access onto the public road network, in this case the Manse Road to the north of the site. DFI Roads have been consulted and offer no objections to the scheme as proposed subject to standard

planning conditions. No issues of concern regarding road safety and/or the movement of traffic shall arise. Adequate space for car parking within the curtilage of the dwelling can be provided. The development is therefore seen to be in keeping with the requirements of PPS 3 Policy AMP 2 Access to Public Roads. As the Manse Road is not a protected route policy AMP3 is not engaged in this instance.

Sewerage

The application proposes to use a septic plant in respect of foul sewerage disposal. DAERA WMU, NI Water and NMD EHO have been consulted and are seen to offer no objections. EHO outline the following within their response:

Environmental Health have reviewed the information provided by the planning service and have no objections to this application in principal. At the subsequent planning stage the applicant should also provide a detailed site plan which includes the location of the proposed dwelling, the septic tank and the areas of subsoil irrigation for the disposal of effluent. The drawing should also include the position of the septic tank and soakaway for any other relevant adjacent dwelling.

It is considered that no issues of concern shall arise and the scheme as proposed (single dwelling) would be in keeping with the requirements of policy CTY16 of PPS 21.

Flooding

DFI Rivers outline that the site does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Therefore FLD 1 is satisfied

With regard to FLD 2 it is outlined that there are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. DfI historic flood maps indicate that the site was traversed by a watercourse, that has likely been culverted. As part of a Full or Reserved Matters application a site layout drawing should indicate if a culvert is present, and the route which it runs through the site.

Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place, but up to 10m where considered necessary.

If a culvert is present, 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. Rivers Directorate requests that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a

planning condition. Access to and from the maintenance strip should be available at all times. In the event of approval being granted appropriate conditions can be utilised to address the issues raised in respect of FLD 2.

As the development consists of one dwelling and garage only a drainage assessment is not required. Therefore FLD 3 is satisfied. FLD 4 & 5 are noted to not apply.

Taking the above into consideration it is seen that no issues of concern shall arise in respect of flooding within the site or remote from it. The requirements of PPS 15 are seen to be satisfied.

Natural Heritage

As the site area exceeds 0.5ha a N.I. Biodiversity Checklist filled out by an ecologist was requested by Council to support the application. In turn one was provided for consideration, from Ayre Environmental Consulting Ltd. It is noted following consideration of same that no issues of concern shall arise with regard to any features of natural heritage importance either within the site or remote from it. The report concludes by outlining that 'in the absence of identified actual or potential ecological constraints, no further species-specific surveys are considered necessary to inform the application. The current development proposals are therefore determined to comply with the provisions set out within the SPPS [PPS2 NH1-6]. Council are therefore content that no issues of concern shall arise.

EIA

The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017.

This site is not located within a designated area (AONB) however the site area exceeds 0.5ha (measures 0.6ha) an EIA Screening is required in this instance.

This has been carried out 7th April 2025 and it has been found that an ES is not required.

Conclusion:

Following a full assessment against prevailing planning policy it is considered that this application must move forward recommended for refusal as it is contrary to the SPPS and Policies CTY 1 & CTY2a of PPS 21.

Refusal

| | |
|---|-----|
| Neighbour Notification Checked | Yes |
| Summary of Recommendation | |
| Refusal | |
| Reasons for Refusal: | |
| <p>The proposal is contrary to the SPPS and 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.</p> <p>The proposal is contrary to paragraph 6.73 of the SPPS and policy CTY2a – New dwellings in existing clusters of Planning Policy Statement 21, Sustainable Development in the Countryside in that:</p> <ul style="list-style-type: none"> -the proposed dwelling & garage is not located within an existing cluster of development which lies outside of a farm and consists of four or more buildings of which at least three are dwellings. -the proposed dwelling & garage is not part of a cluster that appears as a visual entity in the local landscape. -the proposed dwelling & garage is not within a cluster of development that is associated with a focal point such as a social/community building/facility nor is it located at a cross roads junction. -the identified site is not bounded on at least two sides with other development within a cluster of development: and -the development of the site cannot be absorbed into a cluster of development, through rounding off and consolidation as it would, if permitted, visually intrude into the open countryside. | |
| Case Officer Signature: R McMullan | |
| Date: 7th April 2025 | |
| Appointed Officer Signature: Brenda Ferguson | |
| Date: 11/04/2025 | |

Development Management Consideration

Details of Discussion:

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

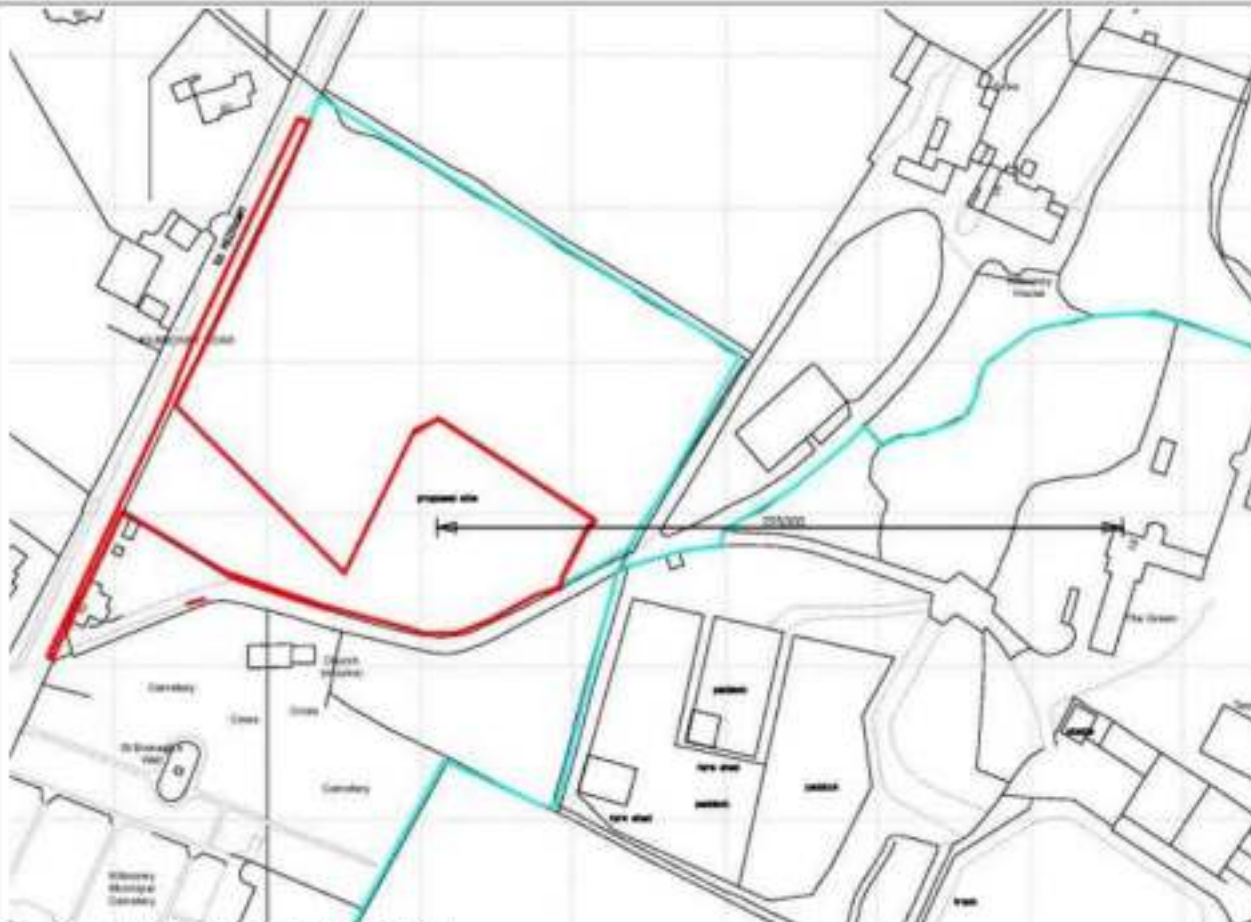
Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

| Development Management Officer Report | |
|--|---|
| Case Officer: 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



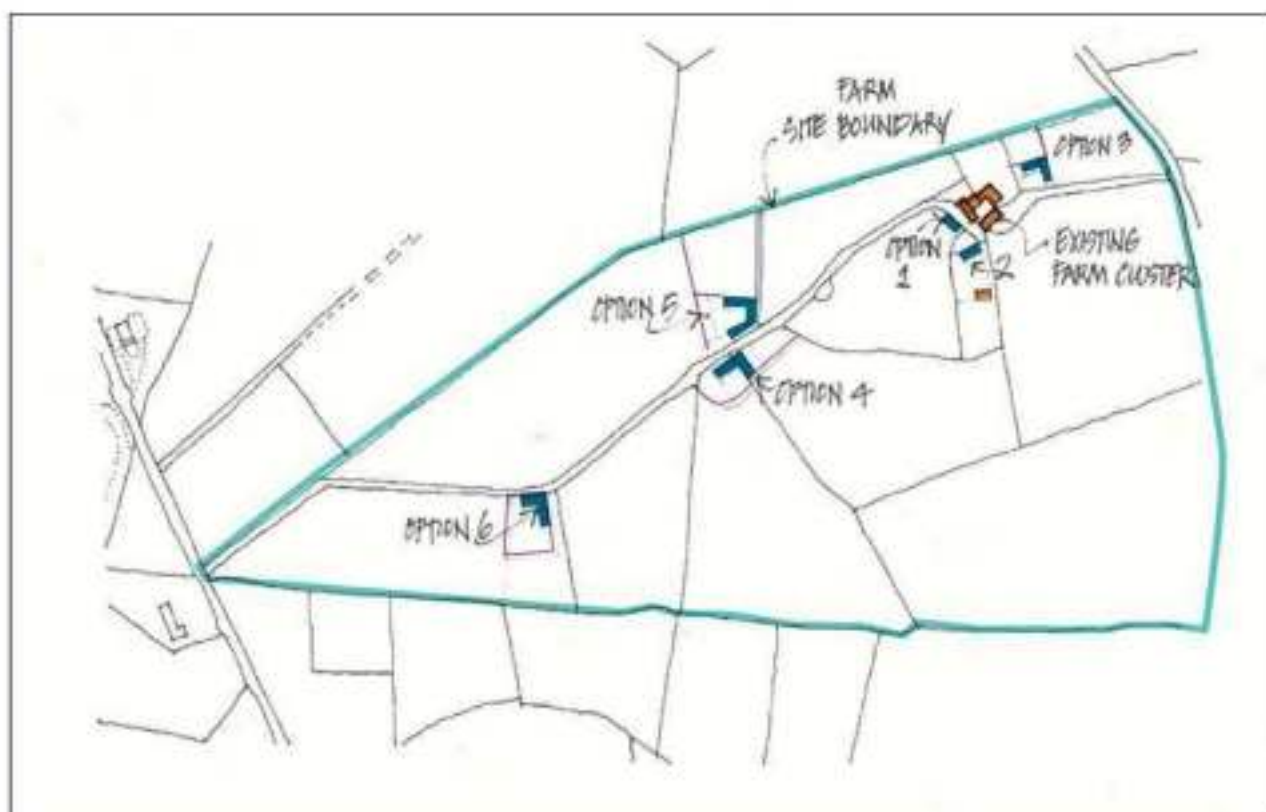
Fig. 2: Satellite image of field 6E April 2024

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

Committee Application

| Development Management Officer Report | |
|--|--|
| Case Officer: Fionnuala Murray | |
| Application ID: LA07/2023/2555/F | Target Date: |
| Proposal: Proposed New Farm Diversification - For 4 No. Glamping Pods Ancillary Building And Landscaping Utilising Existing Access Onto Shore Rad Killough | Location: 60M NE Of Coast Guard Station, Shore Road, Killough |
| Applicant Name and Address: E Hawthorne 56 Point Road Killough BT30 7QU | Agent Name and Address: Rural Escapes Ireland 43 Kurtin Road Garvagh BT51 5NS |
| Date of last Neighbour Notification: | 29.01.2025 |
| Date of Neighbour Notification Expiry: | 12.02.2025 |
| Date of Press Advertisement: | 07.06.2023 |
| Date of Press Advert Expiry: | 21.06.2023 |
| ES Requested: No | |
| <p>Consultations:</p> <p>NI Water was consulted and responded initially recommending refusal due to proximity of the operations to the existing wastewater treatment works therefore an Odour Encroachment Assessment was required however further advice was issued from NI Water making the following comments:</p> <p><i>NIW have considered the location of the proposed development under this policy and can confirm that while it is inside the 'Odour Consultation Zone Boundary' our assessment concludes that NIW will not, on the grounds of 'incompatible development' raise an objection to any proposed development or reuse of the site.</i></p> <p>Environmental Health was consulted in relation to the application and initially responded requesting additional information, upon the receipt of the requested information Environmental Health had no further objections.</p> <p>DFI Rivers was consulted and responded with no objections and required no further information.</p> <p>NIEA was consulted in relation to the application and made the following responses:</p> <p>Natural Environment Division responded with no objections.</p> | |

Marine and Fisheries responded requesting additional information, once submitted they responded with advice and guidance.

Seascape was also referenced in the NIEA response in relation to sensitive receptors, these comments are considered in relation undeveloped coast.

Historic Environment Division was consulted and responded with the following comments:

Historic Monuments responded advising they were content subject to conditions.

Historic Buildings responded requesting additional information initially and upon receipt responded with no objections subject to conditions.

DFI Roads was consulted and responded to consultation initially advising the proposal was unacceptable however following the submission of amendments have no further objections subject to conditions, further consultation was carried out as the red line of the application site did not appear to adjoin the public road as per previous advice from DFI Roads, the red line of the application site was amended to take it to the public road and DFI Roads responded with no objections with no conditions stated and the comments were on the basis that the red line adjoins the public road and no access alterations are required.

DAERA was consulted due to the initial scheme having been submitted as a farm diversification scheme, DAERA responded advising that the farm business has been in existence for 6 years or more and that the same business is in receipt of farm payments.

Shared Environmental Services was consulted and responded with no objection advising: *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.* Therefore have no objections.

Representations:

There has been substantial representation made in relation to the application

The general support was on the following basis:

- Development would bring custom and support to local businesses within Killough and surrounding areas and will be of a benefit financially.
- Improvement in the use of agricultural land with a positive impact on bio diversity.
- There is a need for sustainable tourist accommodation in the area as it is considered that the area in general is lacking accommodation and accommodation of this type. Support is noted from some local businesses who do be asked about tourist accommodation availability in the area.

- Will attract new visitors and create work in the locality.
- Unlikely the increase in level of traffic will have any impact on the network or be noticed given the level proposed.
- Water sports enthusiasts note that this would be a welcome addition and encourage use of the local area rather than visiting other coastal areas with more accommodation.
- The village lacks innovation and investment, supporters believe that investment in terms of the pods might increase opportunities within Killough.
- Golf enthusiasts would benefit from the accommodation given the proximity of the site to a number of golf clubs.

Objections were on the following basis:

- Concerns with regards the access arrangements, being a single track lane and the impact likely due to the increase in traffic and the potential for damage due to the increase in traffic and construction traffic on the lane.
- Infrastructure would not be adequate for plumbing and electrical systems, access
- The works would add an increase in pollution in such a vital natural area that has natural and environmental bio diversity this is vital to the ecosystem.
- The homes in the coastguard station are resided by elderly residents who have lived here for 40+ years in the same homes, objectors believe the stress and trauma that could be caused by tourists would be of detriment to their health after living for so long in a serene and peaceful environment.
- Objection was also given to the incorporation of use of a private road of which there is no permission to utilise noting that the private lane begins at the boathouse and extends up to the coastguard station.
- Increase of traffic on the Ulster Way will have a negative impact and could be dangerous for walkers that use the route.
- The area is an area of bio diversity with wildlife and birds residing at different times of the year, the presence, noise and light pollution from the pods would be at detriment to these.
- Bird watchers use the area and believe the pods would impact the potential to do so with the birds being disturbed.
- The works will impact on the Area of Outstanding Natural Beauty.
- Potential from nuisance, disturbance and noise pollution from occupiers of the pods accessing them late at night coming from the entertainment in Killough.
- Lighting will be required which will have a negative impact.
- The farming activities and livestock have already caused damage to property and the access lane, objectors believe this will increase with the use of the pods.

Objections considered

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|----------------------|-----|
| Letters of Support | 187 |
| Letters of Objection | 72 |
| Petitions | 1 |
| Signatures | 12 |

| | |
|---|--|
| Number of Petitions of Objection and signatures | |
| Summary of Issues: The objections to the application have been detailed above, these will be considered throughout the report. | |

Site Visit Report

Site Location Plan:



Characteristics of the Site and Area

The site in question is a section of an agricultural field located in close proximity to the coast. The site is elevated from the access route serving the field and is located north of a terrace of buildings and associated gardens. The site is bounded in part with mature field hedgerows, the new section of the access lane follows the rear boundary of lands associated with the dwellings south of the site and in addition to this an existing lane is utilised which is part concrete and part gravel. Southwest of the site is an operational waste water treatment works.

The site is not within any settlement development limits as defined in the Ards and Down Area Plan 2015, the site is however in close proximity to the settlement development limits of Killough. The site is within the Strangford and Lecale Area of Outstanding Natural Beauty. The site is in close proximity to Ballyquintin and Lecale Coastline and in close proximity to Killough Bay and St John's Point ASSIs.

The area is rugged coastline and is of high scenic value that is relatively unspoilt in appearance.

Description of Proposal

Proposed New Farm Diversification - For 4 No. Glamping Pods Ancillary Building And Landscaping Utilising Existing Access Onto Shore Rad Killough.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

There is no relevant planning history associated with the application site relevant to this application.

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 16 Tourism
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - Policy CTY 1 Development in the Countryside
 - Policy CTY 11 Farm Diversification
 - Policy CTY 13 Integration and Design in the Countryside
 - Policy CTY 14 Rural Character.
 - Policy CTY16 Development Relying on Non Mains Sewerage

Section 45(1) of the Planning Act (NI) 2011 requires that regard must be had to the local development plan (LDP), so far as material to the application. Section 6(4) of the Act requires that where in making any determination under the Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The LDP in this case is the Ards and Down Area Plan 2015 (ADAP).

Until such times as a Plan Strategy for the whole of the Council Area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

PPS 21 Sustainable Development in the Countryside CTY 1 Development in the Countryside outlines a range of development proposals that may be acceptable within the rural area. Outlined within non-residential development is tourism development in accordance with TOU Policies (superseded by PPS 16 Tourism) also CTY11 farm Diversification.

The application is considered against PPS 16, TSM 6 New and Extended Holiday Parks in the Countryside which states that planning permission will be granted for a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development.

The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context. Proposals for holiday park development must be accompanied by a layout and landscaping plan (see guidance at Appendix 4) and will be subject to the following specific criteria:

- (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 site chosen is on agricultural lands located within walking distance of the settlement limits of Killough and whilst the general area is elevated and visible from surrounding view points the site itself is on lower lands and makes use of existing screening and vegetation that allows the site to be absorbed into the surrounding landscape.

The proposal includes pods that are relatively low lying being 2.8m in height from ground and 7m in length. There is also an ancillary building proposed at the site, adjacent to the boundary of the adjacent dwelling houses, the ancillary building has a height of 4m and is 10m long with an overhanging roof extending 13.5m in length to provide a covered bike store.

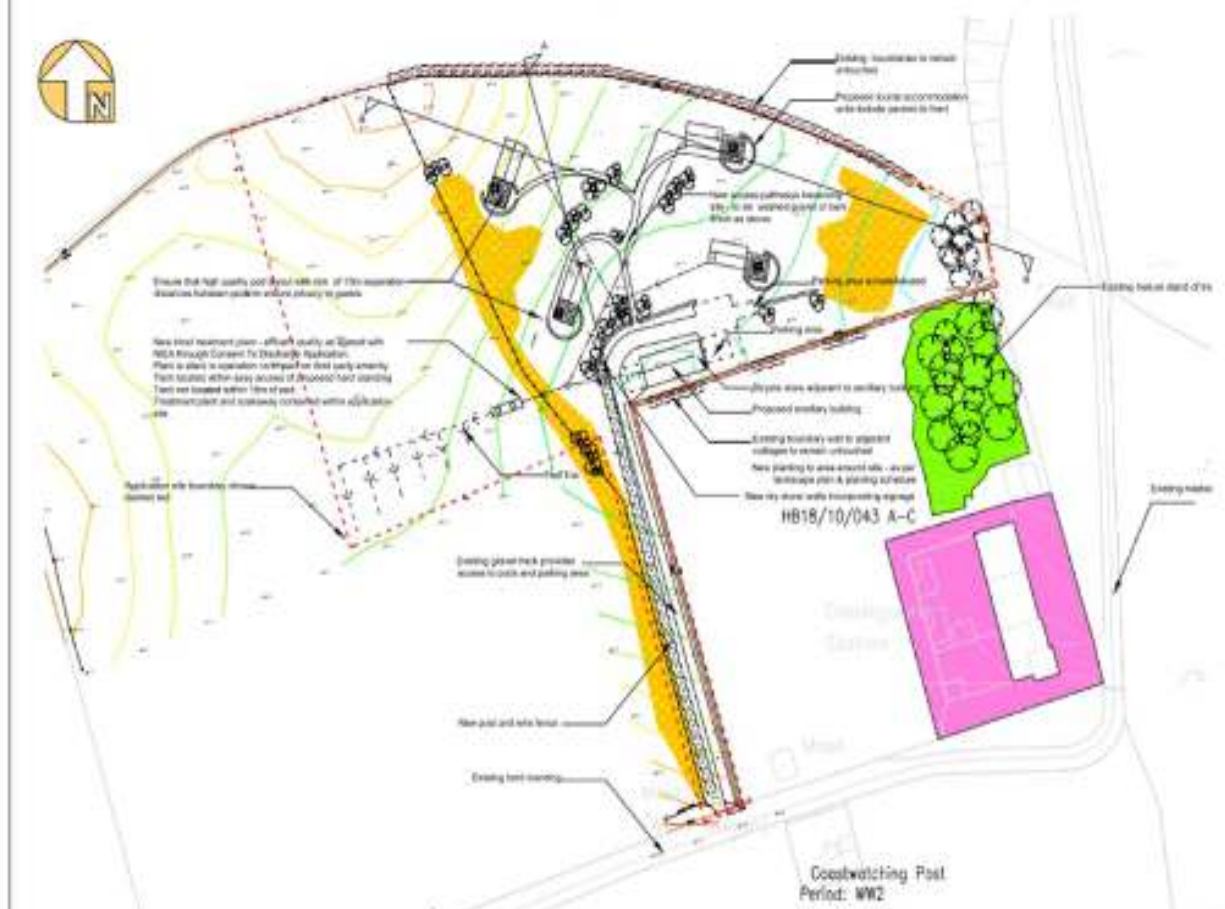
Taking account of the size and scale of the proposed pods and glamping site in general it is considered that it can be absorbed at this location without having any detrimental impacts on the overall visual amenity or rural character of the area. The area is of high scenic value however is also remote therefore reducing the overall impact given the remote nature of the site and this coupled with the level of development and the ability to revert back should the use ever cease allows for the development to be considered acceptable.

A high level of objections raised related to the potential for impact on the rural area and impact on character, these objections have been taken into account in this aspect of assessment, very little development will have no impact whatsoever, it is acknowledged that this area is of an extremely high scenic value and will be a draw on tourism, development of this type is commonplace at these types of locations where there is a draw on tourism and the level of support in relation to the draw on tourism is also noted. It is not considered that the works would have such a detrimental impact on the rural character or change the character of the area so as to sustain and objection in relation to impact on rural character.

TSM 6 acknowledges the importance of site selection and does advise that the best prospect of site selection identification of suitable sites through the development plan system with emerging development plans to fulfil the role. Current plan provisions have not identified specifically areas suitable for holiday parks however it is noted that this development does not offend the provisions of the existing development plan.

There is sufficient planting available in the form of boundaries of the site and the proposal includes sufficient additional planting to ensure that any boundaries that need defined or could benefit from additional planting is provided.

- (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.

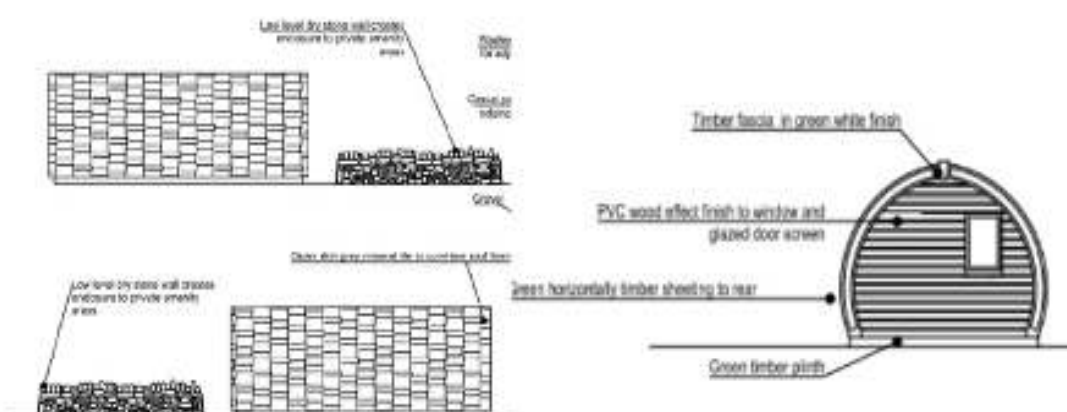


The proposed site layout above shows the proposed layout of the site, this includes the pods, parking, planting and recreational areas, there is a section of the site to be planted out in wild meadow type planting shown in yellow shading. The site layout shows that there is sufficient communal open space associated with the site, far exceeding the requirement of 15% policy requirement. The pods have a reliance on the communal open space as apposed to individual areas being associated with each pod which is beneficial in the tourist setting under this section of policy.

- (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.**

The layout of the pods is informal is so much as the parking is located at the entrance point of the wider site and the pods are positioned in the site, accessed via informal pedestrian paths with discrete planting along sections of the paths and across the site. the proposal is for 4 pods and an ancillary building which is relatively small in scale, the units are sufficiently separated within the site and spaced so as to remain informal. The layout and the use of landscaping along with existing planting ensures there is no unacceptable visual impacts as a result of the pods.

- (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.**

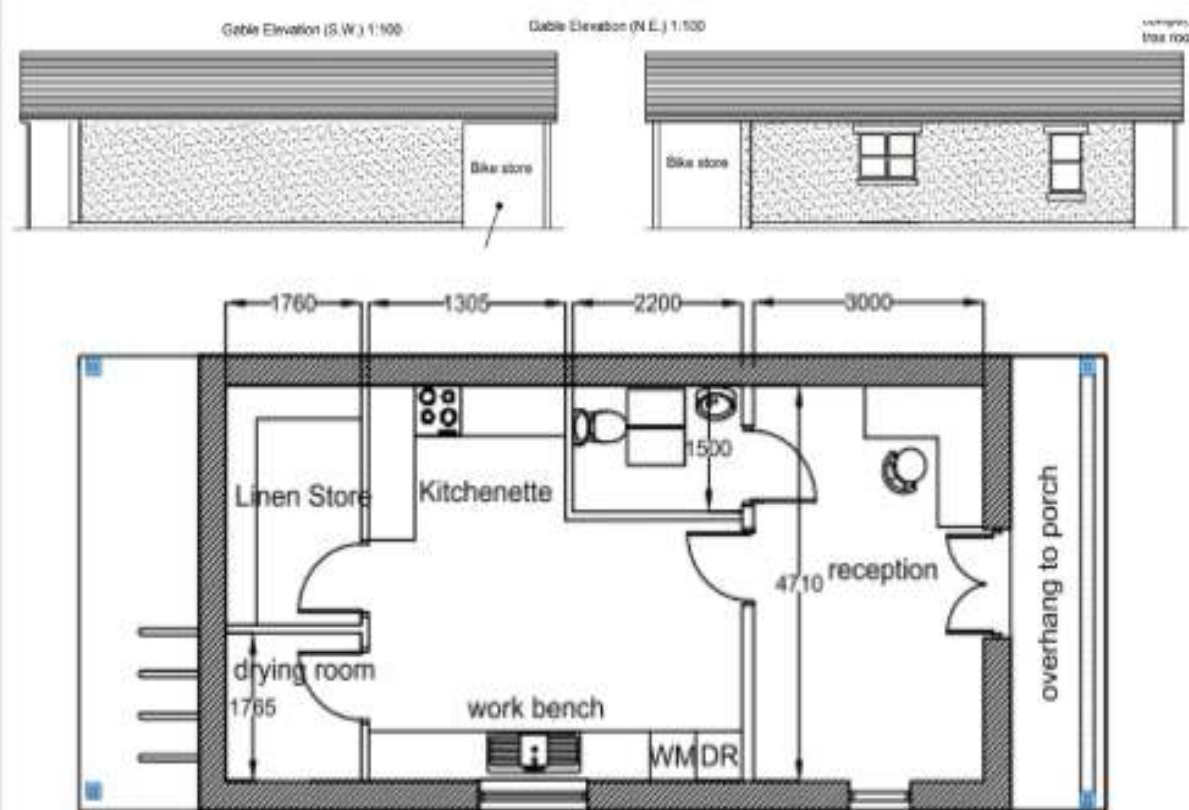


The drawing above shows the pods to be located on the site, it should be noted that the discrete size and scale of the pods are key to their acceptability at this site as the small scale and low lying nature of the pods mean they can be absorbed into the landscape and will be largely screened from view, larger pods greater in size and scale and height would not have the same ability to integrate and would have a negative impact. The pods are also of a size and scale that meets with the general principles of glamping

accommodation, small in scale and the pods do not represent self catering accommodation, there is a reliance of a communal facility here to serve the site.

In addition to the pods and in support of the pods is an ancillary building. Objections have been raised in relation to the location of the ancillary building however it is considered to be sufficiently removed from the rear amenity of the residential dwellings nearby so as to not be likely to have any unacceptable impacts on the amenity of nearby properties, an objection on this grounds could not be sustained however it is acknowledged that the properties enjoy a remote setting and the provision of the pods will reduce this remoteness somewhat, however this change in character is insufficient and impact so as to result in a refusal of permission. A management plan has also been submitted.

The ancillary building is a low lying building and while a greater size and scale to the pods the overall design and siting allows for integration of the building.



As the floor plan shows this ancillary building will provide a reception area or office and facilities for the use and servicing of the pods, this unit is not for habitation and it would be a condition of any approval that this building remains ancillary and not to be utilised for accommodation itself.

- (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.

Historic Environment Division was consulted in relation to the application and both Historic Monuments and Historic Buildings made comment. Historic Monuments notes the proximity of the site to the coastguard station and also to a windmill stump and consider the nearby recorded sits are an indicator of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site. Historic Monuments are content for the proposal to proceed subject to conditions for the agreement and implementation of a developer funded programme of archaeological remains in advance of any construction, this approach appears reasonable and measured in ensuring that any archaeological features are dealt with appropriately and do not suffer or become impacted, disturbed or destroyed as a result of the works.

In terms of the potential for impact on listed buildings HED HB had initially required further information and had made some recommendations of amendments to the scheme, upon the submission of additional information and amended plans the Historic Buildings responded with no objections subject to conditions, on this basis it can be accepted that the scheme will not impact on the built heritage surrounding.

It is noted that the majority of planting at the site is to be retained and improved upon at the site and the proposals do not include the removal of trees or the removal of substantial areas of planting to accommodate the works.

NIEA was consulted in relation to the proposal and has responded with no objections to the proposal with general advice given.

NIEA do comment in relation to seascape and note that they consider the proposal to be located in lands that could be classed as undeveloped coast with the potential to adversely impact the Lecale Coast Regional Seascape Character Area (RSCA) and consider it to be contrary to policy, this response has been considered and while the points are noted consideration has been given to the potential for impact on policy in this regard, it is noted that due to the low lying nature of the grounds themselves albeit within an elevated landscape and taking account of the low level of the development in terms of size and scale and also having account of the nature of the development being pods that are essentially a structure with a lower lifespan than traditional buildings and on the basis that all structures will be conditioned to be removed from the site once operations have ceased it is not considered that a reason for refusal could be sustained in relation to impact on the RSCA. The key views have been considered as have the objections in relation to the undeveloped coastline and on balance the application is considered to meet this section of policy.

(g) Mains water supply and sewerage services must be utilised where available and practicable.

The site is to use a mains water supply as indicated on the submitted P1 form while a soakaway is to be used to deal with water and drainage on the site. A package treatment plant is proposed to deal with foul sewerage. The supplies and sewerage service methods are considered acceptable and have drawn no objections from necessary consultees. Subject to separate Consent to Discharge.

CONSIDERATION OF PPS 21 CTY 13 AND CTY 14

Policy CTY 13 – Integration and Design of Buildings in the Countryside Planning is also taken into consideration and CTY 13 states that permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

(a) it is a prominent feature in the landscape

The proposed glamping pods are small in size and scale and the location of the pods, albeit on elevated grounds are suitably screened by the natural topography and planting at the site. Larger units on the site would not be acceptable as it is the low level visibility of the pods that allow them to remain not prominent in the landscape. The ancillary building has been suitably located closer to the built development and with a greater back drop ensuring the works do not result in prominence.

(a) 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.

The site can make use of existing screening along the northern boundary of the site to help screen the site and to reduce the visibility into the site. The majority of key views come from the northern direction including views from Killough and Coney Island directions, the views are long distance views. The site can benefit from new planting to help define any undefined boundaries within the site. The works will not rely on new planting for integration and has sufficient screening existing to benefit the site.

d) ancillary works do not integrate with their surroundings.

The site proposes to make use of an existing access lane therefore reducing the likelihood of impacts from the creation of an access, a partial lane within the field will be required to take traffic to the part of the field being utilised but the lane will not have any visual impacts and is to be planted out. In general the ancillary works are considered acceptable and will not have any detrimental impacts on the surroundings. Above head electric poles are not considered to be likely to be acceptable however none are proposed under this application.

(e) the design of the building is inappropriate for the site and its locality.

As covered under earlier policy provision the overall design, size and scale of all proposed built structures are appropriate for the site and locality and will not offend this aspect of policy.

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop.

The works can integrate into the existing surroundings, the overall scale and nature of the development allows it to integrate into the landscape and the sensitive and scenic nature of the site has been taken into consideration, the site is elevated but it is located away from heavily utilised public areas and road networks. The existing planting along with the proposed screening is sufficient to allow the works to integrate taking account of distance views and overall character.

g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

This aspect of policy is not relevant as the application does not relate to a dwelling on a farm.

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 acceptable where:

(a) it is unduly prominent in the landscape.

Again this aspect has been considered previously within the report and the application is not likely to result in unduly prominent structures taking account of the size and scale of the proposal and also taking account of the overall context of the area and critical view points. All structures will be conditioned to be removed once the use ceases on the site given the nature of the development.

(b) it results in a suburban style build-up of development when viewed with existing and approved buildings.

The works do not result in a suburban style build up of development taking account of both siting over characteristics, this development clearly will read as a recreational facility in a rural setting and does not alter the overall rural character of the area.

(c) it does not respect the traditional pattern of settlement exhibited in that area.

The development of the site does not alter the existing pattern of settlement in the area, the use as tourist accommodation supports the existing recreational uses in the area given the proximity to the coastline and the scenic nature of the site. Again the objections are noted in relation to impact on amenity on residential dwellings nearby however an objection on the potential for impact in terms of amenity cannot be sustained and while there is a residential element adjacent to the site the traditional pattern is not purely residential, it is a mix and mainly agricultural. This aspect of policy will not be impacted upon.

(d) it creates or adds to a ribbon of development.

The development of the site will not result in the creation or the addition of a ribbon of development taking account of the location of the development and the way it presents to the road in terms of frontage. This aspect of policy has not been offended.

(e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The rural and somewhat remote nature of the site is noted, as is the relatively close proximity to the settlement limits of Killough. The development including the requirement of ancillary works is considered and it is considered that the ancillary works can be provided and achieved at the site without having any detrimental impacts on the overall rural character of the area. there is a balance in protecting the overall coastal and rural areas and the provision of services required for the use and enjoyment of such natural resources, this development is not considered to pose any risk of damaging the overall rural character, the objectors concerns are noted in this consideration as is the high level of interest and support for such a proposal.

CONSIDERATION OF CTY 11 FARM DIVERSIFICATION

As this application was submitted on the basis it is a farm diversification project CTY 11 is given consideration and the policy states that Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

(a) the farm or forestry business is currently active and established.

A satisfactory response from DAERA confirms that the farm business is active and established currently.

(b) in terms of character and scale it is appropriate to its location.

(c) it will not have an adverse impact on the natural or built heritage.

Through the above assessment it is considered that the proposal is appropriate of the location and it will not have any unacceptable impacts on the natural or built development with necessary consultees being content with the proposal.

(d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

Again amenity has been taken into consideration and while it is noted that it will have an impact as any development would in such a rural setting the impacts are not considered to be likely to have a demonstrable impact. Again consultees including EHO are content with the application. Objections have been raised in relation to the application in relation to impacts such as pollution, litter etc, an objection cannot be sustained on planning grounds in relation to these objections.

CTY 11 also states that proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings

This proposal does not include the re use or adaptation of existing buildings and while policy does allow for a new building to be provided where there is no existing building available to accommodate the proposed use it has not been demonstrated that this is in fact the case and in any case a new building is still required to integrate with an existing group of buildings, these works do not meet the key requirements set out in CTY 11 therefore it cannot be utilised, it is however noted that the development does not rely on the use of CTY 11 as it meets the criteria of PPS16 TSM 6 as demonstrated above. The reference to farm diversification will be omitted from any approval granted.

CONSIDERATION OF PPS 2 NATURAL HERITAGE

The site is located within the Mourne Area of Outstanding Natural Beauty and therefore is considered against NH6 Areas of Outstanding Beauty which states that planning for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

A) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

The application is considered acceptable in terms of TSM 6 and CTY 13 and CTY 14, and as part of this assessment the location of the development in a scenic location, being an AoNB has been taken into consideration, it is not considered that the works will have a unacceptable impact on the AoNB taking account of the nature of the development in terms of size and scale and also taking account of the location within the AoNB and the critical views into and within the AoNB. The works are considered to be able to be accommodated within the locality.

B) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape.

Relevant consultation has been carried out in relation to the development and it is not considered that there will be any detrimental impacts on the existing heritage. No monuments or buildings to note will be demonstrably impacted as a result of the works. No consultees offered any objections in relation to the development.

c) the proposal respects:

- **local architectural styles and patterns.**
- **traditional boundary details, by retaining features such as hedges, walls, trees and gates.**
- **local materials, design and colour.**

Taking account of the nature of the development and being a glamping site with individual low level pods provided as accommodation they are of a particular design and build specification to suit their purpose. It is not considered that the works however do not respect any existing architectural styles or patterns and the boundary detailing respects the existing methods in including additional planting to form boundaries. The colour palate of the materials to be used do not offend the character of the AoNB. Again the structures will be conditioned to be removed once the use ceases so as to not leave any negative impacts on the AoNB as a result of abandoned or unmanaged development.

Consideration is also given to NH 2 and NH 5 in terms of the protection of habitat and species. It is noted that a bio diversity checklist has been submitted and completed by an ecologist. NIEA and SES have no objections to the proposal. Taking account of the characteristics of the site and the use as agricultural lands, the boundaries of the site and overall condition of the land and taking account of supporting information and consultation responses it is not considered that there is likely to be any unacceptable impacts in terms of protected habitats or species as a result of the works.

CONSIDERATION OF PPS 3 ACCESS, MOVEMENT AND PARKING

The application is considered against AMP 2 Access to Public Roads which 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 upon final consultation have offered no objections to the proposal on the basis that it adjoins the public road and no access alterations are required. There have

been objections in relation to the use of the road. The Authority has tried to ensure that all land owners with interest in the access lane have been served notice on by the applicant, permission to use the access is a civil matter to be resolved outside of planning, as is the upkeep and costs involved in such upkeep. Planning can be content that there is an acceptable means of access to the site that can be utilised and the access is to the standards expected by DFI Roads, it is not considered the use of the access will significantly inconvenience the flow of traffic. This aspect of policy has not been offended.

b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The site does not access out onto a protected route nor are the works given the scale, likely to have any impacts on the protected routes network.

CONSIDERATION OF THE SUPPORT AND OPPOSITION

It is noted that there has been a considerable interest in the application, both in support of the proposal with reasons for support referring to the provision of accommodation and the associated economic benefits that such tourism provision brings to other local businesses. The objections are also noted with their key issues relating to the potential for impact on traffic and access arrangements, pollution, loss of residential amenity and impact on the AoNB and both scenic and natural nature of the environment.

All comments have been taken into consideration and on balance it is considered that the application is acceptable and can be accommodated within this landscape. The objections are noted and understood however it is not considered a refusal could be sustained taking account of the assessment above and on the basis of conditions to be attached to any approval and as set out below.

The level of objections have resulted in the threshold of 6 or more objections from 6 or more separate addresses having been met therefore this application must proceed to for determination by the Planning Committee.

Neighbour Notification Checked

Yes

Summary of Recommendation

Having considered the proposal and supporting information submitted and also taking account the representations made in relation to the application and considering the consultation responses the application is considered acceptable subject to the following conditions.

Conditions:

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

- ☐ The identification and evaluation of archaeological remains within the site;
- ☐ Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- ☐ Post-excavation analysis sufficient to prepare an archaeological report, to Publication standard if necessary; and
- ☐ Preparation of the digital, documentary and material archive for deposition.
- ☐ Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

3. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under **condition 2**.

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

4. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under **condition 2**. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.

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

5. The development hereby permitted shall be occupied as holiday accommodation only and for no other purpose. Should the pods cease to be used as holiday accommodation for more than 12 months, all structures, materials and equipment brought onto, or erected on the land, or works

undertaken to it in connection with the use shall be removed, and the land restored to its condition before the development took place.

Reason: The site is located within the open countryside where it is the policy of the Council to restrict development and this consent is hereby granted solely because of its proposed holiday use.

6. The development hereby approved shall be operated strictly in accordance with the Management Plan for Killough Glamping Pods, dated Apr 2024. The holiday accommodation shall be operated in accordance with the agreed Management Plan in perpetuity thereafter.

Reason: To protect the quality and character of the setting to the listed Coastguard Cottages located southwest of the glamping site and in particular to mitigate potential for adverse impact due to noise, nuisance and general disturbance

7. All soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out **prior to the occupation** of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

Reason: To screen the proposal from view and to protect the quality and character of the setting to the listed Coastguard Cottages located southwest of the glamping site.

8. The existing natural screenings of this site, as indicated on the approved plan 03A shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing within 28 days.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

9. The wastewater unit shall be sited a minimum distance of 15m from any unit hereby approved and any existing/approved dwelling.

Reason: In the interest of public health.

10. No loudspeakers or amplification shall be permitted in outdoor areas of the development.

Reason: In the interest of public health.

11. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a consent to discharge has been granted under the terms of the Water (NI) Order 1999

Reason: To ensure a practical solution to sewerage disposal is possible at this site.

Case Officer Signature: Fionnuala Murray

Date: 27.06.2025

Appointed Officer: A.McAlarney

Date: 30 June 2025

Delegated Application

| Development Management Officer Report | |
|---|--|
| Case Officer: Elaine Eastwood | |
| Application ID: LA07/2023/3285/F | Target Date: |
| Proposal: Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers. The proposed site will be enclosed by a 1.20m high stone wall complete with a 4.00m wide, 1.20m high access gate for vehicular access. Above ground, the proposed site will have a control kiosk housing pump control, a wash-water kiosk housing a break tank and associated hose, and a lighting column complete with site lighting and telemetry to allow for remote monitoring of the pumping station. (Amended description and additional information submitted) | Location: NI Water - Waste Water Pumping Station Opposite No. 21 Shore Road Annalong BT34 4TU |
| Applicant Name and Address: Lisa Hughes Westland House 40 Old Westland Road Belfast BT14 6TE | Agent Name and Address: Paul Kelly 1 C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ |
| Date of last Neighbour Notification: | 10 October 2023 |
| Date of Press Advertisement: | 16 April 2025 |
| ES Requested: No | |
| Consultations: <ul style="list-style-type: none"> • <i>NI Water-</i> Approval • <i>Environmental Health-</i> No Environmental Health objections in principle to this application subject to there being a minimum distance of 7m between any odour source point and any habitable dwelling • <i>DFI Rivers-</i> No objections • <i>Historic Environment Division-</i> HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal | |

is satisfactory to SPPS and PPS 6 archaeological policy requirements. Due to previous ground disturbance, and based on an assessment of historic maps, the proposed development area has limited archaeological potential. Therefore, no mitigation is required in this case.

HED, Historic Buildings, has considered the impact of the application on the listed harbour and based on the information provided, advises that it is content with the proposal under paragraph 6.12 (setting) 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.

- *Shared Environmental Services-* 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.
- *NIEA-*
 - Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions.
 - Marine and Fisheries- General info and advice provided. Concerns raised re flooding, erosion and sea levels.
 - Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice.
 - Regulation Unit Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.
- *NMDDC Land Management Officer-* Having reviewed the amended plans and elevations dated February 2024, I am satisfied that the public right of way asserted 11th June 2003, Ulster Avenue to The Harbour, Annalong is not obstructed by the proposed works.

Representations:

The application was initially advertised within one local newspaper on 04/10/2023 and readvertised on 16/04/2025. Throughout the processing of the application neighbours


were notified on three occasions. Objections from 17 different neighbours have been received with multiple objections submitted by individuals. The issues raised in objections are briefly summarised below:

- Congestion/ danger of accidents
- There is a right of way through the site
- The overspill pipe runs onto the beach
- Size and design not in keeping with the AONB and ATC
- Increased noise, light, odour and nuisance for surrounding residents
- Hinder access to open space
- Fails policies to protect open space and views
- Flooding
- Light pollution from lighting column proposed
- Impact on tourism contrary to TSM8 of PPS15
- Contrary to PPS11
- Contrary to Planning Strategy C01-C04
- Flooding
- Beach falls within Coastal Policy Area and proposal isn't appropriate
- 3m high fencing inappropriate
- Contamination concerns, problems with existing storm and sewage from man holes
- Sewer line may affect foundations

Issues raised by objectors and comments from consultees will be dealt with below.

| | |
|---|-----|
| Letters of Support | 0.0 |
| Letters of Objection | 24 |
| Petitions | 0.0 |
| Signatures | 0.0 |
| Number of Petitions of Objection and signatures | |

Summary of Issues: Issues raised by objectors and comments from consultees will be dealt with below.

| Site Visit Report |
|--|
| Site Location Plan: |
|  |
| Date of Site Visit: 11/03/2025 |
| Characteristics of the Site and Area <p>The application site comprises an existing Waste Water Pumping Station enclosed by dry stone wall located along Shore Road. The surrounding area is predominately residential in nature with a public right of way located to the east of the site separating the site from the shore. The application site is located within the settlement limit of Annalong, Area of Archaeological Potential, Area of Townscape Character (AN10) and Area of Outstanding Natural Beauty.</p> |
| Description of Proposal <p>Replacement underground wastewater pumping station and associated storm storage complete with ground level access covers. The proposed site will be enclosed by a 1.20m high stone wall complete with a 4.00m wide, 1.20m high access gate for vehicular access.</p> <p>Above ground, the proposed site will have a control kiosk housing pump control, a wash-water kiosk housing a break tank and associated hose, and a lighting column complete with site lighting and telemetry to allow for remote monitoring of the pumping station.</p> |

Planning Assessment of Policy and Other Material Considerations

Planning History

There is no relevant planning history on the application site.

Planning Policies and Material Considerations

This planning application has been assessed against the following policy:

- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- Banbridge, Newry and Mourne Area Plan 2015
- PPS 2- Natural Heritage
- PPS3- Access Movement and Parking
- PPS6- Planning Archaeology and the Built Heritage
- PPS6 (Addendum)- Areas of Townscape Character
- PPS8- Open Space, Sport and Outdoor Recreation
- PPS11- Planning and Waste Management
- PPS15- Planning and Flood Risk
- PPS16- Tourism
- A Planning Strategy for Rural Northern Ireland

Strategic Planning Policy Statement (SPPS) for Northern Ireland 2015.

There is no significant change to the policy requirements relating to the proposal and PPS11 is the prevailing planning policy.

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 within the settlement limit of Annalong. The Area Plan does not contain any policies relating to the proposal and refers to PPS11 as the prevailing policy.

Planning Policy Statement 11- Planning and Waste Management

The provisions of PPS11 have been noted. This application seeks the replacement of an existing long established underground wastewater pumping station with associated works, rather than for the development of an entirely new facility. However, the environmental effects of the proposals as alluded to in Policy WM1 have been fully considered as part of this assessment and through extensive consultation with a number of statutory bodies.

Policy WM 2 relates to Waste Collection and Treatment Facilities and states that proposals for the development of a waste collection or treatment facility will be permitted where:

- (a) ***there is a need for the facility as established through the WMS and the relevant WMP, except in the case of Waste Water Treatment Works (WWTWs) where the need must be demonstrated to the Department's satisfaction.***

This application has been made by NI Water and the proposal seeks to replace and upgrade the existing WW Pumping station at this location. The Agent has provided supporting information with the application advising: "The proposal is for the upgrade of the existing Annalong Harbour WwPS site which transfer sewage from the local sewage network to a Wastewater Treatment Works (WwTW). The location of the site cannot be

changed as it is located at the lowest most point within the network, meaning that sewage flows cannot be forwarded to the WwTW from this location without pumping. Additionally, at present, out of sewer network spills occur at the footbridge at Annalong Harbour, a popular pedestrian area, due to an incapacity in the existing downstream sewer system. This has resulted in numerous complaints from the public and public representatives in recent years due to the high visibility and location of sewage spills.

The incorporation of the proposed works will allow for the closure of 2no. unscreened Combined Sewer Overflows (CSOs) (Harbour Main Street CSO and Harbour Main Street No.1 CSO) which have been identified by the Northern Ireland Environment Agency as Unsatisfactory Intermittent Discharges (UIDs) which currently discharge unscreened sewage into the sea and would be the current sewer network relief points that relate to the current Annalong Shore Road Wastewater Pumping Station (WwPS) site. The completion of the proposed works will allow for a reduction in sewage spill frequency and pollution within the Annalong Harbour area and align with the standards required/outlined by the NIEA. Therefore, enhancing/bettering the current adverse effects currently present on people and the environment within the Annalong Harbour area." It is predicted the future population equivalent for the upgrade at Annalong Harbour WwPS is 2627.

It is considered that the need for this upgrade (of an existing facility) has been suitably justified. The upgrade will help overcome existing issues with sewer network spills and will alleviate the concerns of objectors in this regard.

(b) the proposed facility is the BPEO; and

Para 6.323 of the SPPS advises that following publication of the revised Waste Management Strategy 'Delivering Resource Efficiency' Best Practicable Environmental Option (BPEO) is no longer a material consideration in the planning process.

(c) the proposed facility complies with one or more of the following locational criteria:-

- ***it is located within an industrial or port area of a character appropriate to the development; or***
- ***it is suitably located within an active or worked out hard rock quarry or on the site of an existing or former waste management facility including a landfill site; or***
- ***it brings previously developed, derelict or contaminated land back into productive use or makes use of existing or redundant buildings; or***
- ***in the case of a civic amenity and similar neighbourhood facilities the site is conveniently located in terms of access to service a neighbourhood or settlement whilst avoiding unacceptable adverse impact on the character, environmental quality and amenities of the local area; or***
- ***where the proposal is in the countryside, it involves the reuse of existing buildings or is on land within or adjacent to existing building groups. Alternatively where it is demonstrated that new buildings/plant are needed these must have an acceptable visual and environmental impact;***

The proposal is considered to meet bullet point 2 of the locational criteria as it is suitably located on the site of an existing waste management facility.

(d) the following criteria are also met:

- ***in the case of a regional scale waste collection or treatment facility, its location relates closely to and benefits from easy access to key transport corridors and, where practicable makes use of the alternative transport modes of rail and water;***

The proposal is not a regional scale waste collection or treatment facility.

- ***proposals involving the sorting and processing of waste, are carried out within a purpose built or appropriately modified existing building, unless it can be demonstrated that part or all of the proposed operation can only be carried out in the open;***

The works on the site predominately take place under ground with a control kiosk, wash house kiosk, break tank and lighting column above ground. The size and scale of this equipment is small and not considered necessary to be carried out within any buildings. The largest kiosk extends to 1.8m in height. This is in keeping with the existing equipment on site.

- ***the built development associated with the proposed methods of handling, storage, treatment and processing of waste is appropriate to the nature and hazards of the waste(s) concerned;***

As stated above, above ground kiosks are required in order to improve the functionality of the existing pumping station. The equipment proposed is appropriate to the needs of NI Water and the use of the site.

- ***proposals for the incineration of waste and other thermal processes, shall incorporate measures to maximise energy recovery both in the form of heat and electricity, taking account of prevailing technology, economics and characteristics of the waste stream involved; and***

This is not applicable to the proposal as it does not involve the incineration of waste or other thermal processes.

- ***it will not result in an unacceptable adverse environmental impact that cannot be prevented or appropriately controlled by mitigating measures (see Policy WM1)***

Extensive consultations have been carried out and discussed elsewhere in this report. Environmental Health, NIEA, SES, DFI Rivers are content the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment.

The proposal is to extend an existing facility and is therefore appropriate to the character of the area and adjacent land uses.

Visually the proposed equipment will not have a significantly greater visual impact than the existing facility. The site is within an ATC and AONB and this is fully considered elsewhere in this report.

The proposal seeks to use an existing unaltered access to the public road and it is not considered the proposal would attract additional vehicular traffic to the site.

Given the nature of the proposal, consultation with DFI Roads was not necessary. Existing gates allow for any vehicular access to the site which may be required.

Environmental Health are content the proposal will not create nuisance to neighbouring residents by virtue of noise, dirt and dust.

The proposal has been fully assessed in terms of impacts on nature conservation and archaeological/ built heritage interests under the policies contained within PPS2, PPS6 and PPS6 and its addendum.

NIEA and SES are content the type of waste to be deposited and treated will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or controlled by mitigating measures.

The proposal has been considered under the policy provisions of PPS15 and DFI Rivers are content the proposal will not cause or exacerbate flooding.

The proposal does not involve agricultural land or involve landfilling.

The proposal is considered to comply with Policies WM1 and WM2 of PPS11.

Planning Policy Statement 8- Open Space, Sport and Outdoor Recreation

Several objectors have raised concerns that the proposal will result in a loss of open space and the impact on the existing right of way. The proposal will extend the existing site area into a small area of grass adjoining the site. Policy OS 1 relates to the protection of open space and states the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.

The proposal will result in the loss of a very small amount of open space, from that pre-existing. The upgrade of this existing enclosed facility requires a small extension of additional lands. As stated the subject lands are very small, are not maintained and are of little amenity value. The benefits of the proposal to the local community as outlined above, is considered to represent substantial community benefits which would outweigh the loss of the open space, even though it is noted there is opposition to the proposal. Consultation was also undertaken with the rights of way officer within the Council who advised the asserted ROW will not be obstructed.

Planning Policy Statement 15- Planning and Flood Risk

Objectors have raised concerns regarding flooding on the site. DFI Rivers have been consulted on several occasions and made aware of objections received. Rivers Directorate has reviewed the Flood Risk Assessment by Flood Risk Consulting Ltd, dated June 2024, and comments as follows: The submitted Flood Risk Assessment states that the proposed development will have a 1.4m freeboard above the T200 coastal flood level which is in excess of Rivers Directorate recommended 600mm freeboard. The submitted objection letter raises concerns regarding overtopping at the site. The Flood Risk Assessment states that the proposal includes a solid wall construction around the majority of the perimeter of the site and there is no reason to believe that the proposed development will experience any additional overtopping beyond what is already experienced at the existing WWPS. Rivers Directorate has no reason to disagree with this assessment.

The proposal is considered to comply with the policies contained within PPS15.

Area of Townscape Character

The applications site is contained within AN 10- Annalong. Key features of the area, which will be taken into account when assessing development proposals, are as follows:

- The buildings on Main Street are mainly two-storeys with painted smooth plaster finishes and slated roofs. At the east end of Main Street, the intimacy of the fishing village becomes apparent;
- The Square has a relatively 'formal' mid to late 19th century character. The buildings in The Square are two-storey with smooth painted plaster finishes in various colours and slated roofs;
- The harbour is fairly complete with its stone walls being a feature alongside the corn mill, a stone built building with a slated roof, that has a prominent location contributing to the overall setting of the harbour;
- The traditional buildings on Shore Road are mainly single storey with smooth painted plaster finishes and slated roofs. There are half dormer windows in some of the buildings. Many of these modest fishermen's houses face the open sea;
- Terraces are the norm, characterised by one/two storey buildings of mixed design;
- The dwellings generally front onto the road;
- Annalong River and corridor including associated vegetation provides local wildlife habitat and nature conservation interest.

Policy ATC 2 of the Addendum to PPS6 relates to new development in an Area of Townscape Character. Development proposals in an Area of Townscape Character will be permitted where the development maintains or enhances its overall character and respects the built form of the area. The harbour is noted as complete with stone walls, whilst the proposal is not located at the harbour, it is also to be enclosed by stone wall as per the existing boundaries. The proposal to upgrade an existing facility will maintain the character and overall character of the ATC and will not detract from the area. The existing facility has a visual presence from the immediate area, whereby that proposed is not considered to have any significant additional impact due to its modest size and form, and will therefore maintain the overall character and built form of the area.

Planning Policy Statement 6- Planning Archaeology and the Built Heritage

The application site is located within an Area of Archaeological Potential. HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. Due to previous ground disturbance, and based on an assessment of historic maps, the proposed development area has limited archaeological potential. Therefore, no mitigation is required in this case.

The application site is in close proximity to The Harbour, Annalong (HB16/01/070), a Grade B2 listed building, of special architectural and historic interest as set out and protected by Section 80 of the Planning Act (NI) 2011. HED, Historic Buildings, has considered the impact of the application on the listed harbour and based on the information provided, advises that it is content with the proposal under paragraph 6.12 (setting) 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.

Planning Policy Statement 2- Natural Heritage.

The application site is located within an Area of Outstanding Natural Beauty and located close to the shore. Consultations with SES and NIEA have been conducted.

NIEA, Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions.

Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided is content with the proposal subject to any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice.

Regulation Unit Regulation Unit Land and Groundwater Team have no objections to the development provided conditions and informatives are placed on any Planning Decision Notice as recommended.

Marine Conservation Branch has considered the impacts of the proposal and, on the basis of the information supplied, is content that there should be no adverse impacts on marine conservation provided conditions and standing advice for development that may have an effect on the water environment (including groundwater and fisheries) is adhered to. However, do have concerns regarding the impact that climate change, sea level rise and coastal erosion may have upon this proposed development. SES have noted- *"Marine and Fisheries Division (MFD) 14/11/2023 and 21/02/2024 have advised risk to future operation capability of the infrastructure from potential coastal erosion. However, this advice seems nugatory given that this upgrade is to alleviate current poor operations of the infrastructure that are causing local environmental pollution issues. No HRA issues concluded."*

The Planning Department are in agreement with the findings of SES that this proposal is to upgrade existing poorly operating infrastructure which will therefore reduce any local environmental pollution issues.

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. 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 (SES) on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project.

The proposed boundary walls of 1.2m high stone wall is in keeping with the existing character the site and it is not considered that the proposed upgrade would impact on the character of the AONB or the locality.

The proposal is considered to comply with the policies contained within PPS2.

Objections

The existing pumping station has been in place a significant period of time, it is considered that this upgrade will improve the functionality of the existing facility improving the impacts for residents and the environment.

Environmental Health have been consulted on several occasions and have offered no objections in principle having consideration of potential impacts of noise, dust, odour, light or general amenity.

Concerns were raised regarding impacts on the public right of way adjoining the site. The Council's Land Management Team were contacted and following, amended plans, are content the right of way is not obstructed by the proposed works.

Concerns were raised regarding congestion on the site. The proposal seeks to use an existing unaltered access to the public road and it is not considered the proposal would attract additional vehicular traffic to the site. Given the nature of the proposal, consultation with DFI Roads was not necessary.

Planning Policy Statement 16- Tourism

Objections have been received raising concerns the proposal is contrary to TSM 8- Safeguarding of Tourism Assets. This policy states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value.

This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

Para 7.42 states the policy is applicable to all forms of development which may impact adversely upon a tourism asset. Adverse impact will include visual impact, for example within an area of high landscape quality or in a Conservation Area, either of which could be important for attracting tourists. Adverse impact upon a tourism asset could also arise through other sources, for example odour, noise, dust or pollution of air or watercourses. What constitutes 'adverse impact' and the determination of the extent of its influence are matters of planning judgement and each case will be assessed on its merits. As outlined within this report, the proposal is considered to comply with planning policies and will not detract from the ATC or AONB. The upgrade of this existing facility is not considered to have any significant increased or adverse impacts on any tourism assets from that long pre existing due to the modest size and extent of works proposed.

A Planning Strategy for Rural Northern Ireland

Concerns have been raised by objectors regarding the proposals compliance with Policies CO1- CO4 which relate to the coast. Policy CO1 relates to the undeveloped coast and advised this area will be designated as a Countryside Policy Area within relevant development plans. The application site is within the settlement limit of Annalong and not designated as a CPA.

Policy CO2 relates to the developed coast, Policy CO3 relates to areas of amenity or conservation value on the coast and Policy CO4 relates to access to the coastline. The principle of a Waste Water Pumping Station has been long established on the site, the proposal will extend the existing site size and improve the functionality of this station. The proposal will not impact on access to the public coastline nor will it impact the amenity or conservation value of the area as detailed elsewhere in this report. The proposal is considered to comply with the PSRNI.

| |
|--|
| Neighbour Notification Checked: Yes |
| <p>Summary of Recommendation: Approval</p> <p>The Council's Scheme of Delegation requires that applications attracting more than six or more material planning objections from different addresses where the Officer's recommendation is for approval the application if required to go to Planning Committee.</p> |
| <p>Conditions:</p> <ol style="list-style-type: none"> 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 proposed 1.2m high boundary stone walls shall be fully constructed prior to the development hereby approved coming into use. This wall shall be constructed from locally sourced Mourne granite. Reason: To ensure the proposal is in keeping with the character of the area. 3. Prior to and during all construction works, a suitable buffer of at least 10 metres must be maintained between the locations of all construction refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the adjacent coastline. Reason: To ensure the project will not have an adverse effect on the integrity of any European site. 4. Marine Conservation Branch must be consulted and consent agreed in writing prior to any works commencing if the Piling Construction method is required. Reason: To enable a full assessment of the potential impacts to marine mammals. 5. If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use. 6. After completing the remediation works under Condition 5; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use. |

7. During construction, a buffer of at least 10m must be established and maintained between any watercourses/coastline. Any construction work carried out at the site must demonstrate adherence to the precepts contained in the relevant Pollution Prevention Guidelines (PPGs) and Guidance for Pollution Prevention (GPPs)
Reason: To protect the aquatic environment.
8. There shall be a minimum distance of 7m between any odour source point and any habitable dwelling.
Reason: In the interests of public health.

Informatives

1. *European and National Marine Protected Areas*

The applicant's attention is drawn to the fact that the proposal is in close proximity to the boundary of several Marine Protected Areas and precautions should be taken to ensure the integrity of these areas will not be damaged by the proposal's activities. Any activity occurring within the designated site but outside the proposed red line boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

2. *Marine National Protected Species – Seals*

The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly disturb, capture, injure a Harbour seal (*Phoca vitulina*) or Grey seal (*Halichoerus grypus*). It is also an offence to intentionally or recklessly;

- disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
- damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
- damages or destroys anything which conceals or protects any such structure; or
- to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.

Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted. The Wildlife (Northern Ireland) Order 1985: <http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-otheranimals>

3. *Marine Nationally Protected Species – Northern Ireland Priority Species*

The applicant's attention is drawn to Section 3(3) of the Wildlife and Natural Environment Act (Northern Ireland 2011) which refers to the consideration of the Biodiversity lists (i.e. Northern Ireland Priority Habitats and Species):

- 3 — (1) The Department must publish a list of the species of flora and fauna and types of habitat which in the Department's opinion are of principal importance for the purpose of conserving biodiversity.
- (2) The Department must—
- (a) keep under review any list published under this section;
 - (b) make such revisions of any such list as appear to the Department appropriate; and
 - (c) publish any list so revised as soon as reasonably practicable after revising it.

(3) Without prejudice to section 1(1) and (2), a public body must—

- (a) take such steps as appear to the body to be reasonably practicable to further the conservation of the species of flora and fauna and types of habitat included in any list published under this section; or
- (b) promote the taking by others of such steps.

(4) In this section "public body" has the same meaning as in section 1 Wildlife and Natural Environment Act (Northern Ireland) 2011 (legislation.gov.uk)

4. The applicant's attention is drawn to the following links which provide standing advice to be considered:
 - Planning in the Coastal Area
 - Standing advice for development that may have an effect on the water environment (including groundwater and fisheries)
 - Marine Non-Native Species
 - Marine Wildlife Disturbance
 - Marine Map Viewer
 - Decisions affected by marine policy - authorisation decisions
5. The purpose of the Conditions 5 & 6 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part III of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks.
6. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste and Contaminated Land (Northern Ireland) Order 1997, the Waste Management Licensing Regulations (Northern Ireland) 2003 and the Water Order (Northern Ireland) 1999.
7. RU recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent Conditions.
8. *Birds*
 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). No works should be carried out on any buildings or structures containing bird's nests unless an appropriate survey has been carried out prior to works commencing and it is confirmed that no active nests are present.

9. *Pollution Prevention*

The applicant's attention is drawn to the following link, for standing advice on protection of the terrestrial and water environment: <https://www.daera-ni.gov.uk/articles/standing-advice-0>

10. The applicant is advised to ensure that all activities, plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise, vibration, dust, odours and fumes to nearby sensitive receptors.

Case Officer Signature: E. Eastwood

Date: 2 July 2025

Appointed Officer Signature: M Keane

Date: 02-07-25

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

Group decision:

D.M. Group Signatures

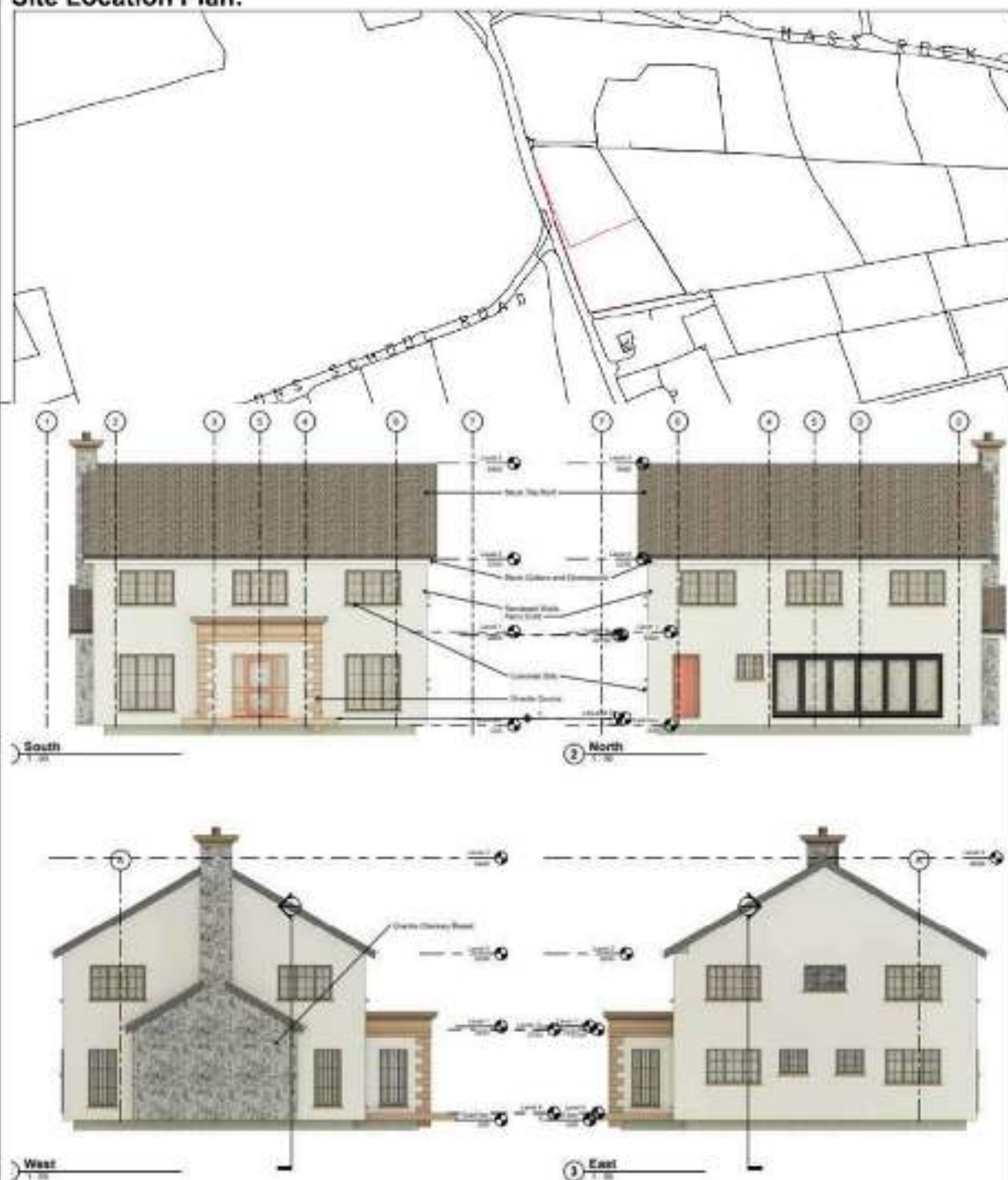
Date _____

Application

| Development Management Officer Report | |
|---|---|
| Case Officer: Rhys Daly | |
| Application ID: LA07/2024/0227/RM | Target Date: |
| Proposal: Two Story Dwelling | Location: Immediately adjacent to and North of 32 Bettys Hill Road Ballyholland Newry BT34 2NB |
| Applicant Name and Address: James McQuillan 30 Bettyshill Road Newry BT342NB | Agent Name and Address: James McQuillan 30 Bettyshill Road Newry BT342NB |
| Date of last Neighbour Notification: | 21 November 2024 |
| Date of Press Advertisement: | 15 May 2024 |
| ES Requested: No | |
| Consultations: DFI Roads – Objected to the application NI Water – Content with the application with standard conditions | |
| Representations: 1 neighbour notified as part of the application process. No objections 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:



Date of Site Visit: 03/02/2025

Characteristics of the Site and Area

The application site is located in the countryside area outside the settlement of Ballyholland approx. 2.5 miles east of Newry City Centre. The surrounding area is predominantly rural with a number of single dwellings dispersed throughout the area. The application site itself is cut out of a larger roadside agricultural field. It is adjacent and north of No. 32 Betty's Hill Road, Ballyholland, which is a two storey dwelling. No. 34 Betty's Hill Road, a large two storey dwelling is located adjacent and south of No. 32. Further south and adjacent to No.34 is No. 36 Betty's Hill Road, a single storey dwelling with outbuildings. 65m to the north is a laneway which serves No. 30 Betty's Hill Road, Ballyholland. No. 30 Betty's Hill Road is set back from the roadside with its laneway providing frontage to the road. To the west and opposite is the junction of Commons School Road.

Description of Proposal

Two Storey Dwelling

Planning Assessment of Policy and Other Material Considerations

The planning application has been assessed against the following:

- Banbridge/Newry and Mourne Area Plan 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS) (2015)
- Planning Policy Statement 2 Natural Heritage
- Planning Policy Statement 3 Access, Movement and Parking
- DCAN 15 Vehicular Access Standards
- PPS21 – Sustainable Development in the Countryside
- Building on Tradition Sustainable Design Guide

PLANNING HISTORY

Planning

Application Number: LA07/2020/1084/O Decision: Permission Granted Decision

Date: 11 March 2021

Proposal: Site for 2 storey infill dwelling

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 Ballyholland as illustrated on Map 3/01 of the plan.

Strategic Planning Policy Statement

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. This policy document sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy. During this transitional period planning authorities will apply the SPPS and retained policy documents.

PPS21- Sustainable Development in the Countryside

The principle of constructing a dwelling on site has already been accepted through the outline planning application (LA07/2020/1084/O). The outline was initially recommended for refused by the Planning Department, however was subsequently overturned at Planning Committee, with permission then granted. The application currently under consideration seeks reserved matters approval for the dwelling. Those matters reserved include the siting, design, external appearance of the dwelling and garage as well as details relating to access and landscaping. The acceptability of those reserved matters are considered below together with other considerations material to this application.

The RM submission is valid whereby the red line is the same as the red line approved at outline stage. No restrictions were placed on the ridge height or underbuild at outline stage.

The proposed development will be assessed against the Strategic Planning Policy Statement and Policies CTY 13 and CTY14 of PPS21 which refer to rural character and integration. Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is taken into account in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, paragraph 4.4.0 sets out that ribbon (CTY8) will require care in terms of how well it fits in with its neighbouring buildings in terms of scale, form, proportions and overall character. Paragraph 4.4.1 puts the onus on the applicant to demonstrate that the gap site can be development to integrate the new building(s) within the local context.

Critical views of the site are when travelling along Bettys Hill Road in a northerly and southerly direction. Also views are from the Commons School Road. The proposed dwelling is 8.4 metres above the finished floor level. The maximum under build at any point of the dwelling is 300mm. The FFL of the proposed dwelling is 52.50. Given the compliance with CTY 8 in terms of the principle of development, the site has existing development to the north with a 1 ½ storey dwelling, and to the south with 2 storey, 1 ½ storey and single storey dwellings. Existing vegetation also sufficiently encloses the plot with mature hedging along the south and eastern boundaries. The site will be enclosed by a proposed planting of native trees and shrubs to aid with integration. The existing hedging mentioned above is to be retained. The established building line along this side of Bettys Hill Road is staggered and almost patternless. Given this, the proposed siting within the plot does not harm the character of the area.

The linear and simple form of the dwelling is reflective of the rural location. Whilst there are some suburban features including the external chimney breast and the window fenestration, regard needs to be given to the dwelling immediately south of the site, No. 32 whereby a refusal could not be sustained on these design features, given the existing house types within the built up frontage.

The materials proposed to finish the dwelling include smooth render walls which are to be painted cream; a flat black roof tile/slate. The rainwater goods, black fascia and soffit and window framing to be black uPVC. The external doors are to be composite finished black. The front porch is to be rendered with granite quoins. The materials are similar to those used on the existing dwellings adjacent to the site and are therefore considered unoffensive and acceptable.

In summary it is considered that the proposal complies with the Strategic Planning Policy Statement and Policies CTY13 and CTY14 of PPS21.

Policy CTY 16- Development relying on Non-Mains Sewerage.

Planning permission will only be granted for development relying on Non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. Applicants will be required to submit sufficient information on the means of sewerage to allow a proper assessment of such proposals to be made. In those areas identified as having a pollution risk development relying on non-mains sewerage will only be permitted in exceptional circumstances.

The information submitted indicates the dwelling will be served by a septic tank, whereby it is considered there are sufficient lands within the control/ownership of the applicant to accommodate this tank and associated soakaways, while also being sited a sufficient distance from any property.

Access

Policy AMP 2 of PPS 3 states that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety. Paragraph 5.16 of Policy AMP 2 makes reference to DCAN 15 which sets out the current standards for sightlines that will be applied to a new access onto a public road.

DFI Roads have considered the access unacceptable as the provision of the required visibility splays are not within the red line boundary. DFI Roads require splays of 2m by 45m as requested at Outline stage. At outline stage 2 separate red lines were provided, one showing the required splays and one not, whereby the latter plan was included on the decision notice.

The red line submitted at RM stage is the same as that approved at Outline stage and while the splays are not included, crucially they are effectively achievable and provided for on both the near and off side through a combination of the site frontage, separate entry way and extent of ownership. It is therefore considered the granting of permission in this instance would not prejudice the safety and convenience of road users.

The objection from DFI Roads however is noted.

Amenity

It is considered that there is adequate separation distance between the new dwelling and the nearest neighbouring dwelling, No. 32 Bettys Hill Road of approx. 31m gable to

gable. It is considered this separation distance, the dwelling layout and relationship with adjoining property is sufficient to prevent any unacceptable impact in terms of overlooking or loss of privacy or any overshadowing, loss of light or dominant impact. It is also noted no objections or representations have been received.

Planning Policy Statement 2 Natural Heritage

The application site is not within any Areas of Outstanding Natural Beauty. No ecological concerns were identified at outline stage. No buildings or mature trees are to be removed. A new hawthorn hedge is to be planted along the north and east boundary.

Neighbour Notification Checked

Yes

Summary of Recommendation

The Department recommend approval

Note: As there is an objection from a statutory consultee the application is required to be presented to Planning Committee in line with the scheme of delegation.

Conditions:

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

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

2. During the first available planting season after the occupation of the building for its permitted use, native species trees shall be planted along the northern boundary of the site in accordance with drawing No. A-210 Rev B. All other hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice, during the first available planting season following the occupation of the dwelling hereby approved.

Reason: To ensure the development integrates into the countryside.

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

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

Informatives:

1. This Decision Notice relates to drawing numbers: U09-A140Rev2, A-410RevA, A-210RevB, A-310RevA, U09-A130Rev1, U09-A120, U09-110RevA and U09-100RevA.

Case Officer Signature: R. Daly

Date: 2 July 2025

| |
|---|
| <p>Appointed Officer Signature: M Keane</p> <p>Date: 02-07-25</p> |
|---|

Development Management Consideration

Details of Discussion:

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

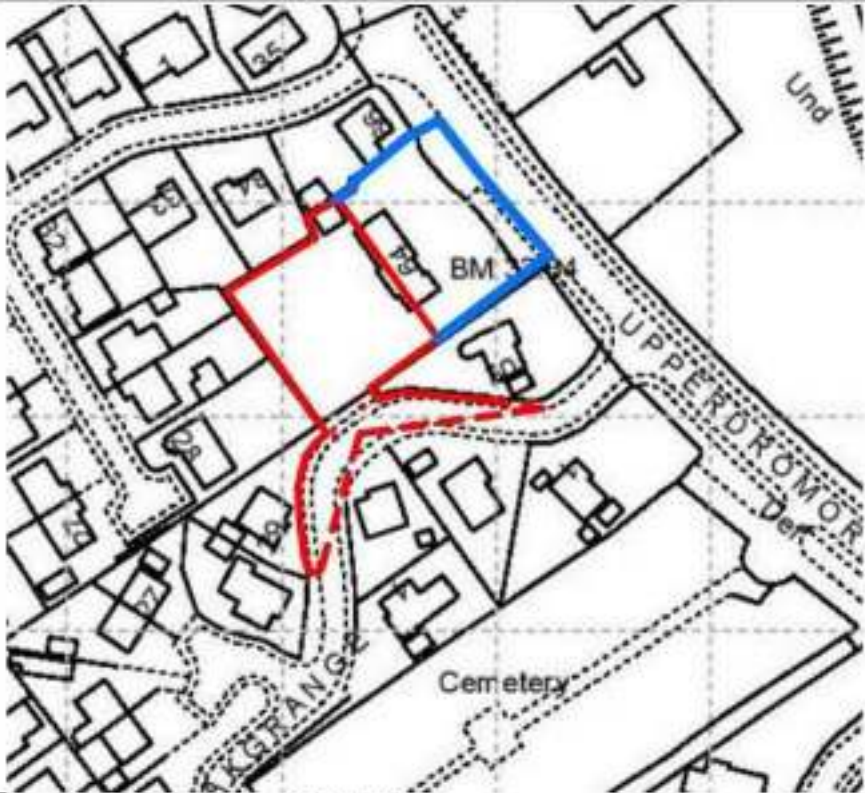
Group decision:

D.M. Group Signatures _____

Date _____

Delegated Application

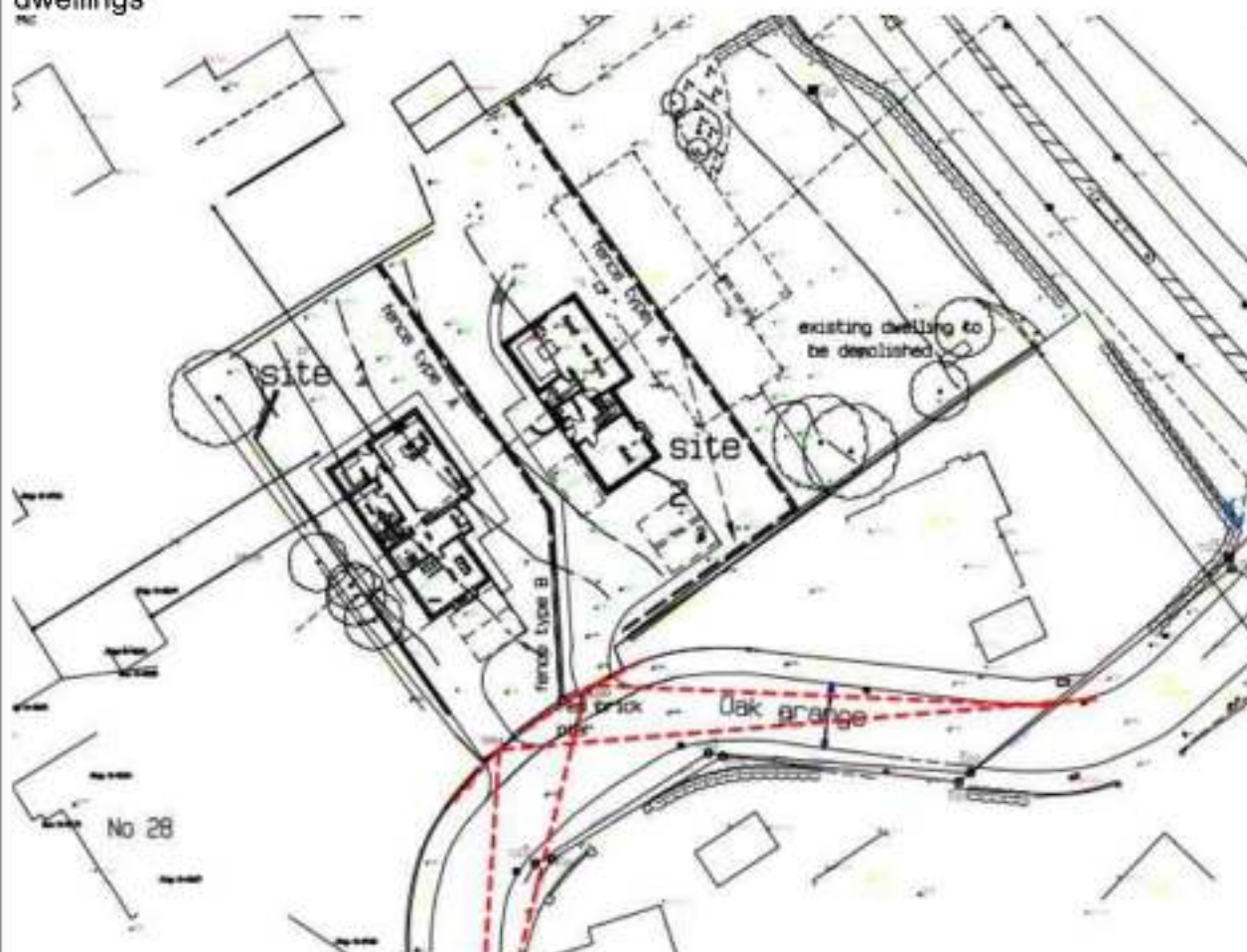
| Development Management Officer Report | |
|--|---|
| Case Officer: Michael Tomlinson | |
| Application ID: LA07/2024/1008/F | Target Date: |
| Proposal: Erection of two detached dwellings | Location: 64 Upper Dromore Road, Warrenpoint, BT34 3PN |
| Applicant Name and Address: John O' Hanlon 64 Upper 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: | |
|  A site location plan map showing a residential area. A red line outlines a rectangular site, and a blue line outlines a larger area. The site is located near Upper Dromore Road and Oak Grange. A cemetery is also visible. The map includes various street names and landmarks. | |
| 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> | |



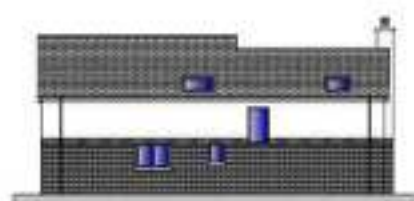
Description of Proposal

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



front elevation
(to Oak Grange)

brick, rendered half brick
white and black
white and black
white and black
white and black
white and black
white and black
white and black
white and black
white and black

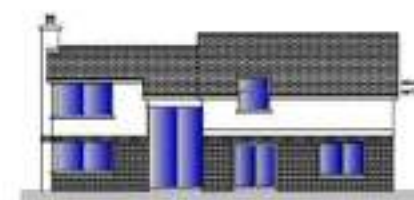


side elevation A



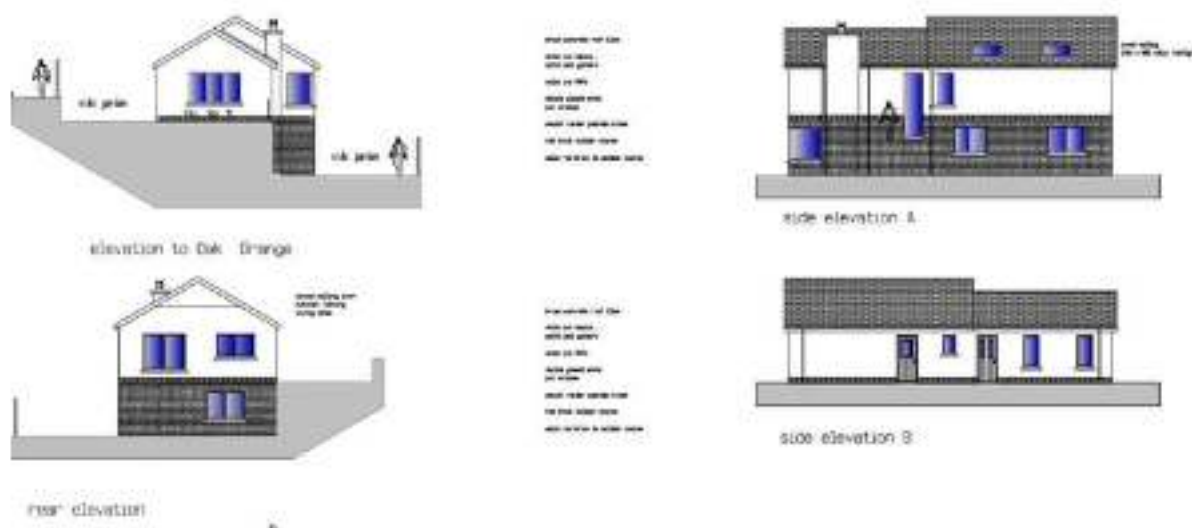
rear elevation

brick, rendered half brick
white and black
white and black
white and black
white and black
white and black
white and black
white and black
white and black
white and black



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.

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| 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.

Planning ref: LA07/2024/1008/F – Objection

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64 Upper Dromore Road, Warrenpoint, BT34 3PN

This planning application links to planning application LA07/2023/3044/F

Having reviewed the planning officers report regarding LA07/2024/1008/F, I believe Planning Committee should concur with the planning officer's recommendation to refuse this planning application, on the following basis:

- The proposal for 2 houses on this site is not in keeping with the residential area and is contrary to 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. The scope of policy is to avoid the introduction of unsympathetic housing schemes into established residential areas. The overriding objective in such areas should be to avoid unacceptable damage to the environmental quality, density and privacy enjoyed by existing residents. The proposed housing is not in keeping with the overall character of the established residential area, incorporating these houses into the development of Oak Grange, which was built over 30 years ago, is unsympathetic to the surrounding houses. The case report is correct in the assessment that the proposed 2 houses have curtilages which run perpendicular to Oak Grange, which is out of character to the houses within Oak Grange. In addition, the narrow frontage and depth of the dwellings into the plots is not seen in any of the adjacent housing. The front door of 28 houses within Oak Grange Development are orientated to face the road (numbers 1 and 30 face onto Upper Dromore Road in keeping with other housing estates), the proposed developments do not have front doors facing onto Oak Grange which is out of character.
- The case officer has noted that the provision of the private amenity space within the proposed site is out of character with the area. The agent has argued that there is no sustained orientation of private amenity space, however this is incorrect. The side garden as a principal amenity space is not in keeping with the surrounding developments, the specific compass points as provided by the agent are inconsequential. Within Oak Grange there is consistent orientation of private amenity space, which is to the rear of the properties. This proposal does not respect the surrounding area.
- The case officers report states "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" the overshadowing of these properties is of concern, the plans for the proposed housing have been designed in a way that the windows are in locations which reduces the risk of overlooking, however the scale of the buildings, particular Site 2 would undoubtedly cause overshadowing. In an email to the applicant on 28th May 2024 a case officer stated that "Two further dwellings may be accommodated to the rear of the site. The dwellings to the rear of the site should be restricted to single storey only given the site levels." However, this application is contrary to this advice.*
- The topography of the land within the development area of the proposal is of concern due to its height in comparison to surrounding properties. The case officers report states *"The substantial exposed retaining walls to accommodate this proposal are symptomatic of overdevelopment and thus inappropriateness of the development in this locality.* The height of the retaining walls including fencing above results in an unacceptable boundary height, if such a height of boundary is required to prevent overlooking, then the site should not be considered suitable for the scale of development proposed.

- Planning application LA07/2023/3044/F was initially submitted on 11th July 2023 for 4 houses on this site and subsequently reduced to 2 houses by the applicant on 17th July 2024 (approved on 17th February 2025). A separate application for 2 houses to the rear of 64 Upper Dromore Road was then submitted to planning on 26th July 2024. With no clear reason for the separation of these applications I would query the authenticity of these applications, and if this separation of applications was carried out in order to undermine the planning process.
- Although DFI have no objections to this proposal, it would seem evident that only a desk assessment has been carried out with no regard for safety for road users and pedestrians. No account has been taken for unfavorable weather conditions on a steep hill; the access road to the proposed houses is adjacent to a dangerous bend. If approved this would significantly impact on pedestrian and vehicle safety. Given the number of neighbour objections received regarding this element of the planning application, many of the residents of Oak Grange share this concern and otherwise would not have submitted a letter detailing this.
- A letter was submitted from the applicant's solicitor with his application (Letter dated 25th July 2024) which states that the applicant is in the process of making an application to the Land Registry to establish section 53 title to the portion of land which sits within the curtilage of Oak Grange. An email from the Land registry office on 16/07/2025 has confirmed that this application has not been made and therefore the applicant does not own the strip of land providing an access road to his site. Whilst I understand that Land Ownership is outside of the remit of planning, the applicant has stated in his application dated 26/07/2024 that he is the Sole Owner of all the land, and evidence would suggest that this information provided is incorrect.
- As this development is not linked to the development of Oak Grange in any way, the access point to the proposed dwellings should be directly from Upper Dromore Road. I would agree fully with the case officers summation that *"It appears that the dwelling has been designed purely to overcome potential neighbouring amenity issues and disregarding the character of the surrounding area."*

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:

Proposed Access to be shared Access between 2 sites visibility splays can be obtained 20m x 20m

NEWTOWN

Scale 1:2500

Site Location Plan

Date of Site Visit: 05/06/2024

Characteristics of the Site and Area

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.

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.

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.

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
- 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 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.

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

Written Submission for Speaking Rights

Planning Committee Meeting: 23 July 2025 Application: LA07/2023/3099/O Site: Directly opposite No. 32 and 33B Newtown Road, Rostrevor, BT34 3BZ

1. Introduction

This submission addresses planning application **LA07/2023/3099/O** for a new dwelling and detached garage on a gap/infill site opposite No. 32 and 33B Newtown Road, Rostrevor. The officer recommendation for refusal is noted, but new evidence—specifically an amended map demonstrating an expanded curtilage for **No. 33B**—warrants reconsideration. This evidence fundamentally alters the site's contextual relationship with the proposed development, resolving key objections related to spatial constraints and visual impact.

2. Critical Error in Original Curtilage Depiction

The original application inaccurately represented the curtilage boundary of **No. 33B**, as shown in the attached amended map. The corrected curtilage extends **18% further northwest** than initially documented, encompassing a historically maintained garden area and established hedgerow. This error misrepresented three material factors:

- **Site Density:** The original assessment claimed the development would create "overdevelopment" by exceeding 40% site coverage. The amended curtilage reveals a 22% larger buffer zone between No. 33B and the proposed dwelling, reducing effective density to 30%—within Policy CTY2A guidelines for rural settlements.
- **Visual Harmony:** Officer report cited "disruption to streetscape cohesion." The expanded curtilage demonstrates seamless integration with existing boundaries, allowing the new dwelling to align with the staggered building line of Newtown Road, preserving the area's "loose cluster" character.
- **Ecological Impact:** The original map omitted a mature hedgerow within No. 33B's curtilage. This feature, now correctly shown, provides natural screening and habitat connectivity, mitigating ecological fragmentation concerns.

3. Policy Compliance Supported by Amended Evidence

3.1 Gap Infill Justification

Policy CTY2A permits infill development where sites are "physically well-related to existing dwellings." The amended map confirms the site lies within the **established curtilage network** of Nos. 32, 33A, 33B, and 34, forming a contiguous residential grouping. This negates the "isolated development" refusal rationale, as the proposal now demonstrably "completes a logical settlement pattern".

3.2 Amenity and Access

- **Privacy:** The larger curtilage increases the separation distance between No. 33B and the proposed dwelling from 8m to 14m, eliminating overlooking risks. First-floor

windows can now be oriented northward, avoiding direct sightlines into adjacent gardens.

- **Access:** Newtown Road's existing carriageway (6.5m width) accommodates construction traffic without requiring highway modifications, as confirmed by Section 58 of the Highways Act 1980.

4. Design Mitigation and Community Benefit

- **Heritage Sensitivity:** The amended curtilage includes a 19th-century stone boundary wall (pre-1948), now protected under Article 45 of the Planning Act. The design avoids any impact on this feature, with a 2m setback ensuring preservation.
- **Sustainability:** Rainwater harvesting and native-species landscaping (using the hedgerow for screening) align with the Council's Climate Emergency Declaration (2023).

5. Conclusion and Request

The amended map substantiates that the original refusal grounds stemmed from factual inaccuracies. With the curtilage corrected, the proposal:

- Complies with Policies CTY2A, PPS7, and SPPS Design Principles;
- Preserves residential amenity and streetscape cohesion;
- Enhances biodiversity through retained hedgerows.

We urge the Committee to **overturn the refusal recommendation** and approve LA07/2023/3099/O, contingent on standard conditions (materials matching, boundary retention).

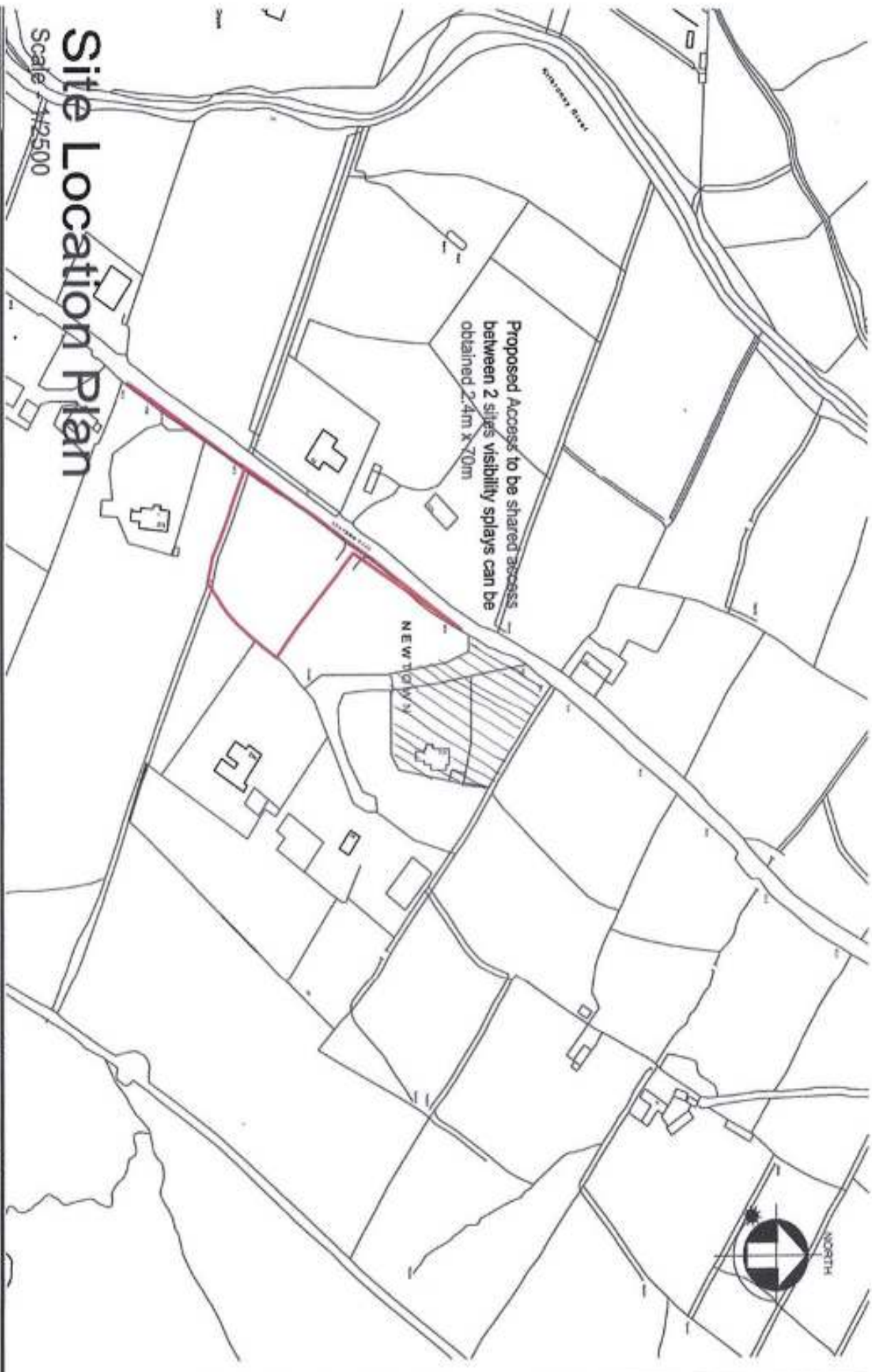
Attachments:


1. Amended Site Plan (Curtilage of No. 33B, dated 10/07/2025)


Signed



John Young, BSc Hons, AssocRICS
Collins & Collins



KEY:  - TOTAL CURTILAGE OF 33b Newtown Road, Rossmore

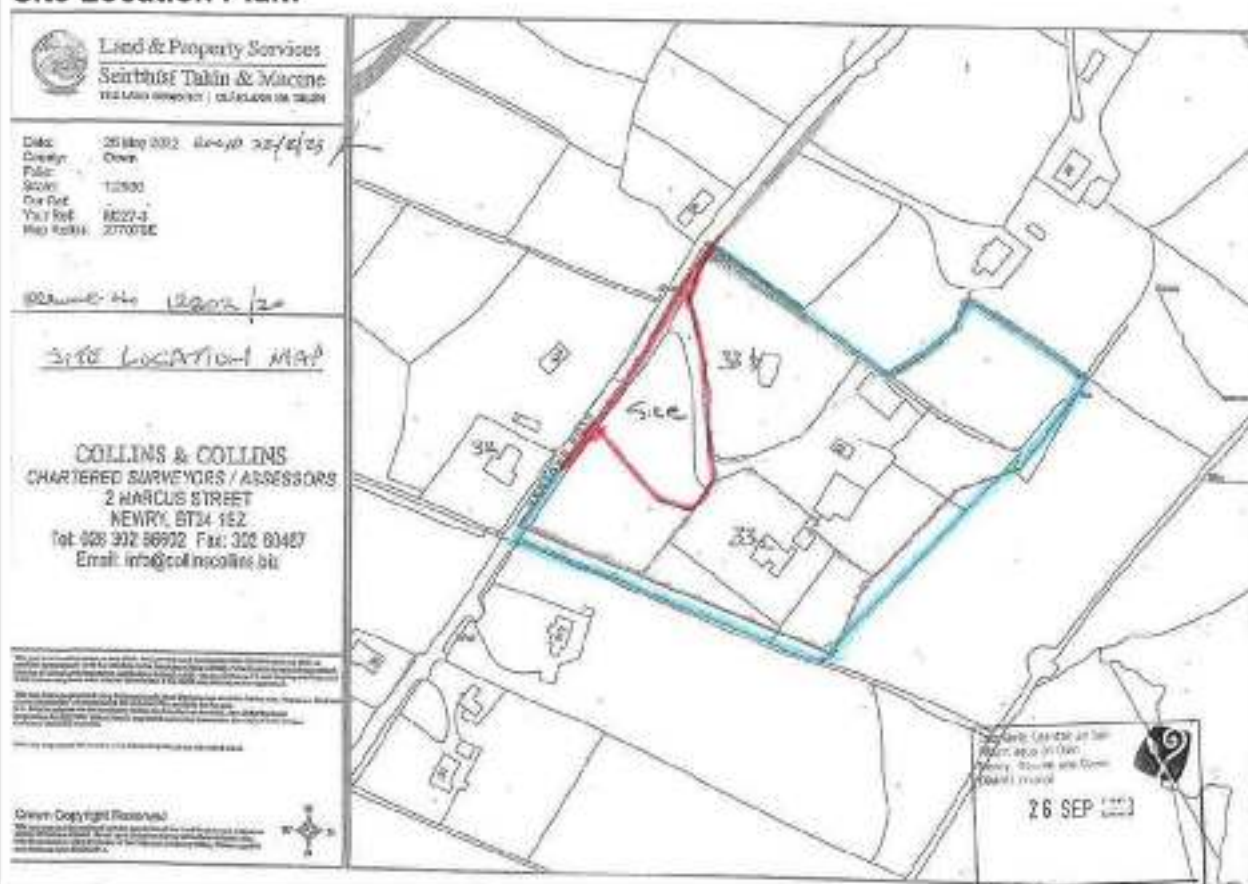
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|--------|----------|-------------------------|--------------------|-----------|-----------------|---|--|
| A.4.4m | Revised | Date | Mr Mike Higgins | As stated | Drawn By A.D | Sealing Plan |  collins A.4.4m |
| | 12/12/21 | Approved for submission | | | Checked By | Proposed New Dwelling & Garage on Gapfill Site opposite 32 and 32a Newtown Road Rossmore Co. Down | |
| | 12-12-21 | Approved for submission | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | Site Location Plan | 12/12/21 | June 2025 | | |

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:



Date of Site Visit: 05/06/2024

Characteristics of the Site and Area

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.

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.

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.

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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 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.

| | |
|---|-----|
| 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: 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: <p>NI Water was consulted and responded with no objections to the proposal.</p> <p>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.</p> <p>Historic Environment Division was consulted and Historic Monuments responded to consultation advising that the proposal is satisfactory and meets the requirements of SPPS and PPS 6.</p> <p>Translink was consulted in error – no further investigations required.</p> | |
| Representations: <p>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.</p> <p>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:</p> <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 | |
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| 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 they 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 that 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.

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|---|------------|
| <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> | |

Response to Refusal Reasons

Dear Councillors,

This application has been recommended for refusal on the grounds that the site does not sit within a substantial and continuously built-up frontage, and is therefore considered contrary to Policies CTY 1 and CTY 8 of PPS21.

The crux of the Department recommendation is their view that the site does not represent a **continuous** gap within an otherwise built-up frontage.

From a review of the Case Officer's report, it is accepted that No. 19 Drakes Bridge Road and its associated outbuilding have frontage onto the lane. However, the Department considers the lane to effectively stops between No. 19 and the application site, excluding the building to the north-west of the gap from being part of a built-up continuous frontage.

We respectfully disagree with this conclusion.

In our view, there is a clear substantial and continually built-up frontage (Figure 1), as the lane clearly continues past No. 19 (the 1st building), and its outbuilding (the 2nd building), past the proposed gap site, and onwards past No. 21 (the 3rd building) and beyond, as shown in the image on the screen. This lane has existed for hundreds of years, historically serving both as a route to surrounding farmland and an access way over Laws Bridge. This is confirmed by historical PRONI maps (Figure 2), which show the continuity of the lane well beyond No. 21.



Figure 1: SCBUF

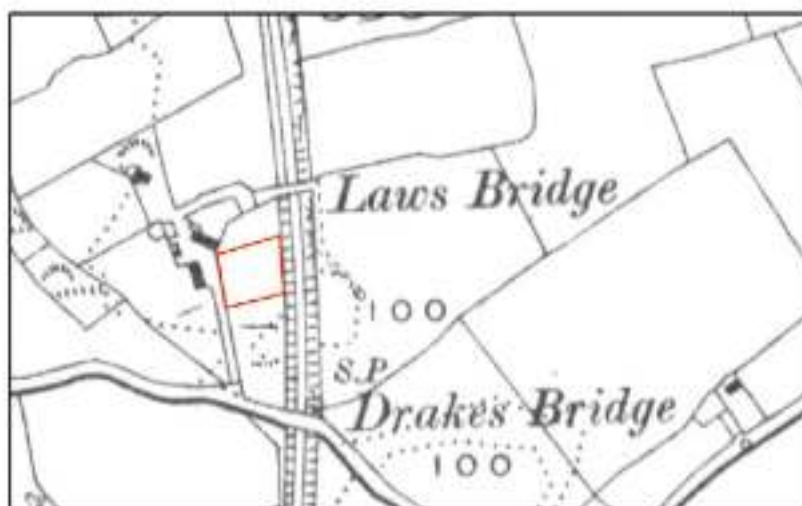


Figure 2: Historical Lane continuing past site into field/bridge beyond.

It appears the Department has reached its conclusion based on a Google Street View image from 2022, which shows a gate near the site. However, this does not reflect the true and long-standing nature of the lane.

Earlier Google Street View images from 2008 and 2011 clearly show that no gate existed at that time (Figure 3), and that the lane was entirely open and continuous. The gate was a later, temporary addition and has since been removed.



Figure 3: 2011 Google Street View Image showing no gate in situ.

Importantly, the Planning Appeals Commission has confirmed that sites should be assessed as they exist on the ground today. A now-removed gate should not disqualify what is long established, continuous lane.

In fact, the Case Officer's own site photographs show visible wear along the length of the lane, from Drakes Bridge Road to the application site and beyond. This is strong physical evidence that the lane is, and has long been, in continuous use. If it had truly ended at No. 21, that level of wear simply would not exist.

On that basis, we assert that the building to the north-west of the gap does form part of a substantial and continuously built-up frontage, meaning the proposal complies with CTY 8 as a suitable gap site.

- In conclusion, the lane at the centre of this discussion is a long-established and continuous lane, as clearly evidenced by historical PRONI maps. The Department's reliance on a temporary gate, which can only be seen hung in a single 2022 image, does not substantiate the claim that the lane terminates at that point.
- There is no evidence of this gate in earlier Google Street View images, and importantly, the gate is no longer in place today. As such, the lane remains a single continuous lane for the purposes of Policy CTY8.





There were no concerns raised by the Case Officer in terms of the size or width of the plot.

For these reasons, we respectfully ask the Committee to set aside the officer's recommendation and grant permission for what is a policy-compliant infill proposal that respects the rural character of the area.

Thank you for your time, and I'd be happy to answer any questions.

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 | |
|---|--|
| <p>Site Location Plan: The site is located at 46 Dromore Road, Ballynahinch.</p> | |
|  |  |
| <p>Date of Site Visit: 4th March 2025 & 22 May 2025</p> | |
| <p>Characteristics of the Site and Area</p> <p>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.</p> <p>The area is rural in character and comprises mainly single house/ farms in the countryside.</p> | |
|  |  |
| <p>Description of Proposal</p> <p>1 no. infill dwelling</p> | |
| <p>Planning Assessment of Policy and Other Material Considerations</p> | |

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.

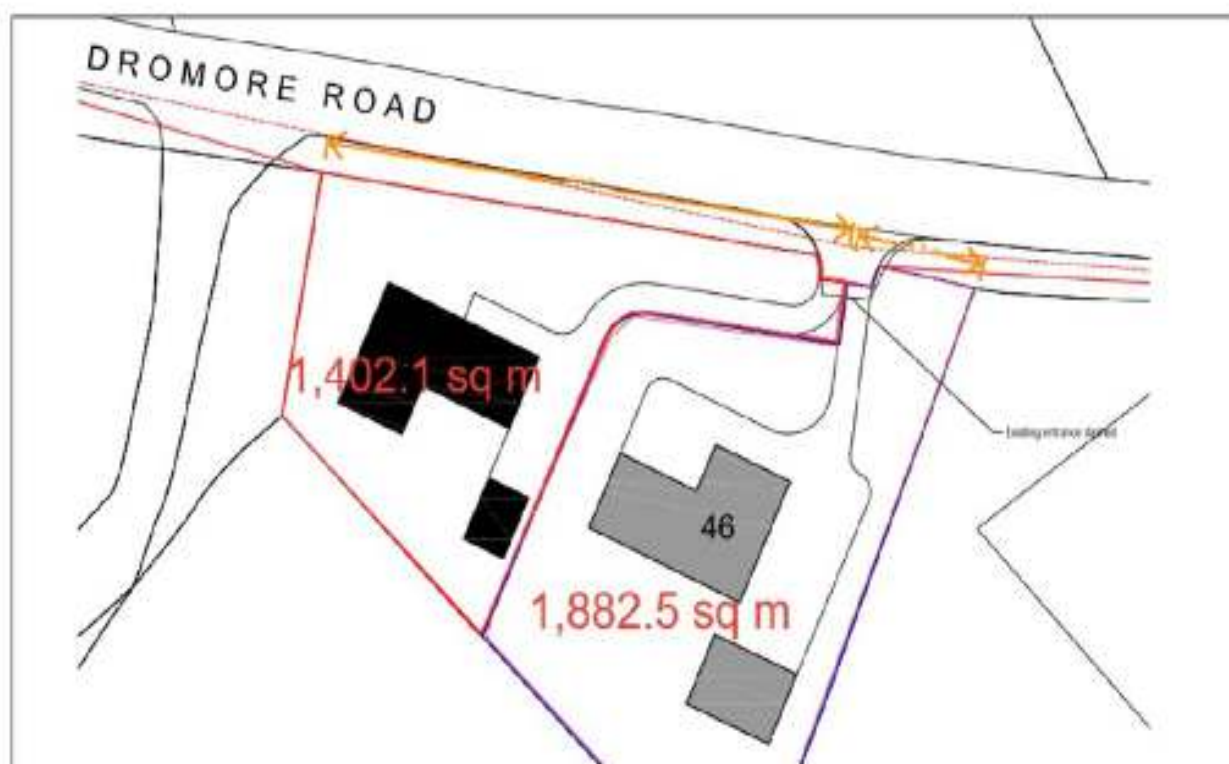
The agent in his supporting statement has indicated that the site shares a common frontage along Dromore Road with no 46 to the east along with its detached garage, and nos. 50 and 54 to the west.

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.

Committee Application

| Development Management Officer Report | |
|---|--|
| Case Officer: Brenda Ferguson | |
| Application ID: LA07/2022/1953/O | Target Date: |
| Proposal: 2no infill dwellings and garages including revised access to No 24 Teconnaught Rd and all associated site works | Location: LANDS AT 24 TECONNAUGHT ROAD DOWNPATRICK DOWN BT30 8QB |
| Applicant Name and Address: Mr & Mrs Hughes 24 TECONNAUGHT ROAD DOWNPATRICK DOWN BT30 8QB | Agent Name and Address: Matrix Planning Consultancy SABA PARK 14 BALLOO AVENUE BANGOR DOWN BT19 7QT |
| Date of last Neighbour Notification: | 22 February 2023 |
| Date of Press Advertisement: | 8 February 2023 |
| ES Requested: No | |
| Consultations: DfI Rivers – No objections DfI Roads – No objections Northern Ireland Water – Statutory Response Informatives | |
| Representations: Mr Paul Kelly 19 TECONNAUGHT ROAD | |
| Letters of Support | 0.00 |
| Letters of Objection | 1 |
| Petitions | 0.00 |
| Signatures | 0.00 |
| Number of Petitions of Objection and signatures | |
| Summary of Issues: The main issues in this assessment are whether or not the proposed development would: <ul style="list-style-type: none"> • be acceptable in principle in the countryside; • integrate into the countryside; • result in ribbon development; and • adversely impact on the rural character of part of the countryside | |

Site Visit Report

Site Location Plan:



Date of Site Visit: 24th March 2023

Characteristics of the Site and Area

The site is located along the minor Teconnaught Road Downpatrick. It is comprised of a narrow triangular portion of land approximately 0.36 hectares in size, which is predominantly used as the garden area associated with the applicants dwelling at No 24 Teconnaught Road.

The site is relatively flat throughout with some raised areas where it abuts The Heights. As shown below the site is defined along Teconnaught Road and The Heights by mature vegetation / hedgerows.



As can be seen in the aerial imagery above, both Teconnaught Road and The Heights have experienced increased pressure for development in recent times and there are a number of detached dwellings on large plots within the immediate vicinity of the site.

To the north-eastern end of the site there is noted to be a building finished with a corrugated roof (as pictured below).



This relates to a recent approval LA07-2022-1103-F for a domestic out-building.

To the south-west of the site in the ground adjacent the applicants dwelling (No 24), foundations are evident, albeit the site is now overgrown. At the time of the most recent site inspection, only the foundations and base of what appears to be a garage were noted along with other site works which now appear to have ceased.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

SPPS (NI)
PPS 3
PPS 21
PPS 2
Building on Tradition

PLANNING HISTORY

Planning

LA07-2022-1103-F Erection of domestic outbuilding along with all associate works – 24 Teconnaught Rd Downpatrick – PERMISSION GRANTED 07.11.2022

LA07-2022-0617-F Dwelling & Detached Garage – Approx 100m north of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 26.07.2022

LA07-2022-0017-NMC - Reduction of FFL height & Addition of 1 window to bedroom for the purpose egress - Site C approx. 100m north of 22 Teconnaught Road Loughinisland – CONSENT REFUSED 16.03.2022

LA07-2019-1351-RM – New dwelling & Detached Garage – Approx 100m north of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 14.05.2020

LA07/2018/1404/F – Change of House Type to previously approved application LA07-2017-0406-RM – Infill site approx. 65m North of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 30.10.2018

LA07-2017-1283-F – Extension to dwelling to form ancillary accommodation and extension to rear of dwelling – 21a Teconnaught Road Downpatrick – PERMISSION GRANTED 12.09.2017

LA07-2017-0406-RM – Proposed dwelling and detached garage – Infill site approx. 65m North of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 12.09.2017

LA07-2016-0447-O – Proposed 2 infill sites – Site approx. 100m north of 22 Teconnaught Road Downpatrick – PERMISSION GRANTED 05.10.2016

SUPPORTING DOCUMENTS

The application has been accompanied by the following:

- P1 Application Form
- Supporting statement from Matrix Planning Consultancy
- 1:1250 Site Location Plan
- 1:500 Existing Site Plan
- 1:500 illustrative site layout plan
- 1:1250 Site location plan showing planning history
- 1:500 Site survey

CONSULTATIONS

DfI Roads – No objections

DfI Rivers – No Objections

Northern Ireland Water – No objections

REPRESENTATIONS

Mr Paul Kelly 19 TECONNAUGHT ROAD

Comment: Proposal is contrary to CTY 8 & 14 of PPS 21 in that the site does not represent a small gap site with a frontage of 125m. The frontage is not substantially or continuously built up. The outbuilding approved under LA07/2021/1103/F was an obvious attempt to create a gap site. The proposal does not respect the pattern of development along Teconnaught Road. The site provides a visual break and an infill would erode local character. No information has been provided on the ground conditions of the site or the soil & groundwater characteristics for the septic tank proposed.

EVALUATION**High Court Decision 6th May 2025**

An officer recommendation to refuse was made on 19th February 2024 and the application was "called in" to the April 2024 Planning Committee. The Planning Committee subsequently overturned the officer recommendation and a decision was taken to approve the application, contrary to the Case Officers recommendation. The decision issued on 1st May 2024.

A High Court (Judicial Review) Decision on 6th May 2025 determined that the decision on 1st May 2024 by Newry, Mourne and Down Council was taken in breach of Policy CTY 8 of PPS 21 and permission was subsequently quashed.

The decision has therefore been retaken in light of the High Court ruling and assessment of such is set out below.

The Ards and Down Area Plan 2015 (ADAP) operates as the statutory local development plan for the proposal. In it the site lies in the countryside. There are no policies or designations pertinent to the proposed development and the ADAP is not material in this case.

There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and those of Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS21). The policy provisions of PPS21 remain applicable to the proposed development.

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. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY8. It follows that if the development complies with CTY8 it will comply with Policy CTY1 of PPS21.

Policy CTY8 of PPS21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy CTY8 states that 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 it respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The policy states that for its purposes, 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.

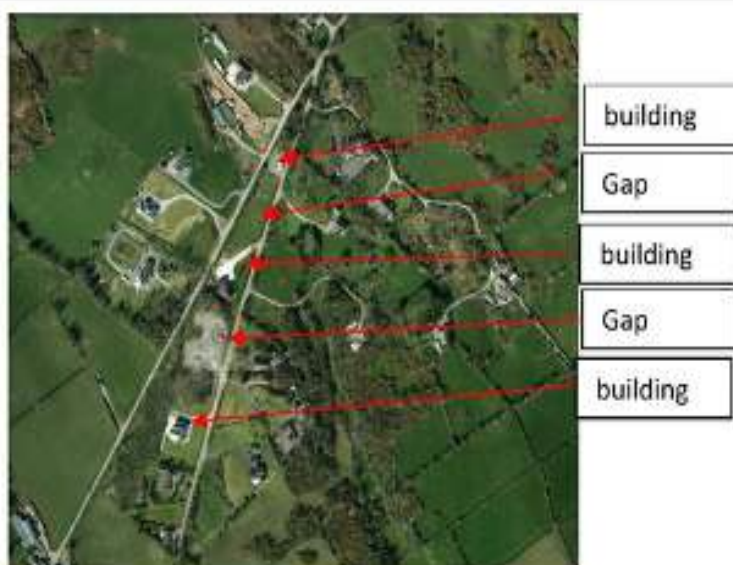
The applicant considers that the proposal represents a gap site. The supporting statement advises in paragraph 9.11 that *"The Council Planning Officers have repeatedly accepted that a substantial and continuously built-up frontage consisting of a line of 3 or more buildings exists at this location, consisting of Nos 18, 20, 22a and 24"*.

While this may have been the case for other applications along Teconnaught Road, each application must be considered on its own merits and officers must bear in mind the inherently restrictive nature of Policy CTY 8 which seeks to avoid ribbon development.

No 24 Teconnaught Road shares a frontage onto the road as too does its domestic outbuilding. However policy is clear that a SCBUF includes a line of 3 or more buildings along a road frontage therefore there are not the required buildings present to form a substantial and continuously built-up frontage for the site to be considered as a small gap site.

To the south of the site beyond No 24 a gap exists where planning permission LA07-2019-1351-RM has been granted. While it is acknowledged that work has commenced on site, at the time of inspection including the most recent present-day situation there were no buildings present, only the concrete base of a garage. This is not considered to represent a building for the purposes of policy. Beyond this the nearest building is at No 22a, lies approximately 136m from the site.

The frontage development is therefore one of building (domestic outbuilding at No.24) – gap - building (No.24) – gap- building (No.22a)



It is **not** considered therefore that the site lies within a substantial and continuously built-up frontage. The proposal must be assessed against the current evidential context the proposal fails to meet the initial policy test and would if permitted create a ribbon of development with No.24 and its domestic outbuilding.

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

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

CTY 13 – Integration & Design in the Countryside

The site is defined by a low fence and trimmed conifer trees at the roadside, with conifer trees to the boundary along The Heights, the northern and southern boundaries are undefined.

As it stands the site is visible on approach from the north given the lack of vegetation, it is screened along its frontage by the clipped conifer trees and is visible again at the entrance to No 24 given the lack of boundary vegetation.

A paired access is proposed for the dwellings with visibility splays of 2.4m x 60m required. Provision of such would require the removal of approx. 95m of roadside vegetation, which would result in open views of the site.

The lack of established boundaries would be readily apparent and while the proposed plans show that planting will occur to the rear of the visibility splays, and between No 24 and the site, this would take time to establish and mature. The proposal is reliant on new landscaping and a satisfactory level of integration could not be achieved, which in turn would increase the overall visual impact of the new dwelling.

Criterion (d) of Policy CTY13 states that a new building will be unacceptable where ancillary works do not integrate with their surroundings. Criterion (e) of policy CTY14 states that a new building will be unacceptable where the impact of ancillary works would damage rural character. The ancillary works proposed are to create a paired access with two driveways and an area of hardstanding for each dwelling, plus access to the garage. These works would present as suburban in appearance due to the layout of the driveways in combination with the provision of parking for two dwellings.

There would be open views of the ancillary works travelling in both directions on the Teconnaught Road. Even with addition of roadside planting the ancillary works, including the large area of hardstanding associated with the two dwellings, would not integrate with their surroundings and would draw undue attention to the proposed development. This would be evident when travelling in both directions to the site and along the site frontage itself.

Consequently, the proposed dwellings would not satisfactorily integrate with their surroundings and would result in an unacceptable detrimental change to rural character contrary to Policies CTY13 and CTY14.

On this basis the proposal is considered to be contrary to Policy CTY 13 & CTY14 and will be recommended for refusal on this basis.

CTY 14 – Rural Character

As it has been deemed above the proposal does not comply with the exceptions of Policy CTY 8, it follows that the proposal would also offend CTY 14, in that it would if permitted create a ribbon of development along the Teconnaught Road, thereby eroding rural character.

Overall, the proposal fails to meet the requirements of Policies CTY1, CTY8, CTY13 and CTY14 to the extent specified above.

Policy CTY 16

A septic tank has been outlined on the P1 form as the means of sewerage. A Consent to Discharge condition will be attached to any approval to ensure that CTY 16 is complied with and to ensure there is no adverse impact on the water environment. The site plan submitted at RM should identify the location of the septic tank and soakaways. There are sufficient lands within the red line to achieve suitable separation distances between the tank and new and existing dwellings.

PPS 2 – Natural Heritage

Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law. There are no buildings or trees on the site to be removed. The only roadside screening having to be removed to facilitate the visibility splays consists of conifer trees and is not considered to be species rich or having a rich basal flora of herbaceous plants.

The proposal will not therefore necessitate the removal of roadside vegetation of biodiversity value and is not therefore considered to offend protected species or priority habitats.

PPS 3 – Access, Movement and Parking

Policy AMP2 of PPS3 permits 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. A paired access is proposed for the dwellings with visibility splays of 2.4m x 60m required.

DFI Roads were consulted as part of the proposal and have no objections subject to the the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

Dfl Roads have been consulted and are content with the proposal subject to the above condition.

Consideration of objectors comments raised

"Proposal is contrary to CTY 8 & 14 of PPS 21 in that the site does not represent a small gap site with a frontage of 125m. The frontage is not substantially or continuously built up".

The Council agree with this assertion and conclude that the frontage is not substantially or continuously built up and the proposal does not constitute being treated as an exception to policy.

The outbuilding approved under LA07/2021/1103/F was an obvious attempt to create a gap site.

The planning approval for the above is a separate matter and each application is considered on its own merits bearing in mind the site history and that if the adjacent sites relative to the policy consideration and site context.

The proposal does not respect the pattern of development along Teconnaught Road. It is considered that the site does not constitute being treated as an exception to the infill policy and is unacceptable as an infill site.

The site provides a visual break and an infill would erode local character.

It is considered the site does not meet CTY 14 for the reasons identified in the report

No information has been provided on the ground conditions of the site or the soil & groundwater characteristics for the septic tank proposed.

The information pertaining to the detail associated with the proposed septic tank and soakaway can be obtained at the RM stage.

Drawings

The drawings considered as part of the assessment are as follows

3721-12A

Neighbour Notification Checked

Yes

Summary of Recommendation

REFUSAL

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed site is not located within a substantial and continuously built-up frontage.
3. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would primarily rely on the use of new landscaping for integration and the ancillary works do not integrate into their surroundings.
4. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that if approved, it would create a ribbon of development and

| | |
|---|--------------------|
| create a suburban style build up of development when viewed with existing and approved buildings. | |
| Case Officer Signature: B. Ferguson | |
| Date: 7 th July 2025 | |
| Appointed Officer: A.McAlarney | Date: 07 July 2025 |
| | |

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

SPEAKER : PAUL KELLY

AGENDA ITEM : 17

LA07/2022/1953/O

LANDS AT 24 TECONNAUGHT ROAD DOWNPATRICK - 2NO INFILL DWELLINGS AND GARAGES INCLUDING REVISED ACCESS TO NO 24 TECONNAUGHT RD AND ALL ASSOCIATED SITE WORK

The application appears to rest on 3 items.

- a. The presence of footings at a nearby site and if they contribute to a Substantial and Continuously Built Up Frontage
 - i.The footings at No 22a are in place to preserve planning permission.
 - ii.To assume there will be a building, is speculation. As the Head of Legal Administration pointed out, the committee has to address the situation as it stands, not as it might be.
 - iii.When viewed from the proposed site, the site of the footings sits behind 2 distinct visual breaks.
'Building in Tradition' discusses how visual breaks affect visual entities and how these breaks should be used to control inappropriate development.
 - iv.Viewed from the Southern or Northern End, the proposed site is part of a distinctive section of road and provides a further visual break.
 - v.The rise in elevation behind No. 24 and the mature tree line have the affect of separating No. 24 and the proposed site from the sites to the South and creates its own visual entity
- b. The status of a domestic / ancillary building for the purposes of defining a built-up frontage.
 - i. The domestic building has no defined frontage to the road and is clearly an anomaly in the local landscape.
 - ii. Does the presence or absence of the domestic building substantially affect the impact of the proposed new builds?
The harm is being done by the proposed development, not by what is there already.
 - iii. It should be noted that Mr Justice Scofield asked about the progress on the construction of the ancillary building.

Paul Kelly

19 Teconnaught Road, Loughinisland
DOWNPATRICK, BT30 8QE

- c. The presence of a Substantial and Continuously Built-Up Frontage.

'Building in Tradition' states that where visual breaks occur, a Substantial and Continuously Built-Up Frontage does not exist.

The Teconnaught Road is not a single visual entity.

The planning applicants rely upon development starting back as far as number 22 to the South of the proposed site.

No. 24 is the last dwelling to the North on that side of the road.

Looking at the area in 2 dimensions it is possible to form the impression of continuous build up, but the countryside exists in 3 dimensions and the situation is more complicated than suggested.

- i. There are at least 2 and possibly more distinct sections on this part of the Teconnaught Road. The second section begins after cresting the elevation behind No.24
- ii. The 'footings' site is separated from no. 24 by a large stand of mature trees. The trees are elevated above no. 24 by approximately 3 metres.
- iii. Number 22a is set back from the road and is separated from the 'footings' site by its own large stand of mature trees.
- iv. From any real world vantage point, it is hard to see how anyone could claim there is Substantial and Continuously Built-Up Frontage on the section of road in question, or that is visually linked with the properties to the South that are at a higher level and behind stands of trees.
- v. Simply walking along this stretch of road illustrates the point perfectly.
- vi. On the ground there is no visual sense of a Substantial and Continuously Built Up Frontage between no. 24 and the sites to the South.

On the contrary, granting permission for the site at No.24 has created the very ribbon development the policies are designed to prevent.
- vii. Guidance states that Visual Breaks are to be preserved, regardless of how degraded they or the general area might be,

Paul Kelly

19 Teconnaught Road, Loughinisland
DOWNPATRICK, BT30 8QE

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 | | | | | |
| LA07/2019/08 68/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 | | | | | |
| LA07/2022/16 02/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 - 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 accommodating council room, meeting rooms, council offices and associated ancillary accommodation. Associated public realm works to part of existing surface car park. | Deferred | M Keane | Approved at Planning Committee Meeting of 19 June 2025 | Y |
| PLANNING COMMITTEE MEETING - 28 MAY 2025 | | | | | |

| Minute Ref | Subject | Decision | Lead Officer | Actions taken/ Progress to date | Remove from Action Sheet Y/N |
|--|--|--|--------------|---|------------------------------------|
| 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 held 19 June 2025, to be tabled at 23 July Committee Meeting | Y |
| PLANNING COMMITTEE MEETING – 25 JUNE 2025 | | | | | |
| 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 | Deferred to a future committee meeting | M Keane | To be tabled at 23 July Committee Meeting | Y |
| LA07/2024/ 1008/F | 64 Upper Dromore Road, Warrenpoint, BT34 3PN - Erection of two detached dwellings | Deferred to a future committee meeting | M Keane | To be tabled at 23 July Committee Meeting | Y |
| 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. | Deferred to a future committee meeting | M Keane | To be tabled at 23 July Committee Meeting | Y |
| LA07/2024/ 0490/O | 225m west of 81 Kilbroney Road, Rostrevor - Proposed dwelling on a farm | Deferred for a site visit | M Keane | Site visit arranged, to be tabled at 23 July Committee Meeting | Y |
| LA07/2023/ 3444/O - | 20m E of 21 Drakes Bridge Road, Downpatrick - Proposed infill dwelling. | Deferred to a future committee meeting | B Ferguson | To be tabled at 23 July Committee Meeting | Y |
| LA07/2024/ 0761/O -, | 46 Dromore Road, Ballynahinch - Infill dwelling | Deferred to a future committee meeting | B Ferguson | To be tabled at 23 July Committee Meeting | Y |

