



December 16th, 2020

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 16th December 2020** 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

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.

Minutes for Confirmation

4.0 Minutes of Planning Committee Meeting held on Wednesday 18 November 2020. (Attached)

 *Planning Committee Minutes 18.11.2020.pdf*

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

 *Addendum list - 16-12-2020.pdf*


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Development Management - Planning Applications for determination


6.0 P/2013/0189/F 100m West of no 15 Drumsesk Road Rostrevor BT34 3EG Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works. Add information received. (Case Officer report attached).

REFUSAL


- A request for speaking rights has been received from Gavin Smyth, Clyde Shanks, in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Barry Gray, agent; and Brian Scullion and Charlie Daly on behalf of St. Bronagh's GAA Rostrevor, in support of the application. **(Submission attached).**

 *P-2013-0189-F - revised.pdf*

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 *Item 6 - p-2013-0189-F (objection).pdf*

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 *Item 6 - P-2013-0189-f (support).pdf*

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**7.0 LA07/2018/1952/F 21-23 Church Street, Warrenpoint.
Demolition to the rear of existing public house with frontage to Church Street retained including construction of new extension to existing public House. Construction of 3 No retail units and 10 apartments over with pedestrian access off Kings Lane and all associated site works. Kings Lane to be stopped up with pedestrian access only. (Amended Proposal Description) Case Officer report attached**

APPROVAL

- A request for speaking rights has been received from Carmel McCartan, resident, in objection to the application. **(Submission attached)**
- A written statement has been received from Mr Jim Boylan in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Colin D'Alton, agent and Brian McGivern, applicant, in support of the application. **(Submission attached)**

 <i>Case Officer Report LA07-2018-1952 F Church Street, Warrenpoint.asd.pdf</i>	<i>Page 33</i>
 <i>Item 7 - LA07-2018-1952-F (objection Ms McCartan).pdf</i>	<i>Page 52</i>
 <i>Item 7 - LA07-2018-1952-F (objection Mr Boylan).pdf</i>	<i>Page 53</i>
 <i>Item 7 - LA07-2018-1952-F (support).pdf</i>	<i>Page 54</i>

8.0 LA07/2019/0183/F 215 Moyad Road Kilkeel Newry Retention of extension to existing agricultural building for agricultural use, and manufacturing use associated with existing manufacturing business (Moyfab Engineering Ltd). (Case Officer report attached).

APPROVAL

- A request for speaking rights has been received from Matthew Crothers, agent, in support of the application. **(Submission attached).**


 <i>LA07.2019.0183.F - Moyfab Extension Draft COR following SPTO review.pdf</i>	<i>Page 56</i>
 <i>Item 8 - LA07-2019-0183-F.pdf</i>	<i>Page 66</i>

9.0 LA07/2019/1276/F Lands 38 metres South East of No.50 Kenard Villas Newry BT34 1LQ Residential development comprising 2 no. detached. 2no. semi-detached dwelling and 4no Apartments (total 8 units) associated communal space,

landscaping and car parking. (amended scheme). (Case Officer report attached).

APPROVAL

- Addendum list

 *LA07_2019_1276_F-Kenard_Villas.pdf*

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10.0 LA07/2020/0167/F The Manse 17 Downpatrick Road Crossgar New Manse and detached domestic garage (Amended proposal description). (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from David Burgess, agent in support of the application. **(Submission attached).**

 *LA07-2020-0167-F Downpatrick Rd Crossgar.pdf*

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 *Item 10 - LA07-2020-0167-F.pdf*

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11.0 LA07/2020/0251/F Land between 14 & 18 Woodvale Burrenwood Road Castlewellan Amended access to residential development previously approved under planning Ref LA07/2015/0103/F to include provision of new pedestrian road crossing at access point to residential development. (Amended description). (Case Officer report attached).

APPROVAL

- A request for speaking rights has been received from Barry Fletcher, agent, and Tim Cousins, Lisbane Consultancy, in support of the application. **(Submission attached).**

 *LA07 2020 0251 Woodvale.pdf*

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 *Item 11 - LA07-2020-0251-F.pdf*

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12.0 LA07/2020/0299/F Adj. to 7 Annacloy Road North Dunnanelly Downpatrick Single storey dwelling. (Case Officer report attached).

REFUSAL

- Councillor Trainor has requested that this application be removed from the agenda

13.0 LA07/2020/0450/O SW 3 Slievenaman Road Kilcoo Newry BT34 5LF 2 dwellings. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Eoin Morgan, agent, and Peter Morgan, applicant, in support of the application. **(Submission attached).**

14.0 LA07/2020/0719/F 171 Rathfriland Road Dromara Off site Replacement Dwelling. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Damian Broderick, TSA Planning and Jonathan Buckley MLA in support of the application. **(Submission attached).**

15.0 LA07/2020/0814/F 39 Ringhaddy Road Killinchy Replacement dwelling with stores and boathouse on ground floor. (Case Officer report attached).

APPROVAL

- Addendum list

16.0 LA07/2020/0910/F Lands at Down Business Park 46 Belfast Road Downpatrick Proposed Food Production Facility comprising approximately 18,000 sqm production floor space, warehouse storage area, associated parking and landscaping, site and access works. (Case Officer report attached).

APPROVAL

- Remove from the addendum list for presentation to Committee

LA07_2020_0910_F_Finnebrogue_DCO.pdf

Page 155

17.0 LA07/2020/1292/O Lands located between Nos 2 & 10 Glassdrumman Road Ballynahinch Erection of 2 detached infill dwellings and garages. (Case Officer report attached).

APPROVAL

- A request for speaking rights has been received from Gordon Duff in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Robert Wilson in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Kieran Carlin, agent, in support of the application. **(Submission attached).**

LA07-2020-1292-O 2 10 Glassdrumman Road 2xinfll.pdf

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Item 17 LA07-2020-1292-0 (objection).pdf

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Item 17 - objection Robert Wilson.pdf

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Item 17 - LA07-2020-1292-0 (support).pdf

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18.0 LA07/2016/0631/F Land to North of 78 Armagh Road Newry BT35 6PW South of towpath to Bessbrook River/Newry Canal and East of Damolly Retail Park 25 No. dwellings and 2 apartments (27 units in total) associated siteworks & drainage, with road access from Drumgullion Avenue. (Amended plans and proposal). (Case Officer report attached).

APPROVAL

- A request for speaking rights has been received from Derek Campbell in objection to the application. **(Submission attached).**
- A request for speaking rights has been received from Cathal Maguire, agent, in support of the application. **(Submission attached).**

LA07.2016.0631.F.PDF

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Item 18 - LA07-2016-0631-F (objection).pdf

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Item 18 - LA07.2016.0631 (support).pdf


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19.0 LA07/2020/0762/O 20 metres east of 23 Finnegans Road


Jonesborough Newry Outline Planning Permission for a dwelling house, waste water treatment system, new entrance to public road and associated site development works. (Case Officer report attached).

REFUSAL

- A request for speaking rights has been received from Shane McCoy, agent, in support of the application. **(Submission attached).**

 *LA07-2020-0762-O.PDF*

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 *Item 19 - LA07-2020-0762-0.pdf*

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For Noting

20.0 Updated Planning Call-In Panel Protocol. (Attached).

 *Planning Committee Operating Protocol - Amendment.pdf*

Page 219

21.0 Historic Actions Tracking Sheet. (Attached).

 *Planning HISTORIC TRACKING SHEET - Updated December 2020.pdf*


Page 222

22.0 Planning Committee Performance Report November 2020. (Attached).

 *NOVEMBER 2020 Planning Committee Performance Report.pdf*

Page 228

23.0 November Planning Appeals and Decisions. (Attached).

 *Appeals and Decisions issued in November 2020.pdf*

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NEWRY, MOURNE & DOWN DISTRICT COUNCIL

Minutes of the Planning Committee Meeting of Newry, Mourne and Down District Council held on Wednesday 18 November 2020 at 10.00am in Council Offices Monaghan Row Newry and via Microsoft Teams

Deputy Chairperson: Councillor J Tinnelly

In attendance: (Committee Members)

Councillor P Brown
Councillor S Doran
Councillor G Hanna
Councillor V Harte
Councillor M Larkin
Councillor D McAteer
Councillor D Murphy
Councillor G O'Hare
Councillor J Trainor
Councillor G Stokes

(Officials)

Mr C Mallon	Director Enterprise Regeneration & Tourism (via Teams)
Mr A McKay	Chief Planning Officer
Ms A McAlarney	Senior Planning Officer (via Teams)
Mr M Keane	Senior Planning Officer (via Teams)
Mr A Davidson	Senior Planning Officer (via Teams)
Mr F O Connor	Legal Advisor (via Teams)
Ms S Taggart (via Teams)	Democratic Services Manager
Ms C McAteer	Democratic Services Officer
Ms L Dillon	Democratic Services Officer (via Teams)

Others: Mr J Killen DfI Roads

P/097/2020: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor R Burgess.

Councillor Tinnelly said he would leave the meeting for discussion on Item 7: LA07/2019/1279/F as he had not been present for the site visit and Item 8: LA07/20200492/F, as he had previously declared an interest in this application, and requested the Committee to appoint a Member to Chair the meeting for discussion on these items in his absence.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Doran it was agreed to appoint Councillor M Larkin to chair the meeting in Councillor Tinnelly's absence, for discussion on Item 7: LA07/2019/1279/F and Item 8: LA07/20200492/F.

P/098/2020: DECLARATIONS OF INTEREST

Councillor S Doran declared an interest in Item 7: LA07/2019/1279/F – new access and laneway to serve dwellings 27, 29 and 31 Islandmoyle Road - lands adjacent to 27 Islandmoyle Road Cabra Newry.

P/099/2020: DECLARATIONS IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL PARA. 25 – MEMBER TO BE PRESENT FOR ENTIRE ITEM

Declarations in relation to Paragraph 25 of Planning Committee Operating Protocol – Members to be present for entire item:-

- **Item 6** – LA07/2019/1221/F –proposed Guest House Tourist Accommodation and associated site works. Assessed under PPS16, TSM3 – Land 10m North West of 180 Tullybrannigan Road Newcastle Co Down.
Councillors Brown, Harte, Murphy and Stokes did not take part in the discussion/decision on this application.
- **Item 7** – LA07/2019/1279/F – new access and laneway to serve dwellings 27, 29 and 31 Islandmoyle Road - Lands adjacent to 27 Islandmoyle Road Cabra Newry.
Councillors Brown, Harte, Stokes and Tinnelly did not take part in the discussion/decision on this application
- **Item 8** – LA07/2020/0492/F – proposed infill dwelling – 40m NW of 100 Lilbroney Road Rostrevor.
Councillors Brown, Harte, Murphy, Stokes and Tinnelly did not take part in the discussion/decision on this application.

MINUTES FOR CONFIRMATION

P/100/2020: MINUTES OF PLANNING COMMITTEE MEETING HELD ON WEDNESDAY 21 OCTOBER 2020

Read: Minutes of Planning Committee Meeting held on Wednesday 21 October 2020. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer seconded by Councillor O Hare it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 21 October 2020 as a true and accurate record.

FOR DISCUSSION/DECISION

P/101/2020: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 18 November 2020. **(Copy circulated).**

AGREED: On the proposal of Councillor Hanna seconded by Councillor Harte it was agreed to approve the Officer recommendation in

respect of the following applications listed on the addendum list for Wednesday 18 November 2020:

- LA07/2019/1551/O - proposed 1 1/2 storey dwelling & garage immediately east of 15 Mill Road Hilltown Newry BT34 5UZ. **APPROVAL**
- LA07/2020/0440/O - change of use from offices on first and second floor to two apartments (amended description) - McGrath Centre 1 Margaret Street Newry. **APPROVAL**
- LA07/2020/0313/F - Environmental improvements to include: New granite kerbs, trims and ditched channels, asphalt footpath with stone chippings, new street lightning and removal of overhead wires - Dundalk Street from 42 Dundalk Street the Cosy Bar to 56 Dundalk Street, Dundalk Street from 43 Dundalk Street to 55 Dundalk Street, Newtownhamilton. **APPROVAL**

**DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION**

P/102/2020: PLANNING APPLICATIONS FOR DETERMINATION

The following applications were determined by the Committee:-

(1) LA07/2019/1221/F

Location:

Land 10m North West of 180 Tullybrannigan Road Newcastle Co Down.

Proposal:

Proposed Guest House Tourist Accommodation & associated site works. Assessed under PPS16, TSM3

Conclusion and Recommendation from Planning Official:

Refusal

Note:

Previous site visit.

Councillors Brown, Harte, Murphy and Stokes withdrew from discussion/decision on this application.

Power-point presentation:

Annette McAlarney, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:
(via Teams)**

In support:

Barry Fletcher Agent, and Tim Cousins Lisbane Consultancy, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Works are required to achieve 45m sight splay including removal of hedge and verge lowered - agent confirmed landowner had agreed to allow these works to be carried out.
- Confirmed 6 dwellings showing on site location map which are forestry buildings.
- Plans were amended to include additional bedroom, however there appears to be a contradiction between what has been proposed in the description and what has been submitted in the proposed floor plan. Planning Department believe the proposed scheme under this application falls under the category for a self-catering establishment not a guest house.
- Council's Legal Advisor referred to the Legislation that governs the categories for tourism accommodation contained in the 1992 Tourism Regulations
- DFI Roads confirmed the red line had been amended and all requirements were contained within the red line as per the drawings. (Not contained within the red line)
- Noted the bridge is currently under consideration by DFI Roads in terms of a scheme to address narrowness and traffic volume issues.

Councillor Larkin proposed to issue a refusal in respect of Planning Application LA07/2019/1221/F, as per the information and recommendation contained in the Case Officer report presented to Committee. Councillor Hanna seconded the proposal.

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

FOR:	7
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor Hanna it was agreed to issue a refusal in respect of Planning Application LA07/2019/1221/F as per the information and recommendation contained in the Case Officer Report presented to Committee.

(2) LA07/2019/1502/O

Location:

Lands approximately 15m North of 115 Greencastle Pier Road Greencastle.

Proposal:

Proposed site for dwelling with associated site works.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mark Keane, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights: (via Teams)

In objection:

Michael Holmes presented in objection to the application.

In support:

Tim Cousins, Lisbane Consultancy and Paul Cunningham, applicant presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- The 2 existing structures on the site are considered as ancillary out buildings currently being associated as ancillary out buildings that would have been associated with a property, and while it is noted the structure has been in place for some time, no permission exists for any business use.
- DFI Roads requested 2x60 sight lines but previous approvals had been granted based on 2x45 which would be acceptable in this case.
- Noted that should the Committee overturn the Planning recommendation in this case, DFI Roads would require a policy reason as to why the Committee had voted against DFI Roads recommendation to Planning.

Mr McKay advised the Committee exercise care on how projects were described and stated no planning document sought to promote local living for local people but that Planning dealt with applications based on their planning merits and policy framework set by the Area Plan and said Members should focus on the reasons for refusal as presented.

Mr O Connor responded to a query regarding possible litigation risk to Council in the event a decision was taken to overturn Planning Officers recommendation with regard to this application and suggested the Committee should only principally be concerned with the reasons for refusal and should not veer away from the main issues which is the safety of the road for users in relation to the visibility splays in the access provided. He explained in the event of litigation arising in the future as a result of Council overturning the recommendation it would be up to a litigant to establish a case against the Council and would not be an issue for the Committee at this point.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2019/1502/O, contrary to Officer recommendation on the basis there would be no intensification of use of access subject to a condition being included that the 2 No. structures currently located on the site be removed before any work was commenced on site, there would be no risk on this section of road as it leads to a dead-end, and Planning to issue any other conditions as necessary. Councillor Doran seconded the proposal.

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

FOR:	7
AGAINST:	1
ABSTENTIONS:	3

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Doran, it was agreed to issue an approval in respect of Planning Application LA07/2019/1502/O, contrary to Officer recommendation, on the basis there would be no intensification of use of access subject to a condition being included that the 2 No. structures currently located on the site be removed before any work was commenced on site,

and there would be no risk on this section of road as it leads to a dead end.

Planning Officers be delegated authority to impose any relevant conditions.

(11.42am Councillor Tinnelly vacated the Chair at this point in the meeting)

(11.42am Councillor Larkin chaired the Meeting from this point)

(3) LA07/2019/1279/F

Location:

Lands adjacent to 27 Islandmoyle Road Cabra Newry

Proposal:

New access and laneway to serve dwellings 27, 29 and 31 Islandmoyle Road.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mark Keane, Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Note:

Previous site visit.

Under updated Protocol no further speaking rights permitted on this application.

Councillors Brown, Harte, and Tinnelly withdrew from discussion/decision on this application.

Speaking rights: (via Teams)

In support

Colin O'Callaghan Agent was present in the meeting via Teams.

Issues raised:

- Concerns for safety of children
- Possibility of laying a stone lane instead of concrete until vegetation is matured
- If lane was approved would it open the area up for further development?
- DFI Roads have no objection to proposed sight splays
- Mitigation measures for integration will be provided by new native hedgerow
- Planning opinion indicates the volume of traffic on the existing lane is low

Councillor McAteer proposed to issue an approval in respect of Planning Application LA07/2019/1279/F contrary to Officer recommendation on the basis that original problems associated with flooding had been clarified, evidence had shown the existing lane was crowded and well used in terms of agriculture therefore establishing the need for a separate lane at this location, to address integration Planning impose a condition that the lane be of stoned surface until such times as vegetation has matured after which the surface could be changed, and Planning Officers be delegated authority to impose any other relevant conditions. Councillor O Hare seconded the proposal.

Mr McKay referred to the proposal which indicated the reason for overturning Officers recommendation was because it was a crowded, well used lane and a need for it, and said this reason did not fit within the Planning policies that would allow the Committee to come to this conclusion.

With regard to the proposal to provide a stone/gravel lane with the opportunity to turn it into a concrete or tarmacked lane in the future, Mr McKay said a proposal was required to integrate now not in the future and added that Planning could not condition the use of gravel.

With regard to the proposal indicating the lane being crowded and well used, Mr McKay said this was not part of the policy reasons for refusal.

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

FOR:	5
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer seconded by Councillor O Hare it was agreed to issue an approval in respect of Planning Application LA07/2019/1279/F contrary to Officer recommendation on the basis that original problems associated with flooding have been clarified, evidence had shown the existing lane was crowded and well used in terms of agriculture therefore establishing the need for a separate lane at this location, to address integration Planning impose a condition that the lane be of stoned surface until such times as vegetation had matured after which the surface could be changed.

Planning Officers be delegated authority to impose any other relevant conditions.

(4) LA07/2020/0492/F

Location:

40m NW of 100 Kilbroney Road, Rostrevor

Proposal:

Proposed infill dwelling

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mark Keane, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Note:

Previous site visit.

Under updated Protocol no further speaking rights permitted on this application.

Councillors Brown, Harte, Murphy, Stokes and Tinnelly withdrew from discussion/decision on this application.

**Speaking rights:
(via Teams)**

In support

Aaron Tinnelly applicant, and Colin D'Alton agent, were present at the meeting via Teams.

Issues raised:

- Officers provided details of level, and explained the impact the proposed house would have on the existing house and character of the area due to its elevated location – based on the design plans submitted conditions could not overcome the issues.
- Officers consider the proposal is not an infill opportunity.

Councillor Larkin proposed to issue an approval in respect of Planning Application LA07/2020/0492/0, contrary to Officer recommendation, on the basis that a gap site existed due to the fact the yard had frontage to the lane from the boundary of the site up to the entrance of the yard and therefore complied with CTY8, and that Planning Officers be delegated authority to impose conditions with regard to house design and allow discussion between Planning, the applicant and agent to provide a house design that would be suitable for the site. Councillor McAteer seconded the proposal.

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

FOR:	6
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin seconded by Councillor McAteer it was agreed to issue an approval in respect of planning application LA07/2020/0492/F contrary to Officer recommendation, on the basis that a gap site existed due to the fact the yard had frontage to the lane from the boundary of the site up to the entrance of the yard and therefore complied with CTY8.

It was also agreed Planning Officers be delegated authority to impose conditions with regard to house design an allow discussion between Planning, the applicant and agent to provide a house design that would be suitable for the site.

(12.09pm Councillor Larkin vacated the Chair at this point in the meeting)

(12.09pm Councillor Tinnelly chaired the Meeting from this point onwards)

(5) LA07/2020/0608/O

Location:

Site between 8 Tullydonnell Road and 2 O'Callaghans Road, Silverbridge, Newry

Proposal:

Site

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Andrew Davidson, Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

(via Teams)

In support:

John Feehan, agent presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Clarity on the legality of the small shed structure – it does not appear to have been the subject of any planning application. It is sited to the rear of the dwelling and does not have a common frontage to comply with CTY8.
- Agent explained the building is still in use, has been in place as long as the house, it is a separate building, has a common frontage and would be immune from prosecution.
- Planners consider the building had accompanying development to the rear, contrary to Policy.

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2020/0608/O, contrary to Officer recommendation, on the basis that 3 buildings exist with frontages therefore meeting the requirement of planning policy in relation to infill and that Planning Officers be delegated authority to impose any relevant conditions. Councillor Larkin seconded the proposal.

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

FOR:	9
AGAINST:	2
ABSTENTIONS:	0

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin, it was agreed proposed to issue an approval in respect of Planning Application LA07/2020/0608/O, contrary to Officer recommendation, on the basis that 3 buildings exist with frontages therefore meeting the requirement of planning policy in relation to infill.

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

(6) LA07/2020/0372/F

Location:

To rear of 71-73 Main Street Castlewellan

Proposal:

Change of use of first floor storage to 4 self-contained residential units first floor.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney Senior Planning Officer gave a power point presentation via Skype on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

(via Teams)

In support:

Barry Hillen agent and Martin Duggan applicant, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- No dedicated car parking provided.
- Poor natural light provision
- Proposed size is below the minimum stated within Policy
- Relaxation of such schemes are needed to revitalise towns
- Reference was made to similar applications, one which was approved (LA07/2017/1773) and one recommended for approval (LA07/2020/0440)

Councillor McAteer proposed to issue a refusal in respect of Planning Application LA07/2020/0372/F, as per the information and recommendation contained in the Case Officer Report presented to Committee. Councillor Larkin seconded the proposal.

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

FOR:	11
AGAINST:	0
ABSTENTIONS:	0

AGREED: **On the proposal of Councillor McAteer, seconded by Councillor Larkin, it was agreed to issue a refusal in respect of Planning Application LA07/2020//F, as per the information and recommendation contained in the Case Officer Report presented to Committee**

(12.50pm – The Meeting adjourned)

(1.50pm – The Meeting resumed)

(Councillor Brown left the meeting)

(7) LA07/2017/0546/F

Location:

39 Castlewellan Road Newcastle Co Down BT33 0JY

Proposal:

Proposed indoor amenity area, café and event rooms and associated car parking for use in conjunction with existing tourist facility (Golf Centre)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Annette McAlarney Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

(via Teams)

In support:

Martin Baillie Agent, presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- It was noted golf was seen as part of the tourism product in the area but the application was not connected to golf but was a stand-alone amenity centre/kids play area.
- Other opportunities had been explored but nothing suitable was available.
- Percentages were given for use by locals and use by tourists during summer and off peak times.
- Planning opinion was that the proposal was considered a facility for tourists. (Not considered a tourist amenity)

Councillor Hanna proposed to issue an approval in respect of Planning Application LA07/2017/0546/F, contrary to Officer recommendation, on the basis that it is accepted the proposal is primarily a tourist facility and given that one of the Council's strategic objectives is to create Newcastle as one of the main tourist hubs in the District, this applications will enhance the tourist product in this area. It was also accepted the proposal sat within a reasonably acceptable distance of the settlement area. Councillor Larkin seconded the proposal.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to issue an approval in respect of Planning Application LA07/2017/0546/F, contrary to Officer recommendation, on the basis that it is accepted the proposal is primarily a tourist facility and given that one of the Council's strategic objectives was to create Newcastle as one of the main tourist hubs in the District, this applications will enhance the tourist product in this area. It was also accepted the proposal sat within a reasonably acceptable distance of the settlement area.

**(8) LA07/2019/1202/DCA
and
LA07/2019/1186/F**

Location:

2-6 Downpatrick Road and 1-3 Irish Street, Killyleagh

Proposal:

Demolition of existing spar retail unit with petrol filling station and demolition of the existing adjacent dwelling at 6 Downpatrick Road and demolition of the modern rear extension at 1-3 Irish Street in Killyleagh to enable construction of a proposed replacement of the Spar retail unit and petrol forecourt

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Anthony McKay Chief Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

**Speaking rights:
(via Teams)**

In objection:

Brian Cassidy presented in objection to the application.

In support:

David Mountstephen Agent, Mark Adrain Henderson Group and Ashley Lamont Whittaker & Watt Architects presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

Issues raised:

- Light pollution at night
- Litter problems
- Clarification needed regarding signage, ie, type and height, as this is a designated conservation area
- Road safety – previous incident involving a lorry damaging a privately owned wall
- Enormity of the building in terms of height
- Resident was not aware of community consultation
- Planning advised that opening hours are subject to restrictions, ie, 6am to 11pm – no prospect of midnight opening. Deliveries are restricted not to happen between 9pm and 7am.
- Planning advised that lighting for the proposal has been assessed and found to be within guidelines
- Planning advised there was no requirement under Planning Legislation for a pre application consultation exercise

Councillor Hanna proposed to issue an approval in respect of Planning Applications LA07/2019/1202/DCA and LA07/2019/1186/F as per the information and recommendations contained in the Case Officer Reports presented to Committee. Councillor Larkin seconded the proposal.

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna seconded by Councillor Larkin, it was agreed to issue an approval in respect of Planning Applications LA07/2019/1202/DCA and LA07/2019/1186/F as per the information and recommendations contained in the Case Officer Reports presented to Committee.

EXEMPT INFORMATION ITEMS

AGREED: On the proposal of Councillor Larkin seconded by Councillor Harte it was agreed to exclude the public and press from the meeting during discussion on the following matter which related to exempt information by virtue of *Paragraph 1* of Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to any individual and the public, may, by resolution, be excluded during this item of business. Lucy I just changed this because this was exempt under a different category – it's the one relating to an individual

(9) LA07/2020/0760/F

Location:

47 Bearna Park Meigh Newry

Proposal:

2 storey extension

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Andrew Davidson Senior Planning Officer gave a power point presentation via Teams on the application with supporting information including a site location plan, an aerial view of the site and photographs from various critical views of the site.

Speaking rights:

(via Teams)

In support:

Michael McKeever NIHE presented in support of the application, detailing and expanding upon a written statement that had been circulated to Committee Members.

On the proposal of Councillor Hanna seconded by Councillor Larkin it was agreed to exclude the public and press from the meeting during discussion on the following matter which related to exempt information by virtue of *Paragraph 3* of Part 3 of Schedule 6 of the Local Government Act (Northern Ireland) 2014 – information relating to the financial or business affairs of any particular person (including the Council holding that information).

P/103/2020: LOCAL DEVELOPMENT PLAN (LDP)

Read: Report dated 18 November 2020 from Mr A McKay Chief Planning Officer regarding progress on the preparation of the Local Development Plan, including detail on the next steps and revised timetable. **(Copy circulated)**

AGREED: **On the proposal of Councillor Trainor seconded by Councillor Murphy it was agreed to come out of Closed Session.**

When the Committee came out of closed session the Chairperson reported the following decisions:

LA07/2020/0760/F – 2 storey extension – 47 Bearna Park Meigh Newry

AGREED: **On the proposal of Councillor Larkin seconded by Councillor Stokes it was agreed to issue an approval in respect to Planning Application LA07/2020/0760/F, contrary to Officer recommendation on the basis this application is an exceptional case where specific needs are required.**

P/103/2020: Local Development Plan

AGREED: **On the proposal of Councillor Murphy seconded by Councillor Larkin it was agreed note the content of Report dated 18 November 2020 from Mr A McKay Chief Planning Officer and agree as follows:**

- **The draft revised Timetable (Appendix);**
- **That following Council approval, the Planning Department liaises with the PAC and other key stakeholders prior to submitting the revised Timetable to DfI for its agreement;**
- **That following agreement of the revised Timetable by the Department for Infrastructure, that it be made available and published in accordance with Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015**

Noted: Councillor McAteer requested his concerns be recorded regarding delays in publishing the Local Development Plan. He said prior to the Covid 19 pandemic there had been previous delays with the Plan and he felt a strategy was needed with DFI to send the right message out in terms of economic and infrastructure development for the area and in his view this should be explored and an interim Plan published.

FOR NOTING

P/104/2020: HISTORIC ACTION SHEET

Read: Planning historic action sheet. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Planning Historic Action Sheet.

P/105/2020: PLANNING COMMITTEE PERFORMANCE REPORT OCTOBER 2020

Read: Planning Committee Performance Report for October 2020.
(Copy circulated)

AGREED: It was unanimously agreed to note the Planning Committee Report for October 2020.

P/106/2020: CURRENT APPEALS AND DECISIONS

Read: Current Appeals and Decisions Report. **(Copy circulated)**

AGREED: It was unanimously agreed to note the Report on Current Appeals and Decisions.

The Meeting concluded at 3.30 pm.

For confirmation at the Planning Committee Meeting to be held on Wednesday 16 December 2020.

Signed: _____ Chairperson

Signed: _____ Chief Executive

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 16 December 2020

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:

- **LA07/2019/1276/F** - Lands 38 metres South East of No.50 Kenard Villas Newry BT34 1LQ Residential development comprising 2 no. detached, 2no. semi-detached dwelling and 4no Apartments (total 8 units) associated communal space, landscaping and car parking. (amended scheme). **APPROVAL**
- **LA07/2020/0814/F** - 39 Ringhaddy Road Killinchy Replacement dwelling with stores and boathouse on ground floor. **APPROVAL**
- **LA07/2020/0910/F** - Lands at Down Business Park 46 Belfast Road Downpatrick Proposed Food Production Facility comprising approximately 18,000 sqm production floor space, warehouse storage area, associated parking and landscaping, site and access works. **APPROVAL**

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Proposal: Proposed Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works. (Amended plans and information received)

Location: 100m West of no 15 Drumsesk Road Rostrevor BT34 3EG



Site Characteristics & Area Characteristics:

The site is located opposite (100 metres west of) 15 Drumsesk Road, Rostrevor. It comprises a portion of a large agricultural field which measures approx. 3.5 ha. The field is orientated from north to south. Its eastern boundary abuts Drumsesk Road and it measures approx. 290 metres along the Drumsesk Road frontage and 180 metres in depth.

The topography of the site falls from north west to south east, and the difference in ground levels from the north western to the south eastern corners is significant.

The site appears open and exposed when viewed from the southern approach on Drumsesk Road. This is partly due to gaps in the roadside vegetation, and also partly due to the size of the field and the lack of any vegetation within its boundaries.

The southern and western field boundaries are defined by post and wire fencing whilst the northern and eastern boundaries are defined by mature hedging and large shrubs / small trees. There is a D-rail fence along part of the north western boundary, along the curtilage to No 12 Drumsesk Road.

There is no built heritage, archaeological or other natural features within the site, and there was no evidence of protected species at the time of site inspection. There are a number of listed buildings in the general vicinity of the site, the closest being No. 75 Warrenpoint Road, Rostrevor, which is located approx. 120 metres south west of the south western corner of the site.

The site is currently accessed from an existing entrance at the south eastern corner. This entrance serves as an access to a group of farm buildings at the south western corner of the site, as well as 12 Drumsesk Road. Some of the farm buildings have been converted to a mechanic's garage.

Site History:

There is no relevant on-site planning history. There is no relevant planning history associated with this proposal; however, the GAA club has previously received planning permission for a separate facility of this nature, at a separate site outside the statutory development limit around Rostrevor. That site was located on Kilbroney Road, Rostrevor, and it was situated immediately adjacent to the development limit (P/2008/1164/F, immediately east of Kilbroney Valley- a private housing development – on Kilbroney Road, Rostrevor). Approval was granted in December 2009.

Planning Policies & Material Considerations:

The Banbridge, Newry and Mourne Area Plan 2015

PPS 8 Open Space

PPS 3 Access Movement and Parking

PPS 2 Natural Heritage

PPS 15 Flooding

PPS 21 Sustainable Development in the Countryside

PPS 6 Built Heritage and Archaeology.

The SPPS

Consultations:

NIEA: No objections

HED: Objection on grounds of impact to several Listed Buildings

DfI Roads: No Objections subject to Planning making a planning decision on whether it represents an exception to the revised AMP 3 policy contained within PPS 21.

Environmental Health: No objections

Rivers: No Objections.

SES: Proposal has potential to have adverse environmental effects on European Designated Sites. Satisfactory HRA cannot be undertaken.

Objections & Representations

There has been considerable public representation on this application. Firstly, there have been 1059 letters of support and 2 petitions of support. These range from neighbours to residents of the wider lower Mourne area of Rostervor and Warrenpoint. Cllr D McAteer and Cllr Patrick Brown, as well as numerous Sinn Féin and SDLP MLA's have also written in support. There have also been substantial objections (59 to date together with a petition of 16 signatures) to the proposal from residents within the immediate area. These include the Drumsesk Residents Association, and properties within the immediate area of the proposal and MLA Jim Wells. The concerns raised are summarised as follows:

- Impact on setting of nearby listed building(s);
- Unacceptable visual impact;
- Noise (from patrons, whistles, vehicular traffic, intercom system etc);
- Lack of new landscaping;
- Road safety concerns - lack of footway link to the A2, lack of street lighting on Drumsesk Road, lack of passing bays, inadequate sight lines where Drumsesk Road intersects with the A2, inadequate width of Drumsesk Road, impact of flood lighting on road users of Drumsesk Road;
- Surface water / drainage issues on Drumsesk Road;
- Impact of proposed new access road on rural character and the setting of Arno's vale;
- Query regarding disposal of water from the site;
- Detrimental to the environmental quality of the area;
- Light pollution / nuisance from floodlights;
- Prominence (the club house);
- Flooding concerns due to proximity to flood plain;
- Impact on wildlife (red squirrels, otter, birds and bats).

These concerns are dealt with throughout the case officer report. The residents in a recent letter have also raised concerns in relation to the proposal being EIA Development. The previous planning authority screened this proposal when it was a much larger than now proposed for assessment of whether it was EIA development. It concluded that it wasn't and screened the proposal out. The Council's planning department have reviewed that screening opinion together with the reduction in the proposal and are of the opinion that it remains valid and that the proposal still does not represent EIA development. The Council adopt the previous EIA screening as its own in consideration of this application.

SES have also carried out a HRA assessment on behalf of the Planning Authority. The Planning Authority formally adopt that HRA as its own for the purposes of complying with Regulation 43 of The Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 (as Amended 2015).

Consideration and Assessment:

Section 45 of The Planning (Northern Ireland) Act 2011, requires the council to have regard to the Local Development Plan as far as material to the application and to any other material

considerations. Section 6 (4) of the Planning Act (Northern Ireland) 2011 requires that the determination of proposals must be in accordance with the development plan unless material considerations indicate otherwise.

This site is located within the countryside and outside any zoned and designated site for land use. The site is located within the designated AONB as outlined with the area plan maps.

In September 2015, a new Strategic Planning Policy Statement was produced which applies to the whole of Northern Ireland. It must be taken into account in the preparation of Local Development Plans (LDP) and is material to all decisions on individual planning applications and appeals. However, a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. Para 1.12 of SPPS states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS i.e. where there is a change in policy direction, clarification or conflict with the existing policies then the SPPS should be afforded greater weight. However, where the SPPS is silent or less prescriptive on a particular planning policy matter then retained policies this should not be judged to lessen the weight to be afforded to the retained policy. In this case as I do not deem the proposal to fall into an intensive sporting facility, but rather an application for Outdoor open space, the policies contained within PPS 8 are more prescriptive and therefore shall be given weight.

This application has been substantially amended throughout the lifetime of its processing. It has been advertised and re-advertised on 7 different occasions and neighbour notified at least 7 times also. Given the substantial changes to the scheme, the report will assess the final set of amendments only.

The site lies in the open countryside, and PPS 21 applies to all countryside development. CTY1 outlines the types of acceptable development, which includes open space, sport or outdoor recreation in accordance with PPS 8.

PPS 8 Policy OS 3 assesses applications for outdoor recreational uses. Policy OS 3 outlines that planning permission for outdoor recreational proposals will be granted where it has been demonstrated that the proposal will meet all the criteria listed from points (i) to (viii). The SPPS is arguably less descriptive and therefore OS 3 will be given significant weight in this determination. On assessment of the proposal against the criterion of OS 3, It has not been demonstrated that this proposal will not have an adverse impact on features of importance to nature conservation, archaeology or the built heritage. Historic Environment Division; Historic Buildings Unit have been consulted with the proposal and have raised several key concerns in relation to the proposal and its impact on the setting on several adjacent Listed Buildings, particularly Arnos Vale by reason of the overall scale of the development and the consequent impact on the wider landscape of this largely undeveloped rural area between Rostrevor and Warrenpoint. For example, a critical view from the Cloughmore Stone takes in several listed buildings including Arno's Vale, Rosetta, Drumsesk House and the Ross Monument. The proposal will radically change the character of this view. The proposed access road which run across lands directly in front of Arnos Vale, attendant traffic, noise and likely advertising and signposting; The height and density of the flood lighting – not only when the lights are on, but the impact of the standards; Fencing and netting arrangements would all have an unacceptable adverse impact on the setting of listed buildings listed above

and in particular on the setting of Arno's Vale. There is also a more concentrate view of the proposal from the Drumsesk Road, which in which the above detailed adverse impacts will be more obvious in a local critical viewpoint.

In relation to the natural heritage through the final submission the agent reverted to the use of a waste water treatment tank, with a run off pipe feeding into the existing watercourse to the front of the site. Given the constraints of the site, it cannot be demonstrated that the proposal would not have an adverse impact on the natural heritage features of nearby designations, in particular those of Carlingford Lough SPA, Marine proposed SPA and RAMSAR site, Carlingford Shore SAC and Carlingford Lough SPA (ROI). This is explained in detail below under consideration of Natural Heritage PPS 2 policies. An objection letter has been received recently highlighting that the change to waste water discharge will have a detrimental impact on protected species and the overall proposal will have an impact on several protected species, including bats, red squirrels, otters, birds including curlews. The Planning Department have previously consulted with NIEA about the potential impact this proposal will have on Bats and other protected species. NIEA have responded previously to advise that they do not have concerns in this regard. NIEA however have voiced concerns that the waste water treatment proposal has the potential to pollute but have not voiced an objection in this regard. Taking a precautionary approach to ensuring the habitats of protected species are not endangered, the Planning Department would agree that the means of waste water treatment and its location proposed, may result in a detrimental impact on this protected species. The Planning Department have consulted NIEA with the letter of objection. If a further response from NIEA materially changes the Planning Department's opinion put forward in this Report, we will notify Committee of a revised consideration.

Whilst this proposal would, if permitted, result in the loss of agricultural land, there will be no unacceptable adverse impact on nearby agricultural activities, and the loss of agricultural land will not be significant in the context of the amount of available agricultural land in the locality.

The proposal will have a significant adverse impact on the visual amenity of the area. Based on the information currently available, it appears that the proposal will feature prominently in the area. There are considerable views into and through the site. Existing vegetation and hard landscaping will have to be removed to allow for the creation of sight lines, and the flood lighting columns and associated infrastructure of ball stop nets, the access road and the car parking will feature prominently in this landscape, which is particularly sensitive given its AONB location. The proposed club house while having an appearance of being single storey is 8.3m in height from finish floor level, which will have a significant detrimental impact on the rural area by way of lack of integration.

The proposed potential impact on the amenities of nearby residents have been assessed. The only existing boundary treatment separating the site from No 12 Drumsesk Road is a D-rail fence at present. It is proposed to plant this boundary out to the west of the site. However, the rear boundary to the north remains undefined to the rest of the agricultural field. The impact on the amenity of No 75 Warrenpoint Road and No 2 Drumsesk Road have been assessed through the submission of lighting assessments and with consultation with Environmental Health. Given the submission and changes to the floodlighting proposed, the reports clearly take the worst-case scenario of an E1 area and shows that there will not be

an unacceptable detrimental impact. The volume of cars travelling into and out of the site has the potential to compromise the amenity of the existing properties listed above given the lack of existing landscaping proposed to mitigate them, that and the fact that it would take a substantial period of time to mature to give an appropriate level of protection required. It is noted that Environmental Health Department have no concerns relating to noise from the proposed development and its impacts on the neighbouring. While there will be noise generated from the proposal, it must be assessed against the existing background noise currently experienced by immediate residents, with the presences of the traffic noises along the A2, and the light engineering works located in shed adjacent to No 75 Warrenpoint Road. The noise resulting from the proposal before us will not be continuous but rather limited to mostly evening and weekends and this taken together with the existing background noise of the A2 and surrounding land uses will limit any potential noise having an adverse impact on neighbouring residential amenity. This is supported by Environmental Health's response that there will be no adverse impact on residential amenity by way of noise in their most recent response. The objectors in recent correspondence have highlighted that there would be up glow from the floodlights because of this proposal and point out that in the Institution of lighting professional guidance notes for the reduction in obtrusive light the standard for an E1 area should not exceed 0 Lux pre-curfew. In considering this objection I am mindful that within the Mourne's AONB there is substantial large urban areas which would all exceed this threshold. The policy of the AONB requires that the proposal respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape. This proposal for lighting will result in an illumination of the sky or up glow within the AONB. However, there are large areas of the ANOB which already experiences this within urban areas and indeed around other sports grounds within the Mourne's AONB. In these areas the recommended 0 Lux pre-curfew is not achieved. The Planning Department having considered all material considerations in this matter, including the characteristics of the AONB, and the existing light pollution of neighbouring street lights along the Drumsesk cottages and the A2 together with the overspill from two nearby urban areas, do not consider that the flood lighting of the pitch for specific times would have a detrimental impact on the character of the AONB. The recent objection letter also states that in the submitted lighting report that property 6 exceeds the recommended Lux levels. The planning Department are aware of this, however as this property does not have a residential use class, no determining weight has been attached to it as it would not adversely affect living or working amenity.

There is no evidence to suggest that public safety could be prejudiced by this proposal and the nature, scale, extent and frequency of use proposed do not render the development incompatible with the surrounding character. A recent objection submitted has raised the concern that the proposed flood lighting would have a detrimental impact on road users due to the lighting having a blinding effect of road users. DfI Roads are the responsible authority for roads safety and they have been consulted on numerous occasions on the scheme in its entirety, including the flood lighting and they have responded stating that they have no roads safety concerns.

The club house will not be able to benefit from an appropriate degree of integration within the surrounding area, this together with the visual impact of the flood lighting standards and ball stop nets will have a detrimental impact on the character of the AONB. There will be a significant amount of earth movement required to accommodate this proposal. The overall

significant impact of the amount of earth moving required to accommodate this proposal will be likely to affect the character and appearance of the rural area and indeed that of the ANOB to its detriment.

No evidence has been suggested to indicate that a movement pattern that supports walking and cycling will be created to an acceptable standard, however the site does have existing and proposed pedestrian linkages with either nearby settlement of Warrenpoint and Rostrevor. These Pedestrian links are not to an acceptable standard in terms of the width required by existing standards, and access by means of transport other than the private car would not be convenient;

At this stage DfI Roads has indicated that the proposed access and internal access road is acceptable when considered against the requirements of AMP 1 and AMP 2. However, as it does not meet the criteria for suitable recreational development within the countryside and the proposal involves a new access road onto a protected route, then the proposal is contrary to criteria (d) of AMP 3 as amended at the end of PPS 21. The proposal is therefore contrary to OS 3.

The Planning Authority have considered whether OS 4 is a policy which this proposal should be assessed against and is of the opinion that this proposal is not an intensive sporting facility and therefore that OS 4 is not applicable.

Policy OS 5

On balance, despite the potential for noise disturbance, I do not consider the proposal to be a noise generating sports and outdoor recreational activity, having regard to the types of "noise generating" activities described in Policy OS 5. The uses described in Policy OS 5 are reflective of sports that rely on the use of motorised or other noise generating equipment, unlike football -which does not involve the use of any equipment like this.

Policy OS 7

There is potential for the development to have an unacceptable impact on the amenities of people living nearby, in particular in relation to the potential impact of the proposed flood lighting on the nearby residential amenity. The Planning Department have requested that this be fully address in a submitted lighting assessment detailing impact on the neighbouring properties. This has been received and consultation with Environmental Health has taken place. The submitted information has assessed the proposal in a worst-case scenario of E1. The submitted information demonstrates that the proposal meets the Guidance Notes for the Reduction of Obstrusive Light' for Pre and Post curfew for Environmental Zone E1 at the sensitive receptor locations, subject to a condition attached if permission is forthcoming restricting the hours of operation of the flood lights from 1800hrs to 2200hrs Monday to Sunday. The objectors in recent correspondence have highlighted that there would be up glow from the floodlights because of this proposal and point out that in the Institution of lighting professional guidance notes for the reduction in obtrusive light the standard for an E1 area should not exceed 0 Lux pre-curfew. In considering this objection I am mindful that within the Mourne's AONB there is substantial large urban areas which would all succeed this threshold. The policy of the AONB requires that the proposal respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape. This proposal for lighting will result in an

illumination of the sky or up glow within the AONB. However, there are large areas of the AONB which already experiences this within urban areas and indeed around other sports grounds within the Mourne's AONB. In these areas the recommended 0 Lux pre-curfew is not achieved. The Planning Department having considered all material considerations in this matter, including the characteristics of the AONB, and the existing light pollution of neighbouring street lights along the Drumsesk cottages and the A2 together with the overspill from two nearby urban areas, do not consider that the flood lighting of the pitch for specific times would have a detrimental impact on the character of the AONB. The recent objection letter also states that in the submitted lighting report that property 6 exceeds the recommended Lux levels. The planning Department are aware of this, however as this property does not have a residential use class, no determining weight has been attached to it as it would not adversely affect living or working amenity. The proposal therefore meets policy OS 7.

PPS 21. Policy CTY 13

I am concerned that, based on the information submitted, the development would appear as a prominent feature in the locality. The site would be unable to provide a suitable degree of enclosure for a development of this nature and the proposal could therefore not integrate satisfactorily with the surrounding area.

The proposal would, if permitted, rely upon new landscaping to achieve a satisfactory degree of integration, and significant ancillary works of a large meandering access road, with a access from the A2 cut through a roadside bank, Significant earth works and grading of land to create a flat pitch area, and a Club House building approximately 8.3m from FFL, together with the associated ball stop fences, flood lighting and large carparking areas, would in this case not integrate with the site's surroundings.

The proposal involves a significant proportion of engineering to manufacture a flat surface to accommodate the playing pitch and a level car parking area. This is fundamentally contrary to CTY 13 and to aiding the integration of the development within the rural area and indeed that of the AONB.

The design of the building is inappropriate to this site and in this locality, due to its design height, massing and siting, as it is located close to a listed building and also due to the AONB status and the site's open nature.

The proposal would fail to blend with the existing landform, and the existing vegetation is incapable of providing an acceptable backdrop. On balance, the proposal has failed to comply with criteria of Policy CTY 13.

Policies CTY 14 & CTY 8.

I consider that the proposal would appear unduly conspicuous in the landscape. The resultant development pattern would appear suburban, to the detriment of the character of the area by reasons of suburban development and a build-up of development, and the proposal does not respect the traditional pattern of settlement that is exhibited in this area. Ribbon development would be created along the laneway with the existing two sheds, together with No. 12 Drumsesk Road being read together with the proposed club room building and would harm and erode the rural environment unnecessarily. On balance, the proposal has failed to meet the requirements of Policy CTY 14 and that of CTY 8.

Policy BH 11 is relevant as this development has the potential to impact on the setting of nearby listed buildings. Historic Environment Division Historic Buildings Unit has indicated that Compliance with Policy BH 11 has not been demonstrated as they have several key concerns in relation to the proposal and its impact on the setting on several adjacent Listed Buildings, particularly Arnos Vale by reason of the overall scale of the development and the consequent impact on the wider landscape of this largely undeveloped rural area between Rostrevor and Warrenpoint. For example, a critical view from the Cloughmore Stone takes in a number of listed buildings including Arno's Vale, Rosetta, Drumsesk House and the Ross Monument. The proposal will radically change the character of this view: The proposed access road which run across lands directly in front of Arnos Vale, attendant traffic, noise and likely advertising and signposting; The height and density of the flood lighting – not only when the lights are on, but the impact of the standards; Fencing and netting arrangements would all have an unacceptable adverse impact on the setting of listed buildings listed above and in particular on the setting of Arno's Vale when viewed from the public roadside along the Warrenpoint Road, the Drumsesk Road and the private laneway which will have significant public use as a result of this proposal. The proposal is therefore contrary to BH 11 of PPS 6.

PPS 2 Planning and Nature Conservation

At the date of inspection, I did not detect any signs of wildlife or protected species in the site. Third parties have referred to them however, and NIEA Natural Heritage Division has stated that they do not believe that there will be any impact on wildlife or protected species. As discussed above the development will have an adverse impact on the integrity of the rural area and indeed that of the designated ANOB. This site will have a detrimental impact on the character of the AONB specifically due to the substantial cut and banking required to construct this proposal and the development and associated operational infrastructure of the ball stop nets, flood lighting, car parking, and the proposed access road and club house. These will all be prominent within the local rural area and will be detrimental to the character of the AONB and therefore contrary to NH 6 of PPS 2.

The proposal also includes the provision of sewage treatment by waste water treatment tank. The run of pipe is located within an area of the site which is prone to flooding and is proposed to discharge into a watercourse directly. This raises considerable concern about the possibility of contamination of ground water from the plant and indeed that contamination making its way into nearby watercourses and the Lough situated nearby which has several European designations within it. In recent letters objectors have raised concerns in relation to protected species such as otters which are situated downstream from this proposal towards the lough. Shared Environmental Services, who carry out the Council HRA, have not been able to complete a satisfactory HRA on this proposal. They advise that it cannot be concluded beyond scientific doubt that there won't be adverse impact as a result of this scheme being developed to the Carlingford Lough SPA, Marine proposed SPA and RAMSAR site, Carlingford Shore SAC and Carlingford Lough SPA (ROI). Given that the protection of designations and species the Planning Department must adopt a precautionary approach to considering the implications that this proposal may have. This proposal is therefore contrary to Policies NH 1, NH 2 and NH 5 of PPS 2 in that the proposal may have an adverse impact on the integrity of European Conservation sites and species within the nearby watercourses and Carlingford Lough.

Given that Council cannot ensure that the integrity of these European sites can be protected by condition it is our considered opinion that the proposal cannot meet the requirements of Regulation 43 of The Conservation (Natural Habitats) Regulations (Northern Ireland) 1995 (as Amended 2015).

PPS 3 Access, Movement and Parking

Roads Service has replied to the consultation stated that while it has no objection to the design and layout of the access, that the principle of it must be assessed against AMP 3. The proposal utilises a new access onto the A2 and does not meet the policy requirements for "other development" i.e. outdoor recreational development. Therefore, the proposal is contrary to AMP 3.

As the proposal does not meet OS 3 and CTY 1 for development in the countryside the proposal cannot meet one of the exceptions listed in the amended AMP 3 policy. The proposal also does not propose using an existing access or access onto a side road onto a protected route. This proposal involves the creation of a new access onto the protected route and the proposal is contrary to AMP 3 of PPS 3 as amended.

PPS 15 Flood Risk FLD 1, FLD 3 & FLD 4

The southern boundary of the field is located within the Q100 flood plain and a significant portion of the southern and eastern boundaries are within a surface flooding zoning. At this section of the site there is a grassed area together with the access road into the development and part of the car parking proposed. This is obviously substituting suitable agricultural soil moisture storage for a hard-surfaced area which can increase the changes of flooding elsewhere. As the Red Line of the development site contains land which is within the Q100 flood plain the proposal must be assessed against FLD 1. The proposal is for a sport and recreational ground this proposal would meet the exception criteria (f) within FLD 1 provided that it is accompanied by a flood risk assessment which demonstrates that the proposal will not result in increased flooding in other areas. The Flood Risk Assessment and Drainage Assessment has been submitted in 2015 with the application and Rivers Agency has responded to a consultation on this. Rivers Agency as statutory consultees has advised that the content is acceptable subject to the applicant providing the applicant renews a previously approved schedule 6 agreement. This can be negatively conditioned to be submitted if approval were forthcoming. The Planning Department have re-consulted Rivers Agency in light of the amended scheme with revised waste water treatment facilities. Rivers Agency confirm that they are satisfied that the FRA remains valid and they are satisfied with the findings of the FRA and DA submitted. Rivers Agency have advised that the storage attenuation cells to be developed within the car park will leave the site having a greenfield run off rate. Therefore, the criteria for FLD 1 and FLD 3 are met.

There is proposed culverting to pipe an existing unnamed drain along the southern boundary to allow the access road to be constructed. This meets the policy requirements of FLD 4.

CTY 16 of PPS 21 assesses the disposal of sewage in development schemes in the Countryside. Given that the suggested disposal method here is a waste water treatment tank and the discharge pipe has been located in the area of the site which has been identified as known to flood and hold surface water and discharge directly into a watercourse known to flood, the Planning Authority does not envisage that this sewage disposal scheme is viable

and would therefore not be content to negatively condition it. The proposal is therefore contrary to CTY 16 also.

Recommendation:

Therefore, having considered the proposal against all the prevailing planning policies the Planning Department have concluded that the proposal is contrary to the following Planning Policies and refusal reasons detailed below.

Refusal Reason:

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 Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed development is a prominent feature in the landscape; it is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; it relies primarily on the use of new landscaping for integration; ancillary works do not integrate with their surroundings; the proposal fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the development would, if permitted, be unduly prominent in the landscape, the impact of ancillary works would damage rural character, and it would therefore result in a detrimental change to the rural character of the countryside.
4. The proposed development is contrary to Policy OS 3 of the Department's Planning Policy Statement 8 Open Space, Sport and Outdoor recreation, in that it has not been demonstrated that there will be no adverse impact on the natural and built heritage of this area, the proposal will have an adverse impact on the visual amenity of the area, the development will not integrate adequately with its surroundings and as the road network cannot safely handle the additional traffic that is likely to be attracted to the premises.
5. The proposal is contrary to Policy BH 11 of the Department's Planning Policy Statement 6 Planning, Archaeology and the Built Heritage in that it has not been demonstrated that the development will not have an adverse impact on the setting of a nearby listed building.
6. The proposed development is contrary to Policy AMP 3 of the Department's Planning Policy Statement 3 Access, Movement and Parking (as amended), and associated guidance, in that it would result in the creation of a new access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general road safety.

7. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the private laneway off the Drumsesk Road.
8. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 6 in that the site lies within the Mourne AONB a designated site of local and national importance and would, if permitted, adversely affect the setting and integrity of the area by reason of integration and visual amenity.
9. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 1 and NH 5 in that the proposal if permitted, may adversely affect the features and integrity of the Carlingford Lough SPA, Marine proposed SPA and RAMSAR site, Carlingford Shore SAC and Carlingford Lough SPA (ROI) due to ground water pollution and contamination.
10. The proposal is contrary to Policy CTY16 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not submitted sufficient information on the means of sewerage to properly consider the impact of the development in terms of pollution.
11. The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 2 in that the proposal if permitted, may adversely affect the features and integrity of habitats of protected species.

Case Officer: J McParland

Date: 01/12/2020

Authorised Officer: Pat Rooney

Date: 01/12/2020

PROJECT	Proposed Sports Complex
REFERENCE	P/2013/0189/F
DATE	9 th December 2020

Thank-you for the opportunity to make a representation to you this evening concerning this application that has been in the planning system coming up to its 8th year. I do not wish to repeat the reasons why this application should be refused, as these have been articulated within the case officer report and furthermore do not have enough speaking time to cover all 11 reasons.

Despite this, from the very outset it is important to note that within the planning report it is set out that Shared Environmental Services (SES) as a statutory consultee has stressed to the Council (as the competent authority and decision maker) that a satisfactory Habitats Regulation Assessment (HRA) cannot be undertaken for the proposal. SES explains that it cannot be concluded beyond reasonable scientific doubt that the project will not have an adverse effect on the site integrity of Carlingford Lough Special Protection Area (SPA), Marine Proposed SPA and Ramsar site or on Carlingford Shore Special Area of Conservation (SAC) and Carlingford Lough SPA (RoI).

They have advised that the reason for their conclusion is that evidence of a viable solution to waste water treatment has not been provided by the applicant. They further advise that the proposal could contribute to deterioration of water quality in Carlingford Lough and negatively impact features of connected European Sites.

Obviously dealing with the correct steps in law is fundamentally important for securing a robust planning consent at this and any site. Given the presence of European designated sites, the Council when considering the planning application is required to consider the relevant test in accordance with the provisions set out in the Habitats Regulations and Regulation 43. If it is considered that the proposals are likely to give rise to significant effects, or if it unclear then the second stage of Regulation 43 applies and an Appropriate Assessment of the plan or project in terms of the likely significant effects on the European site, in view of its conservation objectives, and in turn on the European site's integrity, should be undertaken.

There are some key requirements which are peculiar only to the Habitat Regulations. One of these is that the decision taker (in this case members) must be certain beyond reasonable scientific doubt as to the absence of effects. The burden of proof is on the **applicant** to demonstrate that the proposal will not have a significant effect. The Regulations require that the Competent Authority (in this case the planning department or members) can only grant a lawful consent for the proposal after having ascertained that there will not be an impact on site integrity. The European test case known as the Waddenzee Case confirmed that any decision must be made on the best scientific

evidence available, and that where it could not be shown that there would not be an effect on the integrity of the site, a consent could not lawfully be granted even with planning conditions. Subsequent judgements have further underlined the requirement to demonstrate fully that there will not be an adverse effect upon integrity. Given the response to the application by SES it is incumbent on members this evening to refuse the application for this reason alone (being contrary to PPS2 and specifically policies NH1, NH2 and NH5) otherwise any approval would be legally unsound and open to legal challenge. This of course is not to mention the other reasons for refusal.

It is noted that NIEA (Natural Environment Division) raised no objections to the proposal as they believed that there would be no impact on protected species at the site. However, this response is not based on any up to date ecological assessment. Ecology is a transient constraint and it is inconceivable how a response like this can be concluded without any up to date ecological analysis. It is understood that the case officer visited the site in early 2020 and noted "I did not detect any signs of protected species in the site." The case officer is not an ecologist and therefore this conclusion cannot be robust evidence. Consequently, the development should also be further refused under PPS 2. Natural Heritage and specifically policy NH2 for reasons of insufficient information concerning the protection of protected species.

This development cannot be described as being an exception to the 11 reasons for refusal given that it is for one pitch and a small clubhouse and no evidence has been provided that demonstrates this as an exception to policy. This proposal is exactly what the club already has at Greenpark Road. When this new site at Drumsesk was purchased in July 2012, the applicant still had the option to repurchase land at Kilbroney Road, on which they had been successful in gaining planning permission in 2008. Land registry shows this transfer occurred in December 2011 and as such the club retained the capacity to repurchase until December 2013, 10 months after this application was first lodged. In terms of community benefit there are a plethora of meeting rooms and other spaces available for the community within the village limits, including the old primary school, the new primary school, the centre within Kilbroney Park and the Kilbroney centre to mention but a few.

Policy OS 3 relates to Outdoor Recreation in the Countryside and provides a number of examples in the supporting text in terms of what this equates to. These include golf courses, golf driving ranges, equestrian uses and temporary recreational uses such as clay pigeon shooting. These uses clearly do not extend to intensive sports facilities that will cater for sporting teams and spectators arriving and using the facilities such as this proposal. It is also worth noting that a supporting planning statement was submitted by the applicant's agent at the time (2013) noting that the application was presented to Newry and Mourne District Council on the 4th July 2013. This was with an opinion to refuse planning permission with 10 reasons for refusal". This included policy OS4 in that "it had not been demonstrated there are no alternative sites within nearby settlements." Therefore, there was clearly an acceptance by the planning department at the time that policy OS4 is the correct policy to assess the scheme against.

We therefore respectfully request that the application is refused this evening for the reasons set out within this speaking note and those contained within the case officer report.

Submissions on behalf of St Bronagh's GAA

The GAA club was founded in 1919. There numerous fields used by the club and the club had a variety of homes until 1959 when the Club bought land and in 1962 our present playing field (Pettit Park) was officially opened. The club acquired property in 5/7 Mary Street in 1975 and the adjoining premises at 1-3 Mary Street 1980 and that is the site of the Social Club.

In 1962 the Club fielded 7 teams. Today there are 17 teams including 5 Ladies Teams but now Petit Park can no longer cater for the needs of our community. A large site had been purchased in 2008 on the Kilbroney Road but the 2008 recession meant the Kilbroney Road project could not proceed. The inadequacy of club facilities continued to adversely impact the club and the club looked for a site to develop another pitch in an area with scarce availability of land and hemmed in between the mountains and Carlingford Lough. Eventually the club was able to buy land at Drumsesk and has been attempting to secure planning permission for development since 2013. The facility, a pitch and changing rooms, is required by the 400 playing members (including our younger players), the mentors and the community of Rostrevor as a whole. The local support for the project is acknowledged in the Planning Officers reference at page 3 to 1059 letters of support for the development and 2 petitions supporting the project.

Recommendation of the Planning Officers – The planning officers have refused the proposal and there are 11 grounds of refusal set out at page 9 of their letter of 2nd December 2020 (replacing the letter of 7th of October 2020). It is contended that the concerns of the planners have been addressed throughout this lengthy process and the club remains committed to working with and addressing the concerns of the planners. The club sets out its response to the grounds of refusal and any reports referred to below were submitted to the planning officers and are available. In relation to the refusal points it is contended as follows in response to each refusal ground:

1. *The proposal is contrary to Policy CTY1* – TSA Planning compiled a full report outlining all lack of alternative options in and around the Rostrevor area. There has been no other land identified as a suitable location for the development. That report sets out the efforts to source facilities and the need to meet the demand for better facilities for the Rostrevor Community. Better facilities will promote the health and wellbeing of the club members and the facilities will be available to the entire community.

2, 3 & 4 -*The proposal is contrary to Policies CTY13, CTY14 and OS 3* – The club has commissioned and provided the planners with assessments by Park Hood Landscape Architects and their report of 17th of February 2014. The club has proposed additional landscaping proposals and 3D imagery alleviates the concerns that the proposal does not integrate into its surroundings. The carpark area will not be visible from the main Rostrevor Road. Enhanced and sympathetic landscaping will further integrate the proposed development and access road. The report of Park Hood is not referenced in the Planners refusal and appears not to have been considered. Furthermore the existence of a cluster of imposing shed in the vicinity of the site has not been referenced by the Planning Office.

A detailed report by Manor Architects was produced to comment on the nearby listed building and the heritage of the area. This well researched report suggests that some of the assumptions relied upon by the planners are incorrect. There is no evidence the land on which the development is proposed was landscaped. It appears no credence has been given to the content of this report.

The Club asserts that there no clear evidence that the road network cannot support the additional traffic generated. Transport NI have not raised an objection in this respect. The Environmental Health Department confirm that they have no concerns about the proposed development.

5. *The proposal is contrary to Policy BH 11* – the report by Manor Architects and Hood Park was commissioned to address these concerns and the club remains willing to address all concerns in that might be raised.

6. *The proposal is contrary to Policy AMP 3* – it is noted that there is no objection to the proposal by the Road Service. The club commissioned a report from Sean Foy of Atkins and in their letter of 21/05/19 he notes the DfI Roads consider “that the proposed access and internal access road is acceptable when considered against the requirements of AMP 1 and AMP 2” which suggests the site is accessible and “will not prejudice road safety or significantly inconvenience the flow of traffic.” This is acknowledged at the penultimate paragraph of page 5 of the planner’s letter. Mr Foy contends that in terms of a general

consideration of AMP3 the access proposals are acceptable and the access proposals are compliant with PPS3.

7. *The proposal is contrary to Policy CTY8* – it is suggested that the clubhouse (changing rooms) is a discrete structure that is to be landscaped and should not amount to a building that can be considered part of a ribbon development. The plans submitted and 3-D imagery which is available can help visualise the proposal in its full context.

8. *The proposal is contrary to the Planning Policy Statement 2, policy NH 6* - again the reports, imagery and 3d imagery have been prepared to assess the visual impact of the proposal suggest the visual impact is overstated in the grounds for refusal and the Club remain willing to consider and reconsider any concerns arising. The proposed development brings a huge community benefit. The club understands the importance of maintaining the beauty of the Rostrevor area. An application for a similar development which fell through was approved in or about 2008. It should also be noted that planning approval was granted for that proposal notwithstanding the fact the site was in close proximity to a Grade B+ listed building.

9, 10 - *The proposal is contrary PPS 2 policy NH 1, CTY 16 (Sustainable Development in the Countryside), Policy FLD 1 PPS 15 and PPS 15 FLD 3* - A report has been obtained from McCloys regarding the siting of the water treatment plant and the club will work with the planning authorities and other agencies to ensure the water treatment plant is situated in the most suitable location which can be provided for within the subject premises. Once again it is emphasized that the local community will benefit from the proposal, previous applications have been approved for similar developments in the past and due to the unique location of Rostrevor the community is restricted in terms of development. Once again reports and assessments have been obtained to address the concerns.

11 - *The proposal is contrary to the Department's Planning Policy Statement 2, Planning and Nature Conservation policy NH 2* in that the proposal if permitted, may adversely affect the features and integrity of habitats of protected species. The club is not aware of any evidence of this and suggests that it is difficult to see how the development of a pitch and changing rooms on the field in question might have an impact on habitats and protected species as suggested but will listen to all advice received in respect of this. The club has also seen a letter from the Northern Ireland Environment Agency Natural Environment Division dated 28th of November 2014 in which the NIEA concluded that there will be no likely significant effects on the integrity of the site... provided conditions are attached to any Decision Notice.

Conclusion

The Club has endeavoured to address the planner's concerns as can be seen from the numerous reports obtained. The Club will continue to address any issues that arise. The Club is sensitive to the unique beauty and importance of the local environment. It is a privilege to live in such a beautiful area overlooked by mountains and surrounding Carlingford Lough, but that unique landscape means that land to develop a facility like this is scarce. This is the only opportunity the club has to provide much needed facilities.

The club is made up of many generations of families and comprises of committee members, members, mentors, players and parents. The club has been in existence for decades and it is hoped that the current club members will continue the traditions of the club to serve the needs of the local community for decades to come and promote good health and well-being of the entire local community.

The club contends there is overwhelming support for this project within the community but also recognises and respects the objections that have been made. The Club will endeavour to address concerns of the objectors and is also committed to being a good neighbour to those who live nearby. It is suggested, therefore, that the Club has provided sufficient information to address the concerns of the Planners and to enable the Planning Committee to vote in favour of the proposed development. The club respectfully requests that this application is passed to allow the club to provide a facility that is crucial for the Rostrevor Community.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

33

Application Reference: LA07/2018/1952/F

Date Received: 15.11.2018

Proposal: Demolition to the rear of existing public house with frontage to Church Street retained including construction of new extension to existing Public House. Construction of 3 No retail units and 10 apartments over with pedestrian access off Kings Lane and all associated site works. Kings Lane to be stopped up with pedestrian access only. (Amended Proposal Description)

Location: 21 – 23 Church Street, Warrenpoint.

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1.** The site contains a 2½ storey building on a double town centre plot which fronts onto Church Street to the south west and King's Lane on its north-west boundary. Church Street is the main commercial street in Warrenpoint and King's Lane, 5 metres in width, with no footpaths, provides a one-way vehicular access from Church Street to Summerhill, a largely residential street to the north.
- 1.2.** Now unoccupied, the building was last used as a bar/restaurant. The walls are rendered with decorative plasterwork around the first-floor front windows which are timber sliding sash type. There are arched timber window frames

in the ground floor shop front and dormers in the roof which is covered with slate.

- 1.3. The height of the building reduces from its Church Street frontage to a two and then single storey flat rear extension with an enclosed yard to the rear. There are a number of doors and windows on the King's Lane frontage. The rear yard is accessed from the Summer Hill side to the north via a vehicular access on its northern boundary which also serves a residential and commercial property. It also provides a rear access to the adjacent Town Hall building.
- 1.4. The site is located within the development limit of Warrenpoint and within the Town Centre Boundary. It is designated as an Area of Townscape Character (WB34) in the Banbridge, Newry and Mourne Area Plan 2015 and is within the Mournes and Slieve Croob Area of Outstanding Natural Beauty. Church Street is part of the A2 Protected Route. There is an historic monument, Town Hall, DOW 054:500 to the SW of the site.
- 1.5. This part of the town centre has a range of land uses including residential, commercial and civic buildings.

2.0. SITE HISTORY

- 2.1. **P/1988/1242** – Extensions and alterations to licensed premises – Approved.

LA07/2016/0883/F – Demolition of existing bar/restaurant with 2 floors of residential use over. Relocation of existing credit union from 14 Church Street. New 3 storey building (Class A2: financial, professional and other services) with ground floor pedestrian access off Church Street and King's Lane. Refusal.

3.0. PLANNING POLICY MATERIAL CONSIDERATIONS

- 3.1. The planning policy context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge, Newry & Mourne Area Plan 2015
- PPS3 – Access, Movement and Parking
- DCAN15 – Vehicular Access Standards
- Parking Standards
- PPS6 – Planning, Archaeology and the Built Heritage
- PPS 12 - Housing in Settlements
- Planning Policy Statement for Rural NI
- Creating Places – Achieving Quality in Residential Developments; and
- Development Control Advice Note (DCAN) 8 – Housing in Existing Urban Areas.

4.0. STATUTORY CONSULTATIONS:

4.1. A number of statutory consultations were issued, following receipt of the application. Their final comments are listed below:

- **DfI Roads:** No objections to amended plan dated 18 June 2020 and 8 July 2020 subject to conditions.
- **DAERA Natural Heritage and Conservation Areas:** Based on the information provided the Land & Groundwater Team within the Regulation Unit would have no objections to the development subject to conditions and informatives.
- **DfC Historic Environment Division HED:** No objections. HED (Historic Buildings) has considered the effects of the proposal on the listed building and on the basis of the information provided considers the proposal now satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, subject to conditions. 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.
- **DfI Rivers:** No objection subject to planning condition.
- **N,M &DDC, Environmental Health :** No objection subject to planning conditions.

- **NI Water** : No Objections with standard informatives.

5.0. OBJECTIONS & REPRESENTATIONS

- 5.1.** Details of the initial application together with subsequent amendments were advertised in the local press in April 2019, May 2020 and October 2020. Nearest neighbours were notified about the initial scheme and subsequent revisions. Nine objections were received. These raised a number of objections including: lack of car parking; the stopping up of King's Lane; overlooking, dominance, loss of light and impact on residential amenity; and increased anti- social behaviour. These issues were all considered by the Planning Department, in consultation with the relevant statutory bodies, as part of its assessment of the application. Details are provided below.

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1.** In summary the proposal is to retain and redevelop an existing public house fronting onto Church Street and the construction of a new extension to the rear to provide a bar/restaurant 3 No retail units with 10 No apartments over with pedestrian access off King's Lane and all associated site works. Kings Lane to be stopped up with pedestrian access only.
- 6.2.** The main issues to be considered in this assessment are the principle of the proposed use of the site, the design of the new building and its impact within the Area of Townscape Character (ATC), impacts on the amenity of neighbouring properties, road safety and parking and other relevant material considerations.
- 6.3.** The Planning Department has carefully assessed the proposal in the context of the planning policy context above, including the statutory development plan for the area. The Planning Department has considered the information submitted in support of this application as part of its assessment.

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

- 6.4.** Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the local development plan so far as the material to the application, and to

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

- 6.5. The site is currently within the remit of the Banbridge / Newry & Mourne Area Plan 2015. The site is located within the designated settlement limit of Warrenpoint in the above Plan, as 'white land' not zoned for any purpose. It is within the designated Town Centre boundary, an Area of Townscape Character (ATC) under Designation WB34, which gives an extensive description of the key features of the area, and the Mournes and Slieve Croob Area of Outstanding Natural Beauty (AONB). Planning proposals within designated settlement limits must also be considered in the context of prevailing planning policy.
- 6.6. It is considered that the proposed mixed uses (bar/restaurant/retail with apartments above) are acceptable within this town centre location in planning policy terms.
- 6.7. The proposed bar/restaurant is on the site of a former bar/restaurant and is considered acceptable in principle.
- 6.8. The Strategic Planning Policy Statement (SPPS) promotes a town centres first approach for the location of new retail facilities and introduces a sequential test for the identification of retail sites. As this site is within the designated town centre of Warrenpoint and there is no designated Primary Retail Core, the principle of the proposed retail use is acceptable on this site.
- 6.9. The proposed apartments, to be provided above the proposed retail units, are also considered acceptable in principle at this location, in planning policy terms. Planning Policy Statement 12 (PPS 12), which deals with 'housing in settlements' is a material consideration for planning applications. Planning Control Principle 3 of PPS 12, states that more housing should 'be promoted in city and town centres and mixed-use development encouraged'. City and town centre living encourages the development of 'walkable communities'

with environmental benefits through reducing the need to use private cars, and community benefits to people such as the elderly and young people who do not have access to a car.

- 6.10.** Policy HS 1 of PPS 12 promotes living over the shop. It also identifies a number of issues to be considered including the need for a suitable living environment and adequate refuse storage space. It states that a flexible approach will be applied to car parking provision having regard to the circumstances of each case. It states that living over the shop brings many social and economic benefits and is a cost-effective means of accommodating additional housing. It can provide a useful source of affordable rented housing and can contribute to the vitality and viability of town centres. It is considered that the proposal complies with this general policy context and the specific issues referred to are addressed in detail below.
- 6.11.** Planning Policy Statement 7 (PPS 7) 'Quality Residential Environments', provides the policy context for residential development proposals in settlements. 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.
- 6.12.** The proposal is considered to fit with the general criteria specified in Policy QD 1 of PPS 7 in terms of creating a quality and sustainable residential environment, in particular:
- The development is considered to respect the surrounding context and is appropriate to the character of the site. The application site is within the Town Centre and in line with existing development patterns comprising terraced dwellings and apartments. In addition to the design issues outlined below, it is also considered that its layout, scale, massing and density reflects that of a recently approved development comprising shops and apartments on the opposite side of King's Lane.

- HED (Historic Buildings) considered the impact of the proposal on an adjacent listed building. It has confirmed no objection. The proposal will not harm the wider Mournes AONB designation as required under policy NH6 of PPS2. HED (Historic Monuments) confirmed no objections.
- It is considered that the design concept, based on apartments above retail units is broadly acceptable in terms of amenity space and considering the specific context and characteristics. The proposal is also located within the Town Centre adjacent to a number of town parks and recreational areas, including the Seafront, which provides additional opportunities for outdoor recreation.
- The proposal is adjacent to wide range of local neighbourhood facilities, including retail, health services and schools. The site is also within walking distance of public transport and local services in the Town Centre. The issue of car parking is considered below.
- The design is appropriate and will enhance the local townscape, an Area of Townscape Character, (see Para 6.13 – 6.24 below).
- The proposal also introduces, a total of 8 apartments fronting King's Lane, at first and second floor level directly opposite existing apartments. A number of existing residents raised the issue of loss of privacy due to the proximity between the existing and proposed apartments. The existing apartment units have small balconies to the front. The proposal involves windows in the front elevation, serving living and bedroom areas. King's Lane is 5 metres wide and the building line of the retail and apartments is set back a further 1.25 metres. The existing apartments are set back from King's lane, at the upper level, a total separation distance of 7.5 metres. On balance it is considered that this degree of separation is acceptable given the site constraints and its town centre location. The apartments are also adjacent to an existing detached dwelling to the north. The apartments have been designed to ensure no overlooking of this property. Prevailing design guidance, as provided in 'Creating Places', provides for greater flexibility in assessing the separation distance for apartments and infill housing schemes in inner urban locations or other higher density areas.

- The development of this site will provide additional informal surveillance over adjacent streets, helping to deter crime and promote personal safety.

6.13. The proposal also largely complies with Policy LC 1 of the Addendum to PPS 7 in that the proposed density of residential development is not significantly higher than the adjacent area which comprise a mixture of apartments and terraced dwellings; the overall pattern of development is in keeping with the prevailing character; and the size of the proposed apartments exceed the internal floorspace standard identified.

Strategic Planning Policy Statement (SPPS) and the Addendum to Planning Policy 6 'Planning, Archaeology and the Built Heritage' (PPS6). Building Design and Layout.

6.14. Proposals within ATCs will continue to be assessed under regional operational policy contained in the Strategic Planning Policy Statement (SPPS) and the Addendum to Planning Policy 6 'Planning, Archaeology and the Built Heritage' (PPS6). As there is no significant change to the policy requirements for ATCs following the publication of the SPPS and it is arguably less prescriptive, the retained policy in the Addendum to PPS6 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

6.15. The Strategic Planning Policy Statement (SPPS) sets out core planning principles to be employed in the quest 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. It states, at Para 4.26, that 'Design is an important material consideration in the assessment of all proposals ... and 'Particular weight should be given to the impact of development on', amongst other things, 'the character of areas recognised for their landscape or townscape value, such asAreas of Townscape Character...'. The SPPS places an onus on planning authorities to 'reject poor designs, particularly proposals that are inappropriate to their context, including schemes that are clearly out of scale, or incompatible with their surroundings...'

- 6.16.** Policy ATC1 of the Addendum to PPS6 deals with 'Demolition Control in an Area of Townscape Character'. It states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.
- 6.17.** The proposal involves the retention of the former bar and restaurant fronting onto Church Street and the demolition and replacement of the rear buildings fronting onto King's Lane.
- 6.18.** The frontage of the building onto Church Street reflects its historical development over the years but displays important original features. The first-floor level is perhaps the best preserved with its decorative mouldings and keystones around the window openings and original sliding sash type windows. It also has traditional rendered quoins painted in a contrasting shade of blue. The ground floor also retains some original features including three narrow door openings which reflect the building's previous status as comprising several distinct plots in a finer urban grain. The smaller shop front window openings, some with arched timber heads also contribute to the character of the building and its setting. This front section of the building has a traditional narrow gable pitched roof with two chimneys on the ridge including one at the gable end.
- 6.19.** The ATC designation notes how chimneys punctuate the rigid geometry of ridgelines against the sky. The pitch and proportions of the roof and its clipped eaves and verges contribute to the traditional roofscape of the area, notwithstanding the more recent addition of four dormers. Finally, the traditional fascia signage and hanging projecting sign at first floor level contribute to the character of the building and the wider area. When the above features are viewed from various critical viewpoints within the town centre, the building clearly contributes to the character of the area in its own right. The Planning Department welcomes the proposal to retain it in full.

- 6.20.** The building to the rear fronting onto King's Lane is a predominantly flat topped rendered building presenting an almost dead frontage onto King's Lane. The Planning Department considers that the building to the rear does not make a positive contribution to the character of the ATC and can be demolished. The Kings Lane frontage would benefit from being redeveloped with active uses, in a similar way to the development on the opposite side of Kings Lane which includes both retail and residential frontage onto the street. The Planning Department has no objection to the demolition of the majority of this rear section of the building and its replacement by an appropriate redevelopment scheme.
- 6.21.** The design of the new building was assessed against policy ATC2 of the Addendum to PPS6 which requires that new development should maintain or enhance the overall character of the area and respects its built form. Policy DES2: 'Townscape' of the Planning Strategy for Rural Northern Ireland, is also relevant. It requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and the use of materials.
- 6.22.** The Planning Department sought a number of design changes to the original scheme proposal to address design issues and impact on adjacent properties. It also sought a reduction in the height of the rear return to King's Lane to ensure that it would not project above the front elevation onto Church Street. It is considered that the amended scheme, submitted in response to those concerns, is acceptable. The rear extension now fits with the scale of the building fronting King's Lane, directly opposite, approved by the previous planning authority.
- 6.23.** The Planning Department also sought amendments to the design and detailing of the proposed replacement element to reflect its ATC location and setting. These included visual breaks to the ridge line of the rear return with appropriate chimneys on the ridge, a break up in the massing of the frontage of King's Lane to create the impression of individual buildings, more traditional fenestration patterns, rhythms and details with appropriate solid to

void ratios; appropriate commercial/shop front and details; and an appropriate smooth rendered façade with plastered quoins. These amendments have now been incorporated into the revised design and are considered acceptable and appropriate to the overall setting of the ATC.

- 6.24.** HED (Historic Buildings) also considered the impact of the proposal on an adjacent listed building. It has confirmed no objection and noted the revisions to the scale, form and massing to the King's Lane façade. It requested that the works proposed make use of traditional or sympathetic building materials and techniques that respect those found on the adjacent listed building and request the use of natural slate, smooth rendered finish, painted hardwood timber doors and windows and profiled heavy duty cast aluminium.
- 6.25.** In this context, the proposal is also considered to be in accordance with Policy DES 2 of the Planning Strategy for Rural Northern Ireland. It also complies with Policy NH6 of PPS2 which applies to development within Areas of Outstanding Natural Beauty.

Planning Policy 3 (PPS 3) Access, Movement & Parking.

- 6.26.** The application is based on car parking provision on-street with no provision for car parking within the application site boundary. The agent submitted additional information, in support of the application, for a relaxation of the car parking requirement. This included details of the existing on-street car parking; the site's central location within Warrenpoint; and the availability of public transport.
- 6.27.** Policy AMP 7 of PPS 3 deals with car parking and servicing arrangements. It requires that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The policy states that a reduced level of car parking provision may be acceptable to serve a proposal in certain circumstances including; where it forms part of a package of measures to promote alternative transport modes; if it is in a highly accessible location well served by public transport; where it would benefit from spare capacity in nearby public car parks or adjacent on street

car parking, where shared car parking is available; where flexibility would assist in the conservation of the built or natural heritage.

- 6.28.** The appropriate level of car parking provision is a matter for the Planning Department to consider as part of its assessment of a planning application, taking into account each site-specific circumstance and all relevant material consideration. The normal car parking requirement for the proposed apartments and the retail element would be in the order of 25 spaces. The Planning Department acknowledges the need to ensure appropriate car parking generally and also acknowledges the demands that are placed on existing on-street provision in Warrenpoint, as highlighted by a number of objectors. On balance, however, it is considered that flexibility, including a reduced car parking requirement, is justified in this particular instance. This is based on prevailing planning policy requirements and the weight that can be attached to the nature and unique circumstances of the application for centrally located residential development, the specific site constraints and the significant environmental benefits the proposal will bring to the designated Area of Townscape Character. This approach is also appropriate where there is a need to reduce reliance on the private car and congestion and to encourage the use of available public transport facilities.
- 6.29.** It is considered that this application will enhance the Area of Townscape Character and bring significant environmental benefits to a tourist destination. It will return an important building to a positive use on a prominent town centre site with an enhanced design treatment to the rear. The proposal will also provide small scale residential units within a central location where there is existing on-street provision and accessibility to public transport.
- 6.30.** DfI Roads stated 'Following the latest consultation from Planning in which is stated that they are content to accept the application on the basis of on street car parking only. DfI Roads would offer no objection to this application'.
- 6.31.** In the light of the above, it is considered that the application is in general accordance with Policy AMP7 of PPS 3 and Policy QD1(f) of PPS 7 in that, given the particular circumstances of the application and all relevant material

considerations, an adequate and appropriate provision is available for car parking to serve the proposed development.

- 6.32.** The proposal is based on the stopping up of King's Lane to through vehicular traffic. DFI Roads has also confirmed that the proposed units can be serviced off King's Lane via temporary access arrangements for service vehicles.

Other Material Considerations

- 6.33.** The Planning Department fully assessed the potential impact of the proposal on the residential amenity of existing residential properties as part of its consideration of the application. This issue was raised by a number of representations and objections to the Planning Department, as outlined above.
- 6.34.** While supportive of the proposed plans one representation, a resident immediately adjacent to the south eastern boundary point, also raised a number of issues, namely: overshadowing and impact on privacy; potential for smell from bins; noise and nuisance; future use of the flat roof; and clarification on location of the smoking area.
- 6.35.** The majority of the application site is currently occupied by the 2 - storey former licensed premises and buildings to the rear. There are 2 properties, immediately adjacent to the south eastern boundary of the site, namely: a pharmacy with a residential unit, fronting Church Street and a detached house accessed from King's Lane. The south eastern boundary is formed by existing buildings and a boundary wall, 3 metres in height.
- 6.36.** The proposal involves raising the height of the buildings along part of the boundary, from 4 to 6 metres, to provide the extension to the restaurant. The remainder of the boundary wall, to the rear of the detached dwelling, remains at the current height.
- 6.37.** The proposed increase in the height of the boundary is considered broadly acceptable, in view of the height of the existing boundary, and will not have a

significantly greater impact on the amenity of the adjacent properties than currently exists.

- 6.38.** In addition to the extended rear extension to the licensed restaurant, the proposal originally included a 3-storey unit, sited immediately adjacent to an existing residential property to the south east. This existing property has 2 low level windows in the gable which currently serve a rear extension. The Planning Department considered that the proposed separation distance, as initially proposed, was inadequate and sought amendments. In response, the applicant submitted revised plans to show a 2.3 metre separation distance. There are no windows, in the proposed apartments, overlooking the existing property. The amended plans were re-notified and the issues of overshadowing, loss of light and impact on privacy were again raised, in response.
- 6.39.** As part of its assessment the Planning Department visited the site on 2 occasions. It noted that one of the windows in the adjoining property serves a small rear domestic storage area. The other window is on a rear living area which is also served by a number of other windows which provide light. It also noted the presence of the existing rear garden boundary wall and an existing building which is currently located within just over 2 metres of the windows in the side gable.
- 6.40.** While it is acknowledged that the proposal will introduce a more substantial building adjacent to the existing property, it is considered that the enhanced separation distance will reduce its impact on the adjacent residential property to the rear. On balance, considering all relevant material considerations outlined above, it is considered that the proposal can be judged to be acceptable.
- 6.41.** It is also acknowledged that the proposed rear extension will result in an increase in the height of the development adjacent to the existing properties. However, in assessing the resultant impact on adjacent properties, weight must be attached to the height of the both the existing building and boundary wall. The nature of the site's previous use, as a licensed remises/restaurant, and its town centre location are also material considerations.

- 6.42.** A number of other concerns on the impact of the proposal on amenity of the adjoining property were also raised, namely: the possibility of noise and odours; the location of the smoking area; and the future use of flat roof to the rear. Clarification was sought from the applicant, following receipt of the representation, in consultation with Environmental Health Department. The applicant has confirmed that there will be no access allowed to the 1st and 2nd floor outside areas. The detailed plans do not include any provision for access to these areas. The application does not include any provision for a smoking area. The amended plans identified Kings Lane to be the only area permitted as a smoking area.
- 6.43.** Environmental Health has confirmed no objections subject to planning conditions to protect the amenity of nearby residential property. These include: restricted hours of operation for the licensed premises and hours of waste collection; limitations on the future use of retail units to prevent hot food carry outs; design details specifying the positioning of flues and appropriate acoustic reduction measures; and no designated smoking areas anywhere else in the development, other than King's Lane.
- 6.44.** It also suggested no live music in the bar/restaurant or meeting rooms. The sites previous use as a licensed premises/ restaurant and its town centre location, where this type of use can reasonably be expected, is a material consideration. In this context it would not be reasonable to impose a condition preventing live music. Rather it is considered more appropriate to rely on appropriate sound proofing measures that have been incorporated into the design of the building plus future restrictions on the levels of music to be provided. It is also considered that these measures should be addressed through any future licensing arrangements.
- 6.45.** One representation referred to a possible increase in anti-social behaviour. This raises issues beyond the scope of planning and this application.
- 6.46.** Overall it is considered that while the proposal will introduce greater activity to rear it is considered that on balance, considering all material considerations, the proposal is acceptable in this town centre location.

Planning Policy Statement 3 (PPS 3) Access and Road Safety.

- 6.47. DfI Roads raised a number of concerns during the processing of the application, in particular the increase in the number of doorways and pedestrian access points onto King's Lane, which carries vehicular traffic. Following further assessment and discussion the application is now based on the future stopping up of King's Lane to vehicular traffic. The applicant has initiated the 'stopping up' process with DfI Roads and awaits the outcome. DfI Roads has confirmed, in its latest response that it is content with the proposal subject to measures to prevent permanent vehicular traffic and a planning condition to secure the stopping up of Kings Lane prior to the commencement of the development.

7.0. RECOMMENDATION:

- 7.1. In the light of all relevant material considerations, the proposal, on balance, meets with the prevailing planning policy context outlined above and can be recommended for approval with appropriate conditions, including those below.

Draft Planning Conditions:

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

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

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

3. The Design Details and Materials shall be as follows:

- Roof: Natural Slate.
- Walls: Smooth rendered finish.
- Windows/Doors: Painted hardwood timber.
- Rain Water Goods: Profiled heavy duty cast aluminium.

Reason: To respect the character of the setting of the building, the Area of Townscape Character and the adjacent listed building.

4. The development, hereby approved, shall not commence until Kings Lane is stopped up to through vehicular traffic in line with the requirements and procedures of the relevant roads order.
Reason: In the interests of pedestrian and traffic safety
5. The development hereby approved shall not be commenced until the developer/applicant has submitted to, and received approval, from the Department, for the final details of the highway improvements indicated generally on drawing No 200 REV B dated 18 June 2020.
Reason: In the interests of pedestrian and traffic safety
6. The public house and restaurant opening hours will be 11am – 1am.
Reason: to protect the amenity of nearby residential properties.
7. No fast food take away type business or any other late night business that may give rise to any nuisance shall be permitted within the retail units.
Reason: to protect the amenity of nearby and future residential properties.
8. No noise producing equipment is to be located outside the fabrics of the building.
Reason: to protect the amenity of nearby and future residential properties.
9. Waste must be disposed of externally within the ground floor storage area as shown in drawing NR-GD3116-201 REV B. Waste collection from the premises should only take place Monday to Friday 11am – 3pm as stated in application.
Reason: to protect the amenity of nearby and future residential properties.
10. Bins shall be provided and positioned in accordance with the submitted plans now approved.

Reason: to ensure appropriate means of refuse disposal and to protect the amenity of nearby residential properties.

11. A three stage ventilation system must be installed to include:

- Proprietary Gauze Filter.
- Electrostatic Precipitator.
- Chemical Odour Neutraliser.

Reason: to protect the amenity of nearby residential properties.

12. The flue outlet shall terminate in the most effective position to avoid adverse impact on neighbouring residences and in any case shall be at least 1m above the highest eaves level.

Reason: to protect the amenity of nearby residential properties.

13. Each of the residential units should be fitted with a heat recovery system (mechanical) as shown in Drawing NR GD3116-201 REV B.

Reason: to protect the amenity of future residents.

14. All external walls shall have the acoustic reduction ability as set out in the notes in drawing no. GD3116-201 REV B. The fabric of the apartment buildings should ensure that the internal acoustic environment is adequate for bedrooms.

Reason: to protect the amenity of future residents.

15. The area highlighted in Kings Lane will be the only area permitted to allow patrons to smoke in the development. There shall not be any designated smoking areas anywhere else in the development.

Reason: to protect the amenity of nearby residential properties.

16. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 shall be submitted to the Planning Authority for its consideration and approval.

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

17. Development 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.

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

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

19. After completing the remediation works under Condition 1 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

Plus Informatives:

Case Officer Signature:

Date: 02 December 2020.

Appointed Officer Signature:

Date:



To Whom it May Concern,

- I request Speaking Rights for the planning application LA07/2018/1952/F which will be presented to the planning Committee at the meeting on Wednesday 16th December 2020,
- I wish to highlight my right to natural light which will be blocked from my kitchen and porch windows, and natural light from my garden which is a sun trap.
 - To highlight bins which there is not enough for the 10 apartments, 3 shops, pub and restaurant, smell and fire hazard.
 - To also highlight where the smoking area is located.
 - Discuss the closing of the lane permanent which will lead to increased anti social behaviour which is out of control as it is.
 - To the Security and Safety of my building if building goes ahead, will I be able to have access to my gable wall to carry out maintenance of the plastering around windows, painting of the gable wall and to check the structure of the garden wall to make it secure.

Could you please contact me with a time and where this meeting takes place

Carmel m^c Cartan

please contact me on [REDACTED]

RE: LA07/2018/1952/F – item 7

I would not oppose an application that would bring about positive change to Warrenpoint town centre. However I feel that this particular application will have severe detrimental implications on road safety, antisocial behaviour, parking and access in the surrounding area.

This application should not be judged in isolation, but as per PPS7 2.15, the cumulative effect of recent developments and planning approvals needs to be taken into consideration.

I have asked NMDDC and DFI to provide details of the number of apartments built or approved and how many off street private parking spaces were requested to be provided in Warrenpoint ATC. A question that they are unable to find an answer to.

The parking and traffic issue alone will result in tourists and residents being unable to shop in our local town centre businesses which is contrary to council policy. I refer to the case officer's report point 6.26 which fails to acknowledge that most of the parking in this area has time restrictions. Secondly, in point 6.28 it states that the normal car parking requirements for this proposal would be in the order of 25 spaces, I am unaware of a parking survey being conducted. Some of the spaces are required for less able people and are vital to access local pharmacies.

The report fails to acknowledge the four vacant landmark commercial premises within 50m of this application. This application is detrimental to these premises being occupied.

In the case officer's report 6.2 this will increase traffic on an already congested Duke street and Summer Hill. Road safety on Summer Hill has to be a major concern with two health centres, public Library and elderly people's care housing. Residents of Summer Hill and East street already have problems in parking outside their own homes. This has led to their vehicles being damaged.

I query the supportive representation in 6.34 as I believe this was meant to be an objection.

Regarding antisocial behaviour, point 6.12, the 'development will provide informal surveillance over adjacent street, helping to deter crime and promote personal safety.' There is no evidence to support this claim. The two recent public meetings have shown evidence that antisocial behaviour has increased in the King's Lane area despite new developments which have been built and which were similar to this proposal.

I would have liked to have given oral evidence but unfortunately I have a prior engagement on the 16th

Jim Boylan

Could you please send me a copy of the minutes from the meeting

Thank you

Jim Boylan

Committee Meeting 16/12/20	Planning Application Number : LA07/2018/1952/F	Requested by: Colin Dalton – Gray Design Ltd
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21-23 Church Street, Warrenpoint – Formally Bennetts Public House

I along with one of the applicants Mr Brian McGivern wish to apply for speaking rights for the above application.

While we are very happy that this application has been presented to the committee with a recommendation to approve, we would requested that one of the “draft” planning conditions be revised / amended.

Draft Condition Nr 4 : The development, hereby approved, shall not commence until Kings Lane is stopped up to through vehicular traffic in line with the requirements and procedures of the relevant roads order.

After a considerable time in the planning system PAD meeting 24th May 2018 / Full app Dec 2018, one final issue regarding road safety was identified in mid 2019. The issue arises around pedestrians leaving our development and walking along Kings Lane.

We requested a meeting to discuss this and was contacted by Pat Rooney on the 9th of October 2019 to discuss. Pat facilitated a meeting on the 14th of November where he was present with Mark Keane, Jason Killen and Sean Milligan from Road Service, also in attendance with myself was Brian McGivern and James McCartan (applicants)

A number of solutions were discussed, with the main issue being that the planning service would not permit the gable of the old original building fronting Church street to be set back to allow a full footpath link along the entire length of the site – (the original gable is 7.6M). It was finally agreed at this meeting that we create a footpath along the length of our site up to the gable wall and erect a new 1.1 high pedestrian barrier that would ensure anyone leaving both the retail units and apartments could not step out onto Kings Lane. We revised the proposal and submitted again and were surprised when the consultation came back from Roads :

The proposed layout indicating a footway to the front of units and apartments is sub standard in terms of serviceability of them. DFI Roads (Traffic Section) has concerns in relation to the length of continuous barrier and means of access/egress.

Note to Planning - A stopping up / pedestrianised use of Kings Lane may be the best way forward in relation to this application.

Following a further meeting it was suggested that we lodge an application for the stopping up of Kings Lane as neither the planning service / council nor road service could make this application. We lodged this application as it appeared to satisfy both the planning department and Road service. This in turn changed the Road service response to :

A stopping up order will be required to be in place prior to occupation of the premises. on the 6th August 2020
and then was revised to

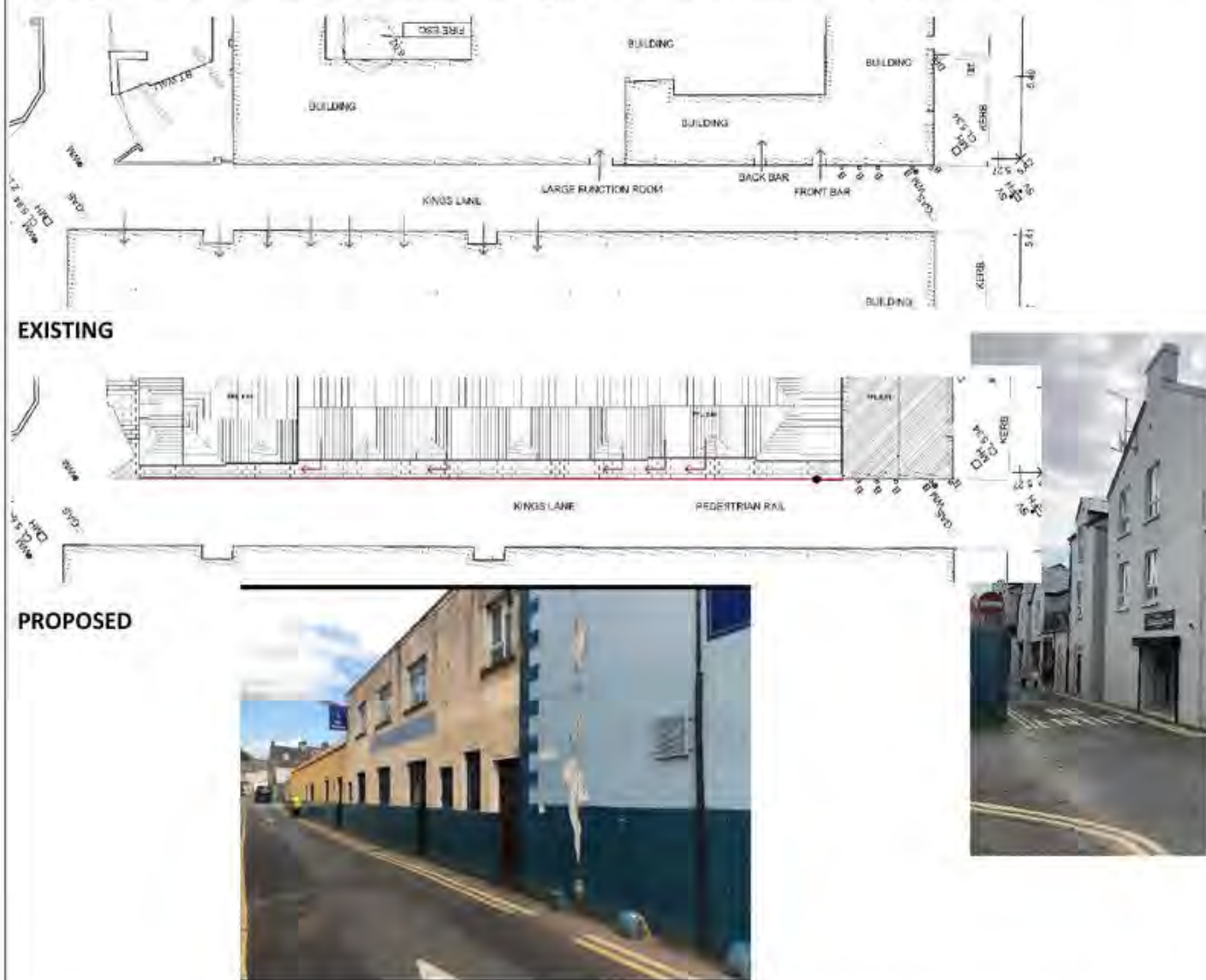
A stopping up order will be required to be in place prior to commencement of the premises. on the 1st of December 2020.

We are very disappointed to see this draft condition on the application as we thought the issue was sorted with the additional of the footpath and was not expecting the stopping up order to be conditioned on the application.

I have been in touch with Ms Jean Webb (Infrastructure NI) who is processing the stopping up order. Jean advised us last Monday 7th of December ".....If there are objections which cannot be set aside without recourse to public inquiry, then it is a possibility that the Stopping-up Order **may not be made.**"

Therefore a planning permission with this condition is **useless** to the applicant, as there is a condition that is out of our control and may not be able to be met with.

Currently the existing property has 3 accesses from the building directly onto Kings Lane (no footpath) 1 serving a large function room, 1 serving the back bar and 1 serving the front bar. In addition to these the recently constructed building on the opposite site has 8 entrances serving 3Nr retail units / stores and 6Nr apartments.



With the proposed pedestrian rail our proposal does not intensify the access onto Kings Lane it reduces the pedestrian access.

However and to conclude; in order to try and progress this application we would be happy for the draft condition to be revised back to the previous Road service comments **"A stopping up order will be required to be in place prior to occupation of the premises"** but we would need some form of guarantee that if this order was not approved that the building could be occupied / used, possible wording of this could be

"A stopping up order will be required to be in place prior to occupation of the premises or alternatively if this order is not granted a 1.1High Pedestrian rail is erected along the newly formed footpath to restrict any pedestrians access / egressing from the new development onto Kingslane in accordance with the approved plans."



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/0183/F

Date Received: 23rd January 2019

Proposal: Retention of extension to existing agricultural building for agricultural use, and manufacturing use associated with existing manufacturing business (Moyfab Engineering Ltd.

Location: 215 Moyad Road, Kilkeel, Newry

Site Characteristics & Area Characteristics:

The site comprises the roadside extension of a larger shed which sits within an existing building group on lands at 215 Moyad Road. The existing building group includes sheds in relation to both agricultural and engineering operations, with an associated yard directly north of the subject shed and further south of no.215 Moyad Road, a two-storey dwelling. There is a layby adjoining the site directly to the east, adjoining Moyad Road, which appears to be used for the parking of vehicles.



Beyond the relative building group, the site is largely surrounded by agricultural lands, with dispersed single dwellings, including no's 213 Moyad Road some 140m south-east of the site and no.219, some 95m north-west. Aughrim River is located some 45m west of the site and directly west of the adjoining shed. This area is classified as countryside and is included within the designated Mourne and Slieve Croob Area of Outstanding Natural Beauty (AONB,) with views towards Aughrim Hill to the west and the Mourne Mountains to the north / north-east.

Site / relevant surrounding history:

Of particular relevance to this application is a recent CLUD determination in respect of an adjoining shed to the application site / extended shed:

1. **LA07/2020/0436/LDE** - Certificate of Lawfulness for an existing use or development existing agricultural shed, permitted development 12.05.2020



Additional planning records for lands directly surrounding the application site include:

2. **LA07/2019/0182/LDE** - Existing yard area for storage associated with established manufacturing business (Moyfab Engineering Ltd), permitted development 09.05.2019
3. **P/2005/0554/F** - Erection of engineering work shop, appeal upheld 03.07.2008
4. **P/2004/1561/F** - Retention of existing hard surface for storage of material associated with engineering works, permission granted 05.08.2004
5. **P/2003/2280/RM** - Erection of two storey replacement dwelling and detached double garage, permission granted 05.02.2004
6. **P/2003/0961/O** - Site for replacement dwelling with detached garage, permission granted 06.08.2003
7. **P/2002/0874/F** - New portal frame paint products store, permission granted 08.08.2002
8. **P/1996/0033** - Covered Storage Area, permission granted 13.03.1996
9. **P/1993/0519** - Extension to light engineering workshop, permission granted 05.09.1994
10. **P/1989/0912** - Retention of extension to workshop, new storage area and new vehicular access, permission granted 06.02.1990
11. **P/1989/1372** - Site for bungalow (Renewal of Outline Planning Permission, permission granted - 04.03.1990
12. **P/1987/0270** - Erection of replacement workshop for the manufacture of Agricultural Machinery, permission granted 29.05.1987
13. **P/1986/0971** - Site for bungalow, permission granted 08.01.1987
14. **P/1975/0917** - Proposed recondition to farmhouse, permission granted 03.03.1976

In checking additional lands associated with the respective farm holding, the following approval is particularly relevant to this assessment:

- **LA07/2016/0413/F** – 45m north of no 235b Moyad Road, Kilkeel (field ref 032/5 page 6 of field maps) - Proposed livestock shed with underground slurry tank, multi-purpose shed and livestock loading/handling pens, permission granted 28.04.2017

There is also an active enforcement case at this site (LA07/2017/0158/CA) in respect of alleged new industrial units under construction. This case has determined that the works on site require planning permission and a subsequent Planning Contravention Notice has been issued. The outcome of this planning application will therefore affect this enforcement case.

Planning Policies & Material Considerations:

- The NI Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge, Newry and Mourne Area Plan 2015 (BNMAP)
- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS4 – Planning and Economic Development
- PPS15 (Revised) – Planning and Flood Risk
- PPS21 – Sustainable Development in the Countryside
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards
- Third party objections / representations
- Planning History

Consultations:

DAERA:

- Land, Soil and Air - attach informatives in respect of contamination;
- Water Management Unit– additional info was requested to clarify the nature of the proposal (including relating to foul sewage, surface water, operational phase, agricultural use.) WMU on the basis of the information provided, is content with the proposal, subject to Conditions;
- Countryside Management Branch (formerly DARD) – Advise the respective farm business ID was allocated on 04/04/2008 and has claimed subsidies 2014-2018. The proposed site is noted as being located on unmapped land.

DfI Roads - request clarification on the accuracy of question 25 of the P1 form in addition to an amended 1/2500 drawing including the associated access to be used within the red line boundary of this application site.

NI Water – Standard response, with informatives

NMDDC Environmental Health– No objections raised

Shared Environmental Services - The proposal would not be likely to have a significant effect on the features of any European site.

Objections & Representations:

As required under Article 8 (1) (b) of the Planning (General Development Procedure) Order (Northern Ireland) 2015, the application was advertised in local press on 20th February 2019 and 1 neighbouring property was notified of the application on 15th February 2019. Both the statutory advertising and neighbour notification periods expired on 6th March 2019 and 1st March 2019 respectively.

One objection has been received to date from a third-party resident, with no given address. This objection raises strong concerns about the existing access to the site, its proximity to a dangerous bend in the road and its intensification as a result of the expansion of the business, with reference given to previous resultant road accidents. The letter of objection requests consideration of these matters and the opportunity taken to improve the access / visibility at this site through this application. Further consideration of these matters is included in the assessment below.

Consideration and Assessment:

The proposal in brief, seeks full (retrospective) permission for an extension to an established agricultural shed, which was determined as being lawful by virtue of recent CLU(E)D decision LA07/2020/0436/LDE. The current application also seeks permission for the dual use of this extended part of the shed for both agricultural and manufacturing operations (in connection with Moyfab Engineering Ltd.)

In terms of detailing, the extension measures 28.67m length x 19.25m width x 9.15m height and is finished externally with predominantly powder coated grey panelling and concrete cast panels at the lower wall plate, with a pitched grey profiled metal panelled roof. Its gable faces Moyad Road and there are two external roller shutter doors along the northern elevation, into the existing yard area. Internally, the extended shed is connected to the existing agricultural shed by internal separating wall and steel portal framework and the layout is designed to incorporate both uses in the entirety of the extended floorspace (c.551.8m².)

STRATEGIC PLANNING POLICY FRAMEWORK

The aim of the SPPS 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. The policy approach is to cluster, consolidate, and group new development with existing established buildings, and promote the re-use of previously used buildings. Critically, all development in the countryside must integrate into its setting, respect rural character, and be appropriately designed.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations. BNMAP 2015 operates as the current plan for this area and identifies the site as countryside within an Area of Outstanding Natural Beauty. The principle of development does not conflict with the provisions of the BNMAP 2015, however the detail will fall to be determined by prevailing planning policy requirements, as considered below.

PRINCIPLE OF DEVELOPMENT AND GENERAL ASSESSMENT

PPS21 has provision for both agricultural and economic development in the countryside; Under Policy CTY1, planning permission will be granted for agricultural and forestry development in accordance with Policy CTY12 and for industry and business uses in accordance with PPS 4.

CTY12 permits development on an active and established agricultural holding where criteria a) to e) have been met. Before considering criteria a) to e), in establishing whether there is an 'active and established' farm holding, the determining criteria as set out under Policy CTY 10 apply. DAERA has confirmed that the farm business ID was allocated in April 2008 and subsidies have been claimed between 2014-2018. Additional evidence has been provided to demonstrate the level of farming activity on the holding, including:

- **Farm accounts (for years ending 31/10/2013 – 31/10/2018)**
- **HMRC tax return forms (years ended 05/04/2013 - 05/04/2018)**
- Herd records (between 1978 – 1987)
- Calf premium scheme site visit documentation (08/11/1984)
- Farm Quality Assurance Certificate dates 16/04/2008;
- Details of herd testing (14/09/1984 and 13/12/1984)

I am satisfied that the evidence provided demonstrates a level of involvement commensurate with commercial activity over the requisite period of 6 years for this farm holding and as such, it is accepted that the farm business is 'active and established' to satisfy the initial test of CTY12.

Consideration of the additional CTY12 criteria is set out below:

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise; -

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

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

(d) it will not have an adverse impact on the natural or built heritage; and

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

DAERA point out that the application site is located on unmapped land, though records detail the holding registered to the building at 215 Moyad Road. In addition, the policy test relates to development on an agricultural holding. Determination of [LA07/2020/0436/LDE](#) has however established the existing agricultural shed and associated operations at this site. Notably, the farm holding benefits from two approved agricultural sheds as granted by application ref LA07/2016/0413/F on 28/04/2017 on lands further north at Moyad Road. This approval comprises two separate agri-buildings; a livestock shed with underground slurry tank and a multi-purpose shed which includes livestock handling / loading pens. According to Planning records, there are no additional agricultural buildings on the holding, leaving the established shed and the building at 215 Moyad Road, the extension under consideration and the 2 (livestock related) sheds north of 235b Moyad Road as the

extent of agricultural buildings on this farm holding in addition to the extension now under consideration.

Arguably, the nature of the extension currently under consideration differs from those approved for the housing / handling of livestock. This site and buildings have been inspected by Council officers, verifying their agricultural storage use (including the storage of farm fences, pens, hay bales, with the extension housing a tractor, trailer and several small pieces of farm machinery.) Given the scale / nature of this holding (including the numbers of livestock and equipment,) it is accepted that there is a need for additional storage space to keep associated agricultural equipment in good working condition and secure from theft and that the extension is necessary for the efficient use of the farm holding.

In terms of character and scale, the extension consolidates the established building group and its finishes are in keeping with those of surrounding buildings. The extension does not exacerbate the existing building line and is not considered to cause any greater demonstrable harm in terms of visual impact on the surrounding countryside and AONB and in terms of CTY13 and CTY14 requirements. Environmental Health has raised no concerns in terms of public health and no third-party objections have been raised in respect of residential amenity.

In summary, the development is considered acceptable to CTY1, CTY12, CTY13 and CTY14 of PPS21.

As the proposal also includes the use of the extended shed for manufacturing, PPS4 also applies to this assessment. Policy PED 2 sets out that proposals for the expansion of an economic development use in the countryside will be permitted in accordance with the provisions of Policy PED 3: The expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have. In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site. Policy PED9 also sets out that a proposal for economic development use, in addition to the other policy provisions of PPS4, will be required to meet all of the criteria listed (under a) to m)).

As outlined by the planning history, there is an established manufacturing business surrounding the site. The scale and nature of the extension is not considered to harm the character of this sensitive rural area given its position within the established building group and its compatible with the surrounding buildings. However additional landscaping measures along the roadside would help soften the visual impact along Moyad Road and aid its integration into the wider landscape setting, this can be controlled through a negative condition. As considered under CTY12, the extension is not considered to result in adverse impact to nearby residents (by way of noise, odour etc) and public health has not expressed any concerns in this regard.

The site is not located within a flood plain or reservoir inundation area, though according to flood maps, does experience some surface water. The floorspace does

not exceed the thresholds set out in Policy FLD3 of PPS15 (revised) and therefore a Drainage Assessment is not required by policy.

The building utilises mains water supply and storm drainage with no sewage generation (utilising the existing staff welfare facilities at established facility.) DAERA Water Management Unit expressed concerns on the impact of the building on the existing water table, though following receipt of clarification / additional information are content subject to conditions. As the former yard was already concreted, the extended shed has not significantly altered the degree of hard surfacing and would not therefore materially change the degree of surface water or exacerbate any flooding at the site. And provided the building is not used for any livestock operations, there will be no generation of effluent or issues of waste disposal, with no change to on site sewerage facilities for staff. A condition will be necessary to prevent any livestock activity at the building and informatives in respect of flood risk for the applicant's awareness.

The matters of road safety, access, parking and movement are considered separately below together with PPP3 / DCAN15 requirements.

Subject to conditions in respect of operational activity, landscaping and obtaining necessary consent to discharge and meeting PPS3 / DCAN15 requirements as considered below, the extension is considered acceptable to PPS4 PED2, PED3, PED9 and PPS21 CTY16 requirements.

ACCESS, ROAD SAFETY AND PARKING

The comments from the third-party objection are noted in respect of access and road safety.

This proposal does not include any changes to the existing access at the wider site, nor intensification of the access or generation of additional traffic to / from the site as existing. By way of clarification, the agent has provided clarification that the figures given on the P1 form as submitted (Q.25) contained an error in respect of existing vehicle figures, which should total 27 vehicles daily at the premises (22 staff, 4 goods, 1 visitor / customer,) with no expected increase to average vehicles / persons at the premises daily as a result of this extension. With the extension essentially relocating existing external work internally, with no resultant change to the degree of activity at the site as established.

DfI Roads advise that the site boundary needs to be amended to include the associated access provisions for this development before a substantive comment can be provided. In response to this, the agent has submitted rebuttal comments (dated 24th June 2019,) highlighting that this application relates to an existing extension to an existing shed within an established site, with the access to this established site being located within the applicant's ownership (blue line) on the site location plan. This statement contends that as this application does not include any amendments to the existing access (as confirmed in Q.12 on the P1 form,) there is no lawful requirement to include the access within the red line boundary / application site, with reference made to guidance notes in this respect.

The Planning (General Development Procedure) Order (Northern Ireland) 2015 (3) sets out that an application for planning permission must be accompanied by a) a plan

i) sufficient to identify the land to which it relates, and ii) showing the situation of the land in relation to the locality and in particular in relation to neighbouring land.

As there are no changes proposed to the existing access or intensification of this access, the agent's comments are considered valid in this regard and whilst the third-party comments are considered, it would be unreasonable for the Planning Department to seek improvements to the existing access through this application specifically, which is considered on its own merits.

The separate matter of (off street) parking falls to the Planning Department. Under Policy AMP7 of PPS3, development proposals are required to provide adequate provision for car parking and servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards. Parking standards indicate that 1 space per 25 m² GFA in addition to 1 space for commercial unit are required in respect of the industrial operations within the extended part of the shed. Whilst a breakdown of the internal floorspace has not been provided c.12 spaces would be required based on the assumption that half of the floorspace is used for industrial processes.

The proposal does not include any parking provision on the basis that the extension does not change the established parking arrangement at the site. which is accommodated currently by lay-by and in-curtilage provision. Aerial photography dating back to 2013 would indicate that the existing parking provision was in place at this time and as such, is immune from enforcement action given the passage of time, as per Section 132 (3) of the Planning Act (Northern Ireland) 2011.



In giving consideration to the specific characteristics of this development (i.e. that it is relocating existing development internally) resulting in zero intensification of use, including no increase in vehicle movements to the site, it is considered that the extension in itself does not materially alter the existing parking arrangement at the established site and the extension in itself would not prejudice road safety or significantly inconvenience the flow of traffic.

In summary, the Planning Department consider the existing development complaint with Policies PPS3 and DOE Parking Standards, though in the absence of a substantive response from Roads, a statutory consultee, this matter will fall to be considered by the Planning Committee.

NATURAL HERITAGE

The proposal does not fall within any of the thresholds listed under Schedules 1 and 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, therefore an EIA determination is not required.

A Habitats Regulation Assessment (HRA) screening has been carried out in line with the Conservation (Natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015 which shows there is a potential hydrological link to Carlingford Marine SPA / Ramsar via Aughrim River west of the site. This matter was referred to SES for further investigation. The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) and Shared Environmental Services conclude that the proposal would not be likely to have a significant effect on the features of any European site.

This site is located within SLNCI 03/159 (Attical Moraine Complex) of the Plan. Policy CVN1 in Volume 1 of the Plan together with Policy NH4 of PPS2 considers Sites of Local Nature Conservation Importance (SLNCI.) Given the scale, nature and positioning of the extension, the development is not liable to have an adverse effect on this SLNCI.

Under PPS2 Policy NH6, 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 criteria a) to c) are met. The siting and scale of the proposal does not erode the special character of the Area of Outstanding Natural Beauty given its nature, scale and siting with the established building group. It does not in itself jeopardise any features of importance to the character, appearance or heritage of this landscape. As considered under CTY12 and PED9, the design is acceptable to its setting and context and appropriate for its use. As it consolidates an established building group and does not appear any more prominent in the established building line, the extension is not considered to erode the character of the AONB and acceptable to Policy NH6.

In summary, the proposal is considered acceptable to PPS2 and legislative requirements in respect of natural heritage.

Recommendation: Approval (Subject to the attached conditions being met.)

Summary recommendation:

- The scheme has been considered against prevailing policy requirements, together with consideration of third-party objection. The extension itself does not materially change the existing and established operations at the adjoining site and does not materially alter the existing arrangement in terms of access, and vehicle movements to / from the site, including parking arrangements;
- Determining weight is afforded to the established operations at the site and in this context, the extension is considered acceptable and does not result in any demonstrable harm to interests of acknowledged importance.
- A Condition should be attached to prohibit any livestock activity within the building and the investigation of enforcement matters should be continued following approval of this application.

Conditions:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

REASON: This is a retrospective application.

2. The development hereby permitted shall take place in strict accordance with the following approved plans:
 - 27811SE – Site Location Plan
 - PL102A – Proposed Block Plan
 - PL101A – South / East / West Elevations and Section A-A
 - PL100A – Existing Floor Plan / North Elevation

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

3. The development hereby approved shall be used solely for the storage of machinery used for the farm/engineering business shall not be used for the housing of animals or any other operations not connected with the agricultural holding or established engineering business at this site.

REASON: In the interest of natural heritage and residential amenity.

Case Officer Signature:

O. Rooney

Date: 20/10/2020

Appointed Officer Signature: J McParland

Date: 20/10/2020

Speaking Notes – LA07/2019/0183/F
Moyfab Engineering Ltd – 215 Moyad Road, Kilkeel, Newry

Introduction

- Chair, Members of the Planning Committee, thank you for affording us the opportunity to address you. I am Matthew Crothers, an Associate and Chartered Town Planner with **WYG Planning**.
- I represent the applicant, **Moyfab Engineering Ltd**, and we are agent for this planning application.
- We are very pleased that Council's Planning Department has recommended **approval** and would like to thank Council's planning officers for their efforts in progressing this application to a positive determination.

Proposed Development

- This planning application seeks retrospective planning permission for the retention of an existing extension to an existing agricultural building for the dual use of: agriculture, associated with the applicant's existing farm business; and manufacturing, associated with the Moyfab Engineering Ltd.
- The site is located within the existing Moyfab Engineering Ltd site some 3 kilometres north of Kilkeel on the western side of Moyad Road.
- The extension is utilised for agricultural purposes in relation to the applicant's ongoing agricultural operations and is a necessary requirement for the efficient use of the agricultural holding. It used for storage of agricultural and farming products and machinery. No animals are housed in the extension.
- The extension is also used for manufacturing associated with the established Moyfab Engineering Ltd operations at this site.
- Regarding the design, it is in keeping with the building which it extends and others in the area, utilising the same materials and finishes; thereby, ensuring it fits into the character of the surrounding area.
- Regarding scale and its impact on the locality, it is the same ridge height to the building it extends. It is also positioned behind existing buildings to the immediate south and is of a similar character and scale to the existing manufacturing shed to the north.
- The extension does not have any adverse visual or amenity impacts on the surrounding area. It does not seek any major increase in site area of the established enterprise and the extension is in keeping with the established character of the complex it sits within and the surrounding area. It is also subservient both in scale and size to the established business operations.
- It is an entirely appropriate development for this location.

Statutory Consultees

- All statutory consultees (except for DfI Roads) have responded with no objections.
- When consulted on the application, DfI Roads responded seeking submission of an amended drawing to include the access to be used to be shown within the red line boundary, before they would make comment. This remains their unhelpful position.
- In making such a request, DfI Roads has failed to accept and acknowledge that there is no legal planning requirement to include access to the public road within the red line boundary, notwithstanding that there are no works proposed, or required to, this existing access as part of this small extension planning application.

Speaking Notes – LA07/2019/0183/F

Moyfab Engineering Ltd – 215 Moyad Road, Kilkeel, Newry

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- The planning application relates to a small existing extension to an existing shed within an established site. The access to this established site is already existing and within the blue lined area (applicant's ownership), as shown on the submitted red line boundary Site Location Plan.
- No amendments are proposed to the access as part of this application. Therefore, there was and remains no requirement to submit an amended drawing to include the access within the red line boundary.
- Regarding planning legislation, **The Planning (General Development Procedure) Order (Northern Ireland) 2015** confirms this position. Its **Article 3(3)(a)** states that an application must be accompanied: *"(a) by a plan— (i) sufficient to identify the land to which it relates, and (ii) showing the situation of the land in relation to the locality and in particular in relation to neighbouring land;"*.
- The submitted red line boundary Site Location Plan is sufficient to identify the land to which the application relates, including its locality and neighbouring lands. It complies with the requirements of the GDPO. It, along with the other submitted drawings and application documentation, provided DfI Roads with enough information to enable it to comment upon the planning application. For DfI Roads to insist on the access being included within the red line boundary would be inconsistent with **The Planning (General Development Procedure) Order (Northern Ireland) 2015**.
- In short, there is no legislative basis upon which DfI Roads can insist that the access be included within the red line boundary. Its position is unwarranted and is beyond its powers and authority as a statutory consultee, as it clearly strays beyond technical issues, into planning legislative matters.
- Moreover, there is no increase in the average number of vehicles or staff at the premises daily as a result of the extension. The extension therefore does not result in any intensification of the access or generation of additional traffic to and from the site.

Conclusion

- **Notably, Council's Planning Department, having considered this, agrees with our position on this matter, has accepted that there is no need for the red line boundary to be amended and is recommending approval on that basis.**
- This small extension is fully compliant with prevailing planning policy, guidance and advice. It does not have any adverse visual or amenity impacts on the surrounding area; is in keeping with the established character of the complex it sits within and the surrounding area; and it will not prejudice road safety or inconvenience the flow of traffic.
- I take this opportunity to thank the Planning Committee for the opportunity to speak and trust that the Elected Members agree that planning permission ought to be granted.

WYG Planning - 8th December 2020



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2019/1276/F

Date Received: 16/08/2020

Proposal: Residential development comprising 2 no. detached. 2no. semi-detached dwelling and 4no Apartments (total 8 units) associated communal space, landscaping and car parking.

Location: Lands 38 metres South East of No.50 Kenard Villas Newry BT34 1LQ



Site Characteristics & Area Characteristics:

Characteristics of site: The lands outlined in red are irregular in shape located to the south east of no. 50 Kenard Villas and directly to the east of 3-6 Cloverdale. The site at present is a piece of unmaintained land consisting of scrubs, undergrowth and hedgerows. The site rests at a slightly lower level than Kenard Villas, falling away from north to the south. The site rests at a higher level than the neighbouring all weather pitches associated with Sacred Heart Grammar school to the south east. In terms of site boundary treatments, the southern and eastern boundary consist of

metal fencing approx. 2.0m high, the northern boundary is defined by metal railing approx. 1.8m high. The western boundary which abuts the rear gardens on Cloverdale is defined by a low block wall.

Characteristics of site: The lands outlined form an irregular shape, located on white land as designated in the Area Plan. The site rests immediately south west to lands zoned as education. Access to the site is served via Kenard Villas, which consists of 1.5 storey detached and semi-detached dwellings.



Views looking onto site from Kenard Villas



Views looking onto site facing south



Views looking north east onto site from Sacred Heart Grammar School

Site History:

LA07/2020/0955/F - Proposed traffic management measures, speed bumps and pedestrian crossing points, additional car-parking spaces and bus parking spaces with associated bus shelters. Sacred Heart Grammar 10 Ashgrove Avenue Newry BT34 1PR. Under consideration.

P/2014/0600/F - Extension to existing single storey Science and Technology Block to provide 3 no Science Classrooms, 1 no Prep Room, office and store to replace existing mobile classrooms. Sacred Heart Grammar School 10 Ashgrove Avenue Newry BT34 1PR. Permission granted.

P/2012/0953/F - Extension to existing school to form 4 new classrooms with associated internal alterations and siteworks. 10 Ashgrove Avenue Newry BT34 1PR.

P/2008/0731/F - Proposed link path with partial covered way to facilitate cross educational curriculum between Abbey and Sacred Heart Grammar Schools. Land between junction with Ashgrove Road/Castleowen and Upper Damolly Roads, Newry. Permission granted.

P/2005/2592/F - Extension and alteration to existing school gymnasium to provide new sports hall, fitness suite and storage facilities. Sacred Heart Grammer School, 10 Ashgrove Avenue, Newry, Permission granted.

Planning Policies & Material Considerations:

The NI Regional Development Strategy 2035

SPPS – Strategic Planning Policy Statement for Northern Ireland.
This policy provides overall context under which the Council will determine planning applications.

Banbridge/Newry and Mourne Area Plan 2015

PPS 3 - Access, Movement and Parking
AMP 2 - Access to Public Roads
AMP 7 - Car Parking and Servicing Arrangements

PPS 7 – Quality Residential Environments

PPS8 – Open Space, Sport and Outdoor Recreation

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas

PPS 12 – Housing in Settlements

PPS 15 – Planning and Flood Risk

Creating Places

Development Control Advice Note (DCAN) 8 - Housing in Existing Urban Areas

DCAN15 – Vehicular Access Standards

Parking Standards

DCAN8 – Housing in Existing Urban Areas

A Planning Strategy for Rural Northern Ireland (Policies DES2 & SP18)

Consultations:

NI Water – Available capacity

DFI Roads - No objections subject to the access being in accordance submitted plans and conditions recommended

DFI Rivers – No objection subject to recommended planning condition and informatives

Environmental Health (NM&D) – No objections

Northern Ireland Environment Agent (NIEA) – No objection subject to recommended informatives

SES – There is no possible direct/indirect connection between this proposal and any designated European Site, therefore there can be no conceivable impact from it.

Objections & Representations:

10 Neighbours within close proximity of the site were notified at various stages of this application. 8 neighbours were originally notified on 22/10/2020. An additional neighbour was notified following the submission of an amended red line. Case offices note that an additional neighbour was notified in error. This application was initially advertised in the local press on 02/09/2020, and 04/09/2020. This application was re-advertised on 05/05/2020 and 16/06/2020, 01/09/2020. A final round of neighbour notification was issued 06/11/2020 in receipt of amended plans being received.

At the time of writing (01/12/2020) a total of 15 representations were made in respect to the above. Out of these representations 14 representations where objections from

6 different address. One representation was made neither objecting to or supporting the Planning Application.

- The concerns raised are summarised as follows:
- Size and scale of the proposal
- Siting and proximity of apartments to neighbouring dwellings
- Overshadowing and overlooking
- Density of development
- Design and boundary treatments
- Parking provisions
- Additional traffic problems
- Issues including increase noise, overcrowding, crime and loading and unloading.

Objections will be considered through the assessment of the application and the applicable planning policies.

Consideration and Assessment:

The proposal seeks full planning permission for the erection of residential development comprising 2 no. detached. 2no. semi-detached dwelling and 4no. Apartments (total 8 units) associated communal space, landscaping and car parking.

At the time of initial application, this application sought the erection of 18 no. apartments, associated communal space, landscaping and car-parking. This initial scheme amounted to one singular 3 storey block of apartments. Having carried out an early assessment of the proposal, the planning department were of the opinion that the density and form of the proposal was not in keeping, requesting that the agent reduce the density of the scheme. Following this a meeting was set up between the Council and the Agents on 06/02/2020 to discuss the issues the planning department identified. Following the meeting, the agent agreed to reduce the density of the proposal and a new scheme was submitted in March 2020. Given the national lockdown and subsequent closure of Council Officers, it was not until May 2020 when the revised drawings were uploaded to the planning portal.

The latest submission of drawings for 2 no. detached. 2no. semi-detached dwelling and 4no. apartments (total 8 units) will be formally assessed below.

The proposal will have an inverted 'L' shape development, with 2 detached dwellings located at the north east, running into 2 semi-detached dwellings with a rectangular shaped apartment block to the southern portion of the site.

The two detached dwellings (H.T.1A) will have a two-storey construction with pitched roof and chimney. A front return and box dormer form the front elevation, the rear elevation will consists of a single storey mono-pitched rear extension. These

detached dwellings will have a contemporary design providing 3 bedrooms with in-curtilage parking provision to the front of the dwellings.

The semi-detached block (H.T.2) will have a similar elevation design to the detached dwellings, with a contemporary box dormer and small two storey front returns. The rear elevation will single storey extension with a mono-pitched roof. These dwellings will have 3 bedrooms and provide in-curtilage parking provision to the front of the dwellings.

The third aspect of the proposal is the apartment block. This block will have a rectangle footprint, with a maximum ridge height of approx. 8.6m above finished floor levels. The apartment will have a standard pitched roof construction with 2 chimney stacks on the ridge. The apartment block will be of a contemporary design similar to that of the H.T 1A and 2. A total of 8 parking spaces will be provided adjacent to the block.

The proposed materials and finishes will consist of Grey Brick/self coloured render - colour white walls, grey/black concrete roof tiles, galvanised steel chimney cap, Aluminium gutters & downpipes - colour grey, Aluminium frame double glazed windows coloured grey, and seam zinc dormers.



Proposed Site Layout

Article 45 of the Planning Act (NI) 2011 states that subject to this Part and section 91(2), where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with application, must have regard to the local development plan, so far as material to the application, and to any other material considerations. As per the current development plan – The Banbridge Newry and Mourne Area Plan 2015, the site lies within the defined settlement of Newry.

SPPS & PPS 12 – Housing in Settlements

The SPPS also addresses housing in settlements. It repeats the planning control principles listed in PPS12. The proposal complies with these as it will increase the housing density in this area without erosion of local character, environmental quality or amenity.

The proposed housing density of approx. 26.5 units per hectare, whilst higher than that found in neighbouring Kenard Villas & Ashbrook Mews, which is approx. 17 units per hectare, is considered to be acceptable for this form of development. It is considered a sustainable form of development within the settlement limit. There are local facilities and services available. A mix of house types and sizes and sizes is provided to promote choice and assist in meeting community needs. No specific need for social housing has been identified.

PPS 7 – Quality Residential Environments

PPS 7 asserts 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.

PPS 7, Policy QD 1:

“All proposals for residential development will be expected to conform to all of the following criteria”.

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

This proposal is considered to respect the surrounding context and is appropriate to the character and topography in terms of its scale, density, layout, proportions, landscaped area and open space.

The revised proposal consists of two detached dwellings, 1 semi-detached block and 1 apartment block. All buildings proposed will have a 2-storey construction with a

maximum ridge height of approx. 8.6m. Case officers have given consideration to surrounding area, which is characterised by a mixture of house types which consist of detached and semi-detached dwellings. There dwellings varying in design including single storey, storey and a half and two storey dwellings, with no prevailing house type. Case officers consider that the proposed two-storey detached and semi-detached units to respect the surrounding context. Special regard is given to the apartment block, which was originally a larger 3 storey block. The size, scale and massing of the apartment block has been substantially reduced, to an appropriate level at a relatively low density. Case officers are of the opinion that this proposal is appropriate to the existing character, the sectional drawings provided support this opinion. The density of the proposal is approximately 27 units per hectare, which is not inappropriate for this urban context. The site will be enclosed with new planting, with a belt of Silver Birch and Norway Mable running along the western boundary. A total of 49 trees will be plant throughout the site. The proposal is considered to be in keeping with the established urban grain, density and the overall surrounding context

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

This site is not within the sphere of influence of an identified Archaeological Site and Monument or in close proximity to any Listed Buildings. There are no archaeological, built heritage or landscape features that need to be integrated into the design.

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

Given the nature, scale and location of the development, there is no requirement to provide public open space. Private open space provision is adequate, with space to the rear of each dwelling sufficient to allow for future extensions or adaptations if necessary. The private open space for the detached and semi-detached dwellings exceeds the minimum standards set out in Creating Places of 70m². Case officers note that unit no. 03 provides the lowest provision at 77m², which is considered is considered acceptable.

Creating spaces requires the provision of a minimum of 10m² for apartments, with appropriate level of provision to be determined by having regard to the particular context of the development and the overall design concept. Case officers are content that the provision of private open space associated with the apartments, far exceed the minimum space requirements as set out by creating places.

The scheme proposes a generous level of planting and vegetation, with a belt of trees running along the entire western boundary. The landscaping plan will provide

Whitethorn hedges planted along the boundaries. The soft areas to the front of the dwellings and apartments is welcomed as it will break up and soften the visual impact. The rear boundaries will be defined by 1.8m high timber fencing providing enclosure. Case officers can impose a planting condition ensuring that no all works will be carried prior to occupation. The proposed internal boundary treatments are considered acceptable for this form of development.

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

Given the nature, scale and location of the development, there is no requirement to provide local neighbourhood facilities.

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

The proposal will not impact on any rights of way and meets the requirements of this criterion. The site is generally quite level, which is considered to meet the needs of with impaired mobility.

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

Creating places requires a total of 1.5 spaces per an apartment, which requires a total of 6. 8 spaces are provided exceeding the parking standards required. The level of in-curtilage car parking provided for the detached and semi-detached dwellings is 2 spaces per dwelling. Case officers consider that the additional 2 spaces located opposite units 3 and 4 can accommodate additional parking requirements. The proposal meets the requirements of this policy.

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

The dwellings have simple design, with a contemporary front elevation creating diverse and attractive house styles. The materials, finishes and boundary treatments are considered in-keeping. This proposal draws upon the positive aspects of the character and appearance of the surrounding area.

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

Case officers consider that the detached and semi-detached dwellings will have no amenity impact on surrounding properties in terms of overlooking or loss of light. Concerns have been raised by objectors, who have concerns that the proposal will result in loss of light and overlooking onto neighbouring dwellings. Case officers

consider the separation distance of the apartment block to the nearest rear boundary of a neighbouring dwelling to be of an acceptable distance.

Creating spaces states that on green-field sites and in low-density developments, good practice indicates that a separation distance of around 20m or greater between the opposing rear first floor windows of new houses is generally acceptable.

Given the orientation of the apartment block and Cloverdale, a side elevation will face onto the rear of Cloverdale. The nearest first floor window is located approx. 17m. In terms of direct overlooking, case officers initially had concerns regarding potential impacts on dwellings directly west. As such the agent was requested to remove first floor upper windows along the western gable. The agent has revised this scheme, proposing one upper floor window along the gable which will serve a WC. Given the separation distance and orientation, there is in no expectant loss of light.

Consideration must be given to the proposed first floor balconies. The balconies will be located to the rear elevation and will be recessed within the rear wall. Given the siting, orientation and size of the balconies, it is not expected to cause unacceptable levels of noise, overlooking and general disturbance. The proposals will have a similar finished floor level of nearby Cloverdale, and slightly lower than Kenard Villa's to the north.

It is case officer's opinion that the proposal will not create conflict with adjacent land uses and there will be no unacceptable amenity impact on surrounding dwellings as a result of overlooking or loss of light given the separation distances, orientation and surrounding types of development.

The proposed bin storage will be located to the immediate west of the apartment block. Given the siting a design of the bin store, it is anticipated that bin store will not cause any adverse impacts to the amenity of no. 05 and 06 Cloverdale.

The proposal will have an inverted 'L' shaped layout which gives neighbouring dwellings a good view of people approaching on the main estate road. There are no alley ways or areas that would give rise to concerns of crime or which would impede safety. The proposal meets the requirements of this criterion.

It is concluded that this proposal conforms to the requirements of this policy.

Policy LC 1 of the Addendum to PPS 7

Given the mixed character of the area surrounding the site and the existing use of this site, the proposal must accord with the requirements of this policy.

In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including

extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

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

The proposed housing density of 26.5 dwellings per hectare which is found to be higher than that of nearby residential areas. Case officers have calculated the nearby density of Kenard Villas and Ashbrook Mews to amount to 17 units per hectare. Case officer note that adjacent Cloverdale to be 14 units per hectare. While this is higher than the average and is at the upper limit of what would be acceptable, it is not considered that this proposal is so detrimental in plot density to warrant a refusal on this basis solely. Apartments by their nature have higher density, crucially however the level of accommodation provided is considered acceptable. The proposal is therefore considered to be in keeping with the established urban grain, density and the overall surrounding context. The proposal meets the requirements of this criterion.

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

The pattern of development (semi-detached and detached dwelling houses, in-curtilage parking to the side, front and rear gardens) is in keeping with the character and environmental quality of the area. On balance, the two storey apartment block, located at the edge of the development is considered to be compliant with the policy.

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

The floor space of the proposed dwellings and apartment units is compliant with the floor space requirements within this criterion.

PPS 2 - Natural Heritage

The site is currently in an unmaintained condition, with gorses bushes, undergrowth and other vegetation. The agent submitted a Biodiversity Checklist and associated Ecological statement, which was forwarded to NIEA for their consideration. In a response dated 02/09/2020, NIEA have no objections to the proposal subject to time of year of the removal of scrub, tree or hedgerow. NIEA NED is content that there is unlikely to be a significant impact on protected and/or priority species and habitats, subject to the following recommended condition and informatives. Case officer notes One representation was made neither objecting to or supporting the Planning Application which eluding that Barn Owls have been sited at this location. Case officers have considered this comment and will place an informative on the Decision Notice drawing the applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended).

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). In an email on file from SES it is stated that the proposal would not be likely to have a significant effect on the features of any European site.

PPS 3 – Access, Movement and Parking

DFI Roads has been consulted with regards to the Access, Movement and Parking. DFI Road initially raised concerns in relation to visibility splays to the right. The agent was made aware of the concerns and amended the proposal to include forward sight lines of 2.4m x 33m in both directions. The Department has responded with no objections to the proposal subject to Conditions. The proposal meets the requirements as set out in the Councils current guidance 'Parking Standards'.

PPS 15 – Planning and Flood Risk

DfI Rivers were formally consulted. The drainage design submitted is designed to retain within the drainage network flows up to a 100 year storm event. In a response dated 24th June 2020 DfI Rivers recommend that prior to the commencement of any of the approved development site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval. DfI Rivers has no further comment regarding this proposal. As such the Council is content the proposal meets the requirements of this policy.

Considerations of Objections

All of the issues raised (valid planning reasons) in these objections have been fully considered in the assessment of this planning application. Case officers note that the bulk of objections raised were in relation to the original submission for a 3 storey apartment block providing 18 apartments. Case officers note a series of objections were raised as the neighbouring dwellings has no access to the drawings. The reason for the delay in uploading the drawings was due the unprecedented closure of Council buildings due to Covid 19 lockdown. As such, these neighbours were re-notified as soon as drawings were made available on the planning portal.

The Planning Authority have secured significant amendments to this proposal throughout the processing of this application to ensure that this proposal meets these core planning principles for sustainable development outlined in the SPPS for the reasons outlined within this report.

Case officers consider the proposal to be complaint with surrounding land uses with no amenity impact on surrounding properties in terms of overlooking, loss of light noise and general disturbance.

In terms of Road safety, DFI Roads have been formally consulted and internal meeting was carried out to ensure the proposal was complaint with PPS 3. DFI roads have noted the objections raised and are now satisfied with the most recent site layout/access arrangements subject to conditions and informatives.

Recommendation:

The proposed scheme is on unzoned 'white land' the settlement limits of Newry. It is within an existing residential area and as the proposal is also residential it therefore is an appropriate use for this locality. The application is for private residential accommodation providing a mix of house types. Overall a quality housing scheme has been presented and subject to conditions approval is therefore recommended.

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: 1656-01C, 1656-12E, 1656-18A, 1656-20A, 1656-21, 1656-19.

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

3. All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works, including all planting shown on the approved drawing 1656-12E, shall be carried out prior to the occupation of any part of the development.

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

4. A detailed Landscape Management & Maintenance Plan shall be provided prior to the occupation of the development.

This plan shall set out the period of the plan, long term objectives, management responsibilities, performance measures and maintenance schedules for all communal open and landscaped spaces within the scheme, along with any private pathways (including between dwellings) and other hard surface areas. It shall cover existing landscaping (where applicable) and proposed planting. The plan shall show what arrangements have or will be put in place to ensure the proper and long-term management and maintenance of all aspects of the development. Such a plan shall normally cover a minimum period of 20 years.

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.

5. The proposed boundary fencing as indicated on the plans hereby approved shall be erected prior to the occupation of any unit hereby approved which shall be permanently retained thereafter

Reason: in the interests of visual and residential amenity.

6. 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.

7. None of the dwellings shall be occupied until works for the disposal of sewerage has been provided to serve the development hereby permitted.

Reason: In the interests of public health.

8. 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 watermains

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

9. Each building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the sewage system to the rain water drainage system, once the buildings are occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

10. All services within the development should be laid underground.

Reason: In the interests of visual amenity.

11. Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority.

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

12. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 1656-12E, 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

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

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

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

Reason: To protect breeding birds.

15. Prior to the commencement of any works hereby approved, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

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

<p>Case Officer Signature: S. Maguire</p> <p>Date: 01/12/2020</p>
<p>Appointed Officer Signature: M Keane</p> <p>Date: 01-12-2020</p>



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

Application Reference: LA07/2020/0167/F

Date Valid: 3rd February 2020

Proposal: New Manse and detached domestic garage (Amended proposal description)

Location: The Manse, 17 Downpatrick Road, Crossgar

Site Characteristics & Area Characteristics:



The site is comprised of a 0.1-hectare portion of land comprising a portion of the side and rear garden of No 17 Downpatrick Road Crossgar.

The site slopes gently up from the public road via the existing driveway serving No 17 to a flat garden area. The site is defined to the west and north by mature vegetation. The site is noted to be 64m in length and 30m at its widest along the rear boundary to the west.

The site is located within the settlement limits of Crossgar, as designated in the Ards and Down Area Plan 2015.

The character of the surrounding area is residential and is characterised by medium to low density detached housing along Downpatrick Road and Rocksfield to the rear and west of the site, comprising detached and semi-detached dwellings. Those dwellings to the north of the

site at Westfield are slightly higher in density, predominantly two storey semi-detached and terraced dwellings.

Site History:

R/2004/2077/F - The Manse, 17 Downpatrick Road, Crossgar - Extension to Dwelling - PERMISSION GRANTED 10.02.2005

R/2008/0515/O - 17 Downpatrick Road, Crossgar. - Housing development consisting of 6 dwellings - APPLICATION WITHDRAWN 24.08.2010

R/2014/0393/F - 19 Downpatrick Road Crossgar - Proposed residential development comprising 7 two bedroom apartments new access and parking – APPEAL DISMISSED 04.04.15

LA07/2016/0991/O - 19 Downpatrick Road, Crossgar, - 4 two-bedroom apartments, new access and parking - PERMISSION GRANTED - 02.06.2017

LA07/2018/1778/RM - 19 Downpatrick Road, Crossgar, - 4 two-bedroom apartments new access and parking - PERMISSION GRANTED - 20.02.2019

Planning Policies & Material Considerations:

- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- DES 2 PSRNI
- The Ards and Down Area Plan 2015
- Planning Policy Statement 3
- Planning Policy Statement 6
- Planning Policy Statement 7
- Planning Policy Statement 12
- Creating Places and supplementary guidance.

Consultations:

In assessment of the proposal consultations were carried out with

DfI Roads – No objections

Historic Environment Division – No objections

Objections & Representations

In line with statutory requirements the relevant neighbours were notified of the proposal 04.02.2020, 06.03.2020 and again on 03.08.2020 with amended plans. The application was advertised in the Mourne Observer and the Down Recorder on 19.02.2020 and again on 11.03.2020 following receipt of amendments.

3 letters of objection have been received from

- 15 Rocksfield Close Crossgar
- 17 Rocksfield Close Crossgar
- 15 Downpatrick Road, Crossgar

All objectors raised concerns about the accuracy of the drawings and this has been clarified and corrected with the agent following which amended plans were received.

Issues relating to overlooking, loss of privacy and loss of trees have been raised by all objectors and these will be considered in the assessment of the case below.

Consideration and Assessment:

The proposal seeks full planning permission for the erection of a dwelling and detached garage.

The proposed dwelling will be a two-storey dwelling with a maximum ridge height of 8.7m, a frontage of 12.8m and a gable depth of 11.3m. The dwelling will have floorspace of 289sqm (3110sqft). The dwelling is relatively traditional in form and design, with solid to void ratio. It will be finished with flat grey concrete roof tiles, rendered walls and white upvc windows. The proposed detached garage is domestic in scale.



Regional Development Strategy (RDS)

RG8 of the RDS aims to manage housing growth to achieve sustainable patterns of residential development. The SPPS sets out core planning principles to be employed in the pursuit to achieve sustainable development and aims to support good design and positive place making, while preserving and improving the built and natural environment. Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.

The ADAP 2015 operates as the current local development plan for this area and identifies the site as being located within the development limits of Downpatrick within the town centre of Downpatrick but outside the primary retail core.

Strategic Planning Policy Statement (SPPS)

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

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

Principle of development

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

Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits including zoned sites, provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. This policy therefore provides broad support for the principle of the proposal.

Policy DES 2 of the PSRNI

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

Ards and Down Area Plan 2015.

The site is within the settlement limits of Crossgar within the town centre boundary.

PPS 7 – Quality Residential Environments

Policy QD 1 of Planning Policy Statement 7 'Quality Residential Environments' (PPS 7) states that planning permission will only be granted for new residential development where it is

demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. All proposals will be expected to conform to nine stated criteria.

All proposals for residential development will be expected to conform to criteria (A) – (I):

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

The site is located within the garden area of one of the four detached residential properties that front onto this section of Downpatrick Road. Nos 15, 17, 19 and 21 are set within large plots with generously proportioned gardens front and rear and are in individual family occupation. All four properties abut the Rocksfield residential development which has a variety of house types including detached and semi-detached dwellings in single storey, 1½-storey and 2-storey designs set within a mix of plot sizes. Brief glimpses of the rooftops of some of the dwellings in the Rocksfield development are visible from the site frontage, the access to the development, however, lies 100m south the site. North of the site and immediately adjacent No 15 Downpatrick Road, lies the Westlands Development which is comprised of two-storey semi-detached dwellings, Nos 2 and 4 of which share the same frontage as the site. Given the visual relationship, I consider that the site and the dwellings in Rocksfield and those fronting the Downpatrick Road at Westlands form the surrounding context of the site and inform the character of this part of Crossgar.

Policy QD1 requires a proposal for new development to respect the surrounding context and be appropriate to the character of the site. The policy directs that proposals for residential development should draw upon the positive aspects of the character and appearance of the surrounding area. Though this stretch of Downpatrick Road is characterised by a wide variety of dwellings with considerable diversity in the scale, proportions, massing and appearance, there is a noticeable contrast in the form and density along the road frontage compared to the more densely developed housing to the rear and north.

Nos 15, 17, 19 and 21 Downpatrick Road represent a low density of dwellings along this stretch of road compared to that immediately surrounding at Rocksfield and Westlands. The division of No 17 into two smaller plots and the erection of a dwelling to the rear of the established building line is at odds with the dominant pattern of development in this area. I consider that the proposal would set a precedent for similar development within other plots along this frontage.

In forming this opinion it may appear to contradict that which was approved by the Planning Authority, at No 19 Downpatrick Road under LA07/2016/0991/O and LA07/2018/1778/RM

for 4 No. 2 bed apartments. However, these approvals granted permission for a single storey detached building which while housing 4 apartments has the appearance of one large dwelling, similar to that immediately adjacent along Downpatrick Road. The approval maintained the large front and rear garden areas currently present at those plots along

Downpatrick Road and thereby maintained the character of the area. I do not consider that this approval represents a precedent for carving up sites for additional single dwellings and is therefore distinct from that now proposed at No 17.

In addition to the above, the proposed dwelling will result in a siting and arrangement which would be contrary to the established pattern of dwellings along Downpatrick Road, given that it would be set back behind the existing dwellings, with much smaller front and back garden areas and a paired access arrangement. I consider this proposal therefore to be contrary to Criteria A of QD1.

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

The site is within the vicinity of the Gate Lodge at Tobar Mhuire, a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. Consequently, the Planning Authority consulted with Historic Environment Division to assess the impact of the proposal on this listed feature. HED have advised that they have considered the proposal and assessed it against the SSPS and Policy BH11 of PPS 6 and concluded that the development is separated from the listed building by the Downpatrick Road and screened by an existing dwelling and mature planting. HED consider the proposal does not represent a demonstrable negative impact on the setting of the listed building.

The site also benefits from mature vegetation along its northern and western boundaries. The proposed layout plan indicates, in yellow, that some trees are to be removed to facilitate the development. It is considered there remains sufficient vegetation.

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

The proposal seeks to utilise the side garden of No 17. Consequently, the private garden area of No 17 will be reduced to an area approximately 493sqm in size which is still a sizeable garden and above the minimum parameters identified in guidance document Creating Places.

The new dwelling will have a rear private garden area of approx. 187sqm which while above minimum parameters identified in Creating Places, is substantially lower than those within the immediate vicinity at Nos 15, 19 and 21. This further highlights the degree to which this proposal departs from the character of its surroundings.

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

There is no requirement for the developer to make provision for the above within a development of this size.

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

The development is considered to be accessible by various modes of transport including walking and cycling. A regular bus service travels by the site daily.

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

The proposed plans show that the existing and proposed dwellings will both have parking space for at least two cars within their curtilage.

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

Policy QD1 and other planning guidance encourages variety dwelling type within new residential schemes. As described above the design of the dwelling is acceptable and is considered to be in keeping with those in the immediate area.

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

The plans show that the existing and proposed will be accessed via a paired driveway leading to the side and rear garden areas of the new dwelling and No 17 respectively. The proposed layout shows that the new dwelling will be positioned to the rear of No 17. There is potential therefore for the private amenity space immediately to the rear of No.17 to be affected by the presence of a new dwelling adjacent, given proximity and the proposed arrangement of the garage / parking area of the new dwelling which would overlook this important area. It is considered that further mitigation would be required in addition to the fence proposed which intends to screen the existing and proposed garden areas from each other.



In assessment of the proposal impact on No 15 Rocksfield Close, it is noted that the proposed dwelling will be located approximately 11m from the boundary it will share with 15 Rocksfield Close. You will note from the layout drawing above that 15 Rockfield has a rear extension to the original dwelling which sits approximately 3-4m from the shared boundary of the site. A total separation distance between the proposed dwelling and No 15 Rockfield would be approximately 14-15 m.

The images below show the rear amenity space of No 15 Rockfield Close and the extensions proximity to the shared boundary with the site.



Below is a view from the site towards No 15 Rocksfield Close. The position of the swing set is considered to be the approximate location of the new dwelling – there is concern therefore regarding the potential of the new dwelling to overlook the rear amenity space of No 15 Rocksfield Close given the sparse vegetation at this section. There is also considered to be potential for the occupants of No 15 Rocksfield Close to feel ‘hemmed in’ by a new two-storey dwelling so close to their shared boundary.



In assessment of the impact of the proposal on No 15 Downpatrick Road, it is noted that No 15 Downpatrick Road is a substantial 1½ storey dwelling, which is currently screened from the proposed site by the presence of two over-mature conifers pictured below.



The proposed plans indicate that these trees are to be removed. However, it is not considered that their removal will allow the rear of No 15 to be more visible than at present, given the presence of an intervening detached garage and a proposed separation distance of approximately 18m.

Based on the above assessment it is considered that the proposal has the potential to have a detrimental impact on the existing dwelling adjacent at No 17 Downpatrick Road and No 15 Rockfield Close to the rear due to overlooking and loss of privacy.

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

The proposal appears to comply with this aspect of the policy.

On the basis of the above assessment, it is considered therefore that the proposal fails to comply satisfactorily with Criterion A and H of Policy QD1 of PPS 7 and should therefore be recommended for refusal on this basis.

PPS7 Addendum – Safeguarding the Character of Established Residential Areas.

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

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

As indicated above the established residential area is considered to be that of those 4 dwellings along Downpatrick Road and the adjacent residential developments of Rockfield Close and Westlands. It is not considered that the addition of one dwelling along Downpatrick would represent a density significantly higher than that found in the established residential area.

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

The pattern of development along Downpatrick Road is that of dwellings presenting directly onto the public road with mature and spacious gardens to the front and rear. It is considered that this proposal would alter the pattern of development given its location set back from road and the significantly smaller garden proposed.

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

The size of the proposed dwelling would comply with Annex A.

PPS 3 – Access, Movement and Parking

Policy AMP 2 Access to Public Roads, 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 an access will not prejudice road safety or significantly inconvenience the flow of traffic.
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Following a consultation with DfI Roads and their assessment of the proposed plans they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

With regard to parking, turning and manoeuvring of vehicles, it is considered that there is sufficient space within the curtilage of the dwelling, to ensure that 2 vehicles can adequately park and move in and out of the site.

PPS 12 - Housing in Settlements

PPS 12 is not an expression of operational planning policy. Paragraph 2 of PPS 12 says 'Its purpose is to provide strategic direction and guidance in the form of regional planning policy to assist the implementation of the RDS.' Paragraph 6 of PPS 12 says 'This statement should be read in conjunction with the relevant sections of the other prevailing planning policy statements, in particular PPS 7 Quality Residential Developments'.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees, it is determined that the proposal is acceptable.

Drawings

The drawing considered in this assessment is as follows

A 7687

Recommendation: REFUSAL

Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7: Quality Residential Development and Criteria B of Policy LC 1 of addendum to PPS 7 in that, if permitted, the proposal would be out of character with the existing pattern of development along Downpatrick Road Crossgar.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria H of Policy QD1 of Planning Policy Statement 7: Quality Residential Development in that, if permitted, the proposal would result in overlooking and loss of privacy to those dwellings adjacent at 17 Downpatrick Road Crossgar and 15 Rocksfield Close Crossgar.

Case Officer: Claire Cooney

Date: 28.09.2020

Authorised Officer: A.McAlarney

Date: 09 October 2020

Planning Reference Number - LA07/2020/0167/F

Proposal Address The Manse, 17 Downpatrick Road, Crossgar, BT30 9EQ

Proposal Description

New Manse and detached domestic garage (Amended proposal description)

Recommendation has been made to refuse this application for the following reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria A of Policy QD1 of Planning Policy Statement 7: Quality Residential Development and Criteria B of Policy LC 1 of addendum to PPS 7 in that, if permitted, the proposal would be **out of character with the existing pattern of development** along Downpatrick Road Crossgar.
2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criteria H of Policy QD1 of Planning Policy Statement 7: Quality Residential Development in that, if permitted, the proposal would result in **overlooking and loss of privacy** to those dwellings adjacent at 17 Downpatrick Road Crossgar and 15 Rocksfield Close Crossgar.

Analysis of Residential development on the Downpatrick Road, Crossgar

The **first reason for refusal** regards the **character** of the residential development on the Downpatrick Road. I have analysed the development and feel that the proposal meets all aspects of the addendum to PPS 7 including criteria B of LC1.

The development style on the Downpatrick Road varies considerably from 2 storey to storey-and-a-half to split level to bungalows. I have included photographs below to show the various designs on this stretch of Road. There is such a variety it is impossible to conclude that the dwelling design is out of character. This proposed 2 storey dwelling is not out of keeping with those in the area but within the established character.

General Description

In residential frontage measurement from No 3 to No 35 Downpatrick Road is a total of 646 m.

There are 23 dwellings along that frontage giving an average plot frontage width of 28 m.

There are 5 junctions onto this stretch of road being Westlands, Rocksfield, Ruthven, Graysfield and Drakesbridge Road. When you factor the width of these (5 x 10m) the actual frontage reduces to 596m and the average reduced to 26m

One extra dwelling would have negligible effect on this; the average would be 25m.

The total area of those plots that front the Downpatrick Road, including the 5 junction areas is 27893 sq m an average of 1212sq m per plot. The proposal is 1139 sq m. As the plot sizes range from 258 sq m at 4 Westlands to 2885 sq m at No 5 Downpatrick Road, the proposal is within range and within the existing character.

Setback from the Downpatrick Road also varies considerably along the Downpatrick Road. The front building line varies with no consistent line (see map below). These range for the set-back is from 5m to 44m, see detail below; the proposal is similar to others in the frontage and therefore within the range and not out of character.

Rear garden depth along the row, also illustrated below range from 5m to 68m. The proposal has 11m rear garden depth which is within range and within the requirements of Creating Places therefore not out of character.

No 19 Downpatrick Road has a current approval for four 2 bedroom apartments. The current proposal at No 17 is for only one dwelling.

The **second reason for refusal** relates to overlooking and loss of privacy for No 17 Downpatrick Road (the applicants property) and for No 15 Rocksfield Close. Criteria H of Policy QD1 actually does not mention privacy so shouldn't be mention in this refusal reason. Overall the issue expresses concerns regarding the proximity of 15 Rocksfield Close and potential for overlooking. Creating Places is the main document relating to housing development design. Recommendations in it provide clear guidance regarding separation distances and protection of amenity between neighbouring properties. 10m minimum is recommended as the distance from a new dwelling to the common boundary, we have achieved 11m. It must be noted that 15 Rocksfield Close has 10m from the dwelling to the common boundary. Creating Places also recommends that 2 storey dwellings should have 20m minimum between opposing 1st floor windows. In this case the new dwelling does not face the two storey section of 15 Rocksfield Close nevertheless there is 21m between the line of each. The proposal is so positioned as to not be directly behind No 15 and is orientated so that it does not point directly at the main dwelling. Creating Places also recognises the importance of intervening screening and vegetation with regards to overlooking. The existing hedging, 1.8m high close-boarded fencing and trees provide immediate compliance with this requirement to such an extent that there is no issue with overlooking. The mature vegetation between the proposal and 15 Rocksfield Close, has been in place since when Rocksfield Close was developed. At that time it provided the same privacy screening as it does now. Privacy from Rocksfield Close to 17 Downpatrick Rd was guaranteed by the screening back then and the same screening protects and provides privacy now. The screening on each boundary will be maintained. We feel that the combination of orientation, design, separation distance and existing screening ensure that this is not an issue. For 17 (the applicants own premises) the new dwelling has been designed in such a way that there are no first floor windows in the end elevations (apart from en-suite windows with frosted glazing) so no chance to overlook or infringe on privacy. On the ground floor a 1.8m high close-boarded fence will protect from those issues. The dwelling is also orientated so as to not be directly overlooking the existing dwelling. The dwelling is also 9m away from the common side boundary.

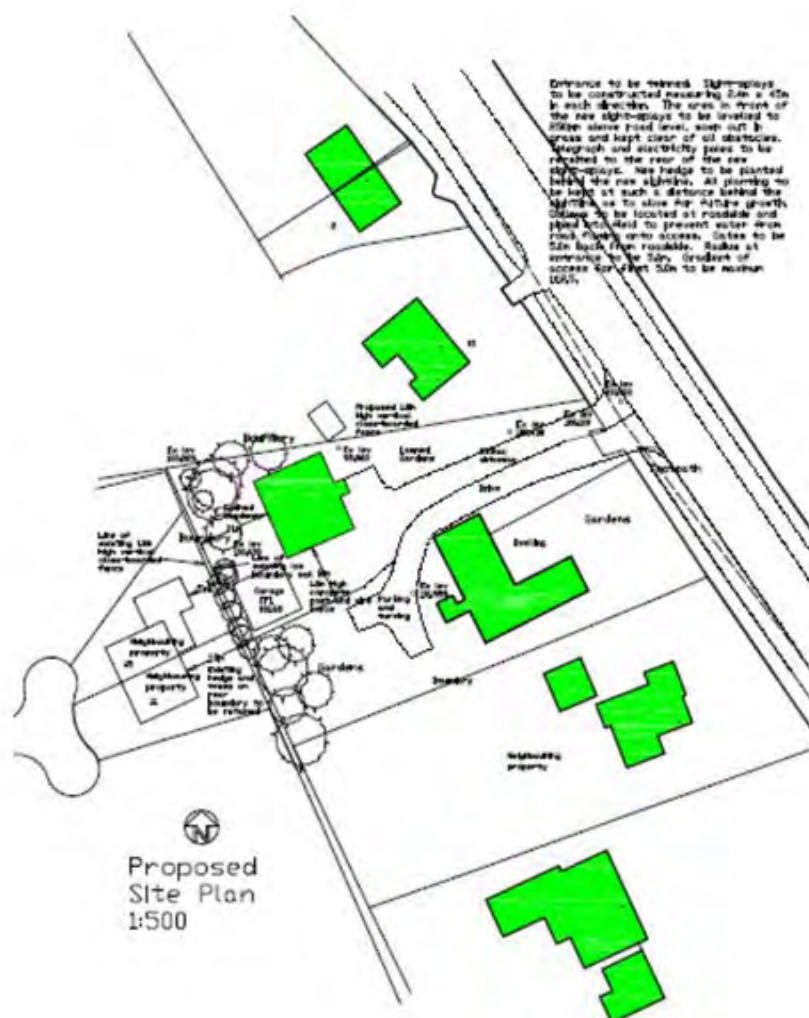
We feel the issues with character and over-looking/privacy do not apply and we respectively request that Committee approve this application.



Above illustrates Road Frontage dashed, front building line in red and rear plot line in green. The front building line and plot depths vary considerably, the proposal is within the range and not out of character. The map also shows the existing density of housing in the area.



Development in and around the site



Downpatrick Road, Crossgar – No's 3 and 5, single storey – completely differing designs



Downpatrick Road, Crossgar – Westlands Semi's on Right - No 15 on left (immediately beside the site) 2 Storey and Storey and a half



Downpatrick Road, Crossgar – No 15 on Right No 17 on left (the site is between the two). The plot owned by the applicant starts from the cream rendered wall. Storey and a half and split level 2 storey



Downpatrick Road, Crossgar – No 15 on Right No 17 on left (the site is between the two). The plot owned by the applicant starts from the cream rendered wall. Storey and a half and split level 2 storey



Downpatrick Road, Crossgar – No 19, Derelict, eyesore, undeveloped, unkept site, current approval for 4 apartments with associated improved vehicular access



Downpatrick Road, Crossgar – No 21, Single Storey dwelling with set-back similar to proposal



Downpatrick Road, Crossgar – Entrance to Rockfield development, plots for number 1 and 2, each side of entrance run to the Downpatrick Road with similar set-back as proposal.



Downpatrick Road, Crossgar – No 23 and 23a varying setback, rear garden for No 23 is 5m deep. (proposal has 11m)



Downpatrick Road, Crossgar – No's 25 and 27, two more design types, single storey and storey and a half



Downpatrick Road, Crossgar – No's 27 and 29, and the entrance to a 3 dwelling development in existing rear gardens – Rathven Rise.



Downpatrick Road, Crossgar – No 29 storey and a half



Downpatrick Road, Crossgar – Graysfield, Single storey, gable end to Downpatrick Road.



Downpatrick Road, Crossgar – No 1 Drakesbridge Road on right, storey and a half with 2 storey front return and single storey bungalow at 35 Downpatrick Road

Similar Approval on Derryboy Road, Crossgar

LA07/2016/1166/F - Proposed 1 1/2 storey dwelling and detached garage to vacant plot at rear with amendments to the rear boundary and creation of a dual entrance to the main road (amended plans) - To rear of 243 Derryboy Road Crossgar BT30 9DL

This similar application on the Derryboy Road was approved which mirrors our proposal.

Similar features:

- Within the development limit
- Existing split level dwelling fronting onto the road
- Plot beside/behind existing dwelling
- Plot entirely surrounded by a variety designs of dwellings
- Shared access
- New dwelling viewed to right of existing from the public road
- New dwelling greater height than single storey

Advantages the current proposal has over the Derryboy Rd application:

- Dwellings surrounding the current proposal on the Downpatrick Rd dwellings are similar in height to the proposal – 2 storey or storey and a half – the Derryboy Road site is surrounded on 3 sides by single storey dwellings. The potential for over-looking is greater
- The current proposal does not directly back on to the dwelling behind yet the Derryboy Rd case backs on to two single storey dwellings
- Rear garden depth is 1m in Downpatrick Road – but as low as 5m in Derryboy Road
- The dwelling at Downpatrick Road is designed so as not to over-lap the existing dwelling to the rear whereas the Derryboy Road approval overlaps the existing dwelling

See detail below. In conclusion the current application has the same attributes as the Derryboy Road application and has many more advantages as listed below.

In the interests of equality the current application should be treated in the same way as the Derryboy Road application and approved.



Aerial View of as-constructed building and developed site at Derryboy Road.



Map showing plot behind 243 Derryboy road that received approval



Wider aerial view of Derryboy Road, showing single storey dwellings surrounding the Derryboy Road approval.

In conclusion the current application has the same attributes as the Derryboy Road application and has many more advantages as listed below.

In the interests of equality the current application should be treated in the same way as the Derryboy Road application and approved.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0251/F

Date Received: 18.02.2020

Proposal: Amended access to residential development previously approved under planning Ref LA07/2015/0103/F to include provision of new pedestrian road crossing at access point to residential development.

Location: Land between 14 & 18 Woodvale, Burrenwood Road, Castlewellan.

Site Characteristics & Area Characteristics:



The lands comprising the application site are located within the development limits of Castlewellan as identified in the Ards and Down Area Plan 2015.

This site is located within the cul-de-sac and housing development of Woodvale off Burrenwood Rd, and comprises a small plot of land between No.14 and 18 Woodvale. The field beyond is outlined in blue, in which development has

commenced on the 11 dwellings previously approved under planning application LA07/2015/0103/F. It is noted the lower portion of the Woodvale cul-de-sac has no footpaths with a shared surface arrangement and is largely characterised by detached dwellings.

Site History:

- R/1999/0706, Site Nos 21 & 22 Cow Lane, Burrenwood Road, Castlewellan, Co Down. Proposed change of house types, Permission granted.
- R/1998/0653, COW LANE BURRENWOOD ROAD CASTLEWELLAN, Phase 2 - Private housing development: 13no dwellings. Permission granted.
- R/1995/0943, BURRENWOOD ROAD CASTLEWELLAN, 11 no dwellings, Permission Granted.
- LA07/2019/1741/DC, Land to Rear of 14-21 Woodvale, Burrenwood Road, Castlewellan with access between 14 & 18 Woodvale, Burrenwood Road, Castlewellan, Discharge of Condition 16 of Planning Permission LA07/2015/0103/F: A detailed Construction Method Statement (CMS) must be submitted to the Planning Authority, for consultation and agreement with NIEA Water Management Unit, at least eight weeks prior to the commencement of construction. The CMS should include pollution prevention measures to protect groundwater and other waterways for the construction and operational phases of the application. Condition discharged.
- LA07/2017/1768/F, Land between 14 & 18 Woodvale, Burrenwood Road, Castlewellan. Amended access to residential development previously approved under reference number LA07/2015/0103/F, Permission Granted.
- LA07/2018/1777/F, Land between 14 & 18 Woodvale, Burrenwood Road, Castlewellan. Amended access to residential development previously approved under LA07/2015/0103/F, Permission Approved.
- LA07/2015/0103/F, Land to rear of 14-21 Woodvale Burrenwood Road Castlewellan with access between 14 & 18 Woodvale Burrenwood Road Castlewellan, Proposed residential development of 11no dwellings., Permission Granted.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS).
- Ards and Down Development Plan 2015.
- Planning Policy Statement 3– Access, Movement and Parking.
- DCAN 15 – Vehicular Access Standards.
- Planning Policy Statement 2 – Natural Heritage.

Consultations:

Given the nature of this application it was necessary to consult with the Department for Infrastructure Roads (DFI Roads). In their latest consultation response on the 06/10/2020, the applicant was requested to submit an amended 1/500 scale plan clearly showing traffic calming for the area where the type 4 road adjoins the type 5 carriageway.

Objections & Representations

There were six neighbour notifications issued for this application. The proposal was advertised in the local press on the 24th February and again on the 29th June 2020 following receipt of amended plans. A petition of objection was submitted which

included 11 signatures. Two further letters of objection were received. Concerns outlined relate to the removal of the footpath to the front of No. 14 Woodvale and the road safety impact of this for pedestrians. A challenge of ownership of land within the red line was also put forward. In response to this the agent/applicant amended Section 27 of the P1 form and served notice on landowners.

The initial proposal was for *"Proposed amended access to residential development t previously approved under LA07/2015/0103/F to include the removal of the footpath to the front of No. 14 Woodvale and the provision of new pedestrian road crossing at access point to residential development"*. During the processing of this application the proposal was amended to *"Amended access to residential development previously approved under planning Ref LA07/2015/0103/F to include provision of new pedestrian road crossing at access point to residential development"*, resulting in the footpath to the front of No.14 remaining in place as previously approved. In response to this, a further 'holding objection' was submitted in which it was outlined that the property owners do not consent to the use of their land to facilitate this development. This remains a land ownership issue and while the Planning Department has challenged this, land ownership disputes remain a civil matter and not a planning consideration.

Consideration and Assessment:

Under LA07/2015/0103/F permission was granted for 11 dwellings within the application site, with access via Woodvale. Following this there were two separate applications to amend the access approved, LA07/2018/1777/F and LA07/2017//1768/F. This application seek permission for further amendments to the access including the provision of new pedestrian road crossing at the access point to residential development.

The access will still be located between no.14 and 18. A new pedestrian crossing is proposed between No. 14 and 9 Woodvale on approach to the new access approved to serve the new 11 dwellings. At the point where the new pedestrian crossing is proposed, the road will be widened to provide a 1.8 metre-wide footpath and 5.5 metres wide road with dropped kerbs on either side of the crossing.

The boundary to the front and side of No.14 remains as previously approved under LA07/2018/1777/F. The boundary with No. 18 remains as per the original approval, although it is noted the area of hedging previously approved to the inside of the boundary has been removed and replaced with grass.

The works to the existing road within Woodvale will also remain as per that approved other than the works required for the provision of the new pedestrian crossing.

DFI Roads were consulted on the initial proposal and requested that the applicant reinstate the footway to the front of No. 14 as per the previous approvals. Their response also outlined that the lands to the front of No. 14 forms part of the public road and DFI Roads has no objections to converting the service strip into a public footway in the interests of road safety as part of this development. Following receipt of amended drawings to reinstate the footway DFI Roads requested PSD drawings. On receipt of the PSD drawings DFI Roads requested that the applicant submit an amended 1/500 scale plan clearly showing traffic calming for the area where the type

4 road adjoins the type 5 carraigeway. While DFI Roads were able to confirm the additional traffic calming measures were to be between No. 9 and No 18 Woodvale and were required for road safety. It was not however confirmed that the request for these new measures were as a direct response to the works proposed by this current planning application. The Planning Department considers on the basis of the nature of the amendments proposed by this application and with no change in policy following the amendments to the access approved under planning application LA07/2018/1777/F, it is not appropriate to ask for additional traffic calming measures under this application. To request this from the applicant would require further amended drawings, re-neighbour notification, re-advertising and consultations.

It is considered the amendments proposed by this application will not result in any significant increased or unacceptable impact on any adjoining property or character of the area from that previously approved. Further, these amendments are not considered to result in increased traffic into the Woodvale cul-de-sac thus no additional traffic calming measures are considered necessary.

Accordingly, approval is recommended. Given this approval is recommended without giving weight to the requests made by DFI Roads to implement additional traffic calming measures, the planning application cannot be delegated and will have to go through the Council's Planning Committee.

Recommendation:

Approval

<p>Case Officer : Laura O'Hare</p> <p>Date: 27/11/2020</p>
<p>Appointed Officer : Annette McAlarney</p> <p>Date: 27 Nov 2020</p>

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 P01 REVA, P02 REVA and P03 REVA.

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

BY EMAIL

BF / J308-4 / 09 December 2020

Newry, Mourne & Down Council
Planning Office
Monaghan Row
Newry, Co Down
BT35 8DL

RE: Proposed Amended Access To Residential Development Previously Approved Under Planning Reference Number LA07/2015/0103/F To Include Provision Of New Pedestrian Road Crossing At Access Point to Residential Development At Land Between 14 & 18 Woodvale, Burrenwood Road, Castlewellan, BT31 9SF

REF: LA07/2020/0251/F

Dear Sir

I refer to the above planning application, which is to be discussed at the Council's planning committee meeting on Wednesday 16 December 2020. The application has been recommended for approval.

The application is for full planning permission in relation to an amended access to a previously approved residential development under planning reference LA07/2015/0103/F and subsequent amended access planning applications LA07/2017/1768/F and LA07/2018/1777/F.

DFI Roads:

Following submission for PSD drawings to be signed off, DFI Roads have requested that additional traffic calming measures be put in place for the area where the type 4 road adjoins the type 5 carriageway.

It should be noted that this is the 4th planning application that relates to the area around this access at Woodvale, whereby, the previous 3 applications had been approved based on the same PSD drawings.

We therefore agree with the planning department's recommendation to approve and attach as constructed photos of the road which shows traffic calming measures in place in accordance with the previous PSD drawings.



New traffic calming measures as constructed on site

We would be grateful if the planning committee would take the above into consideration in determination of this application with a recommendation to approve.

Yours sincerely

Barry Fletcher

Barry Fletcher RIBA

Director, Architect

FLETCHER ARCHITECTS (N.I.) Ltd



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

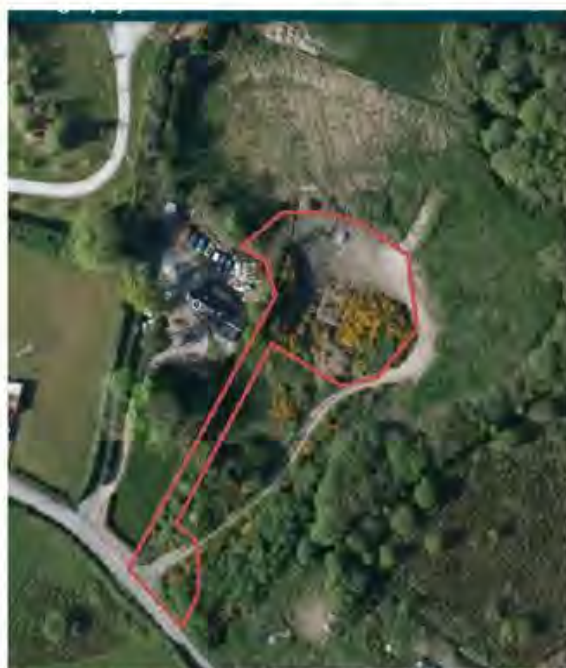
Application Reference: LA07/2020/0299/F

Date Received: 26.02.2020.

Proposal: Single storey dwelling

Location: Adj. to 7 Annacloy Road North, Dunnanelly, Downpatrick.

Site Characteristics & Area Characteristics:



The application site forms a plot of land cut out of a larger field. Access to the site is available from laneway leading off the Annacloy Road North. There is a square shaped set of foundations evident within the site, set back approx. 90 metres from the road. Adjacent to the site is the dwelling and outbuilding at No. 7 Annacloy road North.

The application site is outside the development limits as defined by the Ards and Down Area Plan 2015. The surrounding area is rural in character, with development comprising of single houses and associated outbuildings.

Site History:

- R/2004/1192/O, Adjacent to 7 Annacloy Road North, Dunnanelly, Downpatrick, BT30 9AF, Erection of single storey dwelling, PERMISSION GRANTED.
- R/2008/0028/RM, Adjacent to 7 Annacloy Road North, Dunnanelly, Downpatrick, Erection of single storey dwelling., PERMISSION GRANTED.
- R/2009/0622/F, Adj to 7 Annacloy Road North, Dunnanelly, Downpatrick., Relocation of an access to a dwelling already approved R/2008/0028/RM., PERMISSION GANTED.

Planning Policies & Material Considerations:

- Strategic Planning Policy Statement for Northern Ireland (SPPS).
- Ards and Down Area Plan 2015.
- Planning Policy Statement 21 – Sustainable Development in the Countryside.
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15

Consultations:

There were two consultations issued for this proposal, see below.

- Department for Infrastructure Roads (DFI Roads) – Conditions relating to the provision of a safe access. (22/04/2020). Confirmation that neither the Entrance or Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/2020 when checked on 26 August 2020. (10/09/2020)
- Northern Ireland Water (NI Water) – Generic response. (12/03/2020).

Objections & Representations

There was one neighbour notification issued for this proposal. The application was advertised in the local press on 08th June 2020. There were no representations received.

Consideration and Assessment:

This application is seeking planning permission to construct the dwelling previous approved under R/2004/1192/O and R/2008/0028/RM.

The Strategic Planning Policy Statement is a material consideration for this application however as there is no significant change to the policy requirements for single dwellings following the publication of the SPPS and it is arguably less prescriptive, the retained policies as discussed below will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

Principle of Development

The principle of a dwelling was established on this site through the approval of planning applications R/2004/1192/O (approved on 14/01/2005) and R/2008/0028/RM (approved on 26/11/2008). Condition 1 on R/2004/1192/O required that development approved must be begun by either the expiration of a period of 5 years from the date the permission of the outline permission or the expiration of a period of 2 years from the date the permission of the reserved matters permission, whichever is the later date. This would mean that development must have been begun by 25/11/2010. As this application was received on the 26th February 2020 the important aspect to the determination of the application is to ascertain if the

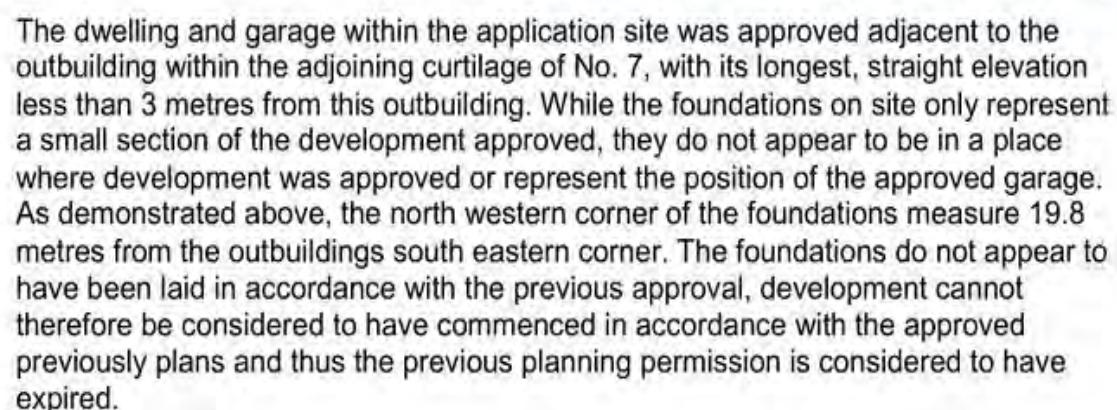
development has commenced in order to keep the permission live. The onus is on the agent/applicant to demonstrate that development of the previously approved dwelling had commenced prior to the expiry of that decision. As there was a pre-commencement condition with regards to the access including the visibility splays etc attached to the previous approval the onus was also on the agent/applicant to demonstrate compliance with this condition.

Under planning application R/2009/0622/F permission was granted for the relocation of the access to the dwelling already on site. This new access was to be located approx. 30 metres south east of the existing access Condition 2 of this approval was a pre-commencement condition requiring the vehicular access, visibility splays and forward sight line to be provided in accordance with the approved plans **prior to the commencement of any works or development hereby permitted** and condition 3 requiring that the visibility splays and forward sight line to be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway **before development hereby becomes operational and shall be retained thereafter**. From the aerials and google street view it not clear that the pre-commencement condition had been complied with within the require timeframe. Having consulted with the Department for Infrastructure Roads (DFI Roads) on this application, they have confirmed that *"neither the Entrance nor Visibility Splays have been formed as per Drawing No. 20/01/01 date stamped 17/02/20 when checked on 26 August 2020"*. This is the same access approved under R/2009/0662/F.

A letter from the Building Control Department within the Council confirmed that a Building Control inspection took place on 22nd November 2010 at 5a Annacloy Road, North. This would demonstrate that foundations were in place prior to the expiry of the previous approval. Checking the Orthophotography images of the site, clearing works within the site were evident in the 2012 image and a square shaped set of foundations in place, see below.



Upon measuring the foundations from Spatial NI they are approx. 8.4m x 8.8m. The shape of the dwelling and garage approved resembles an upside down, reversed "L" shape with an additional length of building set at an angle of approx. 45 degrees. The agent has stated on the P1 form submitted with this application that the foundations of the attached garage approved under R/2008/0028/RM were part excavated and concreted but not completed.



The agent/applicant was advised on 17/07/2020 that as the previous approval had expired additional evidence was to be submitted to demonstrate development approved under R/2008/0028RM and R/2009/0662/F commenced prior to their and in accordance with the approved plans and conditions. A further email was issued to the agent/applicant on the 20/08/2020 again seeking additional information in regard to this. On the 24th August 2020 a letter from the Building Control Department was submitted outlining an inspection of the foundations took place on 22nd November 2010 as detailed above. A further email was issued to the application / agent on the 24th August 2020 advising that the onus is on the applicant to demonstrate to the Planning Department that pre-commencement conditions have been fulfilled and that the vehicular access was in place prior to the commencement of works on site and that further evidence was requested to demonstrate that the approved access under R/2009/0662/F was in place prior to any works beginning on site. A response was received on the 28/08/2020 with a link to a google street view image of the sites frontage onto the Annacloy Road. The access approved was to be positioned approx. 30 metres SE of the existing access serving the adjoining property, No. 7,

with the new access lane turning towards the front curtilage on No.7 and running along the shared boundary with the application site. This is not the access demonstrated on the 2008 Google Street View image nor on any aerials of the application site ranging in date from 2009 – 2019. Further DFI Roads having inspected the site in August 2020, has confirmed the access has not been formed as per Drawing No. 20/01/01 which is the same as the access approved under planning application R/2009/0662/F.

It does not appear that any of conditioned access works commenced prior to the expiry of the previous approval. The agent/applicant did not demonstrate that the required visibility splays were in place prior to the commencement of development works within the application site and it is considered that the issue of commencement remains unproven. In the absence of any verifiable evidence that the pre-commencement conditions have been complied with on or before the expiry of permission and that development occurred in accordance with approved plans then the Planning Department cannot consider this application on the back of an expired permission.

Any approval would be negatively conditioned to ensure consent to discharge is obtained, prior to commencement of development. This safeguards the policy requirements of policy CTY 16.

The access arrangements are to be as previously approved. DFI Roads has no objections in relation to PPS3 subject to conditions and informative.

However, notwithstanding the above, as the previous approval has not lawfully commenced, there is no fall-back position, thus the application must be considered afresh. PPS 21 is the current policy provision in place that outlines the circumstances whereby planning permission will now be granted for a new dwelling in the countryside. No justification has been provided in how the proposal now complies with any of these exceptions and it is considered there is no policy support for this proposal

Recommendation:

Refusal

<p>Case Officer: Laura O'Hare</p> <p>Date: 05/11/2020</p>
<p>Appointed Officer: Annette McAlarney</p> <p>Date: 09 November 2020</p>

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.

Submission to Planning Committee Wednesday 16th December 2020

This Planning application is not in conflict with CTY1 of Planning Policy Statement 21 for the following reasons:

The Planning Department Approved Planning Permission :

- R/2008/0028/RM, Adjacent to 7 Annacloy Road North, Dunnanelly, Downpatrick, Erection of single storey dwelling., PERMISSION GRANTED.
- R/2009/0622/F, Adj to 7 Annacloy Road North, Dunnanelly, Downpatrick., Relocation of an access to a dwelling already approved R/2008/0028/RM., PERMISSION GANTED.

The plans submitted for LA07/ 2020/0299/F are identical in all aspects to the approved plans of R/2008/0028/RM and R/2009/0622/F. To this effect the Planning Permission Approval was valid for the reasons below.

1. The development had already commenced as validated by Mr. Terence O'Toole the Building Control Surveyor commenced foundations on 22nd November 2010. Unfortunately their reference to garage should have stated dwelling. as the garage is an integral part of the dwelling plan. This was within the prescribed commencing time of 2 years as stated in the approved planning application. This can be verified on site that part of the dwelling foundation have commenced.
2. The sight lines and the visibility spays were constructed in accordance with the prescribed information outlined in the approved planning permission. Google evidence is available to this effect.
3. The Google map sent to the case officer confirms that the sight lines and visibility spays were operational.
4. The aerial photograph contained in the case officers Report page 4 clearly shows that the access and the sight lines have been achieved in accordance with the prescribed Planning Approval Condition prior to commencing foundations on site in November 2010.

Mr Liam Trainor from Department for Infrastructure confirmed to Planning Office on 22 April 2020 in relation to plans/documents received by DFI Roads on 11th March 2020 Stated:

This Planning application is **not** in conflict with CTY1 of Planning Policy Statement 21 for the following reasons:

No objections The vehicular access, including visibility spays and forward sight distance **shall be provided** in accordance with detailed 02 plan bearing the date stamped 17/02/2020 prior to the commencement of any other development hereby permitted. The area within the visibility spays 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 spays shall be retained and kept clear thereafter.

Reference to above states **No objections** and **shall be provided**. However because of the time frame when Mr Neil Graham of Network Planning visited the site on 26th August 2020 and stated that neither the Visibility Spays have been formed, this was because of the growth which has taken place since 22nd November 2010 when the site inspection for part of the foundations had been inspected by Mr T O'Toole the Building Control Surveyor. The Spatial NI Photograph provided by the Case Officer on page 4 of her Report clearly shows at that date the access and sight lines had already been provided therefore validating the required planning approval condition. The google map photograph below also clearly shows the sight lines and access formation in October 2008.

There has never been any objections to this development.

The existing planning approval **R/2008/0028/RM** and **R/2009/0622/F** are still valid and all the prescribed criterion contained within the green forms have been complied with.

The new application LA07/2020/0299/F has been submitted because of correspondence received dated 23rd October 2019, which stated Alleged unauthorised clearing of land and trees, planning permission has expired. The matter referred to above is immune from enforcement in accordance with time limits set out in Section 132 of the Planning Act (Northern Ireland) 2011. In that the access and the garage founds are immune. The removal of screening is not a breach. It is not expected to enforce against infilling. Mr. Damien McDowell (Client) reacted to this correspondence by submitting a new

application after discussing with planning officials. This has resulted in the new application which was not required a compliance with R/2008/0028/RM and R/2009/0622/F. had already been achieved. The aerial photograph contained in the case officers Report clearly shows that the access and the sight lines have been formed in accordance with the prescribed Planning Approval Condition prior to commencing foundations on site in November 2010.



Google Map with visibility splays and sight lines visible in October 2008.



Image capture: Mar 2011 © 2020 Google

Google Map with visibility splays and sight lines visible in March 2011.

I would request that the Committee should approve the planning application after considering that the Planning Officer herself has provided proof of compliance with the aerial photograph in her Report in conjunction with the additional evidence provided in this written submission and Google Map Photographs above.

Signed Francis B Kennedy Date 7th December 2020

Francis B Kennedy BA, BSc (Hons), MRICS, MCI0B



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

Application Reference: LA07/2020/0450/O

Date Received: 13.03.2020

Proposal: 2 dwellings

Location: SW 3 Slievenaman Road, Kilcoo, Newry

Site Characteristics & Area Characteristics:

The proposal relates to a roadside site, comprised of an agricultural field that shares its eastern boundary with the Slievenaman Road. The site is located SSW of No 3 Slievenaman Road, a ruinous structure, and NNE of The Rock Shop Campsite and Caravan Park.



The site has a narrow depth and a wide frontage of approx. 100m shared with the Slievenaman Road which is defined by a low stone ditch and post and wire fencing which continues to the side and rear boundary of the site with a hedge adjacent to the south and west boundary.



Access is afforded by a field gate adjacent to the public road. The site is relatively flat and unprofiled.

The site is located within the rural area and Area of Outstanding Natural Beauty (AONB) as designated in the Ards and Down Area Plan 2015.

Site History:

No site specific history.

To NE of the site

R/2006/0776/F Erection of replacement 1.5 storey dwelling with detached domestic garage, - 3 Slievenaman Road, Bryansford, Co Down, PERMISSION GRANTED 06.02.2007

R/1983/0464 extension and alteration to dwelling - 3 Slievenaman Road, Bryansford, Co Down, PERMISSION GRANTED 22.08.1983

To the rear of the site

R/2015/0162/F Retrospective application for amendments to previously approved application for new managers dwelling - The Rock Campsite, 40m East of 3a Slievenaman Road, Bryansford, PERMISSION GRANTED 09.11.2015

R/2011/0153/F Dwelling and garage for manager of The Rock Campsite - The Rock Campsite, 40m East of 3a Slievenaman Road, Bryansford, PERMISSION GRANTED 03.08.2012

R/2003/0178/O Site managers dwelling and garage - 120 Metres south west of No 3 Slievenaman Road, Bryansford PERMISSION REFUSED 02.04.2004

R/1983/0136 Bungalow – Slievenaman Road, PERMISSION GRANTED 13.02.1984

Planning Policies & Material Considerations:

In assessment of this proposal regard shall be given to the Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS 21, PPS2 and PPS3 in addition, to the history and any other material consideration.

The application was advertised in the local press on 6th May 2020.

The relevant neighbours were notified on 29th April 2020.

Objections & Representations

A letter of representation has been received objecting to the proposal stating the opinion that the proposal is contrary to Policy CTY8 due to the lack of a substantial and continuous built up frontage along the Slievenaman Road, contrary to Policy CTY14 as development of the site would result in the creation of a ribbon along the Slievenaman Road and the detrimental impact the development would have on the AONB in which it is located.

Consultations:

In assessment of the proposal it was considered that consultation with DfI Road and NI Water. Due to the close proximity of The Rock camp advice was sought from Environmental Health Unit within the Council to facilitate an informed opinion.

DfI Roads have no objections and recommended planning condition relating to RS1 form which refers to the need for visibility splays of 2m by 60m and 5m wide access to achieve a safe vehicular access. The DfI recommended planning condition is:

- A scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

NI Water Ltd provides information for the developer and refers to the need to obtain consent from the relevant agency to discharge from a septic tank.

No Environmental Health objections subject to both septic tanks being located 15 metres from each dwelling to reduce odour annoyance.

Consideration and Assessment:

The applicant is seeking outline approval for 2 dwellings and the following information has been submitted in support of the proposal;

- P1 Form – Applicants name is noted as P Morgan of 14 Kirk Lane, Kilcoo.
- Design and Access Statement relating to the site, the context of the site and its constraints and the planning agent's assessment of the application in relation to Policy CTY1, CTY8 of PPS21 and referring to planning appeal decisions;
 1. 2017/A0026 Infill for 2 dwellings and garages at land between 1 Drungiven Road and 37 Creevyargon Road
 2. 2016/A0040 Dwelling and garage between 28 Acre Lane and 34 Acre Lane Waringstown.
- Site Location Plan, scale 1:1250, identifying the site in a continuous red line, drawing number 001
- Proposed Site Layout, scale 1:500, demonstrating 2 dwellings with a shared access detailing 2.0m by 60m visibility splays in both directions and illustrating the dwellings orientated to face east onto the Slievenaman Road with garden and car parking within each plot, drawing number 002.

The site is located in the countryside and within the AONB as designated in the Ards and Down Area Plan (ADAP) 2015. The ADAP, which operates as the statutory Local Development Plan relevant to the application site, contains no provisions specific to this proposal in the countryside.

In addition, no conflict arises between the provisions of the Strategic Planning Policy Statement 2015 (SPPS) and any retained policies regarding issues raised by this application. Consequently, the relevant policy context is provided by Planning Policy Statement 21 – Sustainable Development in the Countryside (PPS 21).

Policy CTY1 of PPS21 specifies a range of types of development considered acceptable in principle in the countryside and that will contribute to the aims of sustainable development. The proposal has been submitted as 2 infill dwellings. Policy CTY1 permits development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

Policy CTY8 Ribbon Development (PPS21) states that permission will be refused for a building which creates or adds to a ribbon of development. An exception is permitted within Policy CTY8 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 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.

Policy CYTY8, for the purposes of this policy, provide definition of a substantial and built up frontage includes a line of 3 or more buildings along the road frontage without accompanying development to the rear.

The Design and Access Statement supplied in support of the application refers to 4 buildings that include No3 and its ancillary building, The Rock Café and the stone outbuilding opposite No.3 Slievenaman Road.



The site shares its eastern boundary with the Slievenaman Road. North of the site and adjacent to the boundary is No 3 Slievenaman Road a ruinous structure with 4 partially intact walls and no roof with a small outbuilding directly adjacent to its rear elevation. South of the site is a shared lane that serves as access to 2 detached dwellings, No 3A and 3B Slievenaman Road, agricultural lands and the Rock Campsite and Caravan Park which includes a detached building and car park.

The agent maintains there are 4 buildings comprising the continuous frontage namely No.3 and its associated outbuilding to the rear, the Rock shop and the stone outbuilding opposite No.3.

The definition of a substantial a built up frontage of a line of 3 or more buildings along a road frontage, in the case of this application the frontage is the Slievenaman Road.

The Planning Office are of the opinion that No.3 is not a building for the purposes of CTY8 but a structure. The dictionary definition of a building is

“a structure with walls and a roof, for example, a house or a factory”

The structure at No.3 does not have a roof and therefore technically it is not a building. However, it is accepted that if an application was made to replace this structure it would probably meet CTY3 of PPS 21 for Replacement dwellings. This is therefore a material consideration that needs to be taken into account in ascertaining the standing of this structure.

If it is accepted that No.3 is a building there is still is not a substantial and continuous built up frontage of 3 buildings as the ancillary building to the rear whilst it is a building it has no discernible presence to the Slievenaman Road and cannot be taken as representing a frontage building. Then the only other building is the Rock shop and that represents only 2 buildings.

As there is not the requisite 3 buildings along the frontage then this element of policy is not satisfied and therefore the proposal fails CTY8.

The outbuilding across the road from No.3 as highlighted by the agent as one of the 4 buildings making up the frontage is discounted as it lies across the road thus siting within a different frontage.

The proposal is contrary to Policy CTY8 as there are not a line of 3 buildings in a continuous and built up frontage. Therefore, the site does not represent a small gap site within a substantial and continuously built up frontage along the Slievenaman Road.

Development of the site would result in the creation of a ribbon along the Slievenaman Road and would be detrimental to the rural character of the area. Contrary to CTY8 and CTY14.

The site has a roadside boundary that shares a 100m frontage with the Slievenaman Road. The Rock shop shares a frontage of 20m with the Slievenaman Road. The dwelling of No 3 Slievenaman Road shares a frontage of 65m with the Slievenaman Road. The site layout demonstrates how the site could accommodate 2 dwelling within the plot. This divides the site into 2 and each dwelling would share 50m frontage with the Slievenaman Road. The depth of the site plots would reflect the narrow depth of No 3 Slievenaman Road and the site could accommodate suitable parking and amenity space. The site could accommodate the maximum of 2 dwellings with 50m frontages however this would fall below the 65m frontage of No.3 and exceed the 20m frontage for the Rock Shop. However assessment against Policy CTY8 is not simply a mathematical exercise in plot frontages and sizes. Whether or not a gap site is suitable for infill development in accordance with Policy CTY8 is a matter of planning judgement taking into account what one ascertains on the ground. On the ground the application site represents an important visual gap between No.3 and the Rock shop the infilling of which would have a detrimental impact on rural character by virtue of its creation of ribbon development. The proposed development would not therefore respect the development pattern along the frontage.

The planning agent refers to Planning Appeal Decision 2017/A0026. An image of the site is provided below:



Considering the context of this application and that of Planning Appeal 2017/A0026, the proposal is not comparable to this appeal decision.

Planning Appeal 2016/A0040 determined that there were 5 buildings which shared a boundary with Acer Lane in Warringstown and the site was therefore a small gap within an otherwise substantial and continuously built-up frontage ie Acer Lane.

The site proposed sits between The Rock shop and No 3 Slievenaman Road. While No 3 has a small outbuilding within the site, it is ancillary to No 3 and does not have a presence along the Slievenaman Road. The dwellings of 3A and 3B do not share a frontage with the Slievenaman Road. The proposal is not directly comparable to the appeal decisions referenced within the Design and Access Statement.

No additional or site-specific need has been demonstrated within the submitted information to support the development of 2 dwellings within the countryside. There are no overriding reasons why the development is essential in this rural location and the proposal is contrary to Policy CTY1.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. The site has the benefit of rising topography beyond the rear, western, boundary of the site. The site has boundary definition, and a drumlin beyond the rear boundary of the site. This results in a sense of enclosure and the development would not rely on new planting for integration however would benefit from additional planting to supplement any loss to achieve suitable visibility splays. This can be conditioned if the principle was accepted. The design of the dwellings could be conditioned to ensure the height, scale and proportions reflect the principle of Building on Tradition Design Guide for Northern Ireland and ensure that the AONB within which the site is located is considered within the design, materials and finishes. As the dwellings abut the boundary of the 2-storey detached dwelling of No 3 Slievenaman Road (which is derelict), a ridge condition of less than 6m ridge height to reflect the scale of the neighbouring No 3 is recommended. The site is relatively flat and would not require earthworks to facilitate development. The proposal would comply with Policy CTY13.

Policy CTY14 Rural Character states that planning permission will be granted for a building in the countryside which will not cause a detrimental change to or further erode the rural character of the area. The proposal would not be unduly prominent within the landscape however development of the site would result in the creation of a ribbon of development along the Slievenaman Road and create a suburban style build up when viewed with the existing buildings adjacent to the site due to

the accumulation of development within the vicinity of the site. The proposal is contrary to Policy CTY14 (b) and (d).

PPS3 considers Access, Movement and Parking. Policy AMP2 Access to Public Roads considered permits new access to public road provided it does not conflict with Policy AMP3 Access to protected Routes and the access would not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads have been consulted on the proposal and offered no objection subject to planning condition relating to their RS1 form provided within their consultation response which refers to visibility splays of 2 X 2m by 60m visibility splays. The proposal would satisfy Policy AMP2 of PPS3.

Conclusion

Having assessed the proposal against the various planning policies and material considerations which apply to the application and taking into account the input of the Councils consultees, the content of the Design and Access Statement and the objection, it is determined that the proposal is unacceptable in planning terms. The proposal is contrary to Policy CTY1 and CTY8 in that it does not represent a small gap site within a substantial and continuously built up frontage, CTY8 and CTY14 in that development would result in the creation of a ribbon of development along the Slievenaman Road and CTY14 as development would result in suburban built up when viewed with existing buildings.

Recommendation: Refusal

Drawings

The Drawings upon which this refusal is based are as follows **001 & 002**.

Refusal Reasons:

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 Strategic Planning Policy Statement for Northern Ireland and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in the proposal does not represent a gap within an otherwise substantial and continuously built up frontage and if permitted would result in the creation of ribbon development along Slievenaman Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - (b) the dwellings would, if permitted result in a suburban style build-up of development when viewed with existing buildings; and
 - (d) the dwellings would, if permitted create a ribbon of development;

and would therefore result in a detrimental change to the rural character of the countryside.

Case Officer: Kira Cunningham

08/09/2020

Appointed Officer: Annette McAlarney

10/09/2020



Reference	LA07/2020/0540/O
Location	Land immediately southwest of 3 Slievenaman Road, Kilcoo
Proposal	Erection of 2no infill dwellings

Response to Refusal Reasons

This application was refused on the basis that the case officer determined there was no substantial and continuously built-up frontage and that it was contrary to PPS21 CTY8 Ribbon development. The headnote of this policy states that an exception to development is permitted under Policy CTY8 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 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"*. Policy CTY8, for the purposes of this policy, provide definition of a substantial and built up frontage includes a line of 3 or more buildings along the road frontage without accompanying development to the rear.

The approach of the court regarding interpretation of policy is *"to ask what a reasonable and literate person's understanding of it would be"* (R (Raissi) v Secretary of State for the Home Department [2008] EWCA Civ 72). The key policy test is therefore whether or not a gap site can accommodate up to a maximum of two dwellings within an otherwise substantial and continuously built up frontage. For the purposes of policy, the PAC have defined that a building has a frontage to the road if the plot on which it stands shares or abuts the road.

Section 250 of the Planning Act (NI) 2011 defines a building as *"any structure or erection"*. It was further accepted by the Case Officer that these buildings could be replaced under Policy CTY 3: Replacement Dwellings. Consequently, the building and outbuilding are defined as buildings in accordance with both planning legislation and policy.

The Case Officer then stated that the ancillary building of no.3 does not count towards the continuously built-up frontage as the report stated *"it has no discernible presence on Slievenaman Road"*. Planning Policy does not differentiate from sizes of a building. The Department has accepted that this small structure is a building by stating *"the ancillary building to the rear whilst it is a building"*. Planning policy does not state that the building needs to be a certain size to count towards the frontage. The PAC established the precedent for smaller structures counting towards frontages in appeal decision 2017/A0109: *"There is no distinction within policy between main or "subordinate" buildings. A building has a frontage to a road if the plot on which it stands abuts or shares a boundary with the road."*



The building not having a “discernible presence” does not preclude the building from counting towards the frontage, as “visual linkage” is not a requirement for planning policy, with the PAC supporting this view: *“The words “visual linkage”, which are found in paragraph 5.33 of the Justification and Amplification text, are used in reference to what can constitute a ribbon of development. They are not found in the policy head note in reference to what can constitute an exception for infill development” (2017/A0038).*

The case officer made reference to site representing an important visual break, however the term visual break is found within para.5.34 of the Justification and Amplification text, and not within the policy headnote. As per appeal decision **2017/A0038**, *“They are not found in the policy head note in reference to what can constitute an exception for infill development.”* Moreover, the justification and amplification text states *“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”* As the proposal complies with the policy CTY8 headnote, then the more stringent justification and amplification text is not applied.

The case officer has accepted that the proposal could be visually integrated into the surrounding landscape as the site benefits from a rising topography. The site has boundary definition and this results in a sense of enclosure, Thus complying with Policy CTY13.

As it has been demonstrated above, the site would not result in ribbon development and can be effectively integrated into the surrounding landscape. The proposal therefore conforms to Policy CTY14.

We therefore respectfully request that the Planning Committee overturn the Case Officers recommendation as the proposal conform to Policy CTY8 as there is a line of three or more proposal, contrary to what the officer has said.



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

Application Reference: LA07/2020/0719/F

Date Received: 10.06.2020

Proposal: Offsite Replacement Dwelling.

Location: 171 Rathfriland Road, Dromara.

Site Characteristics & Area Characteristics:



The application site is comprised of a detached two storey dwelling and outbuildings and the front section of a larger agricultural field. The site has a frontage with the Rathfriland Road and access to the site is provide by a cross over from this road in front of dwelling, No. 171 Rathfriland Road. An agricultural gate provides access from the Rathfriland Road into the adjoining field. Levels within the agricultural field gradually rise as you move across it from north west to south east. The immediate area surrounding the dwelling is generally flat. There is a gradual rise in land levels as you drive up towards the dwelling from the road with a further rise at the rear of the dwelling resulting in a split level of the land.

To the south west of the site is a detached dwelling (No. 175) and to the South, east and north west of the site is open agricultural land. Finnis Orange Hall is further north east of the site with St Michaels Primary School further beyond that.

The application site is included in a rural area, it is outside development limits as defined by the Banbridge, Newry and Mourne Area Plan 2015 and is included in an Area of Outstanding Natural Beauty.

Site History:

- Q/1981/0455, 171 RATHFRILAND ROAD, DROMARA, DROMORE, PROPOSED EXTENSION AND IMPROVEMENTS TO DWELLING, PERMISSION GRANTED.

Planning Policies & Material Considerations:

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

Consultations:

There were two consultations issued for this proposal, see details below.

- Department for Infrastructure Roads (DFI Roads) – No objection on the basis the dwelling to be replaced could be occupied at present or following minor modification. (29/07/2020).
- Northern Ireland Water – Generic Response (20/07/2020).

Objections & Representations

There were two neighbour notifications issued for this application. The proposal was advertised in the local press on 15th June 2020. There were no representations received.

Consideration and Assessment:

Strategic Planning Policy Statement for Northern Ireland

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications.

Paragraph 6.73 of the SPPS is no more prescriptive than the text of PPS21 in relation to replacement dwellings. Thus the retained policies of PPS21 take precedence in decision making in accordance with the transitional arrangements outlined in the SPPS. Policy CTY3 of PPS21 indicates that proposals for a replacement dwelling will only be permitted subject to certain criteria but the fundamental requirement is that the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The policy goes on to state that for the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

PPS 21 CTY3 Principle of Development

Policy CTY3 states that for planning permission to be granted the building to be replaced must exhibit the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

All Replacement Cases

In addition to the above, proposals for a replacement dwelling will only be permitted where all the following criteria are met:

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

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

The building is currently lived in, there is no doubt that the building is a dwelling and meets the essential characteristics of such.

This proposal seeks the replacement of the dwelling outside the defined curtilage in the adjoining field. CTY 3 outlines that the proposed replacement dwelling should be sited within the established curtilage of the existing dwelling, unless either

- (a) the curtilage is so restricted that it could not reasonable accommodate a modest sized dwelling, or
- (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

A Supporting Planning Statement for this proposal was submitted highlighting amenity and landscape benefits. The agent outlined that due to the topographical change in land adjoining the application site to the east and the formed hedge row along its shared boundary together with the position of Finnis Orange Hall to the north east, the overall extent of the views of the site along this stretch of road would be minimised. The position of the application site in relation to the Finnis Orange Hall will result in it screening views of the site but only for a small stretch along the Rathfriland Road. On inspection of the site, it was found that the existing site at 171 Rathfriland Road to be of a sufficient size to support an on-site replacement dwelling.

The curtilage is not thought to be so restrictive that it could not reasonable accommodate a modest sized replacement dwelling. The site of the existing dwelling is also afforded the benefit of screening by the established shared boundary along the proposed sites north eastern boundary, but it also benefits from the presence of existing mature vegetation along its frontage with the Rathfriland Road which extends around the western side garden, providing a greater sense of enclosure to the existing curtilage when viewed from the south west. It has been indicated on the drawings that the mature vegetation along the existing dwellings road side boundary is to be retained, the mature vegetation that extends around the garden area is not. The removal of this mature vegetation along the existing dwellings south western boundary, together with the removal of the dwelling and outbuildings would leave a new dwelling in adjacent field open to greater views on approach to the site from the south west. Three new boundaries are to be formed to enable integration of a dwelling within the application site into the surrounding area and provide a suitable level of enclosure. The proposed planting along these boundaries will inevitably take a considerable length of time to mature and in the interim would not mitigate the impact of new development. While the FFL level of the new dwelling is comparable with the existing dwelling, a significant cut of up to 3 metres is required from the field to accommodate it. For these reasons an off-site replacement in the adjoining field is not considered to offer demonstrable landscape benefits.

The Supporting Planning Statement also outlines amenity benefits from offsetting the replacement dwelling would be a reduction in noise level from traffic on the adjoining Rathfriland Road. Without seeking specialist surveys detailing the level of exposure to traffic noise a dwelling within the existing curtilage compares to a dwelling within the adjoining field this is unable to be determined and therefore this amenity benefit is not demonstrable in this case.

To conclude, the proposed alternative site for the off-site replacement is a cut out of the middle section of a larger field with the proposed new dwelling sited 36m east of the existing dwelling. The proposed site will have a frontage onto the Rathfriland Road measuring 40 metres wide including the existing access used to serve the dwelling to be replaced. Levels within the site gradually rise as you move back from the road frontage and given its proposed 44 metres setback from the road, the new dwelling will occupy an elevated site above the level of the Rathfriland Road. The road side frontage is defined by a timber post and wire fence and an agricultural gate, with minimal low-level vegetation leaving it quite open to public views when passing the site. The north western boundary is the only other boundary formed partially by a block wall. A new boundary is to be formed within the application site setback approx. 24 metres from the road frontage resulting in part of the agricultural field remaining between the proposed dwelling and the Rathfriland Road. New boundaries are to be formed to the rear and along the sites south western boundary by post and wire fencing with a native species hedgerow planted behind. A dwelling proposed for this site cannot be adequately integrated as it would sit higher than the roadside boundary and given that the site will be cut from a larger

agricultural field substantial landscaping and boundary treatment will be required for it to be adequately integrated into the surrounding landscape.

On assessment of the elevations and floor plans, there are no concerns regarding the design of the replacement dwelling being of a high quality appropriate to its rural setting. However, a dwelling on this offsite location would result in a significantly greater visual impact than the existing.

There is nothing to suggest all necessary services cannot be provided without significant adverse impact on the environment or character of the locality.

The existing vehicular access serving the dwelling at 171 Rathfriland Road is to be retained and used to serve the new dwelling. A new driveway will be formed off the access leading into the application site.

CTY 13

CTY 13 requires new buildings to be visually integrated into the surrounding landscape and be of an appropriate design. The position of the proposed replacement dwelling will occupy the central portion of a much larger roadside agricultural field with only two full boundaries formed. As noted above, landscaping proposed to form the new boundaries will take a length of time to mature and in the interim would not mitigate the impact of new development. Further, the dwelling proposed for this site cannot be adequately integrated as it would sit higher than the roadside boundary and will require substantial landscaping in order to be adequately integrated.

Policy CTY 14

New dwellings in the countryside must not cause a detrimental change to, or further erode the rural character of an area. As noted above, the proposed dwelling will not be more prominent in the landscape than the existing dwelling due to buildings design. As this dwelling is proposed to replace the dwelling on site it would not result in a suburban style build-up, nor will it create or add to ribbon development. On this basis, the proposal is considered to be acceptable.

Impact on Amenity

The new dwelling within the application site is set considerable distance from other residential dwellings. For this reason, there are no adverse impacts envisaged on surrounding residential amenities.

Access and Parking

DFI Roads has been consulted on this proposal. They are satisfied that as there will be no intensification in the use of the existing access no improvements are required. Parking and turning of vehicles within the application site is considered satisfactory.

Development relying on non-mains sewerage.

Policy CTY 16 – The P1 form has detailed that the proposal will be using a septic tank for sewage disposal. A condition shall be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Other considerations

As part of this proposal, outbuildings are to be demolished within the application site. Upon inspection of these buildings the roof has partially collapsed leaving approx. half of the roof remaining intact and a large opening where the roof has collapsed. A biodiversity checklist was not considered necessary due to the open and exposed nature of these buildings following the collapse of the roof. There was no indication during the site inspection that bats were or had been present.

The agent has advised that the applicants would be temporarily homeless should an off-site replacement not be granted which would allow for the retention of the dwelling at 171 Rathfriland Road. This is not considered to be sufficient reason to outweigh the proposals obvious offence of CTY3 and CTY13. The planning office would in the circumstances allow for temporary accommodation on site under CTY9 during the build of the replacement onsite.

Conclusion

The principle of a replacement dwelling is accepted in this instance and policy CTY 3 does permit the off siting of a replacement dwelling where there are demonstrable landscape, heritage, access or amenity benefits resulting, but in this case the existing curtilage is not considered to be so restrictive to accommodate a modest sized dwelling and there are not considered to be demonstrable amenity or landscape benefits resulting from an offsite replacement proposal.

Recommendation:

Refusal

<p>Case Officer: Laura O'Hare</p>
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<p>Date: 19.10.2020</p>

<p>Appointed Officer Annette McAlarney</p>

<p>Date: 19 October 2020</p>

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that, the proposed replacement dwelling is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that: the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. The proposed dwelling would therefore result in a greater visual impact significantly greater than the existing building.

Reference: LA07/2020/0179/F: Off-site replacement dwelling at 171 Rathfriland Road, Dromara

Thank you for the opportunity to address the Planning Committee regarding the above referenced application which is recommended for refusal. This statement sets out for the benefit of members greater detail and context around some of the issues we wish to speak about when addressing the Committee.

The application seeks Full Planning Permission for the replacement of the existing dwelling at 171 Rathfriland Road, Dromara. The applicants, Mr & Mrs Herron, currently reside in the dwelling which is rapidly becoming unfit for purpose. The irregular shape of the roadside curtilage of 171 Rathfriland Road and the siting of the currently inhabited existing dwelling presents several challenges to providing a suitable replacement opportunity within what is defined as the "existing curtilage". The location before you may be a very short distance away from the existing dwelling but has clear landscaping and amenity benefits over the existing curtilage. As demonstrated in our Supporting Statement submitted during the course of the application, the site was within the established curtilage of the dwelling less than 18 months ago when it was an extended hardstanding/yard area (see **Annex 1**), which the applicant took remedial steps to cover over.

The applicant took remedial steps to cover over the yard and, as a result, planning officers now consider it to be an off-site replacement and are recommending refusal. Members should be assured that there is policy provision to permit off-site replacements in PPS 21 – CTY 3, in that a dwelling outside of the established curtilage can be permitted where it can be shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. We firmly believe having submitted a detailed supporting statement that we meet this criterion in respect of landscaping and (residential) amenity benefits and the proposal is policy compliant.

Having reviewed the Committee Report, we accept that the planning officers have considered the content of our supporting statement, however we believe that fundamentally their assessment of the material facts and other material considerations to be insufficient. Accordingly, we respectfully ask the members of the planning committee to look at the proposal with fresh eyes and give due consideration to the arguments presented for granting planning permission.

Reason 1:

Regarding Reason 1, there has been no consideration given to the recent history of the subject site in that until quite recently the site upon which the proposed house is located was part of an extended dwelling curtilage. Clear evidence demonstrated this was a yard area that was covered over within the last 18 months. We feel that this is an important consideration, in that the applicants are now being unfairly penalised as a result of trying to improve their property.

Landscaping Benefits

It should be noted that it is the applicant's intention to demolish the existing dwelling and return the roadside frontage to an agricultural field. This alone will have significant landscaping benefits in that it will strengthen the rural character of the area.

The landscaping assessment by Planning is inaccurate and incomplete in that there is no real consideration as to the benefits of the proposed site over the existing site in terms of minimising long-distance views from the north. We note that the committee report has downplayed this benefit where it is stated that "the position of the application site in relation to Finnis Orange hall will result in it screening views of the site but only for a small stretch along the Rathfriland Road". We have demonstrated that the existing dwelling and immediate curtilage is visible for a considerable distance along Rathfriland Road whilst on approach from the northeast from Finnis. It is already in view from as far as the junction of Rathfriland Road with Carrigagh Road c.430m to the north and any new dwelling within the existing curtilage will be as equally prominent/visible.

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It is not just the position of Finnis Orange Hall but a combination of a number of factors including intervening vegetation and rising land that helps to conceal views of the new dwelling. To accurately test and establish the vantage points of the new dwelling the applicant erected a pole on site to the height of the proposed roof ridge. This confirmed that views were localised to the immediate vicinity of the site.

The assessment from the south is based upon the mistaken assumption that the existing mature boundary detail to the south west is being removed. As a point of clarification this boundary is to remain, and this could be made subject to planning condition. The alternative siting means that the proposed dwelling better integrates into the countryside in that it removes a prominent roadside dwelling and therefore protects/enhances rural character. The new dwelling site is such that views are restricted to the immediate site frontage.

Residential Amenity

There has been no real consideration by planning of the benefits siting the dwelling away from the road frontage would have on residential amenity in terms of noise mitigation. They note that without seeking specialist surveys detailing the level of exposure to traffic noise of the existing curtilage as opposed to the proposed site this is unable to be determined and therefore the amenity benefit is not demonstrable in this case. This is an area that we would ask the committee to consider, in that it is a basic fact that traffic noise, particularly along national speed limit country roads, can cause nuisance. The applicants have had to contend with disruption from traffic noise and it should not need a specialist report to demonstrate that noise levels reduce with increased distance away from source.

Reason 2:

We disagree with the Planning assessment that the proposed dwelling will have a visual impact significantly greater than the existing building. Similar to the landscaping benefits already discussed, this assessment is based on assumptions being made about the removal of the existing boundary to the south west. This mature boundary restricts views of the site from the southwest. Whilst new boundaries are included to provide a clearly defined curtilage for the new dwelling, its integration into the countryside is not reliant upon this new planting. The critical views from the north are screened by existing mature hedgerow and rising landform. The case being presented by planning is that the new boundaries will take time to establish. It is proposed to use new hedgerow planting at 40 – 60 cm high and heavy standard/extra heavy standard trees. The impact will be immediately established.

Other considerations

The intention is to live in the existing dwelling until the new dwelling is ready, at which time the existing dwelling will be demolished, and the ground made good as a field. Consideration was given to a new dwelling within the existing curtilage, but this was much compromised in terms of amenity (see **Annex 2**). The alternative site offers betterment, and this should be determining. It is suggested that the existing house could be demolished, and the applicants live in a mobile home during redevelopment works. This is neither feasible nor practical for several reasons. This course of action would effectively make them homeless. Also, there is uncertainty in the economy so added expenditure may be unachievable in moving to rented accommodation or even as suggested by the planners purchasing and moving into a temporary mobile home on the site. In addition, the option of temporary accommodation on a building site is not reasonable or realistic due to personal circumstances in that the applicants are expecting their first child in a few months' time. The provision of an alternative site allowing the applicants to continue to live in their home and decant over provides immeasurable financial and amenity benefits in this case and we sincerely hope that you will grant planning permission for the proposals as presented.

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Annex 1

Original Dwelling Curtilage



24/03/2012 - Agricultural Storage. Rear boundary visible



06/04/2019 - Returned to agricultural land. Rear boundary removed

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Annex 2

Existing Curtilage Analysis



PHOTOGRAPH 1 (PH 1)

This photo is taken looking eastwards at the rear of the existing dwelling. This is where option A house is located as per site plan notation.

ANALYSIS

Option B locates the dwelling into the remaining rear garden. This location would leave very limited rear amenity with the greater proportion being to the front therefore leaving practically little or no private amenity. This part of the site is split level also which leaves it that bit more structurally difficult to construct.



PHOTOGRAPH 2 (PH 2)

This photo is taken to the side garden looking north eastwards at the gable end of the existing dwelling. This is where option B house is located as per site plan notation.

ANALYSIS

Option A tightly squeezes into the remaining side garden very near the road side and against a deep ditch and stream running along the backland road with high density boundary mature vegetation. This leaves very restricted amenity to the front or rear.



PHOTOGRAPH 3 (PH 3)

This photo is taken looking north westerly towards the boundary fronting the Rathfriland Road currently the driveway. This is where option A house is located as per site plan notation.

ANALYSIS

Option C locates the dwelling into the existing front driveway. Due to the size, the existing site access would be restricted. The dwelling would be very close to the main road and the ditch that is present.

CONCLUSION

Having assessed all the options A-C it is demonstrated that whilst keeping the existing property and building the replacement dwelling that there is insufficient room to accommodate this on the basis of amenity and site topography particularly at option A/C. This has prompted the conclusion to look at additional adjacent land under the ownership of the application to see how a replacement dwelling would sit. The proposed site layout plan drawing no. P004 demonstrates this particular layout and in terms of road safety, visual impact and amenity the latter site provides all aspects in conjunction with demolishing the existing dwelling and returning the curtilage to an agricultural field.



SITE LAYOUT ANALYSIS PLAN

As demonstrated via the site plan we have sought to look at the existing site curtilage to see if a reasonably sized property could be fitted on the site as a replacement dwelling. We have used a typical 1700sqft size footprint for each of the 3 options. This is also based on keeping the existing property to live in whilst building the new replacement with the view to demolishing it once the replacement has been built.

architech DESIGN
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Email: stephen@architechdesign.com

Andrew & Sarah Hayes	Accession No.	P005
Proposed Replacement Dwelling	Accession No.	
1400 771, Rathfriland Rd	Accession No.	



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

Application Reference: LA07/2020/0814/F

Date Received: 25TH June 2020

Proposal: Replacement dwelling with stores and boathouse on ground floor

Location: 39 Ringhaddy Road, Killinchy

Site Characteristics and Area Characteristics:

The application site comprises an existing dwelling which has first floor living and double garage, stores and boathouse on the ground floor. The site is accessed via a long private driveway and is located beside Ringhaddy Cruising Club. The site is flanked to the east by a concrete sea wall leading down to shingle with Strangford Lough beyond. To the rear west of the site is a green open field which rises in land level to the rear.

The site is located in the countryside outside any settlement as defined in the Ards and Down Plan 2015. The immediate area is generally comprised by detached and well dispersed properties with large gardens.

Site History

No recent or relevant planning history found on site.

Planning Policies and Material Considerations:

The application site is located outside the settlements in the open countryside as designated in the Ards and Down Area Plan 2015 and as such the SPPS is the relevant policy document, which is read in conjunction with PPS 3 and PPS 21.

Consultations:

DFI Roads were consulted as part of the application. They responded advising if the proposed dwelling to be replaced could be reasonably occupied at present or following minor modifications Roads Service has no further objection to this application.

Given that the house is currently inhabited with residents, officers consider that there are no roads objections to this proposal.

NIEA were consulted owing to the location of the site which is in close proximity to several designated sites (Strangford lough SAC, SPA, RAMSAR, MCZ and ASSI) Their comments are discussed in the relevant section of the report.

Objections & Representations:

The application was advertised in the local press on 8th July 2020 which expired on 22nd July 2020 and neighbour notifications was also sent on 8th July 2020 which expired on 22nd July 2020. To date there have been no objections received in relation to the proposal.

Consideration and Assessment:**SPPS**

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. Paragraph 1.12 states that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. However, it is added that where the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy. The SPPS retains certain existing planning policy statements and amongst these is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). 'Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside' is also retained and provides relevant planning guidance.

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. A number of instances when planning permission will be granted for a single dwelling are outlined.

Planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. CTY 3 favours the retention of non-

listed vernacular dwellings in the countryside, if the dwelling makes an important contribution to the heritage appearance or character of the locality.

The building subject of this application appears to be 1970s in design and character and remains currently as fully functioning residence with a family occupying the dwelling. The test under CTY 3 is whether the building exhibits the essential characteristics of a dwelling house, which officers are satisfied that this building does. The building is not considered to be vernacular in appearance and as such, its retention is not considered necessary.

Proposals for a replacement dwelling will only be permitted where all the following criteria are met.

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

The proposed replacement dwelling would be an in-situ replacement, being erected in the same position as the existing dwelling. As such the proposal would be in compliance with this first criterion.

The proposed replacement dwelling would have some similarities to the dwelling to be replaced in that it would also be a two-storey dwelling with first floor living, ground floor boathouse, and workshop and stores, however it would be very different in terms of design. The proposed replacement would be of a modern architectural design incorporating both zinc and sedum roofing, with both natural stone and weatherboarding on the face of the dwelling along with significant amounts of glazing. The front elevation would be dominated by a large front gable projection. There would also be a large wraparound balcony on the front elevation with glass surround. The replacement would have an overall width (including the incorporated boathouse and greenhouse) of 25m and have various projections to the front and rear. Given that the existing dwelling is 22m in width, this proposed width is considered acceptable in scale. The dwelling would have a ridge level of 11.65m above sea level, which is

similar to the existing dwelling. Above the boathouse would be a greenhouse and summerhouse. There would be a carport to the rear. The boathouse would be built into the slope of the land.

There would be associated areas of landscaping to the side and front along with a stepped series of stone faced walls rising up from the high tide line as terraces, as well as including part of the front face of the dwelling. This would replace the existing concrete sea wall which is in place at present. While the sea wall would start at a lower terrace, this terrace is able to flood without damage being caused. This lower terrace will be planted with coastal plants and appear softer than the existing concrete seawall in views from the water. Officers consider that this terracing arrangement would be more aesthetically pleasing than the existing sea wall.

Officers consider that the concept and design of the replacement dwelling appears to be of a high quality and appropriate for a prominent waterfront location. While the large balcony and glazed portions are a significant size, officers appreciate the desire to harness the attractive views of Strangford Lough which this house would benefit from. The fact that some of the building would sit into the slope of the land would result some of the bulk of the dwelling being reduced. The materials proposed are considered to be appropriate to the setting of the dwelling on the water's edge, featuring weatherboard, glazing and natural stone. The use of sedum roofs adds visual interest and contrast to the glazing and zinc portions of the dwelling.

As all necessary services already are provided to the current dwelling, there would not be any significant adverse impact upon the environment or character of the locality in connecting the new replacement dwelling to services.

The final criterion under Policy CTY3 is that access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic. Given the fact that this proposal is to replace a dwelling which is currently occupied as a home, DFI Roads have no objections to this proposal. There is sufficient space within the proposed site layout to both park and turn a number of vehicles.

As such, officers consider that the application would be in accordance with the guidelines of Policy CTY 3 – Replacement Dwellings.

Climate Change and Coastal Flooding

The application site is located on the edge of Strangford Lough. As a result, NIEA have responded with reference to climate change and future coastal flooding.

The UK Marine Policy Statement (MPS) includes a number of high level principles for decision making that should be taken into account (see section 2.3.2).

The two most applicable sections relating to this proposal are:

- section 2.6.7 Climate change adaptation and mitigation, and
- section 2.6.8 Coastal change and flooding.

Section 2.6.7.4 under Climate change adaption and mitigation states "Adapting to the impacts of climate change will also be a priority for terrestrial planning at the coast. This will include ensuring inappropriate types of development are not permitted in those areas most vulnerable to coastal change, or to flooding from coastal waters, while also improving resilience of existing developments to long term climate change."

Section 2.6.8 under Coastal change and flooding points towards the consideration of terrestrial planning policy and management policies for coastal development in relation to avoiding inappropriate development in areas of highest vulnerability to coastal change and flooding. It states, "Development will need to be safe over its planned lifetime and not cause or exacerbate flood and coastal erosion risk elsewhere." The UK MPS further indicates that development should not be allowed where it affects areas at high risk and probability of coastal change, unless the impacts can be managed.

While the above principles for decision making are noted in regards this application, officers consider that as this proposal is for the erection of an in-situ replacement dwelling, with a FFL of 0.4m higher than the existing floor level, these principles are not necessary to be engaged, as would be the case if this proposal was for a new dwelling within an untouched piece of land. Officers consider that a replacement dwelling is not inappropriate development, nor would its permission reduce the resilience of existing developments. Furthermore, the proposed replacement dwelling would not cause or exacerbate flood and coastal erosion risk elsewhere.

Draft Marine Plan for Northern Ireland

There are 4 core policies within the draft Marine Plan applicable to coastal erosion/change. The Core Policy on climate change states "public authorities, where appropriate, must consider the proposals ability to adapt to a changing climate." In relation to Climate Change Adaptation, the Core Policy states "Where climate change has the potential to impact on a proposal during its lifetime, a public authority may require the proposer to demonstrate:

- a) How the impact has been considered; and
- b) Measures to address the adverse impact, where appropriate."

Paragraph 97 states "Public Authorities must consider if any actions are necessary to adapt the proposal to a changing climate, through decision making processes."

Paragraph 100: "Increased temperatures, sea level rise and extreme weather events increase the risk of coastal erosion and flooding and should be taken into account by

proposers and public authorities. Proposals should be located and designed to cope with current and future conditions."

Officers asked the agent to demonstrate the above points have been considered. To summarise, the agent set out the following:

- This is an in-situ replacement dwelling, no more harmful than someone remaining in the existing dwelling
- the dwelling sits outside the areas to be impacted by climate change due to rising sea levels as demonstrated on the Flood Hazard & Flood Risk Map for NI
- two parts of the site are within flood risk area – part of long driveway and beside the sea wall – building itself would not be within potential flood area.
- Ground floor level will be 400mm higher than the existing, and a first floor level 940mm higher than current.
- Material excavated from the site during the build process will be used to raise the level of the driveway in the area prone to flooding to alleviate potential flood risk in that area.
- The replacement sea wall will be as protective of the land as the existing sea wall but more visually appealing in views from across the water or from boats on Strangford Lough.

NIEA state that Marine and Fisheries Division has considered the impacts of the proposal and on the basis of the information provided considers that the proposal is contrary to policy in its current form as it is highly likely to be impacted by the effects of climate change such as rising sea level, coastal erosion and increased storm surge in the future. The inclusion of the seawall in the proposal also poses a threat to the nearby coast road and associated coastline as a result of erosion which is already occurring in the wider area, particularly the Ballydorn and Whiterock roads.

Again, while officers appreciate the need for a precautionary approach with regards climate change impact, it is considered that given this is an in-situ replacement and considering the above mitigating factors outlined by the agent, there would not be any further risk of flooding that what currently exists. The house will be raised by 400mm above the existing ground floor level, and the flood prone areas of the lane will be raised to reduce flooding. The replacement of the existing seawall with a new set in terraced wall will remain some 2.85m above the high tide mark and will protect the site and access lane as well as the existing sea wall.

NIEA further state that future sea level rise and erosion may lead to a requirement for coastal protection of the proposal. Under the Conservation Objectives for Strangford Lough SAC, engineered sea defences are considered to be potentially damaging and one of the main pressures and threats to the conservation features of the designated site. In light of this potential future impact, the Planning Authority must consider the

resilience of this proposal to climate change over its lifetime and therefore its compatibility with the UK MPS, SPPS and Draft Marine Plan. Officers consider that given the existing sea wall on site, and proposed replacement sea wall as part of this proposal, officers are satisfied that there is unlikely to be a requirement for further coastal protection of the proposed replacement dwelling.

The proposed development is not considered to be any more harmful than the existing dwelling, and in fact has a higher ground floor level and plans to raise the height of parts of the lane currently affected by flooding. As such, officers are satisfied that the proposed replacement would be acceptable when considered in terms of climate change and coastal flooding.

Recommendation:

Approval is recommended

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: 01, 02, 03, 04, 05, 06, 100, 300, 301, 302 and 303.

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

3. The construction of the replacement dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved plan 01 is demolished and all rubble and foundations have been removed.

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

4. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

5. The dwelling shall have a finished floor level of no less than 4m above sea level as shown in drawing 301.

Reason: for the avoidance of doubt in relation to the flood risk issue.

Informatives:

1. Due to the proximity of the site to the marine environment, care will need to be taken to ensure that polluting discharges do not occur during the demolition, construction and operational phases of the development. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.
2. Care should be taken to ensure that only clean surface water is discharged to the nearby river or stream. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems in order to minimise the polluting effects of storm water on waterways.
3. The applicant should note discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges to the aquatic environment and may be required for the disposal of contaminated surface water during the construction phase of the development. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment.
4. Water Management Unit notes the development includes excavation of a basement/underground structure. Depending on the geological setting, the potential exists for the water table to be encountered during these works. If water is encountered, an appropriate abstraction/impoundment licence under the Water Abstraction and Impoundment (Licensing) Regulations (Northern Ireland) 2006 and consent to discharge under the Water (Northern Ireland) Order 1999 may be required from Water Management Unit. The applicant should refer to DAERA Standing Advice on Abstractions and Impoundments, and Discharges to the Water Environment.
5. Any infill material used as part of this development must be strictly inert.
6. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

7. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

Case officer:	Jane McMullan
Authorised by:	Annette McAlarney
Date:	16 Nov 2020



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0910/F

Date Received: 17.07.2020

Proposal: Proposed Food Production Facility comprising approximately 18,000 sqm production floor space, warehouse storage area, associated parking and landscaping, site and access works

Location: Lands at Down Business Park, 46 Belfast Road, Downpatrick

Site Characteristics & Area Characteristics:

The site comprises a large irregular shaped plot of land located within the 34ha Invest NI serviced industrial estate off the A7 Belfast Road known as Down Business Park.

Whilst the proposal description refers to the proposed nature of the development in reality the development is nearing completion on site.

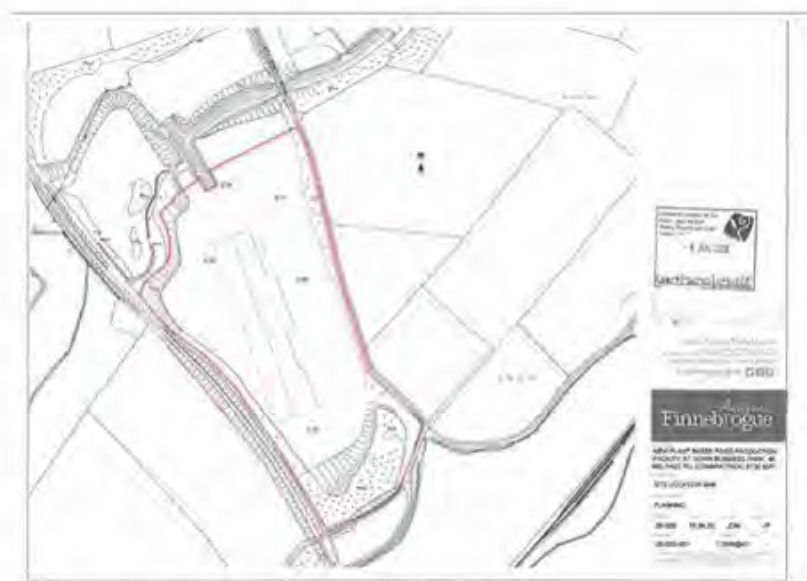


Fig 1 Site location



Fig 2 Aerial of site

The site is located outside the development limits of Downpatrick on land zoned Existing Industry DK 16 Existing Industrial Lands (COU 12) as identified in the Ards and Down Area Plan 2015.

Outside but adjacent to LLPA1 Inch Abbey, Mound of Down, Down Cathedral, Quoile River and associated lands including Cotter Hill, Hollymount and Ballydugan.

The application is a Major Development and represents the expansion of Finnebrogue Artisan at the Down Business Park through the erection of a new food production facility. The current development is for a Food Production Facility comprising approximately 18,000 sqm production floor space, warehouse storage area, associated parking and landscaping, site and access works.



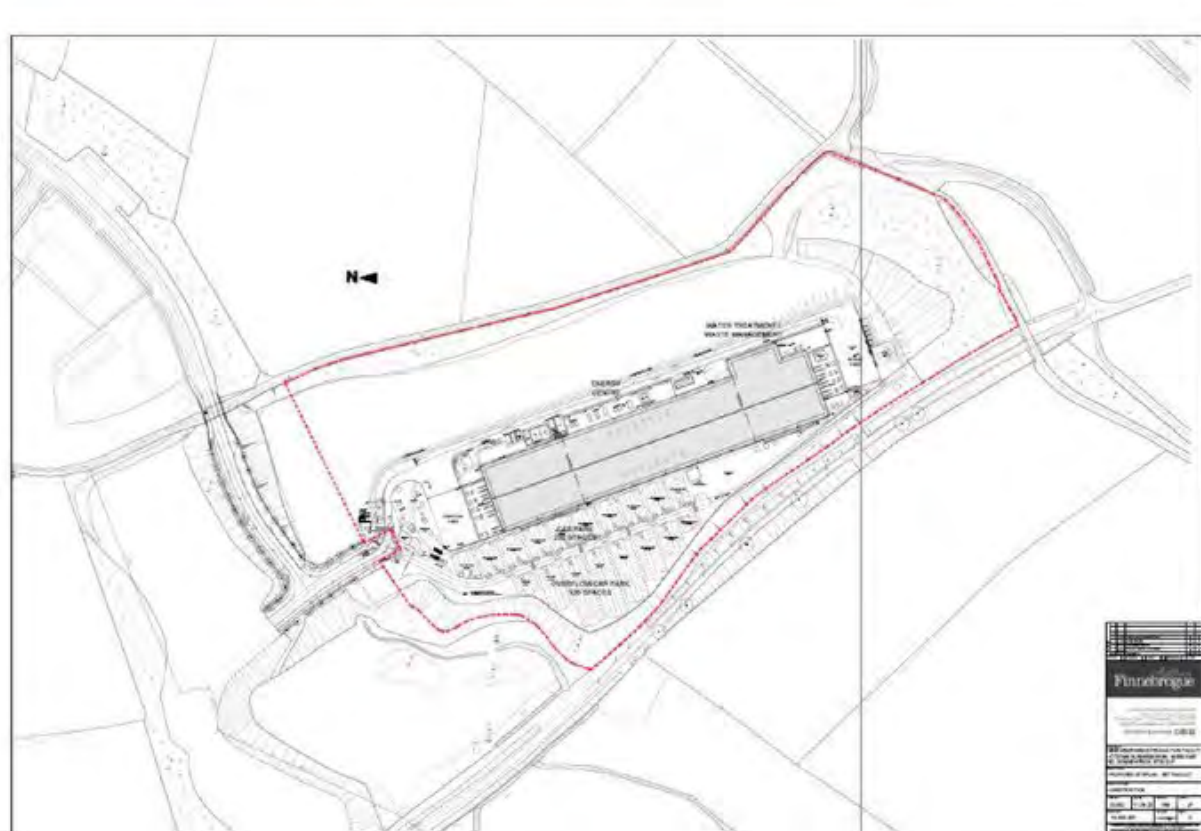


Fig 3 Proposed Site layout

Floorspace uses	Existing area (m ²)		Proposed addition or replacement (m ²)		Total	
	Gross	Net	Gross	Net	Gross	Net
Production			12,452	11,806	12,452	11,806
Mixing Sales						
Offices			492	430	492	430
Storage			3471	3338	3471	3338
Ancillary uses			2523	2400	2523	2400
Total			18,938	17,934	18,938	17,934

Site History:

Reference	Location	Proposal/Complaint	Status	Date
LA07/2020/0209/FAN	Lands at Down Business Park, 46 Bell	Proposed food production facility comprising approx. 21	PROPOSAL OF APPLICATION NOT	
LA07/2020/0910/F	Lands at Down Business Park, 46 Bell	Proposed Food Production Facility comprising approx. 21	VALID APPLICATION RECEIVED	
LA07/2017/1279/FAN	Down Business Park, 46 Belfast Road	Proposed nitrate free bacon production facility comprising	PROPOSAL OF APPLICATION NOT	
R/2014/0012/F	Lands at Down Business Park, 46 Bell	Proposed extension to existing access road with assoc	PERMISSION GRANTED	16.10.2014
R/1998/6107	5 & 6 Belfast Road	Certificate of alternative development - land @ lots 5 & 6		
R/1974/0205	35, INCH ABBEY ROAD, DOWNPATRICK FARM BUNGALOW		PERMISSION GRANTED	
R/1993/0679	ADJ TO 35 INCH ABBEY ROAD DOW	Replacement Dwelling	PERMISSION GRANTED	
R/1996/0391	ADJ 35 INCH ABBEY ROAD DOWNP	Replacement dwelling and garage	PERMISSION GRANTED	
R/1999/0745/RM	Land to the west of 43 Inch Abbey Rd	Site development works associated with site B (Phase 2	PERMISSION GRANTED	01.11.2000
R/1997/0690	WHEAT HOUSE 400M SOUTH WEST	Replacement dwelling	PERMISSION REFUSED	
R/1998/0855	WHEAT HOUSE 1 INCH ABBEY ROAD	Site for replacement dwelling	APPEAL DISMISSED	
R/2008/0842/F	Lands at Down Business Park, 46 Bell	Proposed extension to existing access road with assoc	PERMISSION GRANTED	30.04.2009
R/1996/0009	LAND TO THE WEST OF 40 BELFAS	Industrial Development	PERMISSION GRANTED	

Planning Policies & Material Considerations:

The application is considered against the SPPS, Ards and Down Area Plan 2015 and in addition to this is also considered against PPS 2 Natural Heritage, PPS 3 Access, Movement and Parking, PPS 4 Planning and Economic Development, PPS 15 Planning and Flood Risk.

Consultations:

Consultations were carried out as follows:

Rivers Agency no objections

NIEA (NED) no response at time of writing.

NIEA Regulation Unit Regulation Unit (RU) note that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent area. The proposed development is therefore considered to be a low risk to the water environment.

Water Management Unit and Inland Fisheries Water Management Unit has considered the impacts of the proposal on the water environment and would advise that this proposal has the potential to adversely affect the surface water environment.

Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Downpatrick Waste Water

Treatment Works (WWTW). Water Management Unit would therefore recommend that the NIPP Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded.

If NIW indicate that the WWTW is able to accept the additional load, with no adverse effect on the operation of the WWTW or its ability to comply with its consent to discharge, then Water Management Unit would have no objection to the proposal. See below from NIW.

NIW Strategic Applications advise that on 15th June 2020 NI Water responded to a Pre-Development Enquiry regarding this proposed development and is valid until June 2021. Therefore they have no objections.

DFI Roads No response at time of writing.

Environmental Health No objections subject to the mitigation plan submitted

SES have no objection

Objections & Representations

No NN was carried out. As the site does not adjoin any properties. As this is a Major Planning Application a Pre-Application Notification exercise was carried out in line with Section 27 of the 2011 Planning Act. The public consultation exercise has been carried out in line with The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (NI) 2020. A PACC report has been furnished to the Planning Authority with the application. Legislative requirements have been met.

To date no representations have been received one of which was a letter of support from Colin McGrath MLA.

Consideration and Assessment

The Regional Development Strategy

Effective planning for the economy requires the planning system to take into account the overarching strategic framework provided by the Regional Development Strategy 2035 (RDS) as well as meeting local employment and economic development needs. In terms of strategic economic development, the RDS seeks to promote a balanced spread of opportunities across Northern Ireland through a Spatial Framework that enables strategic choices to be made in relation to development and infrastructural investment. The RDS promotes further economic growth in the Belfast Metropolitan Area and Derry/Londonderry, the Spatial Framework also aims to exploit the economic potential of the strategic network of urban hubs, key transport corridors and regional gateways and to provide for a diversified and competitive rural economy.

SPPS

6.81 The planning system has a key role in achieving a vibrant economy. In this regard, the aim of this SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

6.82 The regional strategic objectives for facilitating economic development through the planning system are to:

- promote sustainable economic development in an environmentally sensitive manner;
- tackle disadvantage and facilitate job creation by ensuring the provision of a generous supply of land suitable for economic development and a choice and range in terms of quality;
- sustain a vibrant rural community by supporting rural economic development of an appropriate nature and scale;
- support the re-use of previously developed economic development sites and buildings where they meet the needs of particular economic sectors;
- promote mixed-use development and improve integration between transport, economic development and other land uses, including housing; and
- ensure a high standard of quality and design for new economic development.

Ards and Down Area Plan 2015.

The site is on land zoned Existing Industry site as identified in the Ards and Down Area Plan 2015.

Proposal COU 12 Existing Industrial Lands at Belfast Road, Downpatrick

Existing industrial lands at Belfast Road, Downpatrick are designated in accordance with [Policy IND 1](#) in this Volume of the Plan and as indicated on the relevant Down Countryside Map.

Downpatrick has a large, 34.14 hectare serviced industrial estate on the Belfast Road with 12.52 hectares of remaining developable land. 35 industrial units and a new office block have been built near the entrance to the estate, with a number of office blocks with storage and factories built further within the site.

Policy IND 1 Existing Industrial Sites

Existing industrial land designated in the Plan will be safeguarded against inappropriate development.

Throughout the Plan area it is important that a supply of industrial land be retained within settlements in order to secure the proper economic development of the Plan area and to meet the needs of local communities. The Department therefore considers it necessary to safeguard existing industrial land within settlements from competing uses. This policy will help maintain the overall level of industrial provision and in line with the RDS will allow for a continuous supply of land for employment purposes.

Where land designated as existing industrial land is being proposed for an alternative purpose to that specified in this Plan it will be necessary for developers to demonstrate that the proposal will not result in a deficiency of industrial land.

The development sits comfortably within this zoning and fulfils the requirements of IND1.

PPS 2 Natural Heritage

Policy NH 4 - Sites of Nature Conservation Importance –

Planning permission will only be granted for a development proposal that is not likely to have a significant adverse impact on:

- a Local Nature Reserve; or
- a Wildlife Refuge.

A development proposal which could have a significant adverse impact on a site of local importance may only be permitted where the benefits of the proposed development outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required.

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

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna; rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

Response outstanding at the time of writing from Natural Environment Division.

SES considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

They state that having considered the further information supplied 01/12/2020, the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

SES state that as the development has already been completed (01/12/2020). There was potential for polluting discharges generated during the construction phase entering the adjacent watercourses and travelling to the Lough to cause adverse impacts on the SPA features.

The applicant has supplied a Construction Environmental Management Plan (CEMP) by RPS dated August 2020 that was followed by the appointed contractor. SES has reviewed the CEMP and is content that with following the mitigation detailed in the document, no likely significant effects would have occurred.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended).

PPS 3 Access Movement and Parking

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.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of existing accesses; and
- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

Response outstanding at the time of writing from DFI Roads.

Policy AMP 3 Access to Protected Routes

The Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:

Other Protected Routes – Outside Settlement Limits

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access in the following cases:

- (a) A Replacement Dwelling – where a building to be replaced would meet the criteria for development within a Green Belt or Countryside Policy Area and there is an existing vehicular access onto the Protected Route.
- (b) A Farm Dwelling – where a farm dwelling, including a farm retirement dwelling, would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.
- (c) A Dwelling Serving an Established Commercial or Industrial Enterprise – where a dwelling would meet the criteria for development within a Green Belt or Countryside Policy Area and access cannot reasonably be obtained from an adjacent minor road.

- (d) Other Categories of Development – approval may be justified in particular cases for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.

The site is accessed off the internal spine road Enterprise Avenue servicing the Industrial Estate which in turn accesses off the Protected Belfast Road. The site is an already serviced industrial site with access in place.

Policy AMP 7 Car Parking and Servicing Arrangements

Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department's published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic.

Beyond areas of parking restraint identified in a development plan, a reduced level of car parking provision may be acceptable in the following circumstances:

- where, through a Transport Assessment, it forms part of a package of measures to promote alternative transport modes; or
- where the development is in a highly accessible location well served by public transport; or
- where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking; or
- where shared car parking is a viable option; or
- where the exercise of flexibility would assist in the conservation of the built or natural heritage, would aid rural regeneration, facilitate a better quality of development or the beneficial re-use of an existing building

Proposals involving car parking in excess of the Department's published standards or which exceed a reduction provided for in a development plan will only be permitted in exceptional circumstances.

In assessing car parking provision, the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice.

Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.

The parking requirement for this development is set out in the Car parking standards as Class B3 General Industrial and dictates the following parking requirement for the Finnebrogue new factory as dictated by the Parking Standards in PPS 3.

	Call centres	1 space per 3 staff + 10% of staff parking for visitors	1 space per 900 m ² GFA, 1 commercial vehicle space per 3000 m ²	Minimum of 2 per unit or 1 per 20 staff whichever is the greater
Class B2: Light Industrial and Class B3: General Industrial	<250 m ² GFA	1 space per 25 m ² GFA	1 space for commercial vehicles	Minimum of 2 per unit
	>250 m ² GFA	as <250 m ² with additional 1 space per 50 m ² GFA for GFA exceeding 250 m ² For some units parking will be assessed on individual merits having regard to the number of workers, operating patterns, location and proximity to public transport	A minimum of 1 space or 1 space per 750 m ² GFA for commercial vehicles, whichever is the greater	Minimum of 2 per unit or 1 per 500 m ² GFA, whichever is the greater
Class B4: Storage or Distribution	Storage or Distribution Centre	1 space per 250 m ² GFA	1 lorry space per 350 m ² GFA	Minimum of 2 per unit or 1 per 1000 m ² GFA, whichever is the greater

25. Indicate in the grids below answers to the following

Average No. of vehicles at premises daily from	Existing	Expected Increase	Total
Staff		115	115
Visitors/Customers			
Goods		17	17

Average No. of persons attending premises daily	Existing	Expected Increase	Total
Employees		180	180
Others Attending*	0	0	0
Total	0	180	180

* Others attending include visitors, customers, diners, spectators, pupils etc

Non-Operational

GFA for the development 18,938sqm

The first 250sqm @ 1 space per 25sqm = 10 spaces

Remaining GFA @ 1 space per 50sqm 18668sqm = 374 spaces

Non-Operational Total parking requirement = 384 spaces

Operational

1space per 750sqm = 25 commercial vehicle spaces.

The recent plans indicate parking provision of 202 carparking spaces (incl 7 no disabled spaces) which have been marked out and overflow provision for a further 120 spaces. 3 spaces for Articulated lorries and 24 cycle bays. The P1 Form indicates at question No.25 that there will be 180 employees attending the site daily. The agent has justified the under provision of parking by attributing this to the peculiar work shift pattern to be operated in the running of the factory. The agent advises that the total number of staff on site when the proposed development is fully operational is 180 persons, with 100 no. staff working day shift and c. 80 no. staff members working night shift. The TAF also refers to the shift pattern of 100 persons arriving at 07:00 and leaving at 17:00 for the day shift (200 total person trips), and 80 persons arriving at 18:00 and leaving at 04:00 for the night shift (160 total person trips).

As such, the shift patterns allow for greater flexibility in terms of parking due to the fact that the building will never be fully occupied by total staff numbers at a given time, as well as the fact that not all staff travel to the building by private vehicle. The strategic location of the development off the Main A7 Belfast Road and public transport. The agent also refers to the provision of a number of pedestrian footways in and around the site to enhance accessibility and encourage more pedestrian travel, these are however not indicated on any drawing and are therefore not considered as part of the justification for the reduced parking provision.

Whilst it is not accepted that the development can rely so heavily on public transport, cycling and walking given its somewhat remote location within the Business Park and the lack of cycleways to service the development from Downpatrick, to account for the under provision of car parking, weight is however being given to the shift pattern to be operated in the factory in allowing for the shortfall in parking. With the provision of potentially 322 spaces it is considered that the site can operate with the under provision in car parking as proposed without detrimental impact to the free movement of traffic in the Park.

Therefore determining weight in allowing for the reduced parking provision is being attributed to the shift pattern being operated for the anticipated 180 employees. Therefore, it is considered necessary that this development should be conditioned as such.

PPS4 Planning and Economic Development

Policy PED 2 Economic Development in the Countryside

Proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- The Expansion of an Established Economic Development Use – Policy PED 3
- The Redevelopment of an Established Economic Development Use – Policy PED 4
- Major Industrial Development – Policy PED 5
- Small Rural Projects – Policy PED 6

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'.

All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

The application site is located within the fully serviced Down Business Park, zoned as such in the Area Plan. There can therefore be policy basis for rejection of the proposal against the above.

Policy PED 9 General Criteria for Economic Development

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:

- (a) it is compatible with surrounding land uses;
- (b) it does not harm the amenities of nearby residents;
- (c) it does not adversely affect features of the natural or built heritage;
- (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;
- (e) it does not create a noise nuisance;
- (f) it is capable of dealing satisfactorily with any emission or effluent;
- (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;
- (h) adequate access arrangements, parking and manoeuvring areas are provided;
- (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;
- (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;
- (l) is designed to deter crime and promote personal safety; and
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The development is located within a zoned and serviced Business park and therefore its compatibility for a Food production factory is not in question. There are no neighbouring residential properties which could potentially be affected. In terms natural heritage, a response from NIEA remains outstanding at the time of writing.

There are watercourses to the North West and South East of the proposal site that connect to the Annacloy and Quoile Rivers. These rivers flow into Strangford Lough SAC/SPA/Ramsar about 3 km away.

The development has already been completed. There was potential for polluting discharges generated during the construction phase entering the adjacent watercourses and travelling to the Lough to cause adverse impacts on the SAC features.

The applicant has supplied a Construction Environmental Management Plan (CEMP) by RPS dated August 2020 that was followed by the appointed contractor. SES has reviewed the CEMP and is content that with following the mitigation detailed in the document, no likely significant effects would have occurred.

SES has checked the NIEA Water Information GIS pollution layer for the area around the development. There are no recorded pollution incidents of any level in the Quoile system that could be traced to the proposal.

Given the above data and information SES can only conclude that there were no significant pollution incidents during construction phase and hence no significant effects occurred to any feature of the connected SAC.

There are no Built heritage features to consider in proximity to the site.

Rivers agency have been consulted and state that whilst a small portion of the south-eastern boundary of the development **lies within** the 1 in 100 year fluvial flood plain. As there is a significant bank elevation at the area of the south-eastern boundary a Flood Risk Assessment was **not required**

on this occasion. A drainage assessment was submitted and assessed by Rivers who have no objection to its findings.

EHO have been consulted and have no objection on noise grounds and recommend conditions.

NIW have advised that there is a valid PDE with them for the factory which is valid until June 2021. The WWTW has available capacity for the factory.

Surface water drainage infrastructure has been given DFI Rivers Schedule 6 consent for discharge of 153 l/s to adjacent DFI Rivers maintained watercourse. This surface water infrastructure is already in place and owned by NI Water. NI Water response 23/07/2020 has confirmed this is available and foul is also available subject to agreements.

Water Management Unit notes that effluent waste water from the internal processes involved with this proposal will be passing through an on-site Waste Water Treatment Plant before discharging to the mains system. This proposal will therefore require a Trade consent issued by Northern Ireland Water (NIW).

In terms of the existing road network and its capacity to absorb the development a response form DFI was outstanding at the time of writing.

PPS15 Planning and Flood Risk

A DA was submitted with the proposal. Rivers agency advise that the site is traversed at the north-west by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and is known to DFI Rivers as: 'Inch Drain'. The site may be affected by undesignated watercourses of which we have no record.

FLD1 - Development in Fluvial and Coastal Flood Plains – The Flood Maps (NI) indicates that a small portion of the south-eastern boundary of the development **lies within** the 1 in 100 year fluvial flood plain. As there is a significant bank elevation at the area of the south-eastern boundary a Flood Risk Assessment is **not required** on this occasion.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – The site is traversed at the north-west by a watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973, and is known to DFI Rivers as: 'Inch Drain'. The site may be affected by undesignated watercourses of which we have no record.

Under 6.32 of the Revised Policy PPS 15 FLD 2, it is essential that an adjacent working strip is retained to facilitate future maintenance by DFI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5 meters, but up to 10 meters where considered necessary, and be provided with clear access and egress at all times. There is sufficient space on the site to allow for this requirement should access be required. Therefore the development complies with the requirements of PPS 15 Planning and Flood Risk.

Taking into account the Area Plan, planning policy, consultee responses and representations received on the application and all other material planning considerations approval is recommended subject to positive responses being received from the outstanding consultees namely DFI Roads and NIEA NED.

This application shall be presented to Planning Committee and it is requested that delegated authority is afforded to officers upon satisfactory responses being forthcoming from the outstanding consultees.

Recommendation:

Approval subject to the above.

Drawings

Site Location	20-002-001	
Site Plan	20-002-002	REV D
Proposed Elevations	20-002-201	REVA
Proposed Roof Plan	20-002-103	REVA
Shaded Elevations	20-002-202	REV A
Proposed FF Plan	20-002-102	REV A
Proposed GF Plan	20-002-101	REV A
Landscaping Plan	To be submitted	

Authorised Officer

Annette McAlarney 02 Dec 2020



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/1292/O

Date Received: 15th September 2020

Proposal: Erection of 2 detached infill dwellings and garages

Location: Lands located between no. 2 and 10 Glassdrumman Road, Ballynahinch

Site Characteristics and Area Characteristics:

The application site is 0.47ha and comprises the front portion of a field which lies between no. 2 and 10 Glassdrumman Road. The site has a frontage of 111m along the road. There is mature vegetation along the roadside boundary along with the north west and south east boundaries with residential properties. To the rear of the site, land levels begin to increase. There are two dwellings opposite the application site.

The surrounding land is predominantly domestic and agricultural in use with a number of dwellings along this immediate stretch of the Glassdrumman Road. The site is located within the rural area, outside any designated settlement areas.

Site History

No recent or relevant planning history found on site.

Planning Policies and Material Considerations:

In assessment of this proposal, regard shall be given to the Regional Development Strategy (RDS) 2035, Strategic Planning Policy Statement (SPPS), Ards and Down Area Plan 2015, PPS3 and 21 (CTY1, 8, 13, 14, 15), Building on Tradition (Guidance Document), in addition, to the history and any other material consideration.

Consultations:

DFI Roads – no objections subject to conditions

NI Water Multi Units – no objections subject to conditions.

Objections & Representations:

The application was advertised in the local press on 30th September 2020 which expired on 14th October 2020 and neighbour notification issued on 22nd September 2020 expired on 6th October 2020.

To date there have been 18 objections received in relation to the proposal including 3 from local elected members.

Objection has been raised on the following grounds:

- This is not a small gap between buildings, it is a large field
- Conflicts with Building on Tradition which states that "Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill. *When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots."
- This is not a continuous frontage, there are breaks by way of the lane beside no. 2, the ménage, and the gap between 12a and 14.
- No 12 cannot be considered as part of the ribbon as it is a farm cluster with development to the rear.
- This infill proposal fails to respect the existing development pattern in the frontage.
- The garage at no. 2 is not a qualifying building
- The proposed development would read as a suburban build-up and add to a ribbon of development
- Insufficient detail on the drawings with information missing
- Proposed development would have increased hardstanding and contribute to flooding. The site lies adjacent to an area of surface flooding on DFI Flood map. A full flood risk assessment should be provided with this application.
- Development would block off a wildlife corridor between 2 and 10. The hedgerow to be removed for splays provides shelter to wildlife
- No detail of how wastewater will be disposed
- Glassdrumman road is a very busy through road – the proposed development would exacerbate this and increase risk to walkers who use these roads for walks
- Continued building of modern houses leads to a loss of rural character and a loss of agricultural land.
- Loss of privacy between properties across the road from each other

- Applicant does not reside on this property and nobody knows who he is.
- The proposed twin access could be used as a roadway to future houses.
- Will set a precedent for others to build houses on Glassdrumman Road
- This is prime agricultural land and should be used for food production not building houses
- Glassdrumman road does not meet the needs for the current traffic let alone any additional traffic.
- Road is lethal in winter and never salted
- Roads is used by ambulance base and additional traffic could put lives at risk
- Last bungalow built on the road caused new flooding which would be exacerbated by this proposal. The current drainage cannot deal with the existing houses.
- Bringing in new people to the area could spread COVID and 100% of the people living within half a mile of the site are in high risk category due to old age or health. – this alone should be enough to refuse planning permission or postpone a decision.
- If approved, there would be 6 dwellings accessing a narrow stretch of road less than 200m in length
- People move to the countryside for peace and tranquillity, not to live cheek to jowl with neighbours. This urbanisation is ebbing away at the ethos of country life.
- This is a dangerous road for runners, dog walkers and cyclists and the proposal would make it even more dangerous.

Objections in terms of the principle of development of the gap site will be visited in the relevant section below.

With regards the objection raised on the lack of information such as elevation and floor plans, officers advise that this is an outline application whereby the applicant is obliged only to submit a location plan with the site identified in red.

There are no flood constraints within our own mapping system therefore the applicant is not required to submit a flood risk assessment in order for this application to be considered.

While comments on road safety and the use of the road by pedestrians is noted, planning officers defer to DFI Roads regarding the road safety requirements of the proposal.

With regards the potential for future development were this application to be granted, as well as a precedent being set on the road, officers reiterate that each application is considered on a case by case basis.

The fact that the applicant does not live at the site and is not known to neighbours is not considered to be reasonable grounds for objection or material to this planning application.

COVID 19 is not considered to be reasonable grounds for objection or a material planning consideration.

Consideration and Assessment:

The policy context for this application is provided for by Planning Policy Statement 21 'Sustainable development in the countryside' (PPS21). Policy CTY1 of PPS21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY8 of PPS21 (infill dwelling).

Policy CTY8 of PPS21 states that 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 the size, scale, siting and plot size etc.

The proposed site has a frontage of 111m onto the Glassdrumman Road. To the south east of the site lies no. 2 which is a dwelling with detached garage, both with frontage onto the road. To the north west of the site is a dwelling at no. 10 also with frontage to the road. Further along the road lies a ménage with is in association with no. 12 Glassdrumman Road and two further dwellings beyond, with frontage to Glassdrumman Road. Officers are satisfied that this site comprises a small gap site within a substantial and continuously built up frontage.

With regard plot size. No.2 Glassdrumman road has a plot width of 46m, no 10 has a plot width of 54m and no 12 has a plot width of 68m. while a large portion of this frontage width is occupied by a ménage, this is viewed to be in association with the domestic property at no. 12 rather than being considered as undeveloped land, given the fencing and hardstanding and therefore is counted as part of the frontage width. The average of these three plot sizes is 56m. The site subject of this application has a frontage width of 111m. As there would be two dwellings within this application site, they would both have a plot width of 55.5m.

Officers are therefore satisfied that the proposed plot sizes would be in keeping with the development on either side. The proposal therefore respects the existing development pattern along this stretch of Glassdrumman Road.

While it is acknowledged that building to building distance is greater than the average plot width, from a visual perspective on the ground it is considered that the site frontage and the lands outlined in red are large enough to accommodate 2 dwellings which respect the existing development pattern, plot sizes and character of the area.

As this is an outline application, no detailed plans have been provided, however an indicative site layout has been provided showing how the site can accommodate 2 dwellings which respect the existing building line, plot sizes and footprints found in the surrounding area.

It is considered that the 2 sites identified are both large enough to accommodate a dwelling and garage with sufficient provision for parking, private amenity space, services and also spacing with the adjacent property to prevent an unacceptable impact. The land within the red line decreases in land level, whereby the land to the rear increases into a hill. The site is bounded by the established curtilages of no. 2 and no. 10 to either side and the increasing land level to the rear will provide a backdrop to the dwellings enabling suitable integration into the countryside and thus no concerns are raised regarding compliance with Policies CTY13 and CTY14.

It is also noted that these dwellings will be served by septic tanks, whereby it is considered there are sufficient lands to accommodate these services with associated soakaways.

Policy AMP2 of PPS3 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 and
- (B) The proposal does not conflict with Policy AMP3 – Access to protected Routes (which is not applicable in this case).

In assessment of this policy requirement, DfI Roads were consulted. DfI Roads have responded with no objections subject to conditions for compliance with the RS1 form in any reserved matters application.

While it is noted that objection is raised by several parties that the road is dangerous and busy even without this proposed new development, DfI Roads are satisfied that the proposed dwellings would have safe accesses and egress to and from Glassdrumman Road subject to compliance with the attached condition.

Therefore, having assessed the proposal against the relevant planning policies and material considerations which apply to the application, it is determined that this proposal is acceptable in line with Policy CTY8 of PPS21 and under Policy AMP2 of PPS3.

Recommendation:

Approval is recommended.

Conditions:

1. As required by Section 62 of the Planning (Northern Ireland) Act 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which the permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. The expiration of 5 years from the date of this permission; or
 - ii. The expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

2. The development hereby permitted shall take place in strict accordance with the following approved plan: 20.15.01B and 20.15.02D

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

3. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (herein after called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

Reason: to enable the council to consider in detail the proposed development of the site.

4. No development shall take place until a plan indicating floor levels of the proposed dwellings in relation to existing and proposed ground levels has been submitted to and approved by the council.

Reason: To ensure the dwelling integrates into the landform.

5. The ridge height of the dwellings shall not exceed 6.0 metres above finished floor level at the lowest point within its footprint and underbuilding shall not exceed 0.5 metres at any point above existing ground level. Any application for approval of reserved matters shall incorporate plans and sections indicating existing and proposed ground levels and proposed finished floor levels, all in relation to a known datum point.

Reason: To ensure that the development is not prominent in the landscape in accordance with the requirements of Planning Policy Statement 21.

6. No development shall take place on the site until a landscaping scheme has been submitted to and approved by the Planning Authority showing

- details of all proposed soft and hard landscaping;
- details of all existing and proposed site boundary treatments
- all existing vegetation to be permanently retained

The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the department gives written consent to any variation.

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

7. A scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

Informative:

1. The proposed siting and curtilage shall be broadly in accordance with the submitted Proposed Indicative Site Layout Plan shown on drawing number 20.15.02D

Case officer: Jane McMullan

Authorised by: Annette McAlarney

Date: 16 Nov 2020

RE: Request for Speaking Rights in planning application LA07/2020/1292/O
Item 17 Planning Committee Meeting - Wednesday 16 December 2020

Statement of Gordon Duff

The proposed development for two infill houses is within a gap between 2 and 10 Glassdrumman Road. The gap between these two houses is approximately 151m, the gap between the garage of nos 2 and nos 10 is 141m approximately; and the frontage of the proposed development is 110m approximately.

There are 5 developed sites in the existing ribbon and I have calculated the average plot frontage in the ribbon is 44m approximately. There are 7 houses in the area if the two houses facing the site are also included and the average frontage in the area is 37m approximately.

Policy CTY8 of PPS 21 deals with ribbon development. This states *"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."*

In the justification and amplification CTY8 states *"5.34 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."*

Size of gap

The first issue is whether this is a small gap site.

According to CTY8 the gap is the gap between houses and other buildings. Whether the gap is measured at 141m or 151m this is not a small gap between buildings. The site is a sizable field and represents a large gap.

The relative frontage size

The SPPS states that Building on Tradition (BOT) must be followed when considering applying for planning permission to build in the Countryside. At 4.4.1 BOT states-

**Where a gap frontage is longer than the average ribbon plot width the gap may be unsuitable for infill.*

**When a gap is more than twice the length of the average plot width in the adjoining ribbon it is often unsuitable for infill with two new plots.*

As the average ribbon plot is 44m and the proposed plots are 55m it is not entirely prohibitive but it is likely that this frontage will be too long for two houses. When the frontage of the general area is considered it is even worse at 37m.

Is the frontage continuous?

A continuous frontage is one without physical breaks. This frontage has a large gap for the proposed sites, has a fairly large gap for a menage between Nos 10 and 12 and has another gap between 12a and 14. This is not a continuous frontage. Neither does the proposed development infill the entire gap as would be expected as there is a proposed laneway to access fields to the rear between Nos 2 and the first proposed dwelling. This proposed laneway retains a break in the frontage.

A continuous frontage is also one without visual breaks. BOT states- *"Some gaps are not suitable for infilling if they frame a view or provide an important visual break in development"* It also states at 4.5.0 and 4.5.1 -

**There will also be some circumstances where it may not be considered appropriate under the policy to fill these gap sites as they are judged to offer an important visual break in the developed appearance of the local area.*

**As a general rule of thumb, gap sites within a continuous built up frontage exceeding the local average plot width may be considered to constitute an important visual break. Sites may also be considered to constitute an important visual break depending on local circumstances. For example, if the gap frames a viewpoint or provides an important setting for the amenity and character of the established dwellings.*

Nos 2 and Nos 10 are both individual rural houses surrounded on either side agricultural land. They do not read as "built up". This context for each house is according to BOT, a visual break as the retention of this agricultural setting is important/essential for the character of the established dwellings. The frontage is not continuous nor continuously built up.

Farm Clusters are excluded

CTY8 is concerned with linear development on a road frontage and excludes development with accompanying development to the rear. Buildings in such farm clusters may in some circumstances appear to be aligned with other houses on the frontage, but are not suitable to be used as qualifying buildings for CTY8.

Number 12 is a farm/equestrian cluster with the dwelling house built to the rear. The garage and the stable block along the frontage are visible and aligned part of the ribbon but disallowed due to the development to the rear.

Proposed dwellings need to respect the existing buildings in the substantially built up frontage

Even if these existing buildings at the road frontage at number 12, were considered to be eligible buildings to constitute a substantially built up frontage, it does however throw up an inconsistency in size, scale and design between these existing buildings in the frontage and the proposed development. This infill proposal fails to respect the existing development pattern in the frontage.

Ancillary buildings are not qualifying Buildings

The garage at Nos 2 is not a qualifying building. CTY8 does not define "building", however the guidance in BOT is in the form of diagrammatic examples which show where infill is acceptable. The examples for infill development show development on plots and between plots. Where a plot contains a garage this is always ignored and this does not subdivide the plot or create a new frontage for the purposes of CTY 8. Where permission is granted it is for a plot and a house/ garage is a single unit.

If the garage at Nos 2 is ignored the distance between Nos 2 and Nos 10 is 151m rather than 141m. This is definitely not a small gap.

CTY14

The proposed development fails to comply with CTY14 as it will read as suburban build up along a country road and will read as adding to a ribbon of development.

The SPPS

The definitive test is whether the proposed development complies with the SPPS which at 6.73 states "Permission will be refused for a building which creates or adds to a ribbon". The test is an objective one. This objective test is straightforward and overriding and cannot be diminished by linguistic argument on words or the meaning of words or CTY8.

It is very clear that the ribbon of development will be substantially added to if these two very large houses with associated large garages on very large curtilages is approved. This cannot be resolved by and clever design or landscaping or amendment by the applicant.

This is not an example of the development of a small gap in a substantial and continuously built up frontage which can be discretely infilled without reading as changing the character of the area and adding to the ribbon. The Proposed development is prohibited by the SPPS and must be refused.

Gordon Duff
Rural Integrity

RE: Request for speaking rights in planning application LA07/2020/1292/O
Item 17 planning committee meeting – Wednesday 16th December 2020.
Statement of Robert Wilson 5 Glassdrumman Road

Mr Chairman and members of the planning committee

I speak as a resident living opposite the proposed development site on the Glassdrumman Road.

This country Road has become one of the most used roads in the area for Ballynahinch citizens – walking cycling, exercising dogs and horses etc.

It is a narrow road and at peak times, it is used as a rat run between Ballynahinch and Lisburn.

Often counting up to 30 cars per hour.

With this amount of vehicle and pedestrian traffic, there is no further space for more residential traffic on this country road.

According to regional development strategy, there is approximately 68 hectares of land zoned for housing in a Ballynahinch town master plan. There is no further room for development in this area of farmland, nature and beauty.

To look at the plans for this development, which are very basic, I notice proposal to remove existing road hedging. This hedge for years has been a natural habitat for foraging and nesting birds – blackbirds, thrushes robins etc and lately pheasants.

In this day and age, we are asked by authorities, governments and councils to plant more hedges and trees to assist decreasing wildlife, surely destroying this hedgerow is completely contrary to governments recommendations.

The proposed site is an agricultural field, that should remain as a field! Its development would spoil our traditional rural character and would create an unbefitting suburban style build-up of houses. The proposal would spoil the visual setting for the houses on both sides of the road in the area.

I also want to draw your attention to the double entrance proposed opposite numbers 5 and 8 entrances. There are already two large entrances into this site – could this be a thought by the applicant, that, at a later date, this entrance could be used as a roadway to accommodate further development?

We have two local quarries regularly blasting which effects the houses in the area through the adjacent rock veins, causing slow build-up of cracks and damage to the houses on Glassdrumman.

The low - lying parts of this site is liable to regular flooding. Where would sewage and surface go to? The road? The gardens of the adjacent low-lying property?

If planning was granted to this site it would, of course, set a precedent for a phenomenal number of further requests for housing on this country road.

Thank you to the Committee for this opportunity to speak to you on behalf of the 19 OBJECTORS

Robert Wilson

SUPPORTING STATEMENT – By Carlin Planning Ltd

Policy CTY1 (Development in the Countryside) lists a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. It states that planning permission will be granted for the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

Policy CTY8 ‘Ribbon Development’ states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient to only accommodate a maximum of two houses within an otherwise substantial and continuously built up frontage, 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 purposes of the 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 Case Officers report correctly identifies that there is a substantial and continuous built-up frontage (see Figure 1).



Figure 1

The policy also states that development must respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

The buildings highlighted in Figure 2 identify 6 distinctive plots, confirming that the site does represent a suitable infill opportunity for 2 dwellings while incorporating all characteristics in terms of plot size and frontages.

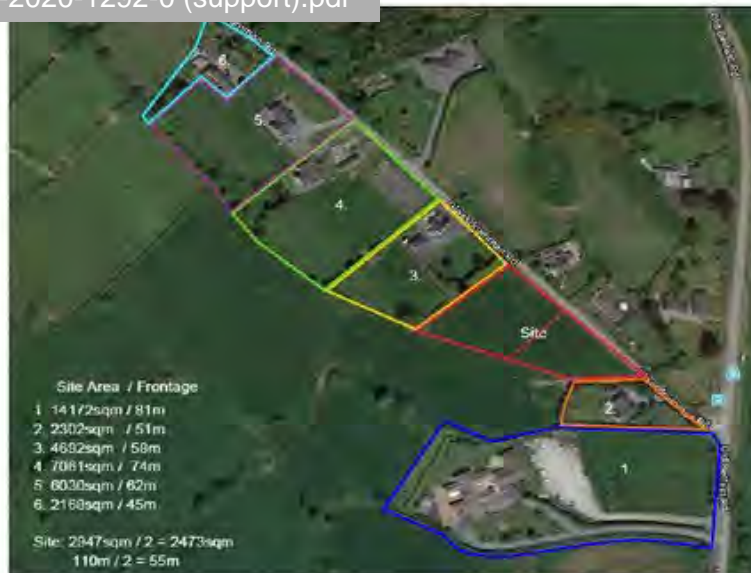


Figure 2

The application site is 49473sqm with a frontage of 110m. The proposals are for 2 x modest residential dwellings and will each have a plot size of c. 24733sqm and frontages of 55m. While the design of the dwellings is not up for consideration in terms of size, scale and siting, the proposed plot sizes and frontages will be consistent with development pattern of the surrounding area. Close attention will be paid to the guidance contained within a Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside as well as the design characteristics seen within the surrounding area. This will be dealt with at a future reserve matter stage.

An indicative site plan has been submitted (Figure 3) for information, demonstrating that the site is sufficient to accommodate two dwellings.



Figure 3

The Officers agree that the site is of an appropriate size to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size.

We also agree with the Officers assessment against Policies CTY13 and CTY14 in that the future proposals can be integrated into the surrounding rural context and is well enclosed due to the existence of the backdrop and the future design of the dwellings will be of a rural character.

Conclusion: The development of the application site would clearly meet the definition of ribbon development, however the existence of a continuous and built-up frontage of 3 or more buildings represents an exception to the policy and the site represents a suitable infill opportunity for the purposes of Policy CTY 8 and should be approved.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

Newry, Mourne
and Down
District Council

Application Reference: LA07/2016/0631/F

Date Received: 13.05.16

Proposal: 25 No. dwellings and 2 apartments (27 units in total) associated siteworks & drainage, with road access from Drumgullion Avenue. (Amended plans and proposal)

Location: Land to North of 78 Armagh Road Newry BT35 6PW South of towpath to Bessbrook River/Newry Canal and East of Damolly Retail Park.

1.0. SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1 The site is located within the development limits of Newry City comprising of two existing agricultural fields situated adjacent and NE of No. 78 Armagh Road.
- 1.2 The land is currently accessed via a vehicular/ pedestrian access (Public Right of Way) from the Armagh Road which leads to No.78 with pedestrian access beyond this to the Canal Tow Path.
- 1.3 The topography of the land slopes gently away from south to north, which is bounded by post and wire fencing along the NW boundary with a small wooded area beyond this, palisade fencing to the NE with post/ wire fencing and hedge making up the remaining boundaries.
- 1.4 The site is located within an urban context which is dominated by residential developments (Lisdrum and Drumgullion Avenues) which are situated to the SW, S and SE of the site with a pocket of commercial development to the NW (Damolly Retail Park, Fiveways and Norbrook).

2.0. SITE HISTORY:

- 2.1. P/2004/2794/F - Erection of 140m fence and provision of bit mac path. Hickey's Lane, Armagh Road, Lisdrumgullion. Granted (Adjacent to site)
- 2.2. P/1979/0879 - Extension (No. 78 Armagh Road)

3.0. PLANNING POLICY CONSIDERATIONS

- 3.1. The planning policy context for this application is provided by:

- The Planning Act (Northern Ireland) 2011
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Regional Development Strategy (RDS)
- The Banbridge, Newry & Mourne Area Plan 2015
- Planning Strategy for Rural Northern Ireland (PSRNI)

Planning Policy Statements:

- PPS2 - Natural Heritage
- PPS3 - Access, Movement and Parking
- PPS 6 - Planning, Archaeology and Built Heritage
- PPS 7 and its Addendum - Quality Residential Environments Planning Policy Statements
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS12 - Housing in Settlements
- PPS15 - Planning and Flood Risk

Further Guidance:

- DCAN 8- Housing in Existing Urban Areas
- DCAN 15 - Vehicular Access Standards
- Parking Standards
- Creating Places
- Living Places Urban Stewardship and Design Guide.

4.0. STATUTORY CONSULTATIONS.

- 4.1. **DFI Roads (12.11.20):** No objections
- 4.2. **NI Water (20.11.20 and 09.10.19):** Public water supply, foul and surface water sewer available as well as capacity at the WWTW,
- 4.3. **Rivers Agency (26.08.20):**

FLD1 - Cannot sustain any further objections under this sub-policy FLD 1.

FLD2 and FLD4 are not applicable.

FLD 3 The Concept Drainage Layout drawing C-02 confirms the Surface Water is to be attenuated and discharged to NI Water infrastructure. Evidence has been included of the agreement that NI Water consent has been issued and limited to the rate of 13.15 l/s.

FLD 5 now satisfied.

4.4. **NIHE (24.08.20):**

We fully support the need for this scheme to help address unmet need in this area. The preferred housing mix for the 27 units should be as follows: -

13 No 3 person 2 bedroom houses
 9 No 5 person 3 bedroom houses
 2 No 2 person 1 bedroom apartments
 1 No 3 person 2 bedroom wheelchair house
 2 No 5 person 3 bedroom wheelchair houses

4.5. **Historic Environment Division: Archaeology and Built Heritage (07.02.20):**

Historic Buildings - Proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, without conditions.

Historic Monuments - Content the proposed housing development will not encroach upon the scheduled area. However, the scheduled area should be fenced off for the duration of the construction works for this scheme to ensure protection of the monument.

4.6. **Environmental Health (11.11.19 and 27.05.16):** - No objections in principle to this proposal provided as per submission the development is connected to public sewerage system.

4.7. **NIEA (29.06.16 and 08.10.19) –**

Water Management Unit – Content

Natural Heritage – The development is unlikely to have a significant impact on the designated features of the SLNCI.

5.0. **OBJECTIONS & REPRESENTATIONS**

5.1. 806 Neighbours notified

5.2. 861 Objections received

5.3. Advertised initially in June 2016 and again in August 2020 following amendment of the proposal and submission of amended plans.

Objections Raised/ Consideration of objections:

- Wanted to speak with planning officer regarding report to be sent to Transport NI from Planning.

Spoke by telephone 18.02.20 with objector and advised that no report was being sent by the Planning Authority to Transport NI, but that information sent in by the agent i.e. amended plans dated 05.02.20 had been sent. Transport NI have also been advised to consider not only amended plans but objections and Private Streets Determination Drawings.

- Complaint from group representative of Lisdrum Concerned Residential group that the planning officer had refused to meet with them.

The Planning Department have actively engaged with the group leader in person, via emails and phone calls.

- Object to construction of the proposed road across Hickeys Lane (Public Right of Way)

Although the road crosses the public right of way, provision is made within the scheme for pedestrian access to be made to either side and therefore proposals will not obstruct access.

- Increased traffic on heavily congested Armagh Road/ increased vehicular and pedestrian traffic/ safety concerns

Proposals are of a small-scale nature when compared to other housing developments within the vicinity. Due to its nature it is not envisaged that vehicular traffic to and from the site will be so significantly above what already exists in terms of existing traffic flow and movements along the Armagh Road.

The design and layout of the development with linkages to the existing footpath network will enhance sustainable patterns of movements as the site is well placed and within proximity to retailing, public transport and community facilities. Transport NI in their consultation response 12.11.20 have raised no concerns.

- No neighbour notification to No. 48, 62 Drumgullion Avenue

Neighbour notification has now been sent to these properties.

- Risk assessment of traffic.

Traffic Assessment was sought from the agent and sent to Transport NI for comment. Transport NI in their latest consultation response dated 12.11.20 raised no issues.

- Query over the description of site.

The Planning Authority is content that the proposal description is adequate for the purposes of advertising and assisting members of the public to identify the relevant area.

- Trees protected on site.

There are no trees protected on the site by a Tree Preservation Order and the site is not within a Conservation Area where automatic protection is given.

- Impact to views

Unfortunately, this is not a Planning consideration and therefore cannot make comment on this.

- Removal of fencing to rear of 111 to 124 Drumgullion Avenue

Plans as submitted do not show an area of fencing to be removed.

- Access to St Colman's College blocked

There is currently no vehicular access to the grounds of St Colman's from Hickeys Lane and only a pedestrian access, this access will remain undisturbed.

- Hickeys Lane will be blocked, and this is the only means of access to tow path

Only part of Hickeys Lane has been in use for vehicular/ pedestrian access to No. 78 Armagh Road with pedestrian access beyond this property to the Canal Tow Path. Whilst a new road will be constructed across the PROW the plans submitted show that the pedestrian access to the tow path will be maintained.

- Impact upon established nature and character of the neighbourhood

The site is located within the development limits of Newry within an urban location. The predominant land use is residential housing which is found immediately adjacent to the site as displayed by housing development of Lisdrum Avenue and Drumgullion Avenue.

- Noise pollution

As a residential use the noise pollution anticipated should not be above and beyond what already exists within the locality, whilst there may be some noise during the initial construction period this will only be short term.

- Removal of green space where children play

Land is not designated within the Area Plan as zoned open space.

- Devaluation of property

This is not a planning consideration.

- Dirt, dust and debris from building site

Whilst there may be some issues regarding dirt, dust or debris from the site during construction. It is up to the developer to ensure that the site is adequately managed during construction to avoid any health and safety issues, again construction works are likely to be short lived.

- Hickeys Lane known for anti-social behaviour in the past which required it to be fenced off.

The development has been carefully designed to ensure that areas of public access are adequately surveilled which should act as a deterrent to antisocial behaviour.

- Will lead to increased crime/ create serious security risks

Proposals will introduce activity to what is currently an isolated area, the arrangement of dwellings and habitual rooms overlooking areas of public access will assist in ensuring that activities within the area are informally surveilled.

- Lane not suitable for HGVs

The current lane has not been adequately designed for HGV movements and given the nature of the proposals there is unlikely to be any HGV activity at this site.

- A road across the lane will restrict pedestrian and cyclist use of the lane

The road across will not inhibit use by cyclists or pedestrians as access across the public right of way has been maintained with this proposal.

- Request by Cllr Casey for the application to appear before Committee as access refused by NIHE, access would cross historic Hickeys Lane and residents objecting

Due to the number of objections lodged the application does not fall within the threshold for applications to be considered as delegated and will automatically be brought before the Planning Committee.

6.0. PLANNING ASSESSMENT & CONSIDERATION

- 6.1. In summary, the application is for the erection of a housing development. This consists of 27 units comprising of a mix of apartments and residential dwellings of detached and semi- detached form, each unit with in curtilage

parking, private open space assigned to each unit and an area of communal public open space.

- 6.2 The Planning Authority has carefully assessed the proposal in the context of the prevailing planning policy. The main issues to be considered are the principle of residential development on the site, the proposed design, detailing and impact upon the urban setting.

- 6.3. **Banbridge, Newry and Mourne Area Plan 2015**

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

The site is located on unzoned land within the development limits of Newry City which is surrounded by residential and commercial uses. The development is for a residential land use which is compatible with adjacent land uses and adheres to the Area Plan which encourages development to locate within an urban setting.

Development proposals will also be considered under normal planning and environmental considerations, taking into account responses from consultees and objectors. Further consideration of this is outlined below.

- 6.5 **SPPS, PPS12 (PCP1 and PCP2), PPS7 (QD1), PPS7 (Addendum) Safeguarding Established Residential Areas, PSRNI (DES 4), Creating Places, DCAN 8 and DCAN 11 PPS3, Parking Standards and DCAN15:**

Strategic Planning Policy Statement (SPPS).

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

It is considered that proposals adhere to the principles set out in the SPPS and other policy considerations for the reasons set out below.

- 6.6 **PPS 12- Housing in Settlements**

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.

The site is within the settlement area, the development can be adequately integrated without adverse impact upon the character of the immediate residential area, therefore it is a sustainable form of development. There is further consideration of these issues below.

6.7 SPPS, PSRNI, PPS 7- Quality Residential Environments, Policy QD1

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.

It is considered that the proposal fully complies with the SPPS, Policy QD1 of PPS 7 and Policy DES2 of the Planning Strategy for Rural Northern Ireland (PSRNI) in creating a quality and sustainable residential environment for the reasons set out below:

6.8 SPPS, PPS7 (QD1 and QD2), PPS6, PPS7 (Addendum), PPS8, PPS15, PSRNI (DES2), DCAN 8, DCAN 11 and Creating Places

The SPPS is now a material consideration in the assessment of this application however as there is no significant change to the policy requirement for housing in settlement following the publication of the SPPS which is arguably less prescriptive, the retained policy of PPS7, PPS7 (Addendum) and PPS12 will be given substantial weight in determining the principle of the proposal in accordance with paragraph 1.12 of the SPPS.

6.9 Surrounding Context/ Topography/ Layout

The site is located within the development limits of Newry City on land unzoned within the current Area Plan. The surrounding context comprises of a range of buildings and uses. Commercial and industrial development to the NW (Commercial: Damolly Retail Park and Fiveways and Industrial: Norbrook), community facilities to the E and SE (St Colman's College, St Patricks Primary School, St Brigid's RC Church, Whitegates and Newry Leisure Centre) and residential uses to the SW and SE (Lisdrum Avenue, Drumgullion Avenue, Clonmore, Lisdarragh and Violet Hill Avenue).

Dwellings within the immediate area of the site i.e. Lisdrum Avenue and Drumgullion Avenue are generally semi-detached and terraced form. Detached dwellings are situated at and front onto the main Armagh Road. Design is simple with external finishes of dash and brick with pitched concrete tiled roofs.

The proposed layout comprises of detached and semi-detached form which is reflective of the existing pattern of development found within the locality. The proposed scheme incorporates in curtilage parking located to the side of each

dwelling/unit. A new road will be constructed from Drumgullion Avenue into the development. While this will impact upon existing on street parking in Drumgullion Avenue it will nevertheless be fully compensated by a new designated parking area to the left of the entrance to the new development.

Each of the dwellings in the development has adequate private amenity space in the form of front and rear garden space, with an area of communal open space found centrally within the scheme.

Given the urban context there is a good range and mix of house types. There are changes in ground levels across the site which have been considered resulting in the use of stepping down of houses within the scheme taking account of the natural contours of the site whilst earth/ landscaping bands are deployed where there are substantial changes on ground levels (as seen between Nos. 14-23) this avoids the use of retaining structures throughout the site. The layout of development ensures that all dwellings overlook areas of open space and areas of public access allowing for informal surveillance and enhance the safety of users within the site and areas of public access.

The overall layout of proposed dwellings has separation distances of 20m plus between properties to avoid overlooking which is well within recommended separation distance guidance.

6.10 Landscaping/ Hard Surfaced Area/ Pedestrian Links/ Private Open Space

Open space provision is well within the recommendations of size requirements within guidance and planning policy. Private space is well placed to make optimum use of daylight. Gardens located to the rear ensure that private amenity space is kept out of view from the main thoroughfare remaining private.

Proposals incorporate landscaping throughout the scheme including tree planting to the front of each property, an area of centralised open space and a small dedicated seating area to the NW of the scheme which is flanked by a wooded area beyond this. The overall use of open space and landscaping within the scheme will present an attractive aspect and will soften the visual appearance of the development.

Pedestrian movement is encouraged throughout the site by the use of pedestrian links. This will encourage sustainable patterns of movement for users to the site allowing access to recreational, community and commercial developments. Furthermore, the layout has been well designed to ensure that areas of public access have been informally surveilled by all properties within the development which will enhance public safety within this area.

There is adequate provision of open space throughout the development with a good mix and range of garden sizes within recommended requirements.

6.11 Archaeological and Built Heritage

Newry Canal a scheduled monument and listed buildings associated with St Colman's College have been considered. Historic Buildings and Monuments in their consultation response dated 07.02.20 are satisfied that proposals meet policy requirements.

6.12 Local Neighbourhood Facilities

Whilst there is no provision within the proposed development for local neighbourhood facilities there are a wide range of community facilities within walking distance within the locality.

6.13 Movement Patterns/ Disabled Access

There are a range of house types within the development to accommodate those whose mobility is impaired. Proposals also incorporate links to the existing pedestrian footway and public transport facilities are linked by the footpath network.

Given the proximity of public transport facilities i.e. train station and bus link to the city centre will encourage sustainable methods of movement.

6.14 Parking/ Roads

Transport NI have raised no issues in their consultation response dated 12.11.20.

Adequate car parking in the form of in curtilage parking has been assigned to each dwelling in the development which is within recommended guidance.

Furthermore, the development is within walking distance of public transport which will have the potential to avoid excessive car movements and encourage sustainable movements through walking and use of public transport given the proximity of these facilities to the site.

6.15 Impact to Amenity

The layout plan shows adequate separation distances between dwellings to avoid impact to amenity. Where there are significant changes between levels planting bands and grading of land between properties have been used to avoid overlooking and protect amenity. Separation distances are well within the recommended range of Creating Places.

6.16 Prevention of Crime and Promotion of Personal Safety

All dwellings within the layout will overlook areas of public use allowing for informal surveillance with the aim of enhancing public safety.

6.17 House Types

A range of house types have been provided throughout the scheme.

6.18 Social Housing

The site has not been identified within the Area Plan requiring social housing provision. It is acknowledged that there is demand for social housing within the city and the developer has designed this scheme with the Housing Executive requirements in mind. However, there is no letter of commitment from a social housing provider although this is not necessary.

6.19 Flooding/ Drainage

Rivers Agency in their consultation response dated 26.08.20 advise that FLD2, FLD4 and FLD5 are not applicable. FLD 1 has been satisfied and Rivers Agency cannot sustain any objection against this policy. A drainage assessment was submitted for consideration under FLD3, Rivers Agency advise that they have no reason to disagree with its conclusion and are content with proposals.

6.20 Water/ Sewerage

There is a public water supply as well as foul and surface water sewerage available within 20m of the site. 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.

7.0 Other Material Considerations

- 7.1 SPPS and PPS2: NIEA in comments dated 29.06.16 have raised no concerns with proposals. On inspection of the site there was no observed protected habitat at the application site and appears to have been used as agricultural lands.
- 7.2 PPS3, DCAN 15 and Parking Standards: Transport NI in comments dated 12.11.20 have raised no objections. Proposals fully meet the requirements of policy for the reasons outlined above.
- 7.3 The Public Rights of Way Officer has confirmed that 'the development will not affect pedestrian access across Hickeys Lane' (PROW).

8.0. Recommendation:

The objection letters and issues raised have been fully considered as outlined above within the planning report.

The site is within the development limits of Newry City where provision for urban development is encouraged within the defined urban limits. The proposed residential use is in keeping with surrounding land uses and will not appear misplaced in its surroundings.

The development will create a new access from an existing turning head at Drumgullion Avenue crossing over an existing public right of way (PROW) to service the development. The use of the PROW is predominantly for pedestrian use with vehicular access on part to serve No. 78 Armagh Road. Whilst the access arrangement will offset on street parking provision this has been compensated by a new parking area for existing residents within Drumgullion Avenue.

Whilst there has been concerns about an additional 27 units and its contribution to congestion and additional traffic movements, it is considered that the given the small-scale nature of this development in comparison to surrounding development, that traffic movements are unlikely to be significantly above and beyond what is already experienced in terms of existing congestion and traffic movements on the Armagh Road. As well as this, the development has been well designed to ensure that there is an adequate pedestrian link to the existing footway network which will only encourage sustainable patterns of movement.

Overall, proposals are acceptable in principle, objections fully considered, and no major concerns have been raised by consultees. Proposals meet the requirements of planning policy and on this basis, it is recommended to approve the application.

Recommendation: Approval

Case Officer Signature: P.Manley

Date: 01/12/2020

Authorised Officer Signature: A.Davidson

Date: 01/12/2020

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 No. 30224-200 (Site Location Map), 30224-205 (Landscape Layout and Details), C-10 REV G (Road Layout date stamped 14.10.20), C-11 REV D (Road Section), C-13 (Storm and Foul Drainage Layout), 30224-250 REV A (Proposed House Type 1), 30224-251 REV A (Proposed House Type 2), 30224-252 REV A (House Type 3 and 3 (Mirrored), 30224-253 (House Type 4), 3024-254 REV A (Proposed House Type 5), 30224-255 (Proposed House Type 6 and 6 (mirrored), 30224-256 REV A (Proposed House Type 7), 30224-257 (Proposed House Type 8 and (Mirrored), 30224-258 (Proposed House Type 9), 30224-251a (Proposed House Type 2a and 2a (mirrored), and 30224-202 REV H (Proposed Site Plan, Street Elevations and Section.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. C-10 Rev G bearing the date stamp 14 October 2020.

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

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

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

5. No dwellings/ apartments shall be occupied until provision has been made and permanently retained within the curtilage of the site for the parking of private cars at the rate of 2 spaces per residential unit.

Reason: Road safety and convenience of traffic and pedestrians.

6. The development hereby permitted shall not commence until a Street lighting scheme design has been submitted to the Planning Authority and approved to the satisfaction of the Department for Regional Development Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

7. The Street Lighting scheme including the provision of all plant and materials and installation of same, will be implemented as directed by the Department for Regional Development Street Lighting Section.

Reason: To ensure the provisions of a satisfactory street lighting system for road safety and convenience of traffic and pedestrians.

8. No site works of any nature or development shall take place until a fence has been erected around the area specified, on a line to be agreed with HED (Historic Monuments). No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced areas. The fence shall not be removed until the site works, and development has been completed.

Reason: To prevent damage to or disturbance of archaeological remains within the application site.

9. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities- Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: To ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition or agreement, is completed in accordance with the approved programme.

10. A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

11. There shall be no concrete mixing, refuelling of construction machinery or storage of fuel, spoil or construction material within 10m of the Newry Canal along the northern boundary of the site to prevent contaminated run-off entering Carlingford Lough ASSI.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

12. 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 watermains <350mm diameter or 8m of watermains of 350mm diameter or greater.

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

13. The existing natural screenings of this site as shown in drawing No. 30224-205 REV C 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.

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

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

15. During the first available planting season after the occupation of the first dwelling, or as otherwise agreed in writing with the Planning Authority, landscaping shall be carried out in accordance with Drawing No 30224-205. - Landscape Layout and Details and maintained in perpetuity to the satisfaction of the Planning Authority.

Reason: In the interest of visual and residential amenity.

16. All area of public open space and communal 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 residential development hereby approved. The Plan shall cover a minimum period of 25 years. Should the Management Company dissolve at any stage, then a new Management Company shall be appointed and a new Management and Maintenance Plan shall be submitted to and agreed in writing with the Planning Authority.

Reason: To ensure the successful establishment and long term maintenance of public open space and landscaping in the interests of visual and residential amenity.

17. 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 Planning Authority gives its written consent to any variation.

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

18. The development 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.

19. The development 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.

20. 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.

St. Colman's College, Violet Hill, 46 Armagh Road, Newry, Co. Down BT35 6PP



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Principal: Mr Cormac McKinney, BA (Hons), PGCE, M.Ed, PQH (NI)
 Telephone: (028) 3026 2451 Fax: (028) 3026 7422
 Email: info@stcolmans.newry.ni.sch.uk www.stcolmans.org.uk

Newry, Mourne and Down Council

Planning Department

O'Hagan House

Monaghan Row

Newry

BT35 8DJ

'democratic.services@nmandd.org'

09th December 2020

Dear Sir / Madam,

Application Reference: LA07/2016/0631/F

Proposal: 25 No. dwellings and 2 apartments (27 units in total) associated siteworks & drainage, with road access from Drumgullion Avenue. (Amended plans and proposal)

Location: Land to North of 78 Armagh Road Newry BT35 6PW South of towpath to Bessbrook River/Newry Canal and East of Damolly Retail Park.

I refer to the above-mentioned planning application and to the Council's Intention to present it to the planning committee on 16th December 2020, with a recommendation to approve.

I wish to register this objection, and this shall be read in conjunction with our earlier submissions dated 22nd September 2020 and 11th August 2020. We would be grateful for the opportunity to present to the Council's planning committee in relation to this matter.

The objection concerns the interference with a right of way to our lands. We are of the view that our objections have not been addressed and approval would therefore be premature, in this context.

The College has availed of a right of passage along Hickey's Lane since 1830. The applicant proposes to install bollards at a point on Hickey's Lane, to prevent vehicular access and to divert vehicular traffic through Drumgullion Avenue before joining Hickey's Lane some distance away from its junction with the Armagh Road.

It is apparent that the planning department's consideration of this matter, and indeed that of the Council's Right of Way officer has been limited to the subject of pedestrian access to Hickey's lane. The subject matter of current vehicular access to Hickey's Lane has been avoided entirely. In that respect, approval of this application would be highly prejudicial to our interests.

It is clear that what is being proposed in this instance is a roads-orientated solution. Put simply, we suggest that the applicant does not have the legal authority to compel visitors to our lands to forfeit their established right of passage. That has serious ramifications for the applicant in terms of the deliverability of the proposal and indeed the actual validity of the application.

Notice has not been served upon St. Colman's College, as a party with an interest in the land (we hold an established right of way along Hickey's Lane). Not only does our objection to this application lessen the prospect that this permission could actually be implemented, but at a basic level the failure to submit an accurate certificate of ownership renders the application invalid.

Respectfully, we would caution the Council that permission should not be granted against our wishes, given our acknowledged interest in the land. The correct course of action is for the applicant to amend the Certificate of Title, and to serve notice on any party with an interest in the land. Further, the applicant ought to contact us, given the applicant's desire to interfere with our established property rights.

In the event that the applicant erected bollards across Hickey's Lane to comply with his planning permission, we would be compelled to seek the removal of the said bollards. If the removal of the bollards would have consequences for the survival of the planning permission, and the applicant cannot guarantee the retention of the bollards, then permission should simply not be granted until there is certainty in this respect. The reality is that if the applicant erected bollards, and completed his development, in the event The College secured the removal of the bollards, then the Council would have to consider taking enforcement action upon the applicant, as the bollards are needed in conjunction with the applicant's proposal. If that matter would not be enforceable, the Council then must consider whether the bollards are actually necessary.

Within the Council's Planning Report, the objections have been summarised. In relation to the issue of a public Right of Way (PROW) The Council summarised:

• *Object to construction of the proposed road across Hickeys Lane (Public Right of Way)*

Although the road crosses the public right of way, provision is made within the scheme for pedestrian access to be made to either side and therefore proposals will not obstruct access.

At 7.3 of the Planning Report it is recorded that

The Public Rights of Way Officer has confirmed that 'the development will not affect pedestrian access across Hickeys Lane' (PROW).

The Rights of Way Officer's comments are not available on the planning portal. We require a copy of same, notwithstanding the planning department's abject failure to understand the concerns raised by ourselves i.e. the interference with a vehicular right of way to the College grounds.

Respectfully, we submit that the Council is not familiar with the current function of Hickey's Lane. The planning report records that *"the use of the PROW is predominantly for pedestrian use with vehicular access on part to serve No. 78 Armagh Road"*. The Council make no mention of our vehicular access, nor indeed the fact that the access is used by statutory authorities in association with their maintenance of lands, structures and a body of water at the far end of Hickey's Lane.

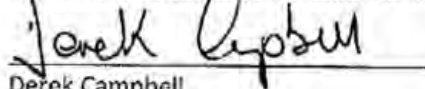
In light of the claim that the application is technically invalid, and having regard to the fact the Council's planning report failed to address the impact on the vehicular right of way, approval of this application would be premature and not well founded. The application should actually be removed from the schedule, with notice served upon the appropriate parties, and the Rights of Way Officer should be consulted for confirmation that the proposal will impact upon a vehicular right of way. When that is done, the application should be re-advertised and we must be given an opportunity to comment further. It would also be best if the applicant contacted ourselves directly although the Council clearly cannot compel him to do so.

I trust that this sets out the detail of our objection in sufficient detail. I request that this enclosure be provided to the Planning Committee and I also request an acknowledgement of this objection.

I look forward to hearing from you,

Yours faithfully,

For and on behalf of St. Colman's College



Derek Campbell
Bursar

Request for Speaking Rights

Application Reference – LA07/2016/0631/F

Application Address – Lands to North of 78 Armagh Road Newry BT35 6PW, South of towpath to Bessbrook River/Newry Canal and East of Damolly Retail Park

Application Proposal – 25 No. dwellings and 2 apartments (27 units in total) associated sitework & drainage, with road access from Drumgullion Avenue (Amended plans and proposal)

Agent – Cathal Maguire (Milligan Reside Larkin Architects)

Date - 7th December 2020

Dear Sir/Madam,

In relation to the above application which has been listed on this month's schedule of applications I wish to request speaking rights at the forthcoming Planning Committee Meeting to be held on Wednesday 16th December.

Regards,

Cathal Maguire, RIBA, RIAI

Director, Milligan Reside Larkin Architects

Points for discussion

Duration – The application was received by the council on Friday 13th May 2016. As a result it took a period of four years and seven months from receipt to achieve approval. The longevity of the application related to numerous redesigns to satisfy the council and also the consultees.

Statutory Consultations – Over the period approvals have been given by numerous departments that were consulted these being; DFI Roads, NI Water, Rivers Agency, NIHE, Historic Environment Division (Archaeology & Built Heritage), Environmental Health, NIEA (Water Management Unit & Natural Heritage).

Northern Ireland Housing Executive – It should be noted that there is a significant need for Housing within this area and within the city as a whole. During the consultation process NIHE issued a response confirming that support would be given for the scheme provided an appropriate mix of housing was provided. The scheme has been designed in accordance with their request and as a result the following has been provided;

- **13 No** - 3 person 2 bedroom houses
- **9 No** - 5 person 3 bedroom houses
- **2 No** - 2 person 1 bedroom apartments
- **1 No** - 3 person 2 bedroom wheelchair house
- **2 No** - 5 person 3 bedroom wheelchair houses



Objections & Response – The application has been recommended for approval by the Planning Department within the council. The reason that this application has been taken forth to the Planning Committee is that 861 objections have been received by the council. It should be noted that the majority of these objections relate to Hickey's Lane, these being;

- Object to construction of the proposed road across Hickeys Lane (Public Right of Way)
- Hickeys Lane will be blocked, and this is the only means of access to towpath
- Hickeys Lane known for anti-social behavior in the past which required it to be fenced off
- A road across the lane will restrict pedestrian and cyclist use of the lane

Response-

- It should be noted that Hickey's Lane is owned by the applicant. The Lane not only serves the towpath and the college grounds but also the applicants' house. The applicant does not wish to remove it but to take an access across the lane.
- The public right of way across Hickey's Lane will remain intact. In order to gain access to the site, which is effectively landlocked by the surrounding developments, an access road/footpath across it will be required to serve the new development.
- The lane will not be blocked. Pedestrians are still able to use the existing lane to access the towpath, in that, access to the lane from the Armagh Road is retained & the upper part of the lane will still connect to the towpath. The council/college will be able to use the new access road to gain access to that section of Hickey's Lane which leads to the towpath/college rear access.
- The new housing development has been designed to integrate with Hickey's Lane, in that, a portion of the houses habitual rooms have been designed to overlook the lane, thereby offering passive surveillance. Furthermore, three access points have been provided from the new development into the lane to allow pedestrians & cyclists to gain access to the towpath. Street lighting within the development will also afford lighting to the lane, thereby opening up the area acting as a deterrent to antisocial behavior.
- The Planning Report states that The Public Rights of Way Officer has confirmed that 'the development will not affect pedestrian access across Hickeys Lane' (PROW)

It should be noted that additional objections have been dealt with through the consultee process and there are other objections which are not Planning considerations. These can be discussed at the committee meeting, if requested.

Will you please also add the following email to our speaking rights that we received from the Housing Executive in support of the scheme;

To whom it concerns

Newry City has a five year projected social housing need of **534 units** over the 2020/25 period with a district council area projection of **1,626** units.

At 30 September 2020 there were **916** applicants on the waiting list for **Newry City** with **786** applicants in housing stress and **76** allocations over the previous 12 months.

Single persons comprise 50% (390) of those in housing stress in Newry City followed by small families at 26% (207).

The demand for **family** accommodation in Newry City from those in housing stress was **39%** at 30 September 2020.

For the **district** as a whole there were **3,652** applicants on the waiting list at September 2020 with **2,906** in housing stress and **322** allocations over the previous 12 months.

Single persons comprise 48% (1,390) of those at district level in housing stress followed by small families at 25% (738).

Should you require anything further please let me know.

Thanks

Paula

Paula Aiken

Placeshaping Services, South Region

Application Reference – LA07/2016/0631/F

Application Address – Lands to North of 78 Armagh Road Newry BT35 6PW, South of towpath to Bessbrook River/Newry Canal and East of Damolly Retail Park

Application Proposal – 25 No. dwellings and 2 apartments (27 units in total) associated sitework & drainage, with road access from Drumgullion Avenue (Amended plans and proposal)



MILLIGAN RESIDE LARKIN LTD.
chartered architects

RIBA 

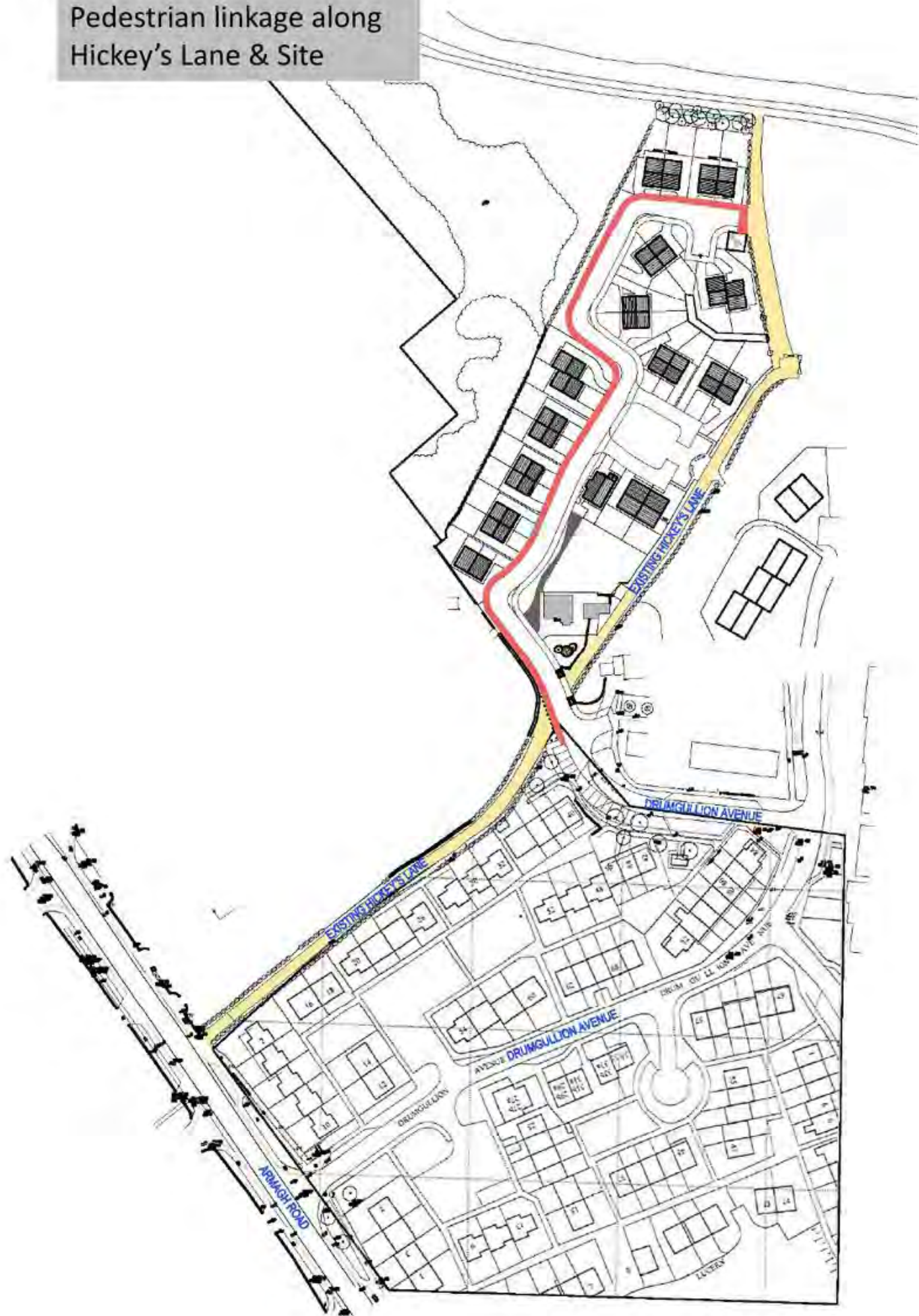
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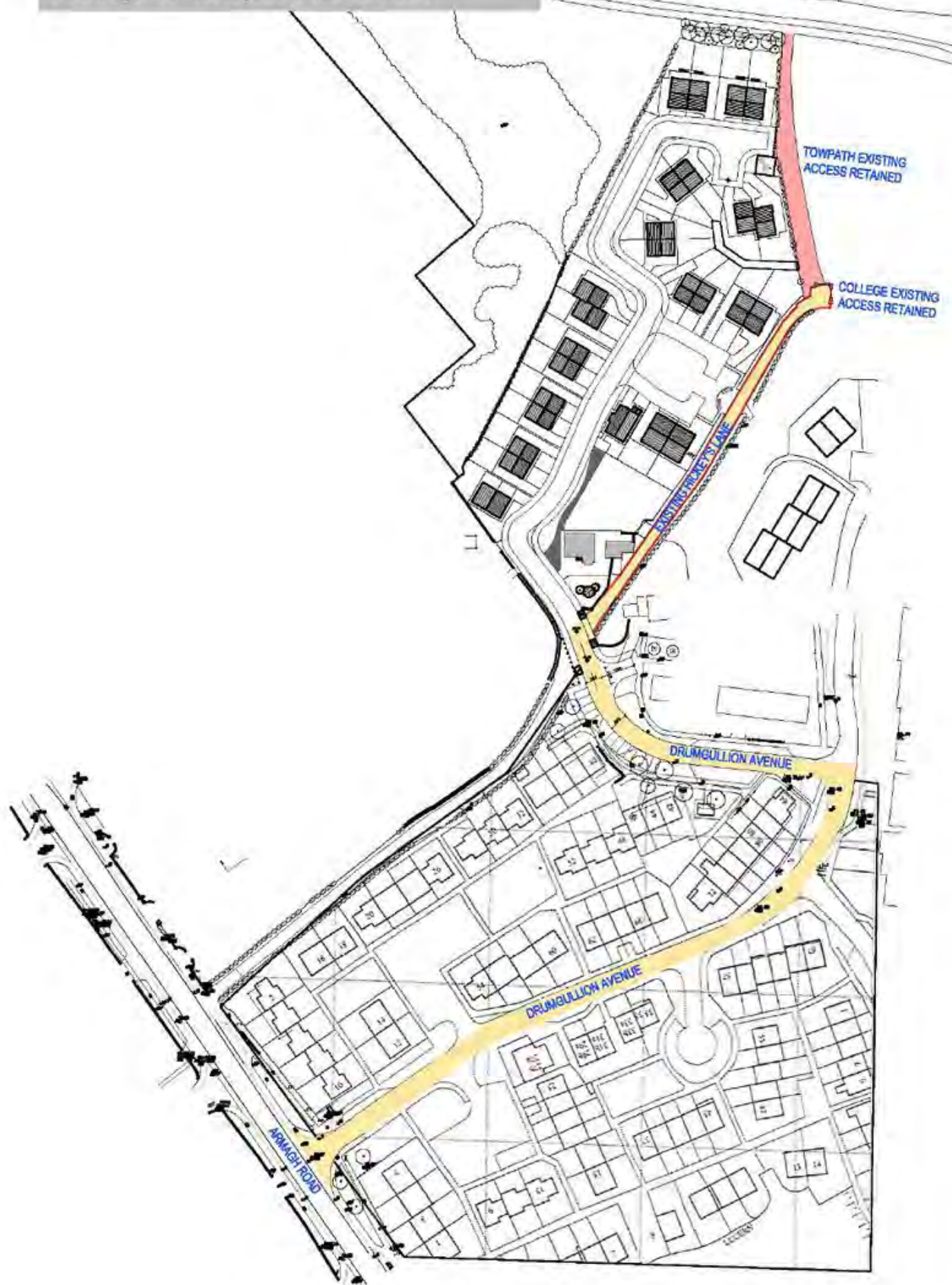
SITE LOCATION & ACCESS POINT



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Vehicle Access to the existing College & Towpath Accesses



Housing Executive Consultee Request

**Housing
Executive**

REGIONAL SERVICES
Land and Regeneration
Place Shaping Team, South Region

Marlborough House
Central Way
Craigmavon
BT64 1AJ
T 03448 920 900
W nirre.gov.uk
@nirrecommunity

Newry, Mourne and Down District Council
Planning Office
O'Hagan House
Monaghan Row
Newry
BT35 8DL

Your Ref: LA07/2016/0631/F

9 December 2019

Dear Sir / Madam

Re: Land to North of 78 Armagh Road, Newry

Thank you for your letter dated 3 December 2019 regarding the proposed development at 78 Armagh Road, Newry.

The site is located between Damolly Retail Park and Drumgullion Avenue within Damolly ward. We complete housing need assessments annually across all the common landlord / local housing areas within NIHE Districts. At 31 March 2019 we identified a projected housing need, to 31 March 2024, of 757 social housing units for Newry City.

We fully support the need for this scheme to help address unmet need in this area. The preferred housing mix should be as follows:-

12 No 3 person 2 bed houses
14 No 5 person 3 bed houses
2 No 2 person 1 bed apartments

It is our stated preference that three of the above units should be accessible, specifically 1 No 3 person 2 bed and 2 No 5 person 3 bed.

The social housing should be designed to DFC Design Guide standards. The design standards for social housing are set out on the DFC website: <https://www.communities-ni.gov.uk/design-standards>.

If you require any further information, please do not hesitate to contact me at the above office.






Yours sincerely

Ailbhe Hickey
Head of Placeshaping Services
South Region



Housing Mix –
As per NIHE Request



PROPOSED HOUSING MIX

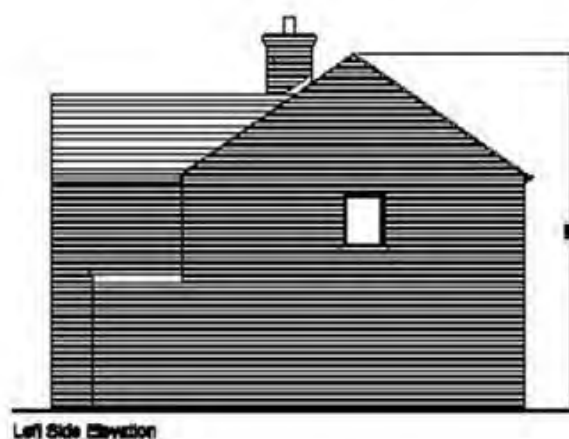
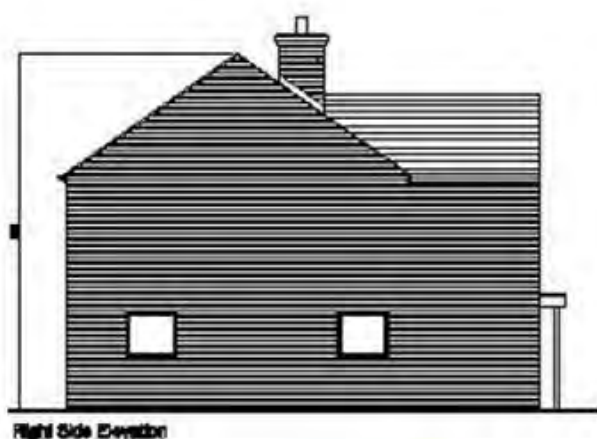
	10 % 1 beds (i.e. 2.7 dwellings) - 2 no. have been provided - Dwellings No's 3 & 4
 	50% 2 beds (i.e. 13.5 dwellings) - 14 no. have been provided- Dwellings No's - 5-12 & 16-21
 	40% 3 beds (i.e. 10.8 dwellings) - 11 no. have been provided- 1-2, 13-15 & 22-27

DISABLED/LESS ABLED DWELLING PROVISION

	2 Bedroom Dwelling with lift
	3 Bedroom Dwelling with lift

2 BED WHEELCHAIR COMPLIANT DWELLING

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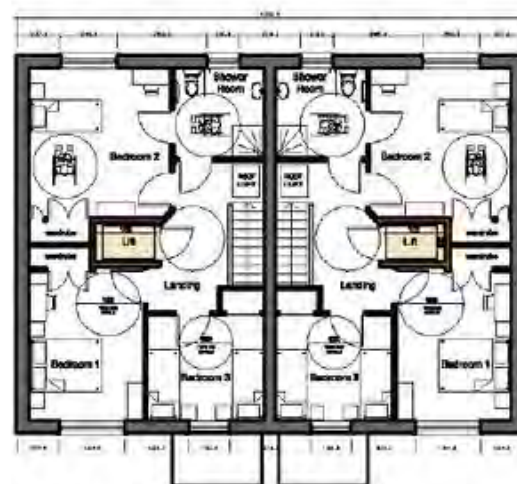


3 BED WHEELCHAIR COMPLIANT DWELLING

210



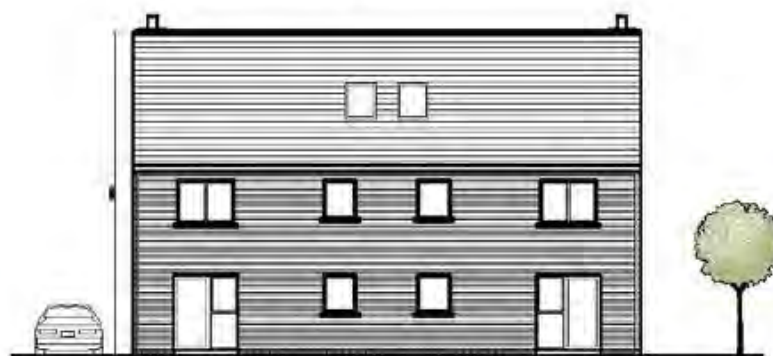
Ground Floor Plan 1:100



First Floor Plan 1:100



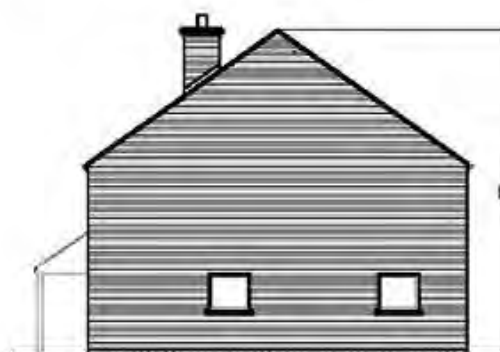
Front Elevation



Rear Elevation



Right Side Elevation



Left Side Elevation



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Passive Surveillance & Pedestrian/Cycle Connections to Hickey's Lane from the new housing development

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Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0762/O

Date Received: 07.05.2020

Proposal: Outline Planning Permission for a dwelling house, waste water treatment system, new entrance to public road and associated site development works.

Location: 20m east of 23 Finnegans Road, Jonesborough, Newry

Site Characteristics & Area Characteristics:

The application site is located along Finnegans Road, between dwellings no. 23 and 21 Finnegans Road. The site is located approx. 100m east of the junction with Foughilletra Road, Jonesborough. The site is currently used as agricultural land and it offers access onto the road by way of an agricultural gateway. Mature hedging also demarcates the application site from the road at the southern boundary.

The site is located outside settlement limits designated in the Banbridge/ Newry and Mourne Area Plan 2015. The site is also designated as an Area of Outstanding Natural Beauty (AONB).

Site History: N/A

Planning Policies and Material Considerations:

Banbridge Newry Mourne Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21 - Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

Consultations:

Transport NI – No objections in principle to this proposal

NI Water – Generic response to routine planning application

Objections and Representations:

5 neighbours were notified of the proposal on 29.06.2020. The proposal was also advertised in local press on 30.06.2020.

No objections or representations were submitted for consideration.

Consideration and Assessment:

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

Strategic Planning Policy Statement (SPPS)

There is no significant change to the policy requirements for infill dwellings following the publication of the SPPS and as 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

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

Policy CTY 8 – Ribbon Development

As the application is for the infill of a site, the relevant policy is Policy CTY 8 – Ribbon Development. This policy outlines the criteria that must be met in order to grant planning permission for an infill site.

In assessing proposals against policy CTY8, the PAC has set out four steps to be undertaken in order (e.g. in appeal decision 2016/A0040):

- a. Identify whether there is a substantial and continuously built up frontage.
A substantial and continuously built-up frontage consists of at least three buildings with frontage onto the road.
The application site sits between two dwellings – nos. 23 and 21 Finnegan's Road. There are outbuildings associated with both dwellings located to the rear of both dwellings. The PAC case, with appeal reference 2019/A0075, considered a similar case, assessing if two dwellings and a garage associated with each dwelling constituted a substantial and continuously built up frontage. The report ruled that whilst the garages may have been visible from the road, they were deemed ancillary buildings subordinate to the main dwellings. Both garages in that case were sited behind the rear elevations of the associated dwellings. This positioning to the rear of the plots behind their respective dwellings ensured they did not form part of a line of three buildings.

With this application, the dwellings no. 23 and 21 both have frontage onto the road. They account for two buildings with frontage to the road. The garages associated with these dwellings are located to the rear of the dwellings and behind the

established building line. The same ruling in case 2019/A0075 must be applied in this case in that the garages are ancillary buildings subordinate to the main dwellings. The garages do not read as individual buildings due to their location behind the dwellings and therefore do not contribute to the frontage.

In addition to the garages located at the properties, there is also a static caravan located at no. 21 which is located to the east of the property. There is no record of an application for this static caravan and it has not been on-site for more than 5 years and so cannot be considered within this frontage. Furthermore, as this static caravan is temporary, could be moved in one or two sections and is not fixed to the ground it is not considered to contribute to the three buildings required to meet the exception of this policy.

The dwellings at 21 and 23 represent the only two buildings with a common frontage to the road. There is no substantial and continuously built-up frontage along this section of Finnegan's Road. The proposal is therefore contrary to the first policy test and does not meet the criteria for CTY 8 and is not an exception to policy and would result in the addition to a ribbon of development along Finnegan's Road.

- b. Establish whether there is a small gap site.
There is a gap site between buildings of approx. 55m. The average frontage of the dwellings is approx. 45m. There is a small suitable gap site sufficient only to accommodate up to a maximum of two houses.
- c. Determine whether the proposal would respect the existing development pattern in terms of size, scale, siting and plot size.
The proposal would respect the existing development pattern along Finnegan's Road in that the plot size and siting is comparable to the dwellings either side of the site. As the application is for Outline Planning Permission, suitable siting and scale conditions could be applied to ensure the proposal respects the latter also.
- d. Assess the proposal against other planning and environmental requirements (typically, integration and impact on rural character).
The fourth step of the infill policy in CTY 8 that must be considered is whether the proposal meets other planning and environmental requirements. There are concerns with regards to meeting other planning and environmental requirements including rural character. It is considered the proposal fails to comply with the fourth step and would result in a detrimental change to and further erode the rural character of the countryside and this will be discussed in detail under CTY 14 below.

CTY 13 – Integration and Design of Buildings in the Countryside

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

The proposal is not a prominent feature in the landscape, as a suitable condition regarding ridge height can be attached to an approval; thus, ensuring the new dwelling blends with the landform and existing buildings in the locality. The site has adequate natural boundaries to both Finnegan's Road and to the neighbouring properties. These provide a suitable degree of enclosure for the proposed building to integrate into the landscape. Ancillary works integrate into the landscape.

The proposal is for Outline Planning Permission. The design of the building would be assessed at Reserved Matters stage.

CTY 14 – Rural Character

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

The proposed building is not unduly prominent in the landscape. The siting and plot size of the proposal is respectful of the traditional patterns of settlement in the area. Given that the proposal is not considered as an infill opportunity it will add to a ribbon of development along Finnegan's Road, this will therefore result in a suburban style build up when viewed with existing and approved buildings. The proposal will be critically viewed in terms of build up along Finnegan's Road. The proposal is considered contrary to parts (b) and (d) of Policy CTY14.

CTY 16 – Development relying on non-mains sewerage

A negative condition will be added to any approval notice to ensure Consent to Discharge is obtained before work commences. The proposal complies with CTY 16.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects: local architectural styles and patterns; traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.

The proposal adds to a ribbon of development along this stretch of the Finnegan's Road. Given the resultant scale of the development as a result of this ribboning, the siting is not sympathetic to the character of the locality and the special character of the Area of Outstanding Natural Beauty. The proposal is therefore contrary to NH 6 of Planning Policy Statement 2.

Recommendation:

Refusal

Refusal reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland 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.

2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would, if permitted, result in the addition to a ribbon of development along Finnegans Road and does not represent an exception to policy.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the proposal would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would add to a ribbon of development and would therefore result in a detrimental change to and further erode the rural character of the countryside.
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH 6 of Planning Policy Statement 2 Natural Heritage in that the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Informatives:

1. This refusal notice relates to the following plans: Drawing No. 01REV01, CM-PA-002A.

Case Officer: E.Moore 04.11.2020

Authorised Officer: A.Davidson 06.11.2020



Property Damage • Certified Insurance Practitioners • Building Surveyors
Domestic, Commercial & Industrial

Upper Faughart, Dundalk, Co. Louth

Telephone/Fax: 042 937 1679

Mobile: 087 952 9699

E-mail: aidan.mccoy@amclossassessors.ie

07th December 2020

Planning Office,
Newry, Mourne & Down District Council Office
Monaghan Row,
Newry
BT35 8DJ

**Ref: Outline permission for Conor & Fionnuala McAfee at 20 metres East of 23
Finnegans Road, Jonesborough, Newry. BT35 8JB**

Ref No. LA07/2020/0762/O

To Whom it may concern

I enclose this letter to the planning committee on behalf of Conor & Fionnuala McAfee, in relation to a planning application which was recently submitted. I note the application was previously assessed by the planning authority and was recommended for refusal. I would like to take this opportunity to request that the proposed development be assessed under Policy CTY 2A – New dwellings in existing clusters. It is our opinion that the proposed development would satisfy the necessary qualifying criteria as set out in PPS21. The proposed development lies outside of a farm and consists of 4 or more dwellings. The cluster of dwellings can be identified on the attached map, Fig 1, which shows 12no. dwellings within 175m of the site. The existing cluster of dwellings are located mainly along the main Jonesborough road and around Finnegan's crossroads. The proposed site is to use a small part of existing playing fields which is used for juvenile coaching within the local Gaa community. Following the completion of the dwelling house, should it be permitted, I wish to state that these playing fields will continue to be used by the local Gaa club for any juvenile activities. Both these points of the cross roads and the playing fields are focal points within the area and therefore would also prove that the application complies with Policy CTY 2A. Along the frontage of the proposed applicants site there is a public bus stop and post box which is largely used by the local community. The proposed site provides a suitable degree of enclosure and is bounded on 2 sides with other developments, notably the applicant's family residence. It is our opinion that the proposed development can be absorbed into the existing cluster through rounding off and consolidation action and will not significantly alter its existing character or visually intrude in the open countryside. The proposed development has its own established boundaries which would be retained. The development would not adversely impact on the residential amenity. It would be much appreciated if the planning officers could review the proposal based on the above facts and assess the proposal under Policy CTY2A and based on the information provided and a site inspection should it be required then a more favorable decision would be justifiably accepted by the applicants.

Should you have any queries regarding the above, please do not hesitate to contact me.

Yours faithfully,

Shane Mc Coy



FIG 1:

EXISTING CLUSTER OF DWELLINGS
(12no.) ALSO SHOWING CROSS
ROADS & PLAYING FIELDS WHICH
ARE FOCAL POINTS RELATIVE TO
THE PROPOSED SITE

Report to:	Planning Committee
Date of Meeting:	16 December 2020
Subject:	Planning Committee Operating Protocol - Amendment
Reporting Officer (Including Job Title):	Anthony McKay (Chief Planning Officer)
Contact Officer (Including Job Title):	Anthony McKay (Chief Planning Officer)

Confirm how this Report should be treated by placing an x in either:-

For decision	<input type="checkbox"/>	For noting only	<input checked="" type="checkbox"/>
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1.0	Purpose and Background
1.1	<p><u>Purpose</u> To report to Planning Committee on an amendment to the Planning Committee Operating Protocol – specifically that section dealing with the composition of the Call in Panel.</p> <p><u>Background</u> The membership of the Call in Panel rotates every six months. At the time of the last rotation in November 2020, it was realised that a panel could not be constituted that met all of the requirements of the protocol.</p>
2.0	Key issues
2.1	<p>The protocol requires that the panel comprises the Chairperson or Deputy Chairperson of the Committee together with two other Members of the Committee. In addition the overall makeup of the Panel must reflect the three main political groupings represented on the Committee.</p> <p>Currently the Deputy Chairperson of the Committee is not aligned with any of the three main political groupings on the Committee. At the time of the last Panel rotation in November 2020, the Deputy Chairperson would normally have replaced the Chairperson as a member of the Panel. However this would have resulted in the new Panel not reflecting the three main political groupings.</p> <p>On this occasion the Deputy Chairperson stepped back from taking a place on the Panel. The recently constituted Panel now draws its membership from the three main political groupings but does not include the Chairperson or Deputy Chairperson of the Committee.</p> <p>In order to deal with this anomaly, it is proposed that the wording of paragraphs 9 and 12 be amended as follows:</p>

	<p>Paragraph 9 currently reads: "The Scheme of Delegation provides that where a Member of Council has requested that an application which would normally be delegated is referred to Committee, the Chief Planning Officer, in consultation with the Chairperson or Deputy Chairperson, and two other Committee Members (which in total will reflect the three main political groupings on the Committee)....."</p> <p>Paragraph 9 will now read: "The Scheme of Delegation provides that where a Member of Council has requested that an application which would normally be delegated is referred to Committee, the Chief Planning Officer, in consultation with three Committee Members (which in total will reflect the three main political groupings on the Committee)....."</p> <p>Paragraph 12 currently reads: "...The Call in Panel will comprise the Chairperson or Deputy Chairperson of the Committee together with two other Members of the Committee....."</p> <p>Paragraph 12 will now read: "...The Call in Panel will comprise three Members of the Committee....."</p>
3.0	Recommendations
3.1	That the proposed amendments set out above are agreed.
4.0	Resource implications
4.1	None
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<p><i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i></p> <p>It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations <input checked="" type="checkbox"/></p>
5.2	<p><i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i></p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>The policy (strategy, policy initiative or practice and / or decision) has been equality screened <input type="checkbox"/></p>

	<p>The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation <input type="checkbox"/></p>
5.3	<p><i>Proposal initiating consultation</i></p> <p>Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves <input type="checkbox"/></p> <p>Consultation period will be 12 weeks <input type="checkbox"/></p> <p>Consultation period will be less than 12 weeks (rationale to be provided) <input type="checkbox"/></p> <p><i>Rationale:</i></p>
6.0	<p>Due regard to Rural Needs (please tick all that apply)</p>
6.1	<p>Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>If yes, please complete the following:</p> <p>Rural Needs Impact Assessment completed <input type="checkbox"/></p>
7.0	<p>Appendices</p>
	<p>N/A</p>
8.0	<p>Background Documents</p>
	<p>N/A</p>

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
		PLANNING MEETING – 1 AUGUST 2018			
LA07/2017/1261/0	Thomas Mageean – proposed dwelling and garage – site abutting 20 Junction Road, Saintfield	Defer application to enable the Council's Legal Advisor to consider issues raised regarding ownership of the application site (Mr Thomas Mageean); the farm business in the name of Mr Bernard Mageean, who takes land in conacre from his brother and this farm business being altered by adding the applicant as an additional member of the business and in so doing have the applicants buildings at No. 20 Junction Road included within the farm business criterion © of CTY10	Annette McAlarney	Await legal advice.	N
		PLANNING MEETING – 29 AUGUST 2018			
LA07/2017/0821/0	Mr C Kane - Proposed off site replacement dwelling and garage - 123 Magherahamlet Road, Moneynabane, Ballynahinch.	Defer application for further discussion between agent/applicant and planning officers re: new information submitted and issues raised at the Planning Committee Meeting	Annette McAlarney	Issues raised at Planning Committee referred to the outcome of an application which has yet to be	Y

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				submitted to planning. In line with Committee wishes we have to await the submission of this application and its conclusion before returning to consider the current deferred application. Contact made with agent re progress on potential new application which has yet to be submitted. Meeting to be convened. Agent advised on 19 March 2019 that the application for the 2no broiler houses was to be submitted within the next 3 weeks. No application has been received at time of update 29/04/2019.	

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				<p>No application submitted to date 04/06/2019</p> <p>Application for poultry houses received LA07/2019/0953/F on 13/06/2019 Being processed.</p> <p>Determine application upon conclusion of LA07/2019/0953/F see below</p> <p>Application under consideration</p> <p>Permission granted.</p>	
		PLANNING MEETING - 13 FEBRUARY 2019			
LA07/2015/0149/F	Change of use of building to provide storage and distribution of fuel with	Withdrawn by the Planning Department to allow further consultation to be completed	A Davidson	Remains under consideration	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
	alterations and new bulk fuel tank in yard – site between 54 and 58 Edenappa Road, Jonesborough				
		PLANNING COMMITTEE MEETING – 24 JULY 2019			
LA07/2018/1787/F	Proposed extension to existing Materials Recovery Facility Building – 23 Downpatrick Road, Killough	Defer this application, which the Committee agreed was an exception under FLD 1, and refer the completed Flood Risk Assessment to Rivers Agency to be reviewed.	A McAlarney	Application to come back to Committee Under consideration.	N
		PLANNING COMMITTEE MEETING – 17 SEPTEMBER 2019			
LA07/2018/0860/F	Proposed replacement dwelling (amended drawings) – 45 metres NE of No. 14 Rath Road, Clonallon Glebe tb Warrenpoint	Defer for further discussion between Planning Officers and agent/applicant – additional information to be provided	M Keane	Remains under consideration	N
		PLANNING COMMITTEE MEETING – 16 OCTOBER 2019			
LA07/2019/0773/0	Dwelling – to rear of 71 Church Street, Downpatrick	Withdraw from the addendum list for a meeting with Planners, applicant and agent	A McAlarney	Meeting to be convened with CPO and Agent/applicant	N
PLANNING COMMITTEE MEETING 11 MARCH 2020					

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
LA07/2019/1455/F	New access to dwelling in substitution to that approved under planning ref: LA07/2018/0118/F – 30m SE of 8 Outlacken Road, Belleeks, Newry	Defer for further discussions and agent/applicant to provide evidence to show that the former approved existing access is no longer available to the applicant and that under Policy an alternative access can be granted	A Davidson	Remains under consideration. New agent on application.	N
PLANNING COMMITTEE MEETING 26 AUGUST 2020					
LA07/2019/1302/F	Provision of a dwelling with associated parking and amendment to application R/2011/0794/f to remove parking area for apartments and replace with shared amenity space - to rear of Nos 65-69 South Promenade, Newcastle.	Defer Planning Application LA07/2019/1302/F to allow the applicant to provide evidence that sight lines can be secured for this proposal.	A McAlarney	Awaiting consultation response from DFI Roads on new info submitted.	
LA07/2019/1087/0	Replacement dwelling and garage - approx. 50m NE of 21 Drakes Bridge Road, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney		
LA07/2019/1134/0	Replacement dwelling - 90 Manse Road, Darraghcross, Crossgar	Removed from the agenda as agent unable to attend	A McAlarney		
LA07/2019/0329	Dwelling and garage - approx 60m south of 144 Loughinisland Road, Downpatrick	Removed from the agenda as agent unable to attend	A McAlarney		

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 23 SEPTEMBER 2020					
LA07/2020/0176/F	Proposed rural infill detached dwelling and garage – 45m north of 5 Molly Road Lower, Jonesborough	Defer for 3 months to allow time for the garage to the north of the proposed site to be built and then application to be re-considered	A Davidson		
PLANNING COMMITTEE MEETING 21 OCTOBER 2020					
P/2013/0189/F	Sports Complex to include 1 no full size pitch, club house, floodlighting and private entrance onto Warrenpoint Road, and all associated site works	Removed from the agenda at the request of Councillor Doran	J McParland	Amended scheme submitted. Out to Consultation.	N

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1. Live Applications

MONTH 2020/21	NEW APPLICATIONS	LIVE APPLICATIONS	LIVE APPLICATIONS OVER 12 MONTHS
March, April & May	338	989	242
June	164	965	232
July	175	1,002	241
August	165	1,038	231
September	192	1,046	233
October	179	1,082	234
November	192	1,068	218

2. Live Applications by length of time in system

Month 2020/21	Under 6 months	Between 6 and 12 months	Between 12 and 18 months	Between 18 and 24 months	Over 24 months	Total
May	540	207	103	43	96	989
June	562	171	101	40	91	965
July	587	174	105	44	92	1,002
August	598	209	93	51	87	1,038
September	613	200	89	49	95	1,046
October	655	193	89	44	101	1,082
November	662	188	81	49	88	1,068

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3. Live applications per Case Officer

Month 2020/21	Average number of Applications per Case Officer
May	53
June	66
July	68
August	71
September	71
October	74
November	82

4. Decisions issued per month

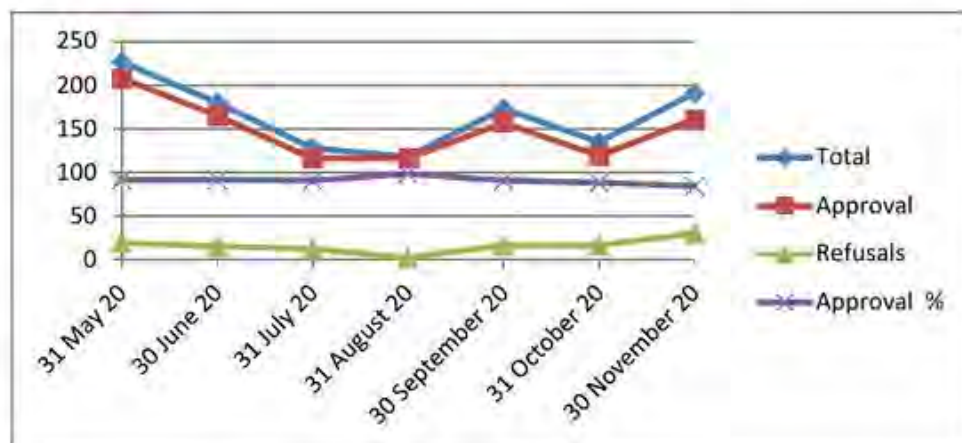
Month 2020/21	Number of Decisions Issued	Number of Decisions Issued under delegated authority
March, April & May	227	216
June	180	166
July	128	122
August	118	110
September	173	163
October	135	129
November	191	179

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5. Decisions Issued YTD

Month 2020/21	Number of Decisions Issued	Breakdown of Decisions	
March, April & May	227	Approvals (208)	92%
		Refusals (19)	8%
June	407	Approvals (373)	92%
		Refusals (34)	8%
July	535	Approvals (489)	91%
		Refusals (46)	9%
August	653	Approvals (605)	93%
		Refusals (48)	7%
September	826	Approvals (762)	92%
		Refusals (64)	8%
October	961	Approvals (881)	92%
		Refusals (80)	8%
November	1,152	Approvals (1,042)	90%
		Refusals (110)	10%



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6. Enforcement Live cases

Month 2020/21	<=1yr	1-2 yrs	2-3 yrs	3-4 yrs	4-5 yrs	5+yrs	Total
March, April & May	180	177	174	89	35	91	746
June	229	168	175	95	35	89	791
July	236	158	187	97	35	92	805
August	238	158	179	107	40	93	815
September	246	147	190	110	44	93	830
October	226	148	175	106	53	93	801
November	229	139	171	99	59	94	791

7. Planning Committee

Month	Number of Applications presented to Committee	Number of Applications Determined by Committee	Number of Applications Withdrawn/ Deferred for future meeting	Number of Officer recommendation overturned
3 June 2020	15	15	0	6
1 July 2020	5	4	1	1
29 July 2020	6	2	4	0
26 August 2020	16	8	8	4
23 September 2020	9	7	2	2
21 October 2020	9	5	4	2
18 November 2020	13	13	0	6
Totals	73	54	19	21

8. Appeals

Planning Appeal Commission Decisions issued during period 1 November 2020 to 30 November 2020

Area	Number of current appeals	Number of decisions issued	Number of decisions Allowed	Number of decisions Dismissed	Withdrawn
Newry & Mourne	12	4	0	4	0
Down	11	1	1	0	0
TOTAL	23	5	1	4	0

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Statutory targets monthly update - October 2020 (unvalidated management information)

Newry, Mourne and
Down

Major applications (target of 30 weeks)					Local applications (target of 15 weeks)				Cases concluded (target of 39 weeks)			
	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 30 weeks	Number received	Number decided/withdrawn ¹	Average processing time ²	% of cases processed within 15 weeks	Number opened	Number brought to conclusion ³	"70%" conclusion time ³	% of cases concluded within 39 weeks
April	1	-	0.0	0.0%	63	3	18.2	33.3%	17	18	146.8	33.3%
May	1	-	0.0	0.0%	97	93	24.2	17.2%	9	69	228.2	14.5%
June	1	3	87.0	0.0%	122	161	26.4	18.6%	49	30	100.0	43.3%
July	2	1	31.8	0.0%	137	113	20.0	25.7%	41	19	91.8	31.6%
August	1	-	0.0	0.0%	140	115	21.2	32.2%	28	23	35.4	73.9%
September	0	1	64.6	0.0%	147	148	19.4	33.8%	27	22	36.5	72.7%
October	1	-	0.0	0.0%	142	115	17.0	34.8%	26	58	100.3	53.4%
November	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
December	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
January	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
February	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
March	0	-	0.0	0.0%	0	-	0.0	0.0%	0	-	0.0	0.0%
Year to date	7	5	64.6	0.0%	848	748	21.4	27.1%	197	239	123.8	41.4%

Source: NI Planning Portal

Notes:

1. CLUDS, TPOS, NMCS and PADS/PANs have been excluded from all applications figures.

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- 2. The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn. The median is used for the average processing time as any extreme values have the potential to inflate the mean, leading to a result that may not be considered as "typical".*

- 3. The time taken to conclude an enforcement case is calculated from the date on which the complaint is received to the earliest date of the following: a notice is issued; proceedings commence; a planning application is received; or a case is closed. The value at 70% is determined by sorting data from its lowest to highest values and then taking the data point at the 70th percentile of the sequence.*

Current Appeals

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AUTHORITY Newry, Mourne and Down

ITEM NO	1	PAC Ref:	2019/A0065
Planning Ref:	P/2014/0920/F	DEA	Crotlieve
APPELLANT	Mr Brian Mulholland		
LOCATION	To The Rear Of 37A Ballyholland Road Ballyholland Lower		
PROPOSAL	Newry Retention of existing agricultural shed, hardstanding, agricultural laneway and earthen embankments		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Written Reps with Site Visit** **Date Appeal Lodged** 27/06/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

ITEM NO	2	PAC Ref:	2019/A0155
Planning Ref:	LA07/2019/0181/	DEA	Slieve Croob
APPELLANT	Anthony Flanagan		
LOCATION	152 Ballylough Road Castlewellan		
PROPOSAL	2 Storey side and rear extension to provide ancillary accomodation (Retrospective)		

APPEAL TYPE DC- Refusal of Planning Permission

Appeal Procedure **Date Appeal Lodged** 04/11/2019

Date of Hearing

Date Statement of Case Due for Hearing

Date Statement of Case Due - Written Representation

Date of Site Visit

Current Appeals

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ITEM NO	3		
Planning Ref:	LA07/2019/1313/	PAC Ref:	2019/A0159
APPELLANT	EDB Construction Ltd	DEA	Newry
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing building and erection of apartment development		
APPEAL TYPE	DC - Non Determination of a Planning Application		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	13/11/2019
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	4		
Planning Ref:	LA07/2019/0691/	PAC Ref:	2019/A0238
APPELLANT	Paul Fitzsimons Esq	DEA	Rowallane
LOCATION	65m South East 47 Saintfield Road Crossgar BT30 9HY		
PROPOSAL	Proposed infill dwelling and garage		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	03/03/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	5	PAC Ref:	2019 /A0248
Planning Ref:	LA07/2019/1130/	DEA	The Mournes
APPELLANT	Mr James Rogan		
LOCATION	Site Adjacent To 33 Dunwellan Park Newcastle		
PROPOSAL	New end terrace Dwelling with associated site works		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	10/03/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	6	PAC Ref:	2019/E0059
Planning Ref:	LA07/2019/0876/	DEA	Downpatrick
APPELLANT	Mr Michael Trainor		
LOCATION	42b And 42c Clanmaghera Road Tyrella		
PROPOSAL	Downpatrick 2 no dwelling units		

APPEAL TYPE	DC- Refusal of CLUD		
Appeal Procedure		Date Appeal Lodged	20/01/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	7		
Planning Ref:	LA07/2019/1526/	PAC Ref:	2019/E0072
APPELLANT	John Mc Williams	DEA	Crotlieve
LOCATION	Land Extending From A Point 190m SW Of No 97 Rathfriland Road Newry To 22 Sheeptown Road		
PROPOSAL	Newry Form an agricultural lane		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	8		
Planning Ref:	LA07/2017/1559/	PAC Ref:	2020/A0002
APPELLANT	EDB Constructions Ltd	DEA	Newry
LOCATION	58 Armagh Road Newry		
PROPOSAL	Demolition of existing dwelling and erection of 7 No. 2 bedroom apartments (7 in total) (change of description)		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	9	PAC Ref:	2020/A0003
Planning Ref:	LA07/2019/1021/	DEA	Rowallane
APPELLANT	Mrs E Fitzsimons		
LOCATION	53A Saintfield Road Crossgar		
PROPOSAL	Retention of building in substitution of previous approval LA07/2015/1224/F		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	10	PAC Ref:	2020/A0014
Planning Ref:	LA07/2019/1257/	DEA	Downpatrick
APPELLANT	Mr Shane Robinson		
LOCATION	87 Seaview Killough Downpatrick		
PROPOSAL	2 Storey extension to side of dwelling		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	20/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	11	PAC Ref:	2020/A0020
Planning Ref:	LA07/2019/0584/	DEA	The Mournes
APPELLANT	Mr David Gordon		
LOCATION	34 Dougans Road Kilkeel BT34 4HN		
PROPOSAL	Erection of farm dwelling and retention of existing building as a garage		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	21/07/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	12	PAC Ref:	2020/A0029
Planning Ref:	LA07/2019/1184/	DEA	Rowallane
APPELLANT	Mr D Graham		
LOCATION	Lands Between 12 And 18 And Neighbouring House On Private Lane Raleagh Road Crossnac		
PROPOSAL	2 infill dwellings and garages		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	24/08/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	13		
Planning Ref:	LA07/2019/0573/	PAC Ref:	2020/A0045
APPELLANT	Mills Smyth	DEA	Slieve Gullion
LOCATION	95 Aughnagurgan Road Altnamackan		
PROPOSAL	Newry Proposed demolition of all existing buildings and replace with dwelling house and garage.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	10/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	14		
Planning Ref:	LA07/2020/0194/	PAC Ref:	2020/A0060
APPELLANT	Drumee Farms Ltd	DEA	The Mournes
LOCATION	Lands Approx. 100m NE Of 125 Newcastle Road Castlewellan		
PROPOSAL	Retention of multi-purpose agricultural shed, access from Newcastle Road, via established agricultural gateway		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	16/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	15	PAC Ref:	2020/A0066
Planning Ref:	LA07/2019/1819/	DEA	Slieve Croob
APPELLANT	William Henry McMaster		
LOCATION	42a Cherryhill Road Spa		
PROPOSAL	Retirement bungalow		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	21/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	16	PAC Ref:	2020/A0067
Planning Ref:	LA07/2019/1815/	DEA	Newry
APPELLANT	David & Bronagh Strain		
LOCATION	15 Liska Road Newry BT35 8NH		
PROPOSAL	Proposed new dwelling		

APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps	Date Appeal Lodged	17/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	17		
Planning Ref:	LA07/2019/1575/	PAC Ref:	2020/A0073
APPELLANT	Mr Gerard Rice	DEA	Crotlieve
LOCATION	8 Corcreeghy Road Newry		
PROPOSAL	Retrospective application for the extension of curtilage to include retaining wall, in-filling with inert material, fencing and associated landscaping. Existing Firework containers relocated and form utilisation of car parking.		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Informal Hearing	Date Appeal Lodged	23/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	18		
Planning Ref:	LA07/2019/1218/	PAC Ref:	2020/A0090
APPELLANT	Mary B. Agnew	DEA	Slieve Gullion
LOCATION	50 M. NW Of 38 Killnasaggart Road Jonesborough BT35 8JA		
PROPOSAL	Erection of dwelling house		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure	Written Reps with Site Visit	Date Appeal Lodged	27/10/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	19		
Planning Ref:	LA07/2020/0836/	PAC Ref:	2020/A0103
APPELLANT	Mr Dodds	DEA	Rowallane
LOCATION	Adjacent And South Of 40 Craigy Road Craignasasonagh Saintfield		
PROPOSAL	Erection farm animal shelter and wintering shed		
APPEAL TYPE	DC- Refusal of Planning Permission		
Appeal Procedure		Date Appeal Lodged	12/11/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	20		
Planning Ref:	LA07/2018/1616/	PAC Ref:	2020/C002
APPELLANT	David Trevor Shields	DEA	The Mournes
LOCATION	Approximately 35 Metres South East Of 8 Ballinran New Road Kilkeel BT34 47N		
PROPOSAL	Retention of 2no. existing pig sheds with underground slurry tanks, 3no. feed silos and gravel yard, and extension to western gable of shed at rear of site, with loading bay.		
APPEAL TYPE	DC- EIA Determination - app ES is required		
Appeal Procedure	Formal Hearing	Date Appeal Lodged	11/08/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	21	PAC Ref:	2020/E0001
Planning Ref:	LA07/2019/1600/	DEA	Slieve Croob
APPELLANT	Mr Paul Cunningham		
LOCATION	5c Teconnaught Road Downpatrick		
PROPOSAL	Existing dwelling		

APPEAL TYPE	DC- Refusal of CLUD	Date Appeal Lodged	16/07/2020
Appeal Procedure			
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

ITEM NO	22	PAC Ref:	2020/E0009
Planning Ref:	LA07/2018/1250/	DEA	Newry
APPELLANT	Mr Brian McNulty		
LOCATION	154 Dublin Road Newry BT35 8NF		
PROPOSAL	Retention of prefabricated building.		

APPEAL TYPE	DC - Non Determination of a Planning Application	Date Appeal Lodged	18/08/2020
Appeal Procedure	Written Reps		
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			

Current Appeals

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ITEM NO	23		
Planning Ref:	LA07/2020/0159/	PAC Ref:	2020/E0017
APPELLANT	Mr PJ Duffy	DEA	Crotlieve
LOCATION	16A Derryleckagh Road Newry BT34 2NI		
PROPOSAL	Retention of building of temporary construction		
APPEAL TYPE	DC - Conditions of Approval		
Appeal Procedure	Written Reps	Date Appeal Lodged	21/09/2020
Date of Hearing			
Date Statement of Case Due for Hearing			
Date Statement of Case Due - Written Representation			
Date of Site Visit			



Appeal Decisions

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Appeal References:	(1) 2019/A0232. (2) 2019/A0233.
Appeals by:	Mr Robert Cairns.
Appeals against:	(1) The refusal of listed building consent. (2) The refusal of full planning permission.
Proposed Development:	Extension to existing public house to include additional lounge and smoking area.
Location:	7 – 9 Newry Street, Kilkeel.
Planning Authority:	Newry, Mourne & Down District Council.
Application References:	(1) LA07/2016/1502/LBC. (2) LA07/2015/1364/F.
Procedure:	Written representations and Commissioner's site visit on 16 October 2020.
Decisions by:	Commissioner Mark Watson, dated 30 November 2020.

Decisions

- Both appeals are dismissed.

Reasons

- The main issue in both appeals is whether the in-situ extension is sympathetic to the existing listed building. The planning application and listed building consent application both relate to the same development. Both refusal notices bear the same reason for refusal. This decision will therefore consider both appeals together.
- The Banbridge Newry and Mourne Area Plan 2015 (BNMAP) operates as the statutory local development plan (LDP) for the proposal. In it, the site lies within the settlement limit of Kilkeel and is not zoned for any purpose. The site is also located within the Town Centre and Kilkeel Area of Townscape Character, as well as an Area of Archaeological Potential. There was no suggestion that the appeal development offended any of these designations and the appeal development complies with the BNMAP. In respect of the appeal development there is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for Northern Ireland '*Planning for Sustainable Development*' and those of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage. PPS6 remains the applicable policy context to consider the appeal development under.

4. The appeal site comprises Nos. 7 – 9 Newry Street, Killeel. The two storey buildings form part of a terrace along the south-western side of the street. The buildings are in use as a public bar, though No. 7 had previously been used as a gaming arcade. No. 7 is a Grade B2 listed building (ref. HB16/03/018). According to the evidence No. 7 was originally a two storey, three bay Georgian townhouse. Both No. 7 and No. 9 are finished in smooth painted render with quoins. No. 7 has a concrete tile roof and UPVC rainwater goods. There is an archway between Nos. 7 and 9 which originally served as a carriage entrance to the rear yard of the buildings. This archway feature remains intact on the front façade but is boarded up, as are the windows. The archway on the rear facade has been covered over by part of the appeal development.
5. To the rear of the buildings is a brick paved yard with a covered smoking area. It is comprised of a roofed structure that affords shelter for both a standing space and seating. It is finished in a man-made slate roof with UPVC fascia and guttering. The walls of the smoking area are finished in a mix of horizontal timber panelling and stone cladding with wooden bench seating along part of the interior walls. The entrance from the yard and smoking area into the public house is a splayed wall structure finished in a felt covered, flat roof with double doors. There is an existing wooden gate from the rear yard which accesses onto the public car park which lies to the rear of the terrace of buildings. The appeal buildings lie within an area predominantly characterised by retail and service uses.
6. Section 91 (2) of the Planning Act (NI) 2011 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, and in considering whether to grant listed building consent for any works, the decision maker must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
7. Policy BH8 of PPS6 states that consent will normally be granted to proposals for the extension or alteration of a listed building where all the following criteria are met. These are: (a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired; (b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and (c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building. The Council and Department for Communities Historic Environment Division (HED) did not object to the interior works to facilitate the extension to the lounge, nor to the removal of a previously erected internal store with roller shuttered door within the 'tunnel' of the carriage arch. I am told this internal store had been erected prior to the Appellant leasing the building. However, The Council and HED considered that the smoking area and access at the rear of the building taken as a whole failed against all three of these criteria. Whilst the Appellant pointed to the HED consultation response changing part way through the application process from one of 'no objection' to 'objection', that specific response dated June 2017 was from HED: Historic Monuments rather than HED: Historic Buildings, so is irrelevant to the matter before me.
8. In respect to the rear aspect of the carriage arch, the Appellant suggested that the splayed wall with flat roof which provides access to the toilets from the smoking area could be removed. Whilst this would reveal that part of the arch feature there

are no definitive plans showing the removal of the flat roofed doorway or specific details of what this work would entail and how it would appear in relation to the building. There would be no means to assess the potential effects of that work on the overall listed building and I must assess the development that is before me. As it stands, even with the removal of the internal roller shuttered store, the splayed wall with access entirely obscures the rear of the carriage archway between Nos. 7 & 9. This feature of special interest belonging to the listed building is impaired to an unacceptable degree by the appeal development and criterion (a) of Policy BH8 is not met.

9. Although No. 7 Newry Street has undergone some unsympathetic modification over the years, particularly in terms of the concrete roof tiles and UPVC rainwater goods, which were fitted to the building prior to its listing in 1981, the building nevertheless still retains much of its original Georgian character. Whilst UPVC fascia, rainwater goods and a man-made tile roof would match the aforementioned unsympathetic materials, I am not persuaded that the continued use of these contemporary materials render the appeal development sympathetic to the building. Rather, their use on the appeal development would compound matters to the further detriment of the building.
10. The small scale stone cladding on the wall of the smoking shelter and part of the yard walls, along with the modern style brick paving, jar with the existing building in terms of their modern and contrasting appearance. Whilst these materials and associated finishes may well work within a more contemporary building context, they do not match, nor are in keeping with those found on No. 7. The concrete dwarf wall with planted area seeks to provide a visually attractive feature; an intention not objectionable in itself. However, its execution using cladding and a flat coping stone along its top edge give a very contemporary appearance, not sympathetic to the host building. Taking these features together I find that the works do not make use of traditional or sympathetic materials and techniques which match or are in keeping with those found on the building. Furthermore, the architectural details do not match and are not in keeping with the building.
11. Whilst the smoking area cannot be discerned from public viewpoints and the appeal development has not altered the front façade of No. 7, the policy seeks to ensure the special interest of the listed building is not lost through inappropriate alterations or extensions. I am also mindful of the legislative requirement to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Such an assessment is not simply whether or not such alterations or works can be publicly viewed. For the reasons given above criteria (b) and (c) of Policy BH8 are not met when the appeal development is considered as a whole.
12. The Appellant considered that the loss of the smoking area would result in difficulties in the viability of the bar, stating that other bars that did not have such areas have had difficulty in surviving. Whilst it is understandable the Appellant seeks to provide shelter for his customers who choose to smoke, the Council and HED objections are not to a smoking area in principle, but rather to the development that has taken place and its adverse impact on the listed building. It may well be the case that a suitably designed smoking area could be devised to be in sympathy with No. 7 to satisfy prevailing legislation and policy. However, again, I must assess what is before me. Whilst use as a public bar may have

continued to secure the upkeep of the listed building, it would not be justification for, nor would it be in the public interest, to retain unsympathetic additions that harm the special interest of the listed building.

13. For the above reasons I find that the appeal development is contrary to Policy BH8 of PPS6 read as a whole, as well as the related provisions of the SPPS. The Council has sustained its sole reason for refusal in each of the appeals for planning permission and listed building consent. Accordingly both appeals must fail.

The decision for the full planning permission appeal relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
01	Existing Floor Plans, Elevations & Section	1:100	17/12/2015
02 Rev 02	Proposed Floor Plans, Elevations, Section, Location Plan & Site Plan	1:1250, 1:500 & 1:100	02/11/2017

The decision for listed building consent relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
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02	Existing Floor Plans, Elevations & Section	1:100	14/11/2016

COMMISSIONER MARK WATSON

List of Documents

Planning Authority:-	'A' Statement of Case & Appendices (N M & D DC)
Appellant:-	'B' Statement of Case (Cole Partnership)



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continued to secure the upkeep of the listed building, it would not be justification for, nor would it be in the public interest, to retain unsympathetic additions that harm the special interest of the listed building.

13. For the above reasons I find that the appeal development is contrary to Policy BH8 of PPS6 read as a whole, as well as the related provisions of the SPPS. The Council has sustained its sole reason for refusal in each of the appeals for planning permission and listed building consent. Accordingly both appeals must fail.

The decision for the full planning permission appeal relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
01	Existing Floor Plans, Elevations & Section	1:100	17/12/2015
02 Rev 02	Proposed Floor Plans, Elevations, Section, Location Plan & Site Plan	1:1250, 1:500 & 1:100	02/11/2017

The decision for listed building consent relates to the following drawings submitted with the application:

DRAWING NUMBER	TITLE	SCALE	DATE
01 Rev 02	Proposed Floor Plans, Elevations, Section, Location Plan & Site Plan	1:1250, 1:500 & 1:100	02/11/2017
02	Existing Floor Plans, Elevations & Section	1:100	14/11/2016

COMMISSIONER MARK WATSON

List of Documents

Planning Authority:-	'A' Statement of Case & Appendices (N M & D DC)
Appellant:-	'B' Statement of Case (Cole Partnership)



Appeal Decision

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Appeal Reference:	2019/A0246
Appeal by:	Miss M Byrne
Appeal against:	The refusal of full planning permission
Proposed Development:	Replacement dwelling
Location:	25 Lower Knockbarragh Road, Rostrevor
Planning Authority:	Newry, Mourne and Down District Council
Application Reference:	LA07/2018/1453/F
Procedure:	Written representations and Commissioner's site visit on 16 October 2020
Decision by:	Commissioner McShane, dated 16 November 2020.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Photographs in the Council's statement of case, which supposedly show the appeal site, illustrate a number of fields and a bungalow that are located approximately 1km to the south of the site. Consequently, the site description is also inaccurate. Notwithstanding this, I am satisfied that the Case Officer appraised the site as shown on the Site Location Map. The Council's refusal notice is based upon that assessment. Furthermore, I have made my own evaluation of the appeal site.

Reasons

3. The main issues in this appeal are whether the proposed offsite replacement:
 - would be acceptable in principle in the countryside;
 - integrate into the landscape; and
 - respect rural character.
4. Section 6 (4) of the Planning Act (NI) 2011 requires that the determination of proposals must be in accordance with the local development plan (LDP) unless material considerations indicate otherwise. The Banbridge, Newry and Mourne Area Plan (BNMAP) 2015 operates as a LDP. The appeal site lies outside any settlement development limit designated in the plan. There are no operational plan policies relevant to this specific proposal. I therefore turn to other material considerations.

5. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is material to all decisions on individual planning applications and appeals. The guiding principle of the SPPS 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. The SPPS identifies Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) as a retained policy document. It provides the relevant policy context as the appeal site is located in the countryside.
6. Policy CTY 1 of PPS 21 lists a range of types of development, which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for an individual dwelling house are outlined. The Appellant argues that the appeal proposal comprises a replacement dwelling in accordance with Policy CTY 3.
7. The Council accepts that the building to be replaced exhibits the essential characteristics of a dwelling and that all four walls are substantially intact, as required by Policy CTY 3. However, proposals for a replacement dwelling are required to meet five additional criteria. The parties dispute the first, second and third of these.
8. The first additional criterion of Policy CTY 3 requires that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.
9. The Council accepts the argument that the existing curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling. In this respect, it is mindful of an outline planning permission for an offsite replacement dwelling and garage in lieu of the same building that was granted by the Planning Department in 2009 (P/2008/1524/O). The historical planning permission is no longer extant.
10. The inclusion of the words "either" and "or" within the first additional criterion means that there is a requirement to meet *either* (a) *or* (b) (my emphasis). However, there is no policy requirement to meet both. The Council accepts that the proposed development would comply with (a); therefore the proposed development complies with the first additional criterion of Policy CTY 3.
11. The second additional criterion of Policy CTY 3 requires that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and not have a visual impact significantly greater than the existing building.
12. The 0.7ha appeal site, which is located in an Area of Outstanding Natural Beauty (AONB), comprises three areas. The first consists of the existing building and its established restricted curtilage. The low single storey, whitewashed building stands gable end immediately adjacent to the road with its access point located approximately 20m to the south. The narrow gabled, linear building stands below

road level at right angles to the slope and steps down hill to the east in line with falling topography.

13. From viewpoints on Drumreagh Road, which is located approximately 450m to the east, the existing building is barely perceptible in the landscape. From viewpoints on Lower Knockbarragh Road, the building is apparent in the landscape; however its visual impact is minimal, given its small scale, traditional design and form characteristic of the Mournes.
14. The second area of the appeal site comprises the approved site, as shown on the stamped approved drawing, dated 18/6/09. It wraps around the existing building and established curtilage and is enclosed by mature broadleaf vegetation to the east. Topography within this area falls by approximately 4m towards the east. The planning conditions attached to the 2009 approval required the dwelling, which would have stood adjacent to the existing building, to be limited to 150sqm excluding the garage, single storey with a ridge height of 5.5m and under build not to exceed 0.45m.
15. The third area is significantly larger than the existing curtilage and the 2009 approved site. The proposed replacement dwelling would stand in this area; approximately 60m away from the existing building, ground levels within this area fall by approximately 11m towards the east.
16. The proposed split level offsite replacement dwelling, which has a footprint of approximately 200sqm, would provide almost 400sqm of accommodation over three levels. The dwelling would comprise two distinct parts. The roadside 13.6m wide section, which would be 7m high to the front elevation and 10m high to the rear, would include two ensuite bedrooms on the first floor, a third bedroom, separate bathroom, living room / study and lounge on the ground floor and a utility room, hall and hot press on the lower ground floor.
17. The ground floor hall of the front section of the dwelling would access an open plan kitchen, dining, family area and a wrap around balcony, located on the first floor of the 8.5m high rear return. A fourth bedroom, separate bathroom, gym and store would be located on the ground floor of the rear return.
18. Significant ancillary works would be required to facilitate development on this area, which constitutes the steepest part of the site. The dwelling and its amenity space would be surrounded on three sides by extensive retaining walls that would be comprised of "Hesco weldmesh concertainer gabions 1m high, 0.7m deep and 1.5m long" that would be filled with local field stone. The approximately 20m long section of wall north of the dwelling and the 30m long section of wall to the south would increase in height to 5m. The 20m long wall to the east would be 5m high.
19. From Drumreagh Road, the separation distance, intervening vegetation and rising topography beyond the appeal site to the west would ameliorate the impact of the development on visual amenity; nonetheless it would have a significantly greater visual impact than the existing building.
20. From Lower Knockbarragh Road, the development would stand on falling topography and there is roadside vegetation. Nonetheless, the scale of the

proposed dwelling in association with the ancillary works would render the development prominent in the landscape and its visual impact would be significantly greater than that of the existing building. As such, the Council's objection based upon the second additional criterion is well founded and the proposal fails to comply with Policy CTY 3 in this respect.

21. The third additional criterion of Policy CTY 3 requires that the design of the replacement dwelling should be of a high quality and appropriate to its rural setting and have regard to local distinctiveness. These requirements are echoed in Paragraphs 6.70 and 6.73 of the SPPS.
22. Development on steeply sloping sites requires sensitive design. Cut and fill can be minimised by siting narrow linear buildings parallel to the contours or by positioning narrow linear buildings at right angles to the contours. Where the latter approach is adopted, floor lines and ridge lines should step down the hillside, avoiding excessively high walls and ridge lines. The scale, design and siting of the proposed dwelling on the steeply sloping site is such that it would result in the requirement for extensive ancillary works, which would be inappropriate to its rural setting.
23. The proposed design provides substantial living accommodation; however it is generic with little that is locally distinctive to the area. The use of roof lights; six to the front elevation and four to the rear is contrary to guidance in Building on Tradition: A sustainable Design Guide for the NI Countryside, which recommends avoiding more than one or two. A large wrap around balcony that would stand 7m above existing ground level would appear out of place in this rural part of the Mourne AONB. The design of the proposed dwelling is such that it would not blend in unobtrusively with its immediate and wider surroundings and consequently, it would damage the rural character of the area. The Council's objection based upon the third additional criterion is well founded and the appeal proposal fails to comply with Policy CTY 3 in this respect.
24. The Appellant's agent argues that the proposed development would be preferable to developing the historically approved site, as the amount of hedge loss required to provide visibility splays could be reduced. However, the site plan and sections submitted to support this claim show the footprint of a dwelling that would be located outside of the approved site. A general reference was made to a planning approval for a replacement dwelling north of the appeal site and photographs were provided of dwellings in the locality, which it is argued do not integrate into the surrounding landscape. However, I have not been persuaded that the examples referred to are directly comparable with the proposed appeal development in terms of siting, design, ancillary works and location. In any event, examples of poor development do not merit being used as a precedence that would justify approving the appeal proposal, which would not comply with policy.
25. The proposal is contrary to Policy CTY 3. Policy CTY 1 goes on to state that other types of development in the countryside will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement. There are no overriding reasons why the development is essential. Accordingly the proposal is contrary to Paragraph 6.73 of the SPPS and Policies

CTY 1 and CTY 3 of PPS 21 and the Council has sustained its first reason for refusal.

26. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. It has already been concluded above that from Lower Knockbarragh Road, the proposed development would appear prominent in the landscape; the ancillary works would not integrate into their surrounding and the design of the building would be inappropriate for the site and its locality. Accordingly, the Council has sustained its second reason for refusal based upon Criteria (a), (d) and (e) of Policy CTY 13 of PPS 21
27. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. It has already been concluded above that in views from Lower Knockbarragh Road the building would be unduly prominent in the landscape, while the impact of ancillary works would damage rural character. Accordingly, the Council has sustained its third reason for refusal based upon Criteria (a) and (e) of PPS 14 of PPS 21.
28. The proposed development fails to comply with Paragraphs 6.70 and 6.73 of the SPPS. It is also contrary to Policies CTY 1, 3, 13 and 14 of PPS 21. Accordingly, the appeal must fail.

This decision is based on the following drawings:-

- LPA Drwg No.01 REV 1: Site Location Map (Scale 1:2500)
- LPA Drwg No.02 REV 5: Site Section, Site Plan and Road Sections (Scale 1:200 and 1:500)
- LPA Drwg No. 03: Elevations, Floor Plans and Typical Section (Scale 1:100)
- Drwg No.3063 SOC: Site Sections, Site Plans (Scale 1:500 and 1:200), dated 20-08-2020 and submitted with Statement of Case

COMMISSIONER MCSHANE

2019/A0246

List of Documents

Planning Authority:- "LPA 1" Statement of Case and Appendix

Appellant:- "APP 1" Statement of Case
"APP 1a" Rebuttal Statement



Appeal Decision

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Appeal Reference:	2019/A0254
Appeal by:	Mr S Mullan
Appeal against:	Refusal of outline planning permission
Proposed Development:	Proposed off-site replacement dwelling.
Location:	Approx. 180m west of 32 Myra Road Downpatrick
Planning Authority:	Newry Mourne and Down District Council
Application Reference:	LA07/2019/A0984/O
Procedure:	Written representations with Commissioner's site visit on 30 th October 2020
Decision by:	Commissioner Helen Fitzsimons on 16 th November 2020

Decision

1. The appeal is allowed subject to conditions.

Reasons

2. The main issue in this appeal is whether the proposed development is acceptable in principle in the countryside.
3. The appeal site is located outside any settlement limit and lies in the countryside as designated by Ards and Down Area Plan (ADAP) 2015 the local development plan which operates for the area. The ADAP offers no specific policy or guidance pertinent to the proposed development. The appeal site is also located in the Strangford and Lecale Area of Outstanding Natural Beauty.
4. The Strategic Planning Policy Statement for Northern Ireland (SPPS) retains a number of Planning Policy Statements (PPSs) one of which is PPS 21 'Sustainable Development in the Countryside'. Policy CTY 1 of PPS 21 states that '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.' It continues 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 settlement'. One of these is a replacement dwelling in accordance with Policy CTY 3 of PPS 21.
5. Policy CTY 3 of PPS 21 says that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings. There is no dispute between parties

that the building on the appeal site is a former dwelling. The Council's objections are based on the appearance of the building as it is today.

6. Although there is no question that all of the external walls of the structure and its roof are substantially intact, the policy also requires buildings to exhibit the essential characteristics of a dwelling. The essential characteristics of a dwelling are not prescribed by the policy, however, it would not be unreasonable to expect to see a chimney, domestic scaled window and door openings, a chimney breast and some internal room divisions all of which would give a building the appearance of a dwelling.
7. There are four metal frame domestic sized window openings, two on the southern elevation and two on the western elevation; two domestic scale door openings, and a modestly sized sheet metal door are located on the southern elevation. There is a grain feed attached to the eastern elevation of the appeal building with its hopper inside the building. There is no evidence of a chimney on the roofline. Internally the structure is subdivided into two rooms. The roof trusses are intact. There is evidence of a blocked up fireplace and a mantle overhangs it. The original plasterwork is mainly intact and the domestic style light fittings and switches are in situ. On balance the internal arrangements retain the vestiges of the former dwelling.
8. Notwithstanding that works have been carried out to the building to facilitate its use on the farm sufficient features remain both internally and externally to lead me to conclude, in the round, that the existing structure displays the essential characteristics of a dwelling and the appeal proposal meets the requirements of Policy CTY 3 of PPS 21. It is acceptable in principle in the countryside and also meets the requirements of Policy CTY 1 of PPS 21. The Council has not sustained its sole reason for refusal based on Policies CTY 1 and CTY 3 of PPS 21.
9. Although the Council proposed a number of planning conditions on a without prejudice basis they did not provide any reasons for them. Given that the appeal site is not visible from any public vantage point, and without any reason for the imposition of such a condition by the Council, I do not consider it necessary to restrict the siting of the proposed new dwelling. For the same reason I do not consider it necessary to restrict the ridge height to 5.35m above existing ground level, and I consider a 6.5m ridge height to be acceptable in this location. As the proposal is for a rural dwelling it should be designed in accordance with the supplementary planning guidance contained in the document Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside. The appeal site is part of a larger field and a landscaping condition is necessary to define the curtilage of the new dwelling, and aid its integration into the landscape.

Conditions

1. Except as expressly provided for by Condition 2 the following reserved matters shall be as approved by the planning authority – the siting, design and external appearance of the dwelling.
2. The ridge height of the dwelling shall not exceed 6.5m from the lowest ground levels within its footprint.

3. The design of the building shall be broadly in accordance with Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside.
4. No development shall take place until there has been submitted to and approved by the planning authority a landscaping scheme showing the retention and augmentation of the planting on the north east and south east boundaries of the site and new planting along the north west and south west boundaries of the site. All planting shall comprise of native species vegetation. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the planning authority gives written consent to any variation.
5. The development shall be begun before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

This decision relates to the 1:2500 scale site location plan.

COMMISSIONER HELEN FITZSIMONS

2019/A0254

List of Documents

Planning Authority: -

C1 Written Statement

Appellant: -

A1 Written Statement and appendices
A2 Comments



Appeal Decision

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Appeal Reference:	2019/A0247
Appeal by:	David Sweeney
Appeal against:	The conditional grant of outline planning permission
Proposed Development:	Erection of dwelling
Location:	Between Nos. 36 & 38A Greenan Road, Newry
Planning Authority:	Newry, Mourne & Down District Council
Application Reference:	LA07/2019/1755/O
Procedure:	Written representations and Commissioner's site visit on 28 October 2020
Decision by:	Commissioner Brigid McGlinchey, dated 11 November 2020

Decision

1. The appeal is dismissed and condition No. 7 of outline planning permission LA07/2019/1755 is confirmed.

Preliminary Matter

2. In advancing his arguments in his statement of case, the appellant provided two cross-sections across the appeal site. These are indicated to extend from Greenan Road (Section AA and Section BB) and show existing and proposed alternative ground levels. The existing ground levels shown on the cross-sections appear to correspond to the site survey drawing (Drawing 2) submitted with the planning application. It is evident however that extensive levelling works have subsequently been undertaken on the site. Whilst each cross-section was labelled as 'dwelling in line with No.38a Greenan Road', no map was provided to clarify the alignment of the cross-sections. Each of the cross-sections shows a proposed dwelling on dissimilar levels with different ridge heights relative to an existing two-storey dwelling located 56m from Greenan Road. The address of this latter dwelling was not specified. No.38a is a single storey dwelling that is setback about 19m from Greenan Road. It is therefore evident that the existing dwelling depicted in the cross-sections is not No.38a.
3. A dwelling (No.36b) located immediately to the north of the appeal site was approved in January 2015 (P/2014/0556/F). Whilst No.36b is sited a comparable distance from Greenan Road to that depicted in the cross-sections, its ridge height (approximately 7.9m) does not correspond to the existing dwelling shown. Furthermore, from my observations on site, the ground level around that dwelling is comparable to the present altered levels of the appeal site with no raised ground in between. This does not tally with what is shown in either cross-section. Given the uncertainty and lack of clarity, the cross-sections in the appellant's statement of case do not assist with my assessment.

Reasons

4. The main issue in this appeal is whether it is necessary to restrict the maximum ridge height of the approved dwelling to no greater than 5m above finished floor level as required by condition 7 of outline planning approval (LA07/2019/1755/O).
5. In the Banbridge & Newry Area Plan 2015, the appeal site is located in the countryside close to the settlement development limit of Newry. There is no specific policy in the plan material to this appeal. The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration for all decisions on individual planning applications. Paragraph 5.65 of the SPPS advises on the use of planning conditions and states that they should only be imposed where they are necessary, relevant to planning, relevant to the development being permitted, precise, enforceable and reasonable. Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under the SPPS and provides the appropriate policy context.
6. The appeal site is a vacant plot of land between the residential plots of Nos. 36 and 38A Greenan Road. Both the adjoining dwellings are single storey. No.36 is positioned almost at the road edge whilst No.38A is set back and sits above the level of the road. The appeal site as altered rises up from the road and levels out to the rear. Much of the rear of the site is now approximately 1.5m below the ground level of the dwelling at No.38A to the southeast and is comparable to the ground level of the 1½ storey dwelling (No.36b) located immediately to the north. The driveway of this latter dwelling which has been deeply carved into rock, is located within the appeal site and runs along the north-western boundary. The residential development of Forest Hills within the development limit of Newry is immediately opposite the appeal site.
7. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One such type of permitted development is the infilling of a small gap within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8. There is no objection to the principle of development an infill dwelling on the appeal site under Policy CTY8 subject to it fulfilling a number of criteria including meeting other planning and environmental requirements. The Council considered that the imposition of a condition restricting the ridge height was necessary to ensure that the dwelling would not appear overly prominent in the landscape. The issue of prominence is captured by Policy CTY13.
8. Condition 7 of the outline planning permission LA07/2019/1755/O requires the proposed dwelling to have a ridge height no greater than 5m. The appellant seeks that the ridge height of the proposed dwelling be increased to 7.5m from FFL and envisages it to be a split level dwelling. The physical context and issues raised in appeal decision 2010/A0182 are not comparable to the appeal proposal which must be considered in its own site specific circumstances and individual evidential context.
9. Drawing 2 that accompanied the planning application shows that originally there was a height differential of 9m across the appeal site which rose steeply from Greenan Road and then gradually became less steep towards the rear section of the site. It would have been evident to the Council that in order to accommodate a dwelling and access way on such a sloping site, significant levelling works would have been required. Based on my observation of the comparative site level of the dwellings at Nos. 38a and 36b and their FFLs as shown on Drawing 2, I judge that the site works carried out have lowered the rear part of the appeal site by up to 2.8m (circa 55m AOD). The

Council however expressed no objection to these levelling works and I will therefore make my determination on the basis of the site as levelled.

10. The appeal site extends back 45m from Greenan Road before it begins to narrow to an apex. Though conditions limiting the underbuild to 0.3m and requiring details of proposed contours and levels of the proposed building are set out, there is no condition specifying where the dwelling is to be sited within this large plot. The appellant proposes a dwelling with an overall ridge height of 7.8m (taking account of underbuild) to be positioned in alignment with No.38a approximately 19m from Greenan Road. This is the basis for my assessment. The original ground level at this location was 55m AOD and I determine that this is unaltered as it appears commensurate with the ground level prevailing across the rest of the upper part of the site. I consider that such a dwelling would be clearly visible from the road and would be over 1.5m taller than the ridge height of No.38a which is less than 5m and significantly taller than the lower set dwelling at No.36. Such a dwelling would be overly prominent in this context and would be contrary to the provisions of Policy CTY13 of PPS21. The issue of prominence on the appeal site would not be ameliorated by the dwelling being split level as the taller façade would face the road.
11. Even though there are two-storey dwellings on the opposite side of the road within the Forest Hills development, these are situated below the level of Greenan Road and within an urban context. Whilst the nearby 1½-storey dwelling at No.36b has an almost comparable ridge height as proposed by the appellant, that dwelling is set back approximately 55m from Greenan Road and its context is therefore distinguishable from the appellant's proposal. Furthermore, the other cited dwellings on Mullarat Road which are significantly set back from the road also do not share a comparable setting to the appellant's proposal. None of the cited examples justify the appeal proposal which I have judged within its own physical and evidential context.
12. Considering all the matters raised, I conclude that condition 7 should be retained and the appeal is accordingly dismissed.

This decision is based on the following drawings that accompanying the planning application LA03/2019/0851/O:

- Drawing 01 (Rev1) – 1:1250 scale Site location plan; and
- Drawing 02 – 1:500 scale Site plan.

COMMISSIONER BRIGID McGLINCHEY

List of Documents

Planning Authority:- C1 Statement of case + Appendix

Appellant:- A1 Statement of case + Appendix

There is no planning requirement to improve the existing access for replacement dwellings where there is no apparent intensification of use. Nonetheless, the appellant has stated that from his experience that there are road safety concerns in respect of the existing access which are evident on the ground. Given the geometry of the road and the existing roadside wall and fence there would be merit in improving the existing access or providing a new access.