

December 30th, 2020

**Notice Of Meeting**

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 13th January 2021** at **10:00 am** in **Boardroom Monaghan Row Newry** and **via Microsoft Teams**.

**Committee Membership:**

- Councillor R Burgess (Chair)
- Councillor J Tinnelly (Deputy Chair)
- Councillor P Brown
- Councillor S Doran
- Councillor G Hanna
- Councillor V Harte
- Councillor M Larkin
- Councillor D Murphy
- Councillor D McAteer
- Councillor G O'Hare
- Councillor G Stokes
- Councillor J Trainor

# Agenda

**Closing date for speaking rights/written submissions. (Details attached).**

 [Closing date for submissions.pdf](#)

Page 1

**1.0 Apologies.**

**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 the entire item.**

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## *Minutes for Confirmation*

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**4.0 Minutes of Planning Committee Meeting held on Wednesday 16 December 2020 . (To follow).**

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## *For Discussion/Decision*

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**5.0 Addendum list - planning applications with no representations received or requests for speaking rights. (To follow).**

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## *Development Management - Planning Applications for determination*

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**6.0 LA07/2020/0621/F 58 Armagh Road Newry Demolition of existing building and erection of 6 No. apartments (Amended proposal and plans). (Case Officer report attached).**

APPROVAL

 [LA07-2020-0621-F.PDF](#)

Page 2

**7.0 LA07/2020/1591/RM Between 62 & 64 Ballynahinch Road Saintfield Dwelling house and garage with vehicular access onto Drumnaconnell Road. (Case Officer report attached).**

APPROVAL

 [LA07\\_2020\\_1591\\_RM Ballynahinch Road.pdf](#)

Page 17

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## *For Noting*

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**8.0 Historic Actions Tracking Sheet. (To follow).**

**9.0 Planning Committee Performance Report December 2020. (To follow).**

**10.0 December Planning Appeals and Decisions. (To follow).**

Ag freastal ar an Dún  
agus Ard Mhacha Theas  
Serving Down  
and South Armagh



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

1

## SPEAKING RIGHTS/WRITTEN SUBMISSIONS

### PLANNING COMMITTEE MEETING

WEDNESDAY 13 JANUARY 2021

The closing date/time for requests for speaking rights and accompanying written submissions for Planning Applications listed on the agenda for the above Planning Committee Meeting is as follows:-

**Wednesday 6 January 2021 at 5.00 pm**

Requests for speaking rights with written submissions should be emailed to:-

[democratic.services@nmandd.org](mailto:democratic.services@nmandd.org)

PLEASE NOTE THAT SUBMISSIONS SHOULD BE LIMITED TO TWO A4 PAGES (AT LEAST FONT SIZE: 11 IF THE SUBMISSION IS TYPED). **ANY ADDITIONAL INFORMATION BEYOND TWO PAGES MAY BE DISREGARDED.**

ANYONE WISHING TO MAKE USE OF A VISUAL PRESENTATION (POWERPOINT PRESENTATION) MUST SUBMIT THE PRESENTATION AT LEAST 5 WORKING DAYS IN ADVANCE OF THE DATE OF THE MEETING AT WHICH THE APPLICATION WILL BE CONSIDERED.

**"Please note that the protocol applicable to the audio-recording of Planning Committee meetings has been amended following recommendation and ratification by Council. The legal basis on which audio-recording takes place no longer requires the consent of speakers at Planning Committee. Accordingly, the consent of speakers will no longer be requested. Audio-recording will continue to take place of all Planning Committee meetings subject to the exemption in Schedule 6 of the Local Government Act (NI) 2014".**



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

**Application Reference:** LA07/2020/0621/F

**Date Received:** 04.05.20

**1.0. PROPOSAL:** Demolition of existing building and erection of 6 No. apartments (Amended proposal and plans)

**2.0. LOCATION:** 58 Armagh Road, Newry.

**3.0. SITE AND AREA CHARACTERISTICS:**

**3.1.** The site fronts onto the Armagh Road comprising of a detached dwelling on a large plot.

**3.2.** Existing development to either side of the site is predominantly characterised by a range of single storey/ two storey detached dwellings within relatively large plots

**3.3.** The site is within the settlement limit of Newry City, as designated in the Banbridge, Newry & Mourne Area Plan 2015 and not zoned for any specific purpose.

**4.0. PLANNING POLICIES & MATERIAL CONSIDERATIONS:**

Regional Development Strategy (RDS)

Banbridge, Newry and Mourne Area Plan (2015) BNMAP 2015

Strategic Planning Policy Statement of Northern Ireland (SPPS)

Planning Strategy for Rural Northern Ireland (PSRNI)

**Planning Policy Statements**

PPS 3- Access, Movement and Parking

PPS 7 and its Addendum- Quality Residential Environments

DCAN 8- Housing in Existing Urban Areas

PPS12- Housing in Settlements

## **Further Guidance**

Creating Places, Living Places Urban Stewardship and Design Guide.

### **5.0. SITE HISTORY:**

LA07/2019/1313/O - Demolition of existing building and erection of apartment development. Recommend approval subject to planning conditions relating to size, siting, density etc (Planning appeal in progress)

LA07/2017/1559/F - Demolition of existing dwelling and erection of 7 No. 2 bedroom apartments (7 in total) (change of description). Refused (Planning Appeal in progress)

P/1988/4107 - Alterations to dwelling. Permitted Development. (Application site)

### **6.0. CONSULTATIONS:**

NIW (20.11.20) – Public water supply and foul and surface water sewerage within 20 metres of proposal. Foul sewer capacity issues in Newry Catchment (see paragraph 8.22 below).

DFI Roads (04.11.20) – No objection

Environmental Health (07.10.20) – No objection

### **7.0. OBJECTIONS & REPRESENTATIONS:**

**7.1.** 30 Neighbours were notified.

**7.2** The application was advertised in May 2020 and again in October 2020 following the submission of amended proposals and new drawings.

**7.3.** 13 representations were received between June 2020 and August 2020 in relation to proposals for the erection of 8 apartments. 3 further objections have been lodged since the submission of an amended proposal for 6 apartments. Consideration will be given to those points of objection that remain relevant to the current proposal as well as new objection letters. The objectors raised several concerns which are summarised as follows:

- Car parking to rear of residents and associated impact to amenity.

*The amended layout as submitted 02.10.20 shows a reduced area of parking to the rear from the initial submission. This area of car parking has been moved forward from the boundary with a buffer comprising of the retention of the hedge and the erection of a 2m close lapped fenced boundary. This amendment will help to reduce impact to privacy and noise to adjacent neighbours.*



- Detrimental impact to privacy, light, noise, loss of amenity, overlooking, overshadow and general nuisance.

*Given the position of the proposed apartment there is unlikely to be any loss of light and overshadowing. Impact by overlooking has been considered. Given the separation distance of the proposed development from nearest property (to the rear) there is sufficient distance between properties to avoid direct overlooking. The side elevations have limited window openings to avoid overlooking and impact to privacy. The retention of planting along with 2m high close lapped fencing will assist in reducing impact by vehicular and pedestrian activity to the rear of the property*

*The Planning Department have considered the density levels at this site, as well as the number of people potentially residing at the property along with additional pedestrian and vehicular activity that did not previously exist. However, mitigation measures now proposed within the scheme will go some way to alleviating concerns.*

- Impact to wildlife due to potential loss of trees to the rear of the property.

*Unlike the original submission where the carpark arrangement would have undermined the existing vegetation boundary, current proposals will see the retention of this existing boundary along with supplementation with hedges/ shrubs which will avoid potential impact to wildlife.*

- Is lighting proposed within the scheme?

*There is no detailing of proposed lighting within the scheme however the detailing of this could be made conditional if necessary.*

- Dominant and overbearing, scale and design out of keeping in the landscape

- Apartments on Armagh Rd are two storey and single storey which blends in with the surrounding estates and houses are not overbearing and dominant. They are also designed to look like houses.

*The original scheme for 8 apartments within a three-storey building would have been dominant and overbearing in its overall scale and design. The revised scheme is a welcome approach to the development at the site which now comprises of 6 apartments contained within a two-storey building which is much more reflective of the original building, appears as a single residential unit albeit an apartment development and therefore has a lesser visual impact within the landscape and will no longer appear dominant and overbearing.*

- Impact on character and change to the neighbourhood

*Development within the context of the site along with the apartment development opposite has been considered within the planning report.*

- Inadequate parking

*Parking has been calculated for the site and is within the recommended guidelines.*

- Overlooking windows

*Habitual windows on the side elevations have either been removed or restricted to avoid overlooking.*

- Proposals like previous is still an attempt to introduce a large scale, multi occupancy dwelling that does not respect the areas already long established focus on family housing, density and overall character

*The original submission was for 8 apartments which would have housed 16 people on the site. Current proposals are for 6, 1 bed apartments which could accommodate between 6- 12 people on the site. It is considered had the original property been converted, the main building could have accommodated 4 apartments with potentially a 5th apartment within the outbuilding annex housing up to 10 people. The proposed building and number of units are not much bigger than what could have been accommodated through the retention and conversion of the building.*

*There are apartments within the area that the proposed land use cannot be disregarded. However, it is accepted that the developer with this revised scheme has made changes which will avoid impact to amenity. The fact the property has been designed to look like a dwelling house will now not appear misplaced at this location.*

- Residential zone occupied by mix of single/ two storey dwellings

*The revised development proposals are acceptable and reflective of development within the vicinity and is a welcome improvement from the original submission.*

- Placement of waste storage

*This has been relocated from the original submission and set back from houses and screened from view by planting and hedge.*

## **8.0. PLANNING ASSESSMENT & CONSIDERATION:**

- 8.1.** Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan. The plan context is outlined above at Paragraph 3.3. The proposal does not conflict with the Area Plan.

**SPPS, PPS12 (PCP1 and PCP2), PPS7 (QD1), PPS7 (Addendum)  
Safeguarding Established Residential Areas, Planning Strategy for Rural**



## **NI (DES 4), Creating Places, DCAN 8 and DCAN 11, PPS3, Parking Standards and DCAN15:**

- 8.2. The SPPS sets out core planning principles and the need to achieve sustainable development. Of particular relevance to this application are the aims of supporting good design and positive place making while preserving and improving the built and natural environment, (Paragraph 3.3) It is considered that the proposal meet the principles set out in the SPPS for the reasons set out below.

### **PPS 12- Housing in Settlements**

- 8.3. Planning Control Principle 2- Good design  
It is considered that the design of the scheme successfully respects the overall character, quality and sustainability of the area. There is further consideration of these issues under PPS 7 below.

- Planning Control Principle 3- Sustainable forms of development.  
8.4. While the site is within the settlement area, the redesign of the development is now in keeping with the character of the immediate residential area and is, considered to be a sustainable form of development. There is further consideration of these issues below.

### **SPPS, PSRNI, PPS 7- Quality Residential Environments, Policy QD1**

- 8.5. Policy QD 1 of PPS 7 states, amongst other things, 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 based on an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area.
- 8.6. It is considered that the now amended proposal complies with the SPPS, Policy QD1 of PPS 7 and Policy DES2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in that it creates a quality and sustainable residential environment. It is considered proposals are respectful of the local character and environmental quality of the established residential area. The proposal in its amended form conforms to the policy set out within QD1 for the reasons set out below, in that:

### **QDI, A – Nature and Context of the Proposed Development.**

- 8.7. The development, to either side of the site, is characterised by a range of single storey/ two storey detached dwellings within relatively large plots with formalised garden and in curtilage parking for 2 vehicles (Glen Patrick Lawns and 60-68, Armagh Road). Two storey semi-detached and terrace housing within formalised plots are located opposite and SE of the site (Violet Hill Avenue). An apartment development is located opposite the site comprising of single and two storey properties with communal open space to front and rear of each unit.

The overall design, scale, mass and layout of the apartment development is respective of existing built form displayed within the vicinity that buildings blend into their surroundings and are not overbearing or dominant. The initial submission for 8 apartments comprised of a large, detached three storey building which was evidently much greater in mass and scale to anything else within the vicinity of the site and was therefore completely at odds with and out of context within its surrounds. By contrast the amended proposal as submitted October 2020 is much more reflective of the original built form, scale, mass, layout and design.

There is a range of external finishes displayed within the immediate vicinity of the site buildings, although the predominant trend is for one finish such as red brick, render or dash. The proposed render finish of the development is in keeping with the context of surrounding development.

In consideration of the original submission although there is a range of hipped roofs displayed within the area these are normally associated with single/ two storey form and are generally not a predominant design feature of this locality which comprise mainly of pitched roofs. The dormer window features in some buildings is displayed along the Armagh Road however these do not project out of roof spaces above two storeys.

There are no three storey buildings found within this locality and therefore the original proposal was not reflective of the existing nature and context of its surroundings found along this part of the Armagh Road. For this reason, the original building type submitted under this application was deemed unacceptable.

The revised scheme in terms of design and layout has considered local context. The scheme incorporates pitched roofing and two storey form, as well as reducing the width of the front elevation of the building. Proposals no longer appear dominant or overbearing in contrast to original proposals submitted. This is a much more improved and acceptable development which will not appear visually misplaced at this location.

- 8.8.** The original proposals included demolition of an existing building set in a landscaped plot and its replacement by a three-storey apartment block. It was intended to create 8 units on a 0.15ha site. Had this proposal been permitted this would have created a density much higher than surrounding development.

The current building on the site has the potential for conversion to accommodate 4 apartments with a further apartment within the annex (domestic buildings to the rear). This proposal is almost like adding a rear extension to the annex to accommodate an additional apartment.

In contrast to the original submission under this application or indeed the planning history (reference: LA07/2017/1559/F), this amended proposal (Amended - October 2020) has taken account of the original scale and form. The building is located on the footprint, has removed side elevational windows from habitual rooms, the parking has been moved away from the rear

boundary with additional landscaping/ fencing and the overall layout softened by planting. The scale, form and layout is much more in keeping with its surrounds and respective of local context.

Whilst it is acknowledged that the development has a higher density than surrounding developments, great care has been taken with the design and layout taking account of impact to amenity and this is a much-improved scheme which will have the appearance of a detached dwelling from the road. This development as amended will no longer have a detrimental impact upon the character and amenity of surrounding development.

- 8.9. The existing living accommodation of the dwelling covers a footprint of approximately 124sqm, with a total footprint of 167.6 sqm which includes the ancillary garage and store (footprint of current proposal is 177.5sqm). The proposed development represents a small increase in the original footprint with significant changes in relation to the design of the building which now will no longer appear imposing within the local landscape.
- 8.10. There are several existing mature deciduous trees to the rear of the road frontage boundary which currently offer screening to the existing dwelling and are an important characteristic feature along the road and help to soften the visual appearance of existing development. Whilst it is acknowledged that it is the intention to retain vegetation as shown on the layout plan however given the extent of ground works for access widening within the crown spread of existing trees, proposals are likely to impact upon the root structure that it is difficult to envisage how such vegetation is capable of being retained to either side of the entrance. Notwithstanding this, the trees are not protected by a Tree Preservation Order and could be removed at any time. However, to ensure that trees are retained along the road frontage a planning condition will be applied.
- 8.11. Communal carparking has been removed from the frontage of the site since the submission of LA07/2017/1559/F. The proposed building has been moved slightly forward from the footprint of the original dwelling along with an area of hardstanding to accommodate vehicular and pedestrian access. The formalised front garden will be retained along with existing vegetation which will assist in softening the visual appearance. Proposals will have limited visual impact when viewed from the public road and when entering the development. Given the existence of vegetation, additional landscaping to supplement existing is not required to integrate the proposal.
- 8.12. The changes implemented within the development are respectful of the surrounding context and is appropriate to the character and topography of the site in terms of scale, mass, layout, design, pattern and form. The proposals fulfil the requirements of the SPPS and PPS7, QD1 (a) and PPS 12.

#### **QD1, F - Parking**

- 8.13. Parking provision is now within recommended requirements to serve the development. However, the area where car parking is proposed was originally an area of private open space immediately to the rear of No. 10 Glen Patrick

Lawns. Whilst this will not deter vehicular and pedestrian activity from this area the agent has lessened the impact of this area of parking, moved it away from the boundary, will retain existing vegetation and supplement as well as providing a 2m close lapped fence to assist with buffering between properties to reduce impact to amenity.

Parking provision is now adequate at the site, issues relating to amenity have been mitigated against with the revised scheme and are now deemed acceptable. The proposal meets the requirements of the SPPS and PPS7, QD1 (f).

### **QD1, G – Proposed Design compared to Local Form, Materials and Detailing.**

- 8.14.** The original building is not listed nor has it any special designation attached to it. However, the property has a unique charm and architectural style with use of simple and traditional external finishes set within mature grounds.

The proposal, as originally presented, would have replaced the existing 2 storey property with a large 3-storey apartment block which would almost double the footprint of the original building and is 2 times larger than the original living accommodation.

The new scheme as submitted in October 2020 will replace the original building with a similar styled property and will be set on the footprint of the original building with minimal change to the finished floor levels, height and footprint with the two-storey form and pitched roof reflective of development within the area.

- 8.15.** The original ridge height of the property was 8.56m with the proposed ridge height as submitted in October 2020 at 8.2m which will see a decrease in the ridge height from previous submissions including the former planning history LA07/2017/1559/F. The ground level has been slightly increased by 0.11cm which is negligible and will not appear significant visually whilst there has been a slight increase in the footprint this has no significant impact on the local landscape with development reflective of original built form.

The overall scale, mass and two storey form is acceptable and will appear less dominant in the local landscape when viewed from the Armagh Rd and Glen Patrick Lawns.

- 8.16.** The proposed building is of a much lesser size and scale than previously submitted proposals. The design and layout has been significantly changed from previous versions.

Overall proposals are now in keeping with the local area and design is comparable to the local form and detailing. Thus, proposals now meet the requirements of the SPPS and PPS7, QD1 (g)



## **QD1, H - Conflict with adjacent Land uses.**

- 8.17.** The proposal will introduce communal car parking areas to the rear of Nos. 2, 4, 6 and 10 Glen Patrick Lawns and to the SE of No. 60 Armagh Rd resulting in the introduction of activity by both vehicles and pedestrians within the immediate vicinity of properties which previously didn't exist. However, the agent has taken remedial measures to avoid impact to amenity by moving the parking area away from the boundary, reducing the number of spaces, retention of vegetation with supplementation with additional vegetation and a 2m close lapped fence which will assist in avoiding issues with amenity.

The applicant/agent has taken account of overlooking windows on gable ends particularly to the southern elevation with only bathroom windows on this elevation, this will avoid direct overlooking to properties at Glen Patrick Lawns. The dormer windows have been removed along with the three storey proposal with the building reduced to two storey, located 28m away from No. 10 Glen Patrick Lawns which is within the recommended separation distance between properties to avoid overlooking (20m minimum separation to 30m where there is changes in ground levels, see Creating Places).

The original dwelling at the site had a formal front and rear garden. The rear garden will be replaced by an area of communal carparking. Despite some loss in open space provision it remains within the recommended requirements.

Although acknowledged there will be an increase in density at the site from previous, had the original property been converted it could have potentially accommodated up to 10 people at the site with current proposals accommodating between 6-12 people.

The Planning Department is not against apartment development having agreed the outline planning application with conditions and recognise the apartment development on the opposite side of the road. However, increase in density with the additional pedestrian and vehicular traffic at a site has the potential to cause impact upon amenity of nearest neighbours. The Planning Authority have always taken this seriously and hence why previous proposals for 8 apartments within the original submission and LA07/2017/1559/F were rejected.

Through the amendment of the submission in October 2020, the agent has gone to lengths to ensure amenity is not compromised and redesign has recognised the impact to adjacent properties mitigating against the risk to amenity through the avoidance of overlooking windows, amendments of the car parking area, landscaping and fencing. Considering these changes, proposals now meet criteria of policy.

### **Criteria of QD1 B, C, D, E and I**

Proposals fulfil the criteria of C, E and I whilst criteria B and D is not applicable to the scheme. All remaining criteria A, F, G and H have been fully considered as outlined above.



### **PPS7 (Addendum) LC1/ LC3**

- 8.18.** As the application now fulfils the requirements of QD1 through the amendment of the proposals as presented in October 2020, IT is now able to fulfil the criteria set out under Policy LC1 of the Addendum to PPS 7.
- 8.19.** The development is now in keeping with the overall character and environmental quality of the established residential area which largely comprises of single dwellings in single family occupation with formalised gardens to front and rear with in curtilage parking. Although the development consists of an apartment this has been designed to appear as a detached dwelling.

The overall scale, design and form of the development is acceptable in the street scheme and in keeping with the context of its surroundings.

- 8.20.** Based on the space standards set out in Annex A of the Addendum to PPS 7, the apartment sizes proposed also fit within the recommended parameters of size provision. The development proposes 6 apartments that can accommodate 2 persons in each unit. The space standard guidance set out for a single storey flat for 2 persons and 1 bedroom has 50/55 sqm of space required, there is no calculation for a two or three storey property but using a sequential approach this space provision could be in the region of 60/65sqm. Each apartment now offers in the region of approximately 63 sqm of space to each unit which is within the size requirements.

The applicant/ agent has introduced permeable paving into the development which will assist with sustainable drainage and is welcomed within the development and LC3 is complied with.

Overall proposals fully adhere to the criteria of LC1 of PPS7 (Addendum).

### **Policy DES 2 of PSRNI**

- 8.21.** There is no objection in principle to a residential land use. The redesign of the scheme now makes this development acceptable in overall terms of layout, scale, form and has mitigated against impact to amenity. Proposals will be able to integrate sufficiently into its surroundings without adverse impact on the local character and is an improvement of the visual aspect from what was originally proposed. The proposal complies with DES 2 of PSRNI.

### **Water/ Sewerage**

- 8.22** There is a public water supply as well as foul and surface water sewerage within 20m of the proposal. In their latest comments Northern Ireland Water, in terms of foul sewers, have said that the sewer network is at capacity in the Newry Catchment and recommend that no further connection should be made to this network or a condition should be incorporated which requires an alternative drainage/treatment solution for the proposed site. A condition shall be attached to any approval notice requiring that no development shall take

place on the site until the method of sewage disposal has been agreed in writing with the relevant Authority.

## **9.0. RECOMMENDATION:**

### **9.1. Approval for the reasons outlined above.**

#### **Conditions:**

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

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans drawing Nos. 01a (Site Location Map), 04 REV A (Site Plan), 05 REV A (Massing Plan and Elevation), 01 REV A (Ground and First Floor Plan) and 02 Rev A (Elevations).

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

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/ or re-enacting that Order, no extension or enlargement (including alteration to roofs) shall be made to the apartment development hereby permitted without the grant of a separate planning permission from the Council.

Reason: The further extension of the apartment development requires detailed consideration to safeguard the amenity of adjacent neighbours.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 04 Rev A published on the Planning Portal on 7 October 2020, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

6. All areas of public open space and landscaping as shown on the approved drawings shall be maintained in accordance with a Landscape Management and Maintenance plan to be submitted to and agreed in writing with the Planning Authority prior to the occupation of any part of the apartment development hereby approved. The plan shall cover a minimum period of 25 years and should set out the long term objectives, management responsibilities, performance measures and maintenance schedules for all areas of landscaping and open space. The Landscape Management and Maintenance Plan shall be carried out as approved. Should the management company dissolve at any stage, then a new Management company shall be appointed and a new Landscape Management and Maintenance Plan shall be submitted to and agreed in writing with the Planning Authority.

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

7. The existing natural screenings of the site as shown in drawing No 04 REV A (Site Plan) shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be given to the Planning Authority in writing prior to their removal.

Reason: To ensure the development integrates into the surroundings and to ensure the maintenance of screening to the site.

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

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

9. During the first available planting season after the occupation of the first apartment, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with drawing No. 04 REV A and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

10. 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.

11. The development hereby approved shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant Authority.

Reason: In the interest of public health.

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

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

13. No development shall take place on-site until the method of sewage disposal has been agreed in writing with the relevant Authority.

Reason: To ensure that a feasible method of sewage disposal is available at the site.

14. No construction to be made, trees planted, or other obstruction made within

- 3m (or 1.5 times the depth whichever is greater) of sewers, OR
- 4m (or 1.5 times the depth whichever is greater) of watermain <350mm diameter or 8m of watermain of 350mm diameter or greater.

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

15. No floodlighting or street lighting are permitted anywhere within the site without the written consent of the Planning Authority.

Reason: In the interests of residential amenity.

**Case Officer: Patricia Manley 22.12.2020**

**Authorised Officer: Andrew Davidson 22.12.2020**



## Photographs



Front elevation of No. 58



Front elevation and front garden of No. 58 Armagh Road



Rear and S Elevation of No. 58





**Rear and N Elevation of No. 58**



**View from entrance at Armagh Road (Large detached dwelling within large formal garden with mature boundaries)**



**Existing dwelling at No. 58**



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

**Application Reference:** LA07/2012/1591/RM

**Date Received:** 29.10.2020

**Proposal:** The application is for reserved matters for Dwelling house and garage with vehicular access onto Drumnaconnell Road

**Location:** The application site is located approx. 1 mile to the SW Saintfield Village in the open countryside.



**Site Characteristics & Area Characteristics:**

The site is located along the Ballynahinch Road on the outskirts of Saintfield. The site is a rectangular, roadside plot, with a gradual slope in a southerly direction set between No 62 Ballynahinch Road and No 64 Ballynahinch Road. No 64 is a single storey bungalow with attached double garage, which is slightly set back from the main dwelling. There is a single storey stone building with slate roof situated to the rear of No 64. No 64 is accessed directly onto the Ballynahinch Road. The northern boundary of No 64 consists of a wooden fence interspersed with some vegetation. The site is currently part of an existing field which has

been ploughed. The western boundary which fronts onto the Ballynahinch Road consists of a scrappy hedge which has gaps in between. There is field gate which fronts onto the Ballynahinch Road. The northern boundary of the site bounds with No 62 which consists of very mature vegetation which runs the length of the site. No 62 is a large red brick dwelling with red concrete roof tiles and hipped roof. There is a double detached garage to the north of the site which is single storey and matching materials to the dwelling. There is mature vegetation along the frontage of the site.

The site is close to the outskirts of Saintfield and is rural in character. There is a dispersed pattern of single dwellings in the countryside.

### **Site History:**

LA07/2020/0620/O | Between 62 and 64 Ballynahinch Road Saintfield | Dwelling house and garage with vehicular access onto Drumnaconnell Road | Permission granted 14/06/2018.

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

The site is located within the rural area, in an Area of Constraint on Mineral Developments, as identified in the Ards and Down Area Plan 2015.

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

### **Consultations:**

NI water – No objections

DFI Roads – No objections subject to conditions

### **Objections & Representations**

In line with statutory requirements three neighbours have been notified on 16.11.2020. The application was advertised in the Down Recorder on 18.11.2020. No letters of objection or support have been received in relation to the proposal to date.

### **Consideration and Assessment:**

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.



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 application is for reserved matters. The main issues to consider in the determination of this planning application are:

- Principle of Development
- Design and scale
- Access and Parking
- Impact on Residential Amenity

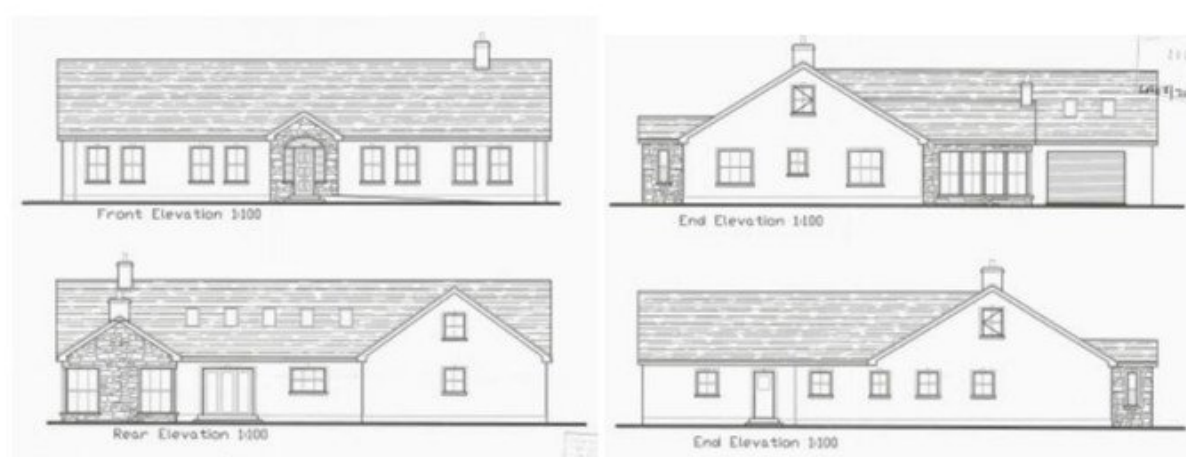
#### Principle of Development

The principle of development has already been established on the site through granting of planning permission in respect of application LA07/2015/0620/O which was granted permission 14.06.2018. This application has been received within 3 years of the date of the outline and is a valid reserved matters application. The proposal is considered acceptable subject to the environmental considerations set out below.

This permission included 7 conditions including time, access, design, siting, ridge height, underbuild level and landscaping.

#### Design and Scale

The design of the dwelling shall be assessed against CTY13 criteria (a)-(g) from Planning Policy Statement 21 which requires that the new dwelling be visually integrated into the surrounding landscape and be of an appropriate design.



Design: The outline approval has a condition relating to the ridge height which should not exceed 6m to FFL and an underbuild condition which should not exceed 0.45m. The application complies with both these conditions. No conditions regarding the required finishes to the dwelling were attached at outline, these include painted render walls with

stonework for the porch to the front elevation. flat concrete roof tiles of natural slate and white pvc windows, these would all be deemed suitable for the rural locality.

The proposed dwelling measures a max 22m in length, and a gable depth of 10.7m. There is a reduced ridge height rear return accommodating the sun lounge and an attached double garage to the rear which extends approx. 10m to the rear. The dwelling has a sizeable frontage, however it is not out of character in the immediate area where there are a range of house types. While the inclusion of the attached double garage to the rear results in white a long rear return, there will be minimal awareness of from the main Ballynahinch Road, given the good boundary treatment on approach to the site and the glimpsing views when coming from the north. When coming from the south the frontage will be the dominate view. The fact that the front hedging will remain in place due to the access being onto Drumnaconnell Road will also ensure that that it will be integrated into the landscape.

**Siting & Levels:** No curtilage restriction was placed on the outline permission and there is sufficient private amenity space within the curtilage.

**Landscaping:** The site plan identifies that all boundaries are currently defined with tree planting shown within the site. The plan also shows new planting and a new native species hedgerow.

It is considered that the proposal meets requirements of Policy CTY 13 of PPS21.

#### CTY 16 Development relying on non main sewerage

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The applicant has shown the existing septic tank in lands that is owned or controlled. The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies.

### **PPS 3 - Access, Movement and Parking**

This is a reserved matters application, of which the principle of development has already been established. DFI Roads were consulted regarding this proposal and have offered no objections subject to conditions. It is also considered that sufficient provision has been made parking and turning within the site.

### **Impact on Residential Amenity**

The dwellings are considered to be sited a sufficient distance from other adjacent dwellings to prevent any unacceptable impacts. While there are upper floor windows are proposed on the outer gables for a future roof space, the agent has amended the plans to ensure these windows are fitted with obscure glazing. Given the separation distance, scale and positioning of the dwelling it is also considered that there will be no loss of light or overshadowing of neighbouring properties. Consequently, it is considered that the proposed development will have no adverse impact on neighbouring properties.



## Conclusion

On balance, the proposal is considered to comply with relevant planning policies and it is recommended that the application be approved subject to conditions.

## Recommendation:

Approval

The Drawings upon which this approval is based are as follows:  
 site location plan & proposed site layout and access detail – A 3375  
 proposed floor plan & elevations – A 3375 (a) REV 1

## Conditions:

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

2. The development hereby permitted shall take place in strict accordance with the following approved plans: **A 3375 and A3375(a) REV 1.**

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

3. The vehicular access, including visibility splays and forward sight distance shall be provided in accordance with plan **A 3375**, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

5. All hard and soft landscape works shall be carried out in accordance with Drawing No. A3375, prior to the occupation of any part of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planting shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

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

### **Informatives**

1. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involve making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Department for Infrastructure Section Engineer whose address is 129 Newcastle Road Seaforde. A monetary deposit will be required to cover works on the public road.
2. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
3. The onus is on the householder/developer to find out if there is existing water and sewer infrastructure within their property. It is an offence under Article 236 of the Water and Sewerage Services (Northern Ireland) Order 2006, to build over or near watermains, sewers, pipes and associated works owned and maintained by Northern Ireland Water unless with the prior consent by NI Water. House owners and developers should obtain details of existing infrastructure from NI Water by requesting a copy of the water and sewer records. Copies of our records are supplied under Articles 257 and 258 of the 2006 Order. There is a nominal charge for this service. Where existing water and sewer infrastructure is located within a property and proposed development of the site interferes with the public watermains, sewers and associated works, the householder/developer may make a Notice under Article 247 of the 2006 Order to have the public infrastructure diverted, realigned. Each diversion and realignment request is considered on its own merits and approval is at the discretion of NI Water. The applicant is required to meet any financial conditions for realignment or diversion of the water and sewer infrastructure, including full costs, company overheads, etc. It is the responsibility of the house builder/builder/developer to establish if existing public watermains, foul/storm sewers, together with appropriate waste water treatment facilities, have adequate capacity to serve the proposal. To establish how best any development may be served by existing public water and sewerage infrastructure, a Pre Development Enquiry (PDE) would require to be submitted. There is a charge for this service. If your proposed development is not near a public watermain, foul sewer or surface water sewer and you cannot discharge your surface water to a natural watercourse you may wish to consider making a requisition Notice asking NI Water to extend the public watermain or foul/storm sewer system to service your development. This can be done by requisitioning a watermain under Article 76 of the 2006 Order and sewers under Article 154 of the 2006 Order. House builders and developers may have to contribute to the cost of extending watermains and sewers. Septic Tank emptying. The applicant must

provide a hard standing area with a 3.5m wide access capable of supporting the weight of a sludge tanker within 30 metres of the septic tank. If you wish to find out more about what you can or cannot do if there is existing water or sewer infrastructure in, over or under your property, or you want to find out how your proposed development can be serviced contact NI Water staff on the Developers Services Business Line 08458770002 and ask for the Developers Services Co-Ordination Team.

4. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
5. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer                      *C Moane*

Date    03/12/2020

Appointed Officer:    Anthony McKay

Date    03/12/2020