



January 9th, 2024

Notice Of Meeting

You are invited to attend the Planning Committee Meeting to be held on **Wednesday, 10th January 2024 at 10:00 am** in **Council Chamber, Monaghan Row, Newry**

Committee Membership 2023-2024:

Councillor D Murphy **Chairperson**

Councillor J Tinnelly **Deputy Chairperson**

Councillor P Byrne

Councillor P Campbell

Councillor C Enright

Councillor A Finnegan

Councillor G Hanna

Councillor M Larkin

Councillor C King

Councillor D McAteer

Councillor S Murphy

Councillor M Rice

Agenda

1.0 Apologies & Chairperson's Remarks

2.0 Declarations of Interest

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

Item 6 - LA07/2020/1651/F - Cllrs. Byrne, Larkin, Lewis, Murphy, McAteer and McEvoy attended the site visit on 18-01-2023

Minutes for Adoption

4.0 Minutes of Planning Committee held on 13 December 2023

 *Planning Committee Minutes 13 December 2023.pdf*

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For Discussion/Decision

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

 *Addendum list - 10-01-2024.pdf*

Page 12

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

6.0 LA07/2020/1651/F - 75m north of 18 Ballinasack Road, Mullaghbawn, Newry BT35 9XT - Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description)

REFUSAL

In line with the Operating Protocol no further speaking rights are permitted on this application (Colin O Callaghan will be available to answer any queries Members might have).

 *LA07-2020-1651-F.pdf*

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 *LA07-2020-1651-F-addendum.pdf*

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 *Item 6 - LA07 2020 1651 F.ppt*

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Development Management - Planning Applications for determination

7.0 LA07/2022/1395/F - 11 & 13 Duke Street, Warrenpoint, BT34 3JY - Proposed demolition of Nos 11 & 13 Duke Street, Warrenpoint and reconstruction of off-licence with four apartments over**APPROVAL**

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

Speaking rights withdrawn - item moved to addendum list

 *Item 7 - LA07-2022-1395-F.pdf*

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 *Item 7 - LA07.2022.1395.F.pdf*

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8.0 LA07/2022/1168/F - Lands east of Chancellors Road north and west of No. 20 Carnagat Lane and to the north and rear of Nos. 44; 46 and 46a Chancellors Road Newry - Erection of a 16,730sqm storage and distribution warehouse including ancillary office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, earth bund, site access including realignment of Chancellors Road**APPROVAL**

Speaking rights have been requested by Chancellor's Road Residents in objection to the application.

Speaking rights have been requested for Tom Stokes (Planning Consultant) in support of the application.

 *LA07.2022.1168.F.pdf*

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 *Item 8 - LA07.2022.1168.F objection.pdf*

Page 116

 *Item 8 - LA07.2022.1168.F support.pdf*

Page 118

 *Item 8 - LA07-2022-1168-F.pptx*

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1.0 LA07/2020/0426/F - 51a Forkhill Road, Newry, BT35 8QY - Demolition of existing dental practice, hot food bar and ancillary storage buildings; development of indoor play unit, replacement dental practice, replacement hot food bar, restaurant, opticians, travel agency, craft shop, ancillary storage buildings; and extension to existing kitchen area for existing

APPROVAL

 [LA07.2020.0426.F - Final COR 20.12.2023.pdf](#)

Page 140

10.0 LA07/2023/2082/F - 35 FAIR ROAD, GREENCASTLE KILKEEL, BT34 4LS - Addition of a single storey rear extension

APPROVAL

 [LA07-2023-2082-F.pdf](#)

Page 160

11.0 LA07/2023/2322/F - Council Playing Fields The Links, Strangford - Construction of new public walking trail and car park

APPROVAL

 [LA07-2023-2322-F.pdf](#)

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12.0 LA07/2023/3517/F - Market House 17 The Square Ballynahinch - Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.

APPROVAL

 [LA07-2023-3517-F.pdf](#)

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13.0 LA07/2023/3516/LBC - Market House 17 The Square Ballynahinch - Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.

CONSENT

 [LA07-2023-3516-LBC.pdf](#)

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14.0 LA07/2022/1052/O - 61-63 Edward Street Downpatrick - Demolition of existing shop building and proposed construction of 2no Semi-detached dwellings

APPROVAL

 [LA07-2022-1052-O.pdf](#)

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15.0 LA07/2022/2025/LBC - 10-14 Central Promenade Newcastle Co.Down - Replacement 2no. 1st Floor fixed sash windows and frames to match existing.

CONSENT

 [Item 15 - LA07-2022-2025-LBC.pdf](#)

Page 220

16.0 LA07/2020/1671/F - Land adjacent to Seaview and Shore Street and 34 Seaview Killyleagh - Residential development of 4 two bed townhouses, 4 one bed apartments and 2 two bed apartments (10 units in total) with vehicular and pedestrian entrance at Seaview, car parking, private open space and ancillary works including retrospective consent to demolish garage (Amended proposal description and amended plans)

APPROVAL

A request for speaking rights has been received for DAERA Marine & Fisheries Division in opposition to the application:

- Abigail Kilgore, Mark Conn, Niamh McDermott and Liz Pothanikat

 [LA07-2020-1671-F.pdf](#)

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 [Item 16 - LA07-2020-1671-F.pptx](#)

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17.0 LA07/2021/1660/F - 250m SE of 19 Nutgrove Road Annadorn, Downpatrick - Dwelling

REFUSAL

A request for speaking rights has been received for Kieran Carlin, agent, in support of the application.

 [LA07-2021-1660-F.pdf](#)

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

17.1 LA07/2021/1660/F - 250m SE of 19 Nutgrove Road Annadorn, Downpatrick - Dwelling

This item is deemed to be exempt under 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.

 [Item 17 - LA07.2021.1660.F.pdf](#)

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18.0 LA07/2022/0246/F - Lands approx. 160m SE of 35 Clanmaghery Road, Tyrella, Downpatrick - 3 eco-pods, amenity room, ancillary car park, associated site works

REFUSAL

Speaking rights have been requested by Conor Cochrane, agent, for Monty Sneddon, spokesperson for residents group in objection to the application.

Speaking rights have been requested for Michael Clarke, agent, in support of the application.

 [LA07-2022-0246-F.pdf](#)

Not included

 [Item 18 - LA07.2022.0246.F - objection.pdf](#)

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 [Item 18 - LA07.2022.0246.F - Support.pdf](#)

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 [Item 18 - LA07.2022.0246.F - Support.pptx](#)

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 [Item 18 - LA07-2022-0246-F.pptx](#)

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19.0 LA07/2023/2125/0 - Lands adjacent and SW of No.3 Tullydonnell Road Silverbridge - Site for Dwelling

REFUSAL

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

 [LA07-2023-2125-O.pdf](#)

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 [LA07-2023-2125-O \(CTY2a Cluster\) Tullydonnell Road.pdf](#)

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[Item 19 - LA07.2023.2125.O.pdf](#) Page 307

[Item 19 - LA07 2023 2125 F.pptx](#) Page 309

[Item 19 - LA07-20023-2125-O.pptx](#) Page 313

20.0 LA07/2020/0801/O - Lands between Daisy Hill Road adjacent and northwest of 3 Woodhill adjacent and southeast of 1 Woodlands Newry - Proposed Housing Development

REFUSAL

[LA07.2020.0801.O \(003\) Monaghan Row OS Council.pdf](#) Page 320

For Consideration and/or Decision

21.0 Listing of Buildings of Special Architectural or Historic Interest

Advance Notice of Listing Letter

[Advance Notice of Listing Letter.pdf](#) Page 326

21.1 HB16/19/019 - Ballykeel Bridge, Mill Road, Ballykeel, Mullaghbawn, Co Armagh, BT35 9UA.

[HB16 19 019 DC Report.pdf](#) Not included

[HB16 19 019 Location Map.pdf](#) Not included

21.2 HB16/21/053 - Access bridge over former Armagh to Newry Railway at 11 Kilmonaghan Road, Goragh, Newry, BT35 6QF

[HB16 21 053 DC Report.pdf](#) Not included

[HB16 21 053 Location Map.pdf](#) Not included

21.3 HB16/23/026 - Farm buildings at Derrymore House, Derrymore, Co. Armagh, BT35 7EF

[HB16 23 026 DC Report.pdf](#) Not included

[HB16 23 026 Location Map.pdf](#) Not included

- 21.4 **HB16/25/036 - Boundary post, near 37 Armagh Road, Newry, BT35 6DJ**
📄 *HB16 25 036 DC Report.pdf* *Not included*
- 📄 *HB16 25 036 Location Map.pdf* *Not included*
- 21.5 **HB16/25/037 - Boundary post, near 28 and 30 Armagh Road, Newry, BT35 6DJ**
📄 *HB16 25 037 DC Report.pdf* *Not included*
- 📄 *HB16 25 037 Location Map.pdf* *Not included*
- 21.6 **HB16/26/068 - Boundary post, near 69 Downshire Road, Newry, BT34 1EE**
📄 *HB16 26 068 DC Report.pdf* *Not included*
- 📄 *HB16 26 068 Location Map.pdf* *Not included*
- 21.7 **HB16/26/082 - Boundary post, near 1 Windsor Court, Rathfriland Road, Newry, BT34 1JF**
📄 *HB16 26 082 DC Report.pdf* *Not included*
- 📄 *HB16 26 082 Location Map.pdf* *Not included*
- 21.8 **HB16/27/007 - Boundary post, near 2 Upper Kiln Street, Newry, BT35 8TT**
📄 *HB16 27 007 DC Report.pdf* *Not included*
- 📄 *HB16 27 007 Location Map.pdf* *Not included*
- 21.9 **HB16/27/010 - Boundary post, near 1 Hillside Terrace, Doran's Hill, Newry, BT35 8EL**
📄 *HB16 27 010 DC Report.pdf* *Not included*
- 📄 *HB16 27 010 Location Map.pdf* *Not included*
- 21.10 **HB16/28/108 - Boundary post, near 4D Temple Hill Road, Newry, BT34 2LS**
📄 *HB16 28 108 DC Report.pdf* *Not included*
- 📄 *HB16 28 108 Location Map.pdf* *Not included*

21.11	HB16/28/109 - Boundary post, near 3 Temple Hill Road, Newry, BT34 2LR	 <i>HB16 28 109 DC Report.pdf</i>	<i>Not included</i>
		 <i>HB16 28 109 Location Map.pdf</i>	<i>Not included</i>
21.12	HB16/28/110 - Boundary post, near 9 The Manse, Windmill Road, Newry, BT34 2AT	 <i>HB16 28 110 DC Report.pdf</i>	<i>Not included</i>
		 <i>HB16 28 110 Location Map.pdf</i>	<i>Not included</i>
21.13	HB16/29/014 - Boundary post, near 1 Dublin Road, Newry, BT35 8DA	 <i>HB16 29 014 DC Report.pdf</i>	<i>Not included</i>
		 <i>HB16 29 014 Location Map.pdf</i>	<i>Not included</i>
21.14	HB16/29/028 - Boundary post, near 49-51 Drumalane Road, Newry, BT35 8AR	 <i>HB16 29 028 DC Report.pdf</i>	<i>Not included</i>
		 <i>HB16 29 028 Location Map.pdf</i>	<i>Not included</i>
21.15	HB16/30/040 - Boundary post, near St Mary's Cemetery, Warrenpoint Road, Newry, BT34 2PF	 <i>HB16 30 040 DC Report.pdf</i>	<i>Not included</i>
		 <i>HB16 30 040 Location Map.pdf</i>	<i>Not included</i>
21.16	HB16/30/041 - Boundary post, near 1 Hawthorn Villas, Barley Lane, Newry, BT34 2PF	 <i>HB16 30 041 DC Report.pdf</i>	<i>Not included</i>
		 <i>HB16 30 041 Location Map.pdf</i>	<i>Not included</i>
21.17	HB16/30/042 - Boundary post, near 12 Carnagh Park, Chapel Road, Newry, BT34 2QR	 <i>HB16 30 042 DC Report.pdf</i>	<i>Not included</i>
		 <i>HB16 30 042 Location Map.pdf</i>	<i>Not included</i>

22.0 Historic Action Sheet

 *Planning HISTORIC TRACKING SHEET - Updated December 2023.pdf*

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NEWRY MOURNE AND DOWN DISTRICT COUNCIL

**Minutes of Planning Committee Meeting of Newry, Mourne and Down District Council
held on Wednesday 13 December 2023 at 10.00am in the Boardroom Council Offices,
Monaghan Row, Newry**

Chairperson: Councillor D Murphy

Committee Members

In attendance in Chamber:

Councillor P Byrne	Councillor C Enright
Councillor A Finnegan	Councillor G Hanna
Councillor C King	Councillor D McAteer
Councillor S Murphy	Councillor J Tinnelly
Councillor M Larkin	

Officials in attendance: Mr C Mallon, Director Economy, Regeneation & Tourism
 Mr J McGilly, Assistant Director of Regeneration
 Mr Pat Rooney, Principal Planning Officer
 Mr Peter Rooney, Legal Advisor
 Mr M Keane, Senior Planning Officer
 Ms P Manley, Senior Planning Officer
 Ms M Fitzpatrick, Senior Planning Officer
 Ms C Halliday, Planning Assistant
 Mr R Daly, Planning Assistant
 Ms S Taggart, Democratic Services Manager
 Ms L Cummins, Democratic Services Officer
 Ms F Branagh, Democratic Services Officer

P/083/2023: APOLOGIES AND CHAIRPERSON'S REMARKS

Apologies were received for Councillors Campbell and Rice.

P/084/2023: DECLARATONS OF INTEREST

There were no declarations of interest.

**P/085/2023: DECLARATIONS OF INTEREST IN ACCORDANCE
WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25**

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

There were no declarations.

MINUTES FOR CONFIRMATION**P/086/2023: MINUTES OF PLANNING DEVELOPMENT COMMITTEE MEETING WEDNESDAY 15 NOVEMBER 2023**

Read: Minutes of Planning Committee Meeting held on Wednesday 15 November 2023. **(Copy circulated)**

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Finegan, it was agreed to adopt the Minutes of the Planning Committee Meeting held on Wednesday 15 November 2023 as a true and accurate record.

FOR DISCUSSION/DECISION**P/087/2023: ADDENDUM LIST**

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 18 October 2023. **(Copy circulated)**

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to approve the officer recommendation in respect of the following applications listed on the Addendum List for Wednesday 13 December 2023:

- **LA07/2020/1774/F** - Lands adjacent and North West of 1 Bryansford Village, Ballyhafry, Newcastle - Proposed extension to existing caravan park (Bryansford Caravan Park) comprising 74 static sites, amenity building, children's play area and playing field, landscaping, new access, entrance feature walls and associated ancillary infrastructure. (Amended proposal)
APPROVAL
- **LA07/2022/0086/O** - Lands approximately 20m South of Unit 2A Loughway Business Park, Newry, BT35 6QH. Proposed site for business/industrial/storage units (Use Classes B1/B2/B3/B4)
APPROVAL
- **LA07/2022/1757/F** – 5 Ballymaderfy Road, Kilkeel - Erect replacement dwelling and detached garage.
APPROVAL
- **LA07/2022/0282/O** - 41 Moss Road Ballynahinch - Proposed Site 3no. 2 Storey Detached Dwellings and Garages
APPROVAL
- **LA07/2023/3229/F** - 55 Windmill Street, Ballynahinch - Internal refurbishment as well as alterations to main entrance. Roof replacement and additional car parking.
APPROVAL
- **R/2014/0471/F** - Approx 180m North of 11 Moneylane Rd, Dundrum - Proposed 250kw wind turbine with hub height of 40m

**REFUSAL
DEVELOPMENT MANAGEMENT -
PLANNING APPLICATIONS FOR DETERMINATION (WITH PREVIOUS SITE VISITS)**

P/088/2023: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2022/0682/F

Location:

Lands adjacent to Dufferin Avenue approx. 300m north of 9 Castleward Road Strangford

Proposal:

Glamping Village, comprising 6no self-catering sleeping Pods, 1no managers/reception POD, 1no Sauna Pod, visitor car-parking, outdoor amenity spaces and associated landscaping works.

Conclusion and Recommendation from Planning Official:

Approval

Power-point presentation:

Mr Pat Rooney gave a power point presentation on the application, with supporting information including a site location plan. He confirmed no objections were received when the application was published, aside from communication from DAERA Marine and Fisheries Division. He noted their concerns regarding potential coastal erosion and concerns regarding flooding of the access road to the property. He noted all concerns were addressed, and all mitigating factors considered prior to approval being given to this application.

Speaking rights:

In Objection

Ms Abigail Kilmore spoke on behalf of DAERA Marine and Fisheries Division. She referenced the access road being located within a flood boundary, and discussed the impact of coastal erosion on the access road to the site. She highlighted the Northern Ireland Historical Shoreline Analysis Survey, and it's estimation of erosion rates per year. She recommended consideration be given to alternate access roads, and coastal flood defences.

Councillor Hanna clarified that the issue under discussion was regarding the access road, and a discussion ensued regarding alternative access, sea defences and the permission that needed to be sought if these were to be a condition put on the application. Councillor Hanna further clarified that if permission was granted, and the business then ceased to trade, that the land would be reverted to previous. This was clarified by Mr Pat Rooney as part of the application.

After extensive debate and discussion, the proposal was put to a vote by way of a show of hands and voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor Tinnelly it was agreed to issue an approval in respect of planning application LA07/2022/0682/F

supporting officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(2) LA07/2020/1889/F

Location:

Land 71m south west of 61 Killough Road, Tullycarnan, Ardglass

Proposal:

Proposed site for up to 6 No 4star glamping pods, with new access onto Killough Road, new landscaping, pathways, parking area and ancillary structure to service pods.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point Presentation:

Mr Pat Rooney spoke to the application and outlined the reasons for refusal against all relevant planning policies. He referenced several photographs from the application site, alongside a site location map, that detailed the proposed access to the site, alongside the proposed car parking facilities, which the planning department determined would have a detrimental impact on the environment. He also referenced the proposed relocation of hedges and the inability of the site to integrate with the area due to this.

Speaking rights:

In objection:

Mr Ryan Clarke, Agent, spoke in support of the application and outlined the applicant's arguments against the reasons already presented for refusal. He presented some alternate images in relation to the perspective of the photographer of the site, and referenced a letter sent to Council from Dr P Brown MLA, which outlined his support for the application. He referred to the economic impact to the community that the site would bring, with all associated benefits.

Following an extensive discussion and debate regarding site integration, visual and economic impact, the proposal was put to a vote and voting was as follows:

FOR:	7
AGAINST:	3
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to issue a refusal in respect of planning application LA07/2020/1889/F supporting officer recommendation contained in the Case Officer Report.

(3) LA07/2022/1809/F**Location:**

Between 10 and 10A Islandmoyle Road, Islandmoyle, Cabra

Proposal:

Proposed dwelling and garage on infill site

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Pat Rooney gave a power-point presentation and spoke to the application, and outlined the reasons for refusal, against which planning policies the application was judged. He made use of pictures and maps of the proposed site and detailed the reasons for refusal.

Speaking rights:In support:

Mr Declan Rooney, Agent, spoke in support of the application. He made use of a power point that showed images of the proposed site and detailed the applicant's response to the reasons outlined for the refusal of the application. He spoke in depth around the gap frontage and the application of the relevant policies.

Discussions followed both presentations, and Councillor Byrne queried the application of certain policies against which the application was judged. Mr Peter Rooney also commented on the application of the policies, and how they were to be applied strictly.

Following further discussions relating to existing buildings on site, the proposal was put to a vote and voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED:

On the proposal of Councillor Tinnelly, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2022/1809/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(4) LA07/2023/2939/O**Location:**

32 Cabra Road, Islandmoyle, Rathfriland

Proposal:

Infill Dwelling

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Mr Pat Rooney gave a presentation detailing the site of the application, and the reasons for refusal, and showed images of the application site and related planning policies, against which the application was considered.

Speaking rights:

In support:

Mr Colin Dalton, Agent, made use of images that highlighted his and the applicant's counter arguments for the reason for refusal. He highlighted specific images that he believed were supportive of the arguments to allow the application to be approved.

Following a discussion around the position of an existing garden and any impact upon this, the proposal was put to a vote and voting was as follows:

FOR:	9
AGAINST:	1
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Larkin it was agreed to issue an approval in respect of planning application LA07/2023/2939/O contrary to officer recommendation contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(5) LA07/2022/1269/F

Location:

20 Newry Road, Hilltown, Newry, BT24 5TG

Proposal:

Proposed Agricultural storage shed for storage of agricultural machinery and farm implements

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Mr Keane presented the application showing relevant positions of existing buildings, the location of the farm and the proposed site of the new building. He outlined the issues around land ownership of the applicant, and the distance between the existing farm and the proposed new building. He referenced the planning policies that the application was judged against and outlined the reasons for refusal of the application.

Speaking rights:

In support:

Mr Comac McKay, Agent, spoke in support of the application, and outlined the benefits to the applicant of this building being in the proposed location. He discussed issues around land ownership, and referenced supporting documents already submitted outlining the land owner's support of the application.

Following a discussion around the implications of a refusal to the running of the farm, the impact on the applicant in terms of travel time between locations and the reasons for refusal, the proposal was put to a vote and the voting was as follows:

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Hanna, seconded by Councillor McAteer it was agreed to issue an approval in respect of planning application LA07/2022/1269/F contrary to officer recommendation as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

(6) LA07/2022/1811/F

Location:

Lands Between 21 and 29 Newtown Road, Newtown, Rostrevor, Down, BT34 3BZ

Proposal:

Proposed 2no. infill dwellings with associated garages.

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Mr Keane outlined the planning department's reasons for refusal and made reference to a discussion already had with the agent regarding the definition of a gap site. He made reference to the design of the proposed build in not keeping with theme of the area. Mr Keane also outlined which planning policies the planning department judged the application against, and which were used to make the recommendation for refusal.

Speaking rights:

In support:

Mr Jim Maneely, Agent, outlined the arguments against the planning department's decision. He referenced field boundaries, and existing angled boundaries on the street. This was followed by a lengthy discussion regarding plot widths, the style of nearby builds, and roof designs in keeping with the area.

Following this lengthy discussion, the proposal was put to a vote and voting was as follows:

FOR:	8
AGAINST:	2
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 LA07/2022/1811/F contrary to officer recommendation as contained in the Case Officer's Report.

Planning Officers be delegated authority to impose any relevant conditions.

(12:55 – the meeting was adjourned)

(13:35 – the meeting did then resume)

(7) LA07/2021/1479/F

Location:

Lands immediately opposite No.3 Newtown Road, Bellek, Newry

Proposal:

Erection of petrol filling station with ancillary retail element, car parking, rear storage and all associated site and access works

Conclusion and recommendation from planning official:

Refusal

Power-point presentation:

Ms Fitzpatrick spoke to the application, outlining the planning policies that the application was judged against and outlined the reasons for the refusal decision. She referenced the 9 objections to the planning application, including one from the existing local shop. She mentioned Bellek as being a fourth-tier settlement, and outlined the planning reasons for refusal, specifically as a nearby filling station catered for the local community.

Speaking rights:

In support:

Colin O' Callaghan, Agent, spoke to the application, and outlined his reasons for believing that permission should be granted, rather than refused. He referenced the potential investment and the creation of local jobs within this application. He argued that planning officers had not followed procedure in suggesting other sites for the application. Donna Lyle, Senior Planning Consultant was present to answer any questions regarding the application. She spoke of the detailed needs analysis that was carried out, which outlined the potential spend that could be kept within the locale.

There followed a lengthy discussion regarding the spend projections as outlined by Ms Lyle, and the impact on the local community relating to the accessibility of fuel. This was followed

by a further lengthy discussion regarding the objections to the application, and the Mr O' Callaghan made reference to the fact he was also acting as agent to one of the objectors in relation to a new application to demolish the existing shop.

Mr Peter Rooney cautioned Members that the objection was still lodged against the existing planning application, and any other potential planning applications could not be considered until they appear before the committee.

Councillors Byrne and McAteer spoke to acknowledge the issue they felt was inappropriate that the Agent was speaking to two separate applications, and was sharing information that had not been presented to the committee before now.

It was agreed to go into closed session to receive legal advice at this stage of the meeting.

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

Agreed: On the proposal of Councillor Hanna, seconded by Councillor McAteer, it was agreed to exclude the public and press from the meeting during discussions relating to LA07/2021/1479/F which related to exempt information by virtue of para. Three of Part 1 of Schedule 6 of the Local /Government (Northern Ireland) 2014 – Information relating to the financial or business affairs of any particular person (including the Council holding that information) and the public may, by resolution, be excluded during this item of business.

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

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

FOR:	10
AGAINST:	0
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Byrne it was agreed to defer Planning Application LA07/2021/1479/F for further legal clarification, to allow the applicant to provide new information for the Committee to consider relating to retail, and for a site visit.

Councillors McAteer and Enright left the meeting at this stage – 14.45.

Speaking rights:

In support:

Mr Colin O' Callaghan, Agent, spoke in support of the application, and put forth arguments against the decisions outlined previously for the reasons for refusal of the application. He referenced the gap measures, frontage, and the proposed design in keeping with the area, and invited Members to the site to see the pattern of development.

There followed a discussion around existing buildings on site, and reasons why they were or were not included when decisions were made regarding refusal of the application.

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

FOR: 7
 AGAINST: 1
 ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor Larkin, seconded by Councillor Hanna it was agreed to issue an approval in respect of planning application LA07/2023/2325/O contrary to officer recommendation, as contained in the Case Officer Report.

Planning Officers be delegated authority to impose any relevant conditions.

P/089/2023: HISTORIC ACTION SHEET

Read: Historic Action Sheet. (Copy circulated)

AGREED: On the proposal of Councillor Hanna, seconded by Councillor Finnegan it was agreed to note the Historic Action Sheet.

There being no further business the meeting ended at 15:10

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 10 January 2024

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:

- **LA07/2020/1651/F** - 75m north of 18 Ballinasack Road, Mullaghbawn, Newry BT35 9XT - Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description)
APPROVAL
- **LA07/2020/0426/F** - 51a Forkhill Road, Newry, BT35 8QY - Demolition of existing dental practice, hot food bar and ancillary storage buildings; development of indoor play unit, replacement dental practice, replacement hot food bar, restaurant, opticians, travel agency, craft shop, ancillary storage buildings; and extension to existing kitchen area for existing
APPROVAL
- **LA07/2023/2082/F** - 35 Fair Road, Greencastle Kilkeel, BT34 4LS - Addition of a single storey rear extension
APPROVAL
- **LA07/2023/2322/F** - Council Playing Fields The Links, Strangford - Construction of new public walking trail and car park
APPROVAL
- **LA07/2023/3517/F** - Market House 17 The Square Ballynahinch - Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.
APPROVAL
- **LA07/2023/3516/LBC** - Market House 17 The Square Ballynahinch - Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.
CONSENT
- **LA07/2022/1052/O** - 61-63 Edward Street Downpatrick - Demolition of existing shop building and proposed construction of 2no Semi-detached dwellings
APPROVAL
- **LA07/2022/2025/LBC** - 10-14 Central Promenade Newcastle Co.Down - Replacement 2no. 1st Floor fixed sash windows and frames to match existing.
CONSENT
- **LA07/2020/0801/O** - Lands between Daisy Hill Road adjacent and northwest of 3

Woodhill adjacent and southeast of 1 Woodlands Newry - Proposed Housing Development

REFUSAL

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



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:	LA07/2020/1651/F
Date Received:	10/11/2020
Proposal:	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description).
Location:	75m north of 18 Ballinasack Road, Mullaghbawn, Newry

1.0. Site Characteristics & Area Characteristics:

- 1.1. The site is located on the elevated and minor Ballinasack Road. The site currently encompasses foundational work and steel caging and is currently located below the level of the road (approximately 3 metres below) but is situated above the level of the dwelling at No.18 (approximately 5m, to a maximum of 10m in parts) and is approximately 45 metres to the north of No.18. The site is bounded by post and wire fences with low hedges to the front of the site. The surrounding area is rural in character and is characterised by farm groups and single houses.
- 1.2. The site is located in the open countryside outside of any settlements and within the Ring of Gullion Area of Outstanding Natural Beauty (AONB) as designated in the Banbridge Newry and Mourne Area Plan 2015.

2.0. Site History:

P/2003/0168/O

- Site for dwelling and garage
- Immediately north of number 18 Ballinasack Road, Mullaghbawn, Newry
- Permission Granted 20.06.2003

P/2006/2002/F

- Erection of dwelling
- Immediately north of number 18 Ballinasack Road, Mullaghbawn, Newry
- Permission Granted 11.01.2008

P/2010/0904/F

- Erection of farm dwelling to include retention of existing foundations
- 45m north of 18 Ballinasack Road, Mullaghbawn
- Application withdrawn

3.0. Consultations:

Transport NI – DfI Roads has no objection in principle to this application.

NI Water – Generic response to routine planning application

HED – On the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

4.0. Objections and Representations:

One neighbour was notified of the proposal on 15/12/2020. The proposal was also advertised in local press 12/01/2021.

Two items of correspondence were received from an objector on 27 January 2021 and 25th March 2021. Issues raised are summarised below:

- Address of site conflicts with footprint of proposed dwelling
- Non-compliance of previous approval with planning law
- Proportion of site covered by run-off area (in relation to septic tank emptying consultation response).
- Personal circumstances should not take precedence over other planning and development considerations.

5.0. Planning Policies and Material Considerations:

Strategic Planning Policy Statement for Northern Ireland

Banbridge Newry Mourne Area Plan 2015

Planning Policy Statement 21 – Sustainable Development in the Countryside

Planning Policy Statement 2 – Natural Heritage

6.0. Site context/Background

6.01. There is a long and complex planning history related to this application site, which is a material consideration for this planning application.

6.02. By way of background, outline approval was granted on the site for a house on 20th June 2003 under reference P/2003/0168/O. This was subsequently followed, on 11th October 2006, by a full application for the erection of a dwelling

under reference P/2006/2002/F. This was granted approval on 11 January 2008 with a one-year time limit to commence development.

- 6.03.** On 19th February 2010, the previous planning authority, Department of Environment (DoE Planning), initiated an enforcement investigation, under file reference P/2010/0108/CA, in response to complaints regarding the alleged unauthorised commencement of works on the site. On 20th May 2010, DoE Planning served a planning contravention notice on the landowner and in response, the applicant stated he had started work, on the site, in Autumn 2009. This date was beyond the time limit of the previous approval which should have commenced by 11th January 2009. On the 19th July 2010, the DoE Planning subsequently received an application, P/2010/0904/F, for the erection of a farm dwelling to include the retention of the existing foundations.
- 6.04.** This application was considered over a period from July 2010 to November 2011, whereby numerous objections, amended plans and additional information was submitted. On 8th December 2011, the application was presented to the legacy Council, Newry, Mourne & Down District Council, as an approval and was subsequently deferred. The application was reconsidered, and it was concluded that there was no evidence to prove that works had started in accordance with the previous approval. A recommendation for refusal was presented to Council and deferred on 10th February 2012. A meeting was held between the Department and the applicant/agent in May 2012, whereby it was contended the applicant had an active farm and it was proposed to submit farm map and a P1C form for consideration as an application under a farm dwelling under Policy CTY 10 of PPS 21.
- 6.05.** These documents were submitted to DoE Planning in May 2012. Following consultation with DARD, it confirmed the Business ID had been in existence for more than 6 years, but payments or allowances had not been claimed in the last 6 years. It was considered by the planning authority that there was an established farm and that the application complied with the requirements of Policy CTY 10 of Planning Policy Statement 21 (PPS 21) and approval was recommended.
- 6.06.** This recommendation was subsequently deferred by the Council on 7th March 2013. A meeting was held between the Department and the objectors in May 2013. The information raised in the meeting was considered and a further assessment made. The application was again recommended for approval. This decision did not issue due to a further review by the former planning authority.
- 6.07.** Jurisdiction for the planning application then passed to Newry Mourne & Down District Council, following the transfer of planning powers in April 2015. On 7th September 2016, a meeting took place between the Council's Planning Department, the planning agent, applicant and a local elected representative. The complex history of the site was reviewed. The agent put forward reasons in support of an approval for consideration.

- 6.08.** On 24th November 2016, the planning agent submitted an amended proposed site layout and existing site layout survey and cross section for consideration by the Planning Department. The application was then further assessed by the Planning Department, and it was concluded that it was contrary to a number of statutory planning policies, including: the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 10, Policy CTY 8, Policy CTY 13 and Policy CTY 14 of PPS 21 'Sustainable Development in the Countryside'; and Policy NH6 of Planning Policy Statement 2, 'Natural Heritage.' This was on a number of planning grounds including: it had not been demonstrated that the farm business was active or established; the proposed dwelling did not visually link or cluster with established buildings on the farm; and that the proposed dwelling would lead to inappropriate ribbon/suburban development in the countryside.
- 6.09.** The application was tabled for the Planning Committee on Wednesday, 26th June 2019 with a recommendation to refuse, as outlined above. The Planning Committee voted to overturn the case officer's recommendation on the grounds that significant excavation works had taken place and the applicant believed he had complied with regulations by commencing works. It was agreed officers be delegated authority to impose any relevant conditions.
- 6.10.** The Planning Department then issued a formal approval notice, on 2 July 2019, subject to a number of planning conditions.
- 6.11.** A formal application for leave to apply for a Judicial Review was then lodged by an objector in respect of the decision by Newry, Mourne & Down District Council to issue planning permission for the application on 2 July 2019. This was on the grounds that the decision was unlawful and of no effect. Legal advice was sought by the Planning Department, following the application for leave to apply for a Judicial Review, in line with normal procedure.
- 6.12.** Members of the Planning Committee were advised of the application for leave to apply for a Judicial Review at its meeting on 16 October 2019. The Committee voted to accept the legal advice given by Counsel and legal advisors and to concede the application on one ground, namely the 'reasons' issue.
- 6.13.** The application was returned to the Planning Committee on 29 July 2020 with a similar recommendation to refuse. Members voted to defer the planning application to allow for a site visit to take place so the Committee could assess the site in more detail.
- 6.14.** The application was subsequently formally withdrawn by the agent on 16th September 2020 and members of the Planning Committee were subsequently advised of this, at its meeting on Wednesday, 23rd September 2020.
- 6.15.** The applicant has now submitted a further application on the site for the 'Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description).' This application must now be assessed.

7.0. Planning Consideration and Assessment.

- 7.1. This application seeks approval for a change of house type from that previously approved under P/2006/2002/F. The Planning Department has carefully assessed the application against prevailing planning policies and in the context of all relevant material considerations.

Banbridge/Newry and Mourne Area Plan 2015

- 7.2. Section 45 of the Planning (NI) Act 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. There are no specific policies in the Plan relating to the proposed use, therefore this application will be assessed against regional planning policy.

Strategic Planning Policy Statement (SPPS)

- 7.3. As there is no significant change to the policy requirements for the change of house type following publication of the SPPS, the retained planning policy is PPS 21 – Sustainable Development in the Countryside. This policy will be given substantial weight in assessing the proposal in accordance of para 1.12 of the SPPS.

PPS21 – Sustainable Development in the Countryside

- 7.4. This proposal is for a change of house type to that previously approved under P/2006/2002/F. As outline above, the previous approval did not lawfully commence within the period prescribed by the formal approval. In the light of this fact, this change of house type is unacceptable, as the approval P/2006/2002/F, the subject of this application, has now lapsed, (also refer to Para 7.7).
- 7.5. The Planning Department advised the agent via email 22nd January 2021 that it was not considered that the previous permission P/2006/2002/F commenced lawfully, and this permission has lapsed. An opportunity to provide any additional information was offered.
- 7.6. The main points offered in response are listed below:
- *A decision-maker is lawfully entitled to attach as much or as little weight to an individual material consideration as it sees fit. Any planning decision involves the careful balancing of a number of material considerations, of which planning policy is but one. It follows that a site's planning history (owing to a history of planning approvals) could be attributed greater weight than the failure to comply with a planning policy that arose after that decision was taken.*
 - *Decision-makers are lawfully entitled to take account of an individual's circumstances, in endeavouring to ascertain whether that individual believed that he had exercised due care and attention in the implementation of an earlier planning permission.*

- *In this case, a combination of personal and domestic circumstances were at play in the period when the applicant ought to have been implementing his planning permission.*
- *Various factors can be taken together to justify a departure from planning policy, and are as follows:*

The long history of planning approvals on this site and the legitimate expectation that there would always be a dwelling thereon;

The applicant's genuine endeavours to implement a permission, however ineffective;

The applicant's personal circumstances in the period when development was to have commenced;

The fact that the applicant was prejudiced to the extent that his permission was to be implemented in a more stringent timeframe than many others of that time (even to this day there is inconsistency of approach with some applicants receiving 5 years and others receiving only one year); and

To this day, the NI Planning Portal states that the applicant's time limit was not in fact curtailed beyond the standard 5-year period, another indicator of the confusion that reigned.

- 7.7.** The Planning Department has considered the points raised above and within the supporting statement provided. The previous full permission P/2006/2002/F was granted 11th January 2008 with condition 1 requiring development shall hereby permitted shall be begun before the expiration of 1 year from this date. The amount of time specified to commence a development is at the discretion of the planning authority. In the case of a full application for a dwelling on the foot of a previous outline approval, it was often standard practice to seek to link the time period as close as possible to the period specified in the original outline approval. In this case the previous planning authority judged that a period of one year was reasonable to enable the development to commence on site. The Planning Department do not consider that the issues raised, by the agent, are of sufficient weight to overcome the time requirements attached to the formal approval notice issued in respect of P/2006/2002/F.
- 7.8.** Condition 4 of the formal approval notice also required that the vehicular access including visibility splays and any forward sightline shall be provided in accordance with the approved plans, prior to the commencement of any other works or other development hereby permitted.
- 7.9.** This pre-commencement condition 4 was not complied with, as the access, splay and forward sightline have not been completed or implemented on the site. Failure to comply with condition 4 means that the permission has lapsed and has not commenced.
- 7.10.** Furthermore, aerial photography as well as superimposed drawings provided by the former agent show that the foundational work, carried out on the site, is built in the wrong position and is not in accordance with the approved plans. The permission has not commenced. Additionally, the applicant has previously stated that he started work on the site in autumn 2009 - after the one-year expiry

date of the previous approval (which would have been 11th January 2009). The Planning Department consider that the previous approval on the site was not commenced and this permission has lapsed.

- 7.11. At a meeting in May 2012 the applicant and former agent appeared to accept that the previous approval had not commenced and said that had a small active farm and Business number and subsequently a P1C form and farm map were submitted for consideration and assessment in May 2012 and the proposal was also amended to the erection of farm dwelling to include retention of existing foundations.
- 7.12. In the light of the above, the Planning Department remains of the same opinion, as outlined above, that the previous approval P/2006/2002/F has not commenced lawfully. There is no basis on which this application for a change of house type to that previously approved can be approved. In the interests of completion, it has assessed the application against prevailing planning policy.

Policy CTY1 of PPS 21

- 7.13. Policy CTY1 of PPS 21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development.
- 7.14. Policy CTY1 states that planning permission will be granted for an individual dwelling house in the countryside in the following cases:
- *A dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;*
The proposal is not located at an existing cluster of development.
 - *A replacement dwelling in accordance with Policy CTY 3;*
The proposal does not relate to a replacement dwelling.
 - *A dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;*
No personal or domestic circumstances information has been provided with this application.
 - *A dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;*
No evidence of a non-agricultural business enterprise has been provided with this application.
 - *The development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8;*
The application site does not represent a small gap within an otherwise substantial and continually built up frontage.
 - *A dwelling on a farm in accordance with Policy CTY 10.*

No evidence has been provided with this application to qualify for a dwelling on a farm.

- 7.15. 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.

CTY 13 - Integration and Design of Buildings in the Countryside

- 7.16. 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 an appropriate design. A new building is unacceptable if any of the Criteria A to G are applicable.
- 7.17. It is considered that the proposal will be a prominent feature in the landscape, the site lacks long established boundaries and 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 and ancillary works do not integrate with their surroundings. The site is open and exposed with little in the way of screening and is elevated in nature in relation to the surrounding topography.
- 7.18. Furthermore, it is the proposed intention to infill/ raise the levels in the site, further exacerbating issues of prominence on the site, any little screening that there is will be removed and it will not be possible for the proposal to integrate if approved. Sight splays, access and forward sight line work will be required to the front of the site which will further expose the issues of integration and prominence and primarily new landscaping would be required and relied upon for integration of the entire site. The ancillary works which would be required to facilitate the proposal, particularly the infilling, would not integrate with their surroundings.

CTY 14 – Rural Character

- 7.19. Under Policy CTY 14, planning permission will be granted for a new building in the countryside where it does not cause demonstrable change to, or further erode the rural character of the area.
- 7.20. It is considered that the proposal is contrary to this policy as the building would, if permitted be unduly prominent in the landscape, result in a suburban style build-up of development when viewed with existing and approved buildings, creates a ribbon of development and the impact of ancillary works would damage the rural character.

CTY 8 – Ribbon Development

- 7.21. As the proposal is contrary to criteria D of CTY 14 in that it creates a ribbon of development then the proposal is also contrary to Policy CTY 8 of PPS 21 which is the primary policy for assessing ribbon development. The proposal would, if

permitted, result in the creation of ribbon development along the Ballinasack Road.

CTY 16 – Development relying on non-mains sewerage

- 7.22. Foul sewage will be disposed of via septic tank. The proposal complies with CTY 16. A condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Planning Policy Statement 2 – Natural Heritage

Policy NH 6 - Areas of Outstanding Natural Beauty

- 7.23. 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 siting of the proposal is not sympathetic to the special character of the AONB and the particular locality.

8.0. Recommendation:

The application is recommended for refusal in the light of the above and for the reasons outlined below.

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 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 creation of ribbon development along Ballinasack Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The proposed building is a prominent feature in the landscape;

- The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - The proposal relies primarily on the use of new landscaping for integration; and
 - Ancillary works do not integrate with their surroundings;
4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the building, would, if permitted:
- Be unduly prominent in the landscape;
 - Result in a suburban style build – up of development when viewed with existing and approved buildings;
 - Create a ribbon of development, and
 - The impact of ancillary works would damage rural character.
5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer:	E.Moore.	Date: 28/09/2022
Authorised Officer:	P Rooney	Date: 28/09/2022



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**Newry, Mourne
and Down**
District Council

Addendum to Case Officer Report

Application Reference: LA07/2020/1651/F
Date Received: 10/11/2020
Proposal: Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description).
Site Location: 75m north of 18 Ballinasack Road, Mullaghbawn, Newry

1.0. Background.

- 1.1. This Addendum should be read in conjunction with the case officer report, previously circulated.
- 1.2. By way of background, the application above was presented, with an opinion to refuse planning permission, to the Council's Planning Committee on 8 February 2023.
- 1.3. The Committee agreed, on the basis of legal advice, to defer the application, for further clarification in relation to points raised by the Legal Advisor.
- 1.4. The application is now returned to Planning Committee, following receipt of clarification.

Case Officer: E Moore.
Date: 20 December 2023.

Authorised Officer: P Rooney.
Date: 20 December 2023.

LA07/2020/1651/F

Erection of dwelling (change of house type from that previously approved under P/2006/2002/F) (Amended description)

75m north of 18

Ballinasack Road

Mullaghbawn Newry

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



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Location in District



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Current orthographic imagery



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Site history:

P/2003/0168/O

- Site for dwelling and garage
- Immediately north of number 18 Ballinasack Road, Mullaghbawn, Newry
- Permission Granted 20.06.2003

P/2006/2002/F

- Erection of dwelling
- Immediately north of number 18 Ballinasack Road, Mullaghbawn, Newry
- Permission Granted 11.01.2008

P/2010/0904/F

- Erection of farm dwelling to include retention of existing foundations
- 45m north of 18 Ballinasack Road, Mullaghbawn
- Application withdrawn 16.09.2020



Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 8 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 Ballinasack Road.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - The proposed building is a prominent feature in the landscape;
 - The site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape;
 - The proposal relies primarily on the use of new landscaping for integration; and
 - Ancillary works do not integrate with their surroundings;



Reasons for refusal:

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the building, would, if permitted:
 - Be unduly prominent in the landscape;
 - Result in a suburban style build – up of development when viewed with existing and approved buildings;
 - Create a ribbon of development, and
 - The impact of ancillary works would damage rural character.

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is not sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality

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2009 orthographic imagery

OSN\Orthophotography_2015. ***
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2012 orthographic imagery

The screenshot displays a GIS interface with a map of a rural area. A red rectangle highlights a specific site. The 'Layer List' panel on the right contains the following items:

- OSNIOrthophotography_2015
- OSNIOrthophotography_2014
- OSNIOrthophotography_2013
- OSNIOrthophotography_2012
- OSNIOrthophotography_2011
- OSNIOrthophotography_2010
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- OSNIOrthophotography_2005
- OSNIOrthophotography_2004
- OSNIOrthophotography_2003

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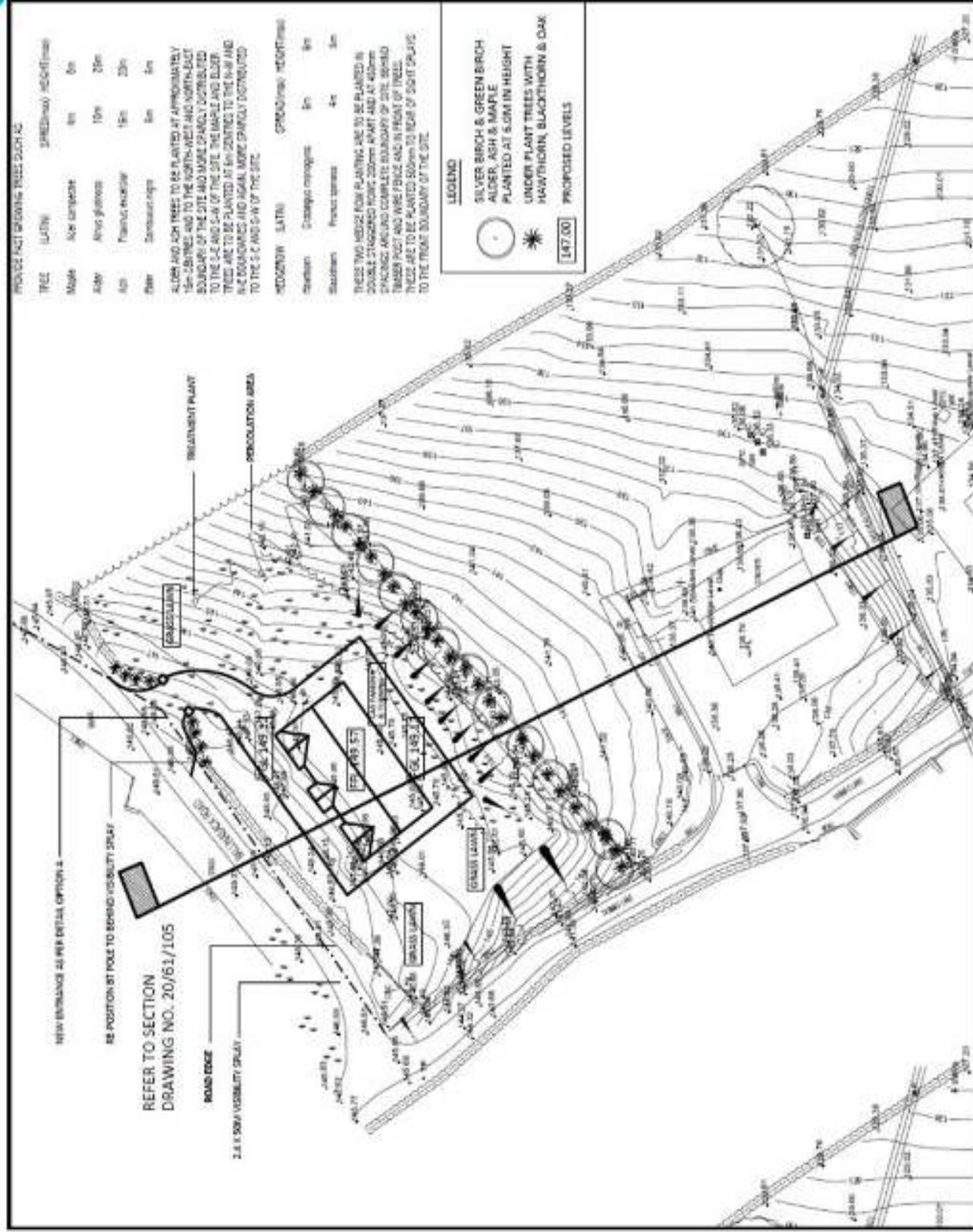
2014 orthographic imagery

The screenshot displays a GIS interface with a map of a building site. A red polygon outlines the site, and a white rectangle indicates the building footprint. The map shows a road on the left and a stream on the right. The layer list on the right is as follows:

Layer Name	Status
OSNIOrthophotography -Current	<input type="checkbox"/>
OSNIOrthophotography_2020	<input type="checkbox"/>
OSNIOrthophotography_2019	<input type="checkbox"/>
OSNIOrthophotography_2018	<input type="checkbox"/>
OSNIOrthophotography_2017	<input type="checkbox"/>
OSNIOrthophotography_2016	<input checked="" type="checkbox"/>
OSNI Orthophotography 2016	<input checked="" type="checkbox"/>
OSNIOrthophotography_2015	<input type="checkbox"/>
OSNIOrthophotography_2014	<input checked="" type="checkbox"/>
OSNIOrthophotography_2013	<input checked="" type="checkbox"/>
OSNIOrthophotography_2012	<input checked="" type="checkbox"/>
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OSNIOrthophotography_2010	<input checked="" type="checkbox"/>

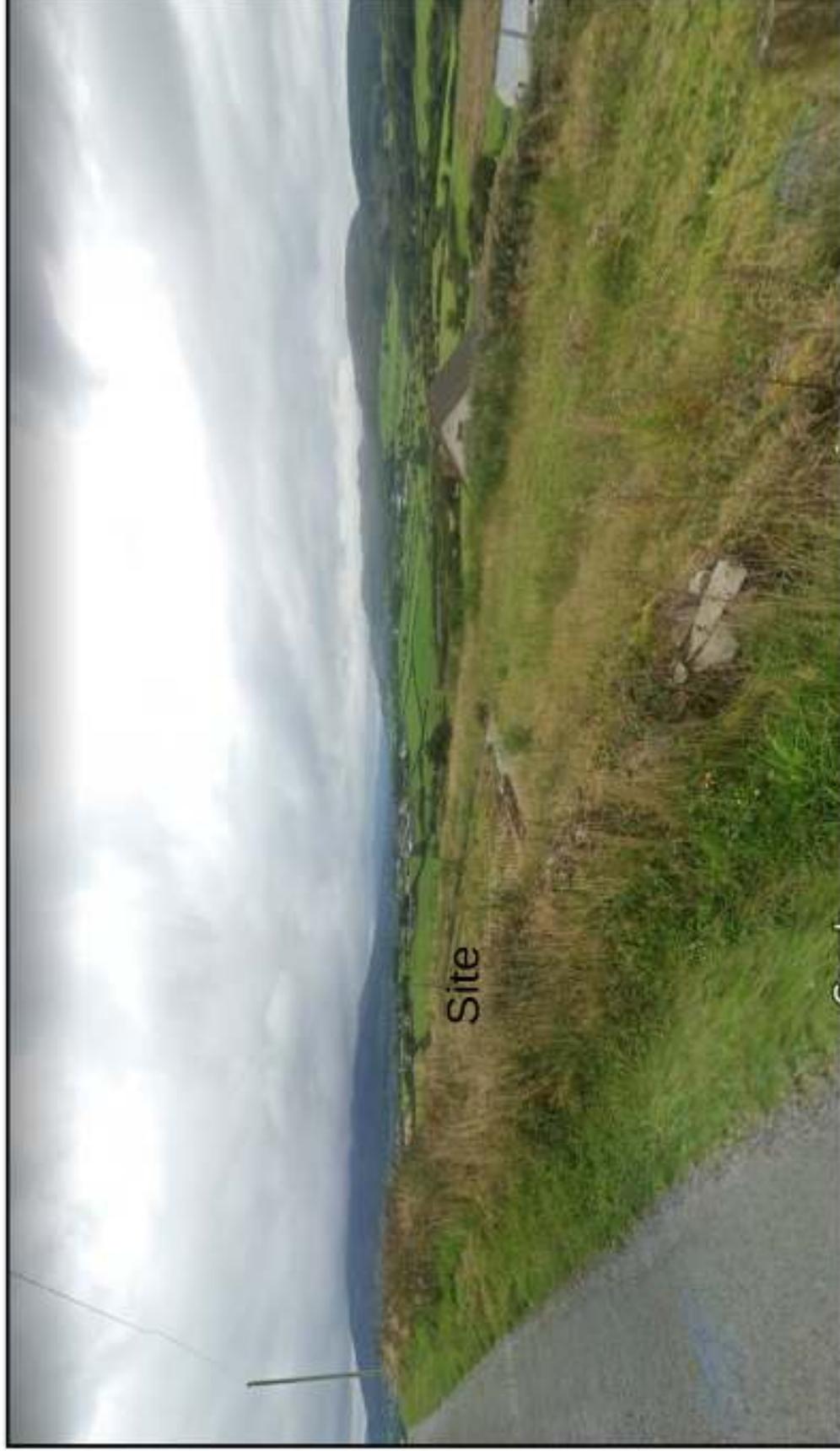
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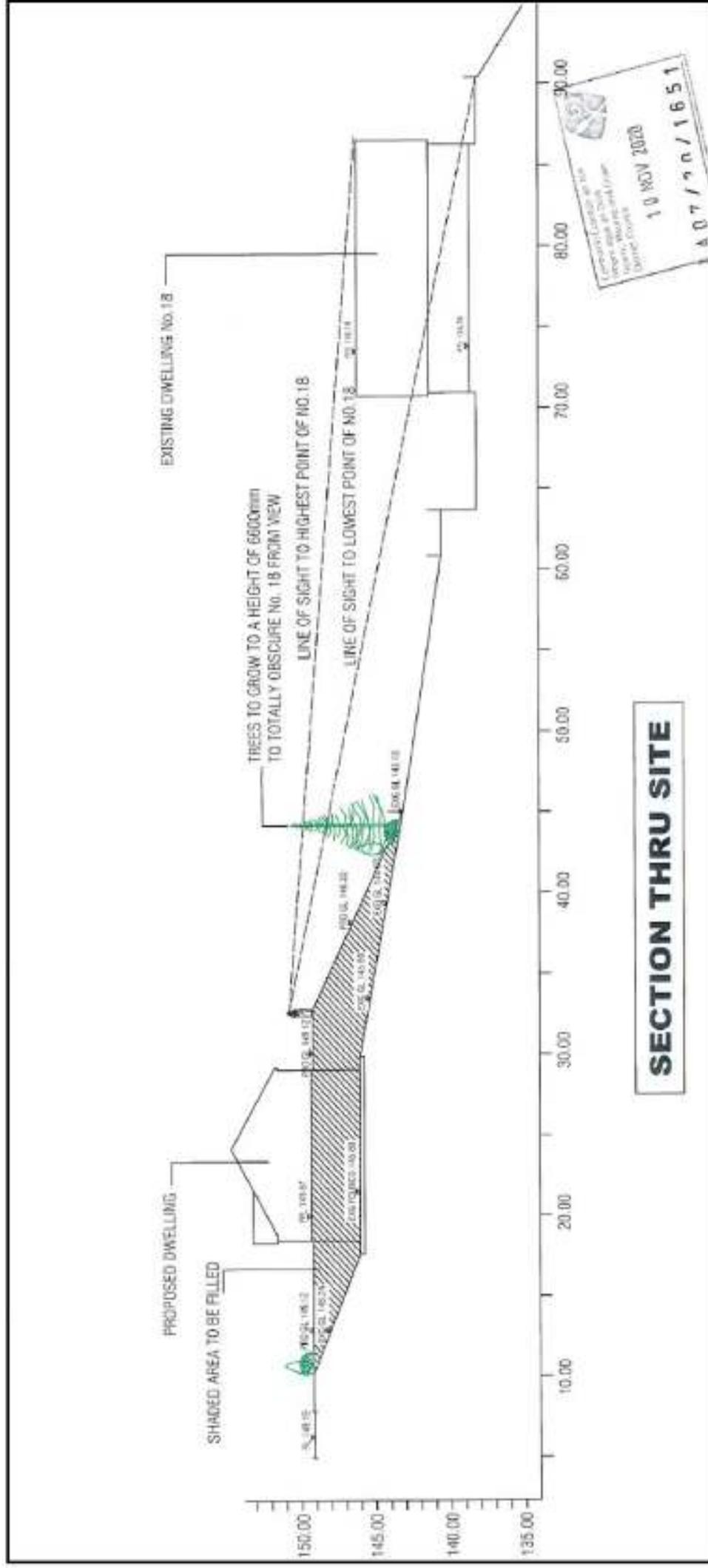
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LA07/2020/1651/F

Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) 75m north of 18 Ballinasack Road, Mullaghbawn for Mr Gene Martin

This is an application for change of house type. It has been submitted on foot of attempts to secure the previous permission on this site through various works of construction, including foundations etc.

It has been said that the applicant did not implement his previous permission in time. However, although not alone, the applicant's previous permission was unjustly restricted to 1 year, when the NI planning portal advises it was 5 years; and a considerable number of others were given 5 years again for their change of house type application, even when there was only a few months remaining of the original approval. This Council is legally empowered to provide redress now and is entitled to attach as much weight to the history of planning approvals on this site as it sees fit. Showing the applicant a degree of clemency and giving him a final opportunity to implement his permission is a perfectly legitimate approach here, especially when the Council has a track record of giving applicants the benefit of doubt when it comes to matters involving the commencement of historic permissions.

It would not be irrational to recognise that: the applicant genuinely attempted to commence his development; because of the random and inconsistent limiting of certain permissions he was prejudiced (although not alone); and there would be no demonstrable harm in permitting the applicant to construct this dwelling now. Regardless of how widespread the prejudice was, this applicant is the one before us today seeking recourse. It is up to others to decide how they pursue their cases.

There are a considerable number of precedents that support this applicant, not least including two people who had appeals for change of house type dismissed, but whose subsequent planning applications were approved / overturned by this Council (LA07/2017/0562/F and LA07/2019/1228/F). Clemency has been shown to a litany of applicants who have either commenced development but not in accordance with their planning permission; others who had failed to comply with pre-commencement conditions, and in the case of LA07/2016/0716/F, where we represented an applicant wherein he had failed to carry out any works to commence a previous permission. In that case, *it was agreed (by this Committee) to issue an approval on planning application LA07/2016/0716/F, contrary to Officer recommendation, subject to a condition being added that the proposal must commence within one year of the approval being issued* – the applicant was given a final chance to save his permission.

The applicant, Mr Martin, made a conscious attempt to preserve his planning permission. At the time he set out to do the work, he was certain it was sufficient to preserve his permission. Although it is said that the work was carried out after the permission expired, some acknowledgement could be given to the confusion that reigned at that time – with some applicants given longer than others to commence their permissions, and with the planning portal suggesting he had a further 5 years to commence development, and with the DOE tendering advice to applicants about how to commence their development (and the new Councils later finding the DOE was issuing wrong advice because it ignored pre-commencement conditions in particular).

In summary, confusion reigned around the time the permission was granted. Property prices accelerated rapidly then crashed overnight. Many developers found themselves unable to complete developments due to financial constraints, and the applicant was no different. A widespread problem arose with many applicants seeking only to preserve their permissions. The Department of the Environment then issued numerous circulars to advise people and it has since been recognised that the core advice was flawed. Against that backdrop, substitution permissions, often lodged in an attempt to prolong the lifetime of a permission, were handled inconsistently. The majority of applicants were given only one year to commence development owing to the introduction of new and restrictive policies, but others got 5 years.

LA07/2020/1651/F

Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) 75m north of 18 Ballinasack Road, Mullaghbawn for Mr Gene Martin

The planning history to this site suggests the principle of a dwelling on this site was accepted and established for a prolonged period, with lengthy commitments / effective permissions. Approving this dwelling will not result in demonstrable harm nor will it result in injury to amenity. While concerns regarding visual impact have been raised now, setting aside the previous permissions' findings regarding visual impact (i.e. there was no adverse impact) appears harsh and punitive, albeit we acknowledge the Council is not legally bound to stand over the previous approach of the Department of the Environment. It is however difficult to accept new standards given the policy has not changed and many of the same cadre of personnel transferred across to the new Councils.

If the applicant was deemed to have breached his planning permission by commencing late, then it is important to remember that breaches of planning control can be remedied through the grant of a new planning permission.

For the avoidance of doubt, showing greater weight to the applicant's combined circumstances can legally be given greater weight than the purported failure to comply with Policy CTY 1 of PPS 21. That would overcome the first refusal reason.

Ribbon development is a curious reason for refusal given that there are no other developments sharing the same frontage with this site. The site is on a very short and angular section of Ballinasack Road, with nothing to either side and no prospect of anything to either side. Officers fail to mention what development would be read in cumulation with this to create a ribbon of development and as there is actually nothing to either side of the site (and no perception of anything to either side) the application cannot be contrary to CTY 8 of PPS 21.

Officers consider the proposal contrary to CTY 14 of PPS 21 as they feel it is prominent, and because they consider that it will result in ribboning, which is a suburban-style build-up of development. As before, as there is nothing to either side of the site, there cannot be any perception of ribboning, and the proposal does not actually offend CTY 14 in that respect, since the "suburbanisation" anticipated does not actually arise in the manner described.

Officers feel CTY 13 is offended as they feel the site is prominent and lacks established boundaries and is therefore unable to provide the necessary standard of integration. This is despite the fact the proposal previously passed the integration tests of equivalent policy. We believe officers have fallen into the age old trap of standing on an elevated site with panoramic views and assuming that the reverse views must be of a house that will be prominent. The planning report contains no records or reference to a critical analysis, and there is no indication as to the locations from which it would purportedly be apparent that the dwelling would lack established boundaries or other means of achieving suitable integration. There has been no identification of the locations from which it would purportedly be apparent that the dwelling would rely upon new landscaping for integration. The site is simply not exposed to the extent the planning department states. Views inwards will be extremely long-distance; from significantly lower contours and will see the dwelling absorbed by the mountain above it. The vegetation above the site will more than ably frame the dwelling from those long-distance views below. The dwelling will not breach the sky line from any of these long-distant viewpoints, the majority of which lie on the far side of a valley.

In the event Councillors wish to visit the site, or seek design amendments, the applicant is amenable to compromise.



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agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2022/1395/F

Date Received:

26th August 2022

Proposal:

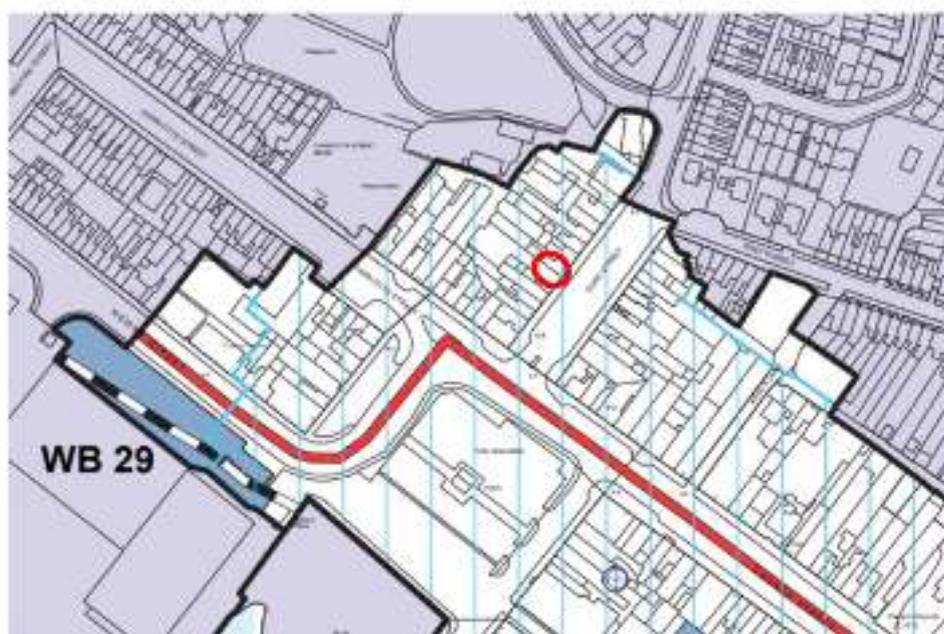
Proposed demolition of Nos 11 & 13 Duke Street, Warrenpoint and reconstruction of off-licence with four apartments over

Location:

11 & 13 Duke Street
Warrenpoint
BT34 3JY

Site Characteristics & Area Characteristics:

The site is located within the development limits for Warrenpoint and Warrenpoint Town Centre, as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within an Area of Outstanding Natural Beauty and an Area of Townscape Character (WB 34).



Map 3/06b – Warrenpoint Town Centre

The red line boundary comprises 2 buildings (one in use as an off-licence and the other a derelict dwelling) which form part of a terrace of buildings along Duke Street in Warrenpoint. There are a mix of uses in the area including residential, retail, office space, restaurants and cafes and a public house.

There is on-street parking along both sides of Duke Street and public car parks within close proximity to the application site.



Application buildings

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 3: Access, Movement and Parking
- PPS 6: Planning, Archaeology and the Built Heritage
- PPS 6 Addendum: Areas of Townscape Character
- PPS 7: Quality Residential Environments
- PPS 7 Addendum: Safeguarding the Character of Established Residential Areas
- PPS 12: Housing in Settlements
- Creating Places
- DCAN 8- Housing in Existing Urban Areas
- DCAN 15 – Vehicular Access Standards Parking Standards
- Parking Standards
- General Principles of Good Shop Front Design

Site History:

The planning history associated with the application buildings is listed below:

- P/1974/0168 – 11 Duke Street, Warrenpoint – Conversion of vacant dwelling house into footwear shop – Approved, 7th May 1974
- P/1988/0819 – 7 & 11 Duke Street, Warrenpoint - Extension to licensed premises incorporating the change of use and extension to shop – Approved, 23rd January, 1989
- P/1992/1221 – 13 Duke Street, Warrenpoint - Conversion of dwelling to two shops with new shop fronts – Approved, 7th January 1993
- P/1993/1155 – 13 Duke Street, Warrenpoint - Conversion of dwelling to 2 No shops including new shop front (amended application) – Approved, 18th January 1994
- P/2003/0223/A41 – 9 & 11 Duke Street, Warrenpoint - Alterations to Bar/Restaurant - Permitted development

The planning history associated with the adjacent Public House is listed below:

- P/1980/0696 – Duke Street, Warrenpoint – Erection of canopy – Approved, April 1982
- P/1982/0127 – 7 Duke Street, Warrenpoint - Proposed improvements to first floor living accommodation – Approved, April 1982
- P/1987/1027 – 7 Duke Street, Warrenpoint - Refurbishment of public house including change of use of first floor living accommodation to provide additional bar space – Approved, November 1987
- P/1989/1136 – 7 & 11 Duke Street, Warrenpoint - Extension and alterations to licensed premises – Approved, November 1989
- P/2005/2779/F - 5 and 7 Duke Street, Warrenpoint - Retention of store to rear of The Duke Bar and proposed new shop front, Warrenpoint – Refused, July 2007
- P/2006/1546/F – 5 Duke Street, Warrenpoint - Erection of potato peeling area and alterations to front entrance of bar – Approved, May 2007
- P/2009/1486/F - To the rear of 7 Duke Street, Warrenpoint - Retention of store and generator to the rear of 7 Duke Street, Warrenpoint – Approved, February 2010
- P/2012/0437 - Duke Restaurant 5-7 Duke Street Warrenpoint BT34 3JY - Replacement of shopfront on no 5 and refurbishment of front elevation of no 7 Duke Street – Approved, October 2012
- LA07/2016/1413/F – To the rear of No.7 Duke Street Warrenpoint and rear of No.14A Charlotte Street Warrenpoint - Beer garden with entertainment/stage area and bar facilities – Approved, August 2017
- LA07/2020/1758/F - 7 and 5 Duke Street Warrenpoint - Proposed extension of existing public house into No.5 Duke Street (adjacent building) (Amended address) – Approved, March 2021
- LA07/2021/0293/A - 7 Duke Street Warrenpoint - Aluminium LED Advertisement Signage – Refused, June 2021
- LA07/2021/1151/F - To the rear of 13 Duke Street Warrenpoint - Proposed change of use and renovation from previous commercial premises to beer garden to the rear of No. 13 Duke Street in connection with No. 7 Duke Street, Warrenpoint – Approved, March 2022

- LA07/2022/1108/F - To the rear of 13 Duke Street Warrenpoint - Variation to condition No.4 of planning approval LA07/2021/1151/F to allow proposed opening hours Monday to Thursday 12:00 to 23:00 hrs, Friday and Saturday 12:00 to 01:30 hrs and Sunday 12:00 to 00:30 hrs and variation to condition 3 to allow the area contained within the redline to have operational hours between 12:00 to 23:00 Monday to Thursday, 12:00 to 01:30 Friday and Saturday and 12:00 to 00:30 on Sunday after which time it will be closed to patrons – Under consideration



Application site outlined in red. Public house premises outlined in blue.

Consultations:

- DfI Roads** – (12th October 2022) considers the application unacceptable as submitted. DfI Roads require the following points to be addressed.
 - Details of car parking for the proposed 4 No apartments. All proposed car parking will require to be inter visible with the application site.

Within the Design and Access Statement submitted alongside the application, the Agent advised that parking for the apartments will be provided by parking in the surrounding area, including 120 spaces provided in The Square, 40 spaces along Duke Street and 50 spaces to the rear of 19 Church Street.

Matters concerning parking will be discussed further below under PPS 3 and in line with the guidance contained in Parking Standards and DCAN 15.

- Loughs Agency** – (1st November 2022) no objections.

- **HED** – (19th October 2022) The proposal satisfies the requirements of SPPS para 6.12 & PPS6 Policy BH11 as the listed building is sufficiently removed from the application site to remain unaffected by development of this scale.

HED defers to the Conservation Officer in Newry Mourne & Down District Council to comment on the impact of the proposal on the character and appearance of the Warrenpoint Area of Townscape Character.

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.

HED have advised above that the proposal is compliant with PPS 6. The proposal will be considered under the Addendum to PPS 6 later on in the report regarding the ATC designation of the site.

- **NIEA** – (28th October 2022) Marine and Fisheries Division: On the basis of the information supplied there should be no adverse impacts on marine conservation, provided standing advice is adhered to.

Natural Environment Division: on the basis of the information provided, has no concerns subject to informatives.

- **Environmental Health** – (30th September 2022) request that the applicant provide a noise impact assessment.

Note: Following correspondence between EH and the Planning Department, EH withdrew their request for a noise impact assessment and requested to be reconsulted.

(11th January 2023) - request that the applicant provide a noise impact assessment.

(6th February 2023) - Request that the applicant provide a noise impact assessment in accordance with appropriate guidance in relation to Entertainment noise.

(13th April 2023) - Environmental Health have considered the noise impact assessment provided in support of this application. Considering the nature of the proposed development and its close proximity to a public house with entertainment there is the potential for loss of amenity for the occupants of the proposed apartments due to noise nuisance. Environmental Health would therefore request that the planning service consider the relevance of this application with another application currently with the planning service in relation to entertainment at the adjoining premises (LA07/2022/1108/F). In relation to this application Environmental Health have no objection in principal on condition that the specific requirements stated in the Noise impact assessment are included as a condition of any planning permission granted.

Further correspondence with Environmental Health (James Campbell) on 20th June and 5th December, confirmed that EH has no objections to this application subject to the noise report recommendations being added.

- **NI Water** – recommended refusal and recommended that connections to the public sewerage system are curtailed as an assessment indicated network capacity issues. NI Water advised that the applicant will need to submit an application to NI Water for a Wastewater Impact Assessment.

The Applicant was advised to consult directly with NI Water to ascertain whether an alternative drainage / treatment solution can be agreed whereby an Impact Assessment is required.

The agent has engaged with NIW whereby a waste water impact assessment application has been submitted (reference no. has been provided to the Planning Department), and remains ongoing between parties.

While the position to date from NIW has been noted and is fully acknowledged and respected, the agent has clearly engaged with NIW and is committed towards seeking a resolution, which is welcomed, and on this basis, the Planning Department having considered all factors, is content to proceed and deal with this issue by way of negative pre commencement and occupation conditions.

Objections & Representations:

Eighteen neighbour notification letters were issued 30th September 2022.

The application was advertised in the local press on 28th September 2022.

Nineteen neighbour notification letters were issued on 16th June 2022.

The application was advertised 8th June 2022.

No representations have been received to date (6th December 2023).

Assessment

Proposal

The proposal involves the demolition of the existing buildings and redevelopment of off-licence with four apartments over. The existing street elevation alongside the proposed street elevation is shown below.



Existing street elevation



Proposed street elevation

There is no increase in ridge height or eaves level of the buildings proposed whereby the ridge height will be 9.2m from GL and the eaves level will be 6.3m from GL. Two wall dormers are proposed on the front elevation. The extension to the rear of the buildings will be flat roofed with a ridge height of 8.4m from GL. The existing flat roof rear return has a ridge height of 5.4m.

The proposed finishes include timber windows and doors on GF, hardwood painted windows on FF and SF level, aluminium gutters and RWGs, blue black natural roof slates and smooth rendered walls.

The proposed drawings are shown below.



Proposed drawings

Banbridge Newry and Mourne Area Plan 2015 Planning Act 2011

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the development limits for Warrenpoint and Warrenpoint Town Centre as designated under the Banbridge, Newry and Mourne Area Plan 2015.

The Strategic Planning Policy Statement

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

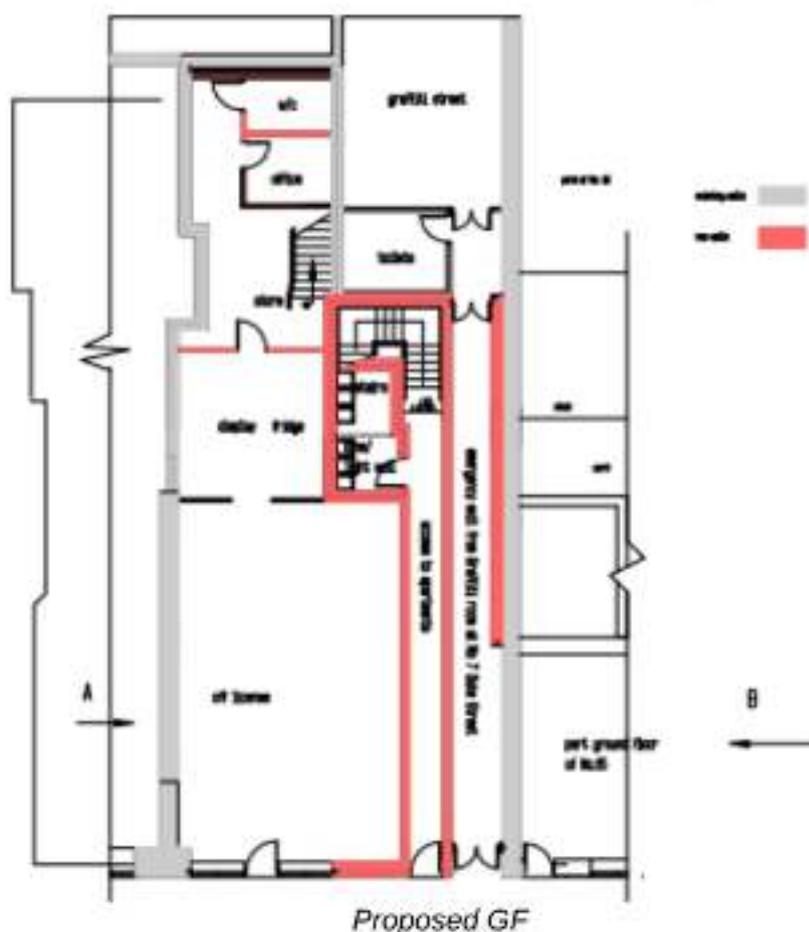
The nature of the proposal involves both retail and residential elements. The retail element would have been considered under the former PPS5 - Retailing and Town Centres. However, as this policy has now been replaced by the introduction of the SPPS this is the key policy in which proposals must be assessed.

The SPPS contains a designated section on town centres and retailing. Paragraph 6.276 advises that the Planning Authority should retain and consolidate existing district and local centres as a focus for everyday local shopping. This is to ensure that this role is complementary to the role and function of the town centre. In these centres extensions shall only be permitted where the applicant has demonstrated that no adverse impact will result on the town centres catchment.

The proposal involves the demolition of 2 existing buildings and redevelopment to create a larger off-licence premises on GF level and residential accommodation on FF and SF level. The proposed extension of the off-licence will comprise the GF space of an existing dwelling house. A laneway to the rear of the premises as well as an entrance to the upper floor apartments is also proposed at GF.

The existing floor space of the off-licence is shown below alongside the proposed floor space.





It is considered that the proposal will retain and consolidate the existing town centre and is complementary to the role and function of the town centre without affecting vitality or viability given the mixed use within the town centre and along Duke Street.

Given the fact that the building in which the off-licence premise is to be extended into has lay vacant for a no. of years and the fact that the overall extension to the off-licence is modest in size and scale, I am satisfied that the proposal will not have an adverse impact upon Warrenpoint Town Centre. Moreover, residential living accommodation is proposed on the first and second floors.

Paragraph 6.292 of the SPPS states that to ensure high quality and otherwise satisfactory forms of development all applications for retailing or main town centre uses will also be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environment and amenity impacts.

The design of the proposal is considered to be acceptable and the principle of an extension of the off-licence is also considered acceptable. Further consideration will be given to the design of the proposed under PPS 7 and APPS 6 below as well as the impact on the amenity of the overall works (extension to rear) under PPS 7. In terms of the creation of larger premises for the off-licence, it is not considered that this will impact the amenity of the area whereby the proposal involves the redevelopment of a derelict dwelling house that is currently unfit for occupation and

has lay vacant for several years. The redevelopment of this building will effectively improve the street scene along Duke Street and will positively contribute to the amenity of the town centre. The proposed shop front will enhance the townscape quality whereby the Department considers it to be sympathetic to its setting, both in terms of its immediate building frontage and the wider streetscape. The inclusion of stall risers and pilasters on the shop front are welcomed and considered appropriate and sympathetic to the area. Traditional materials have been proposed including timber windows and doors and natural slate roof.

Car parking will be considered under the PPS 3 section below. Regarding the residential element of the proposal, the retained policies will be employed given that the SPPS is less perspective.

The Regional Development Strategy

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

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

PPS 12- Housing in Settlements

Planning Control Principle 1-Increased Housing Density without Town Cramming

The policy directs that an increase in the density of housing development should be promoted within town and city centres however great care should be taken to ensure that local character, environmental quality and amenity are not significantly eroded and that the density along with form, scale, massing and layout respect adjacent housing and safeguard privacy.

It is considered that the design and layout of the development does adhere to the principles set out within PCP1. Further consideration of these issues has been considered under PPS7 below.

Planning Control Principle 2- Good design

The policy advises that good design should be the aim of all those involved in housing development and will be encouraged everywhere and that all new housing developments should demonstrate a high quality of design, layout and landscaping. 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 policy promotes more urban housing accommodated through the recycling of land and buildings whereby more housing should also be promoted in city and town centres and mixed-use development encouraged.

The site is within the settlement area of Warrenpoint and Warrenpoint Town Centre and the development is not considered to harm the character of the immediate residential area given the proposed redevelopment of an existing derelict residential building and modest extension and is therefore considered to be a sustainable form of development. Moreover, the proposed residential accommodation above the proposed retail unit is encouraged. Para 5.9 of DCAN 8 also states that "Living Over The Shop can make a small but valuable contribution to the promotion of high-density development."

There is further consideration of this within PPS7.

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.

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

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

The development proposed involves the demolition of part of the existing buildings and redevelopment on site to create a larger off-sales premises on ground floor and 4 no. apartments on first and second floor. Given the town centre location, the application site is within walking distance to nearby restaurants, public houses and retail shops. As such, the proposed development is appropriate to the character of the site and area.

The Planning Department acknowledges that the application site is within an Area of Town Character. This will be discussed in full under APPS 6 below. The existing and proposed front elevations of the buildings are shown above whereby the ridge height will remain the same as well as the eaves level. The proposed finishes are listed above. The proposal involves the creation of 2 wall dormer windows on the front elevation, similar to those on two buildings adjacent the site, Nos. 10 and 20 Duke Street. The proposed changes to the front elevation which presents to Duke Street, are considered acceptable whereby there is no proposed increase in ridge height or eaves level. As mentioned above, the proposed shop front will enhance the townscape quality whereby the Department considers it to be sympathetic to its setting, both in terms of its immediate building frontage and the wider streetscape. The inclusion of stall risers and pilasters on the shop front are welcomed and considered appropriate and sympathetic to the area. Traditional materials have

been proposed including timber windows and doors and natural slate roof. The upper floor windows are vertically emphasised and spread evenly across the façade. Access is proposed to the upper floor living accommodation as well as an access retained to the rear of the building.

The scale and design of the rear extension is also noted whereby the works will result in a flat roofed rear return with a ridge height of approx. 8.4m from GL. There is an existing flat roofed rear return on the building with a ridge height of 5.4m. Given the existing development surrounding the site, the rear and side elevations are obscured from view along critical viewpoints such as The Square, Duke Street, Church Street and Charlotte Street.

No landscaping is proposed given the urban context and existing characteristics of the site.

Given the above, I am satisfied that the proposal complies with (a).

- b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;** The application site is within an Area of Townscape Character and an Area of Outstanding Natural Beauty.

Policies ATC 1 and 2 of PPS 6 Addendum applies regarding the ATC designation. Policy ATC 1 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. The policy adds that where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

The agent submitted a Concept Statement which states that No. 11 Duke Street "shows signs of condensation which is due to the building not having adequate insulation in the existing building fabric".

The Concept Statement goes on to state that No. 13 Duke Street "is beyond repair. There has been water ingress which has destroyed all the timber joists supporting the first and second floor to an extent that it would not be safe to walk on the first floor. The walls of the premises have signs of damp and sections of the walls are in extremely poor condition...the existing building is not fit for purpose and is beyond repair." Internal photos have been provided and are shown below.

Image 2- Ground floor internal walls and floor joists in disrepair



Image 3 – First floor joists with significant rot and in complete disrepair



Image 4 – First floor joists with significant rot and in complete disrepair



Image 5 – Second floor joists with significant rot and in complete disrepair



Image 6 – Second floor joists with significant rot and in complete disrepair



Image 7 – Bushes/Trees have started to grow out of the fabric of the existing building.



The key feature of Designation WB 34 related to the application site is:

- The Dock, Dock Street, Duke Street and the eastern parts of Charlotte Street and Newry Street where they join, are an integral part of The Square. The landscaping quality of the square helps screen the functional car-parking use without taking from the spatial quality of the square as a whole;

Having account the current condition and appearance of the buildings, which are not considered to make a material contribution to the ATC, and the fact that this scheme also includes the proposal to redevelop the site, whereby the proposed front elevation of the re-development scheme is considered sympathetic to the ATC setting, on balance the proposals are considered acceptable and in line with the SPPS para 6.22 and ATC 1 of the Addendum to PPS 6.

As per para 6.21 of the SPPS and policy ATC 2 – New Development in an Area of Townscape Character – the Department/The Planning Authority will only permit development proposals in an ATC where the development maintains or enhances its overall character and respects the built form of the area.

As mentioned above, the redevelopment of both buildings will effectively improve the street scene along Duke Street and will positively contribute to the amenity of the town centre. The proposed changes to the front elevation which presents to Duke Street, are considered acceptable whereby there is no proposed increase in ridge height or eaves level. The proposed shop front will enhance the townscape quality whereby the Department considers it to be sympathetic to its setting, both in terms of its immediate building frontage and the wider streetscape. The inclusion of stall risers and pilasters on the shop front are welcomed and considered appropriate and sympathetic to the area. Traditional materials have been proposed including timber windows and doors and natural slate roof. The upper floor windows are vertically emphasised and spread evenly across the façade which is an improvement to the existing fenestration.

Given the above, I am satisfied that the proposal conforms to the overall aim of policy ATC 2 and the SPPS.

Policy NH 6 of PPS 2 is also applicable to the proposal given the location within an AONB. The proposal is considered acceptable in that the redevelopment of the sites is sympathetic to the character of the AONB. The scale, architectural styles and patterns and materials respects the character of the surrounding area.

- 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;

Guidance in Creating Places recommends that in the case of apartments or flat developments private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to 30 sq m per unit. The guidance states that generally developments in inner urban locations and other high-density areas will tend towards the lower figure. There is clearly flexibility in respect the level of provision, but the thrust of the guidance is that it is anticipated that all new residential units are provided some level and form of private amenity space. There is no provision of private amenity space proposed to serve the four apartments. However, the town centre location of the application site is acknowledged whereby Living Over The Shops (LOTS) can make a small but valuable contribution to the promotion of high-density development. The application site is approx. 150m from Ringmacilory Playing Fields and approx. 330m from Warrenpoint Park. The seaside location of Warrenpoint is also noted. In consideration of the urban context including the town centre location, it is considered the proposal would comply with criteria c.

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

All the necessary services are located in close proximity to the site given its town centre location as mentioned above. The site is within walking distance to most neighbourhood facilities including a park, local shops, churches, GP surgery, restaurants and cafes and schools.

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

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

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

Parking Standards provides the guidance of 1.25 unassigned spaces for each 1 bed apartment. Para A1 of Annex 1 of Parking Standards states "Lesser provision may be acceptable in inner urban locations and other high-density areas. In special circumstances, in some inner urban locations, 'car-free' developments may be considered appropriate - where it can be demonstrated that households will not own a car or will keep it elsewhere."

The existing buildings are served by on-street parking along Duke Street. The guidance above advises that 5 spaces are required to serve the proposed accommodation. The proposed 4 x 1 bed apartments replace an existing one bedroom dwelling whereby the Parking Standards advises that 1.5 unassigned spaces for a 1 bed terraced dwelling is required. As such, the

overall parking spaces required is 3.5, taking into account the 1.5 spaces required for the existing dwelling.

PPS 3 AMP 7 states that a reduced level of car parking provision may be acceptable in the following circumstances:

- 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
- 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.

The proposed scheme does not provide any off-street parking, however as there is on street parking outside the site, a number of car parks close by and given its scale and location within the town centre where there is excellent public transport links, walking and cycling opportunities, off-street parking would not be requirement.

The extension to the existing off-licence premises is acknowledged whereby it is not considered that the extension will result in a large increase in customers. The nature of the business is also noted whereby visitors will be short term.

The Planning Department consider the proposal to be compliant with Policy AMP 7 of PPS 3.

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

As mentioned above, the existing and proposed front elevations of the buildings are shown above whereby the ridge height will remain the same as well as the eaves level. The proposed finishes are listed above. The proposal involves the creation of 2 wall dormer windows on the front elevation, similar to those on two buildings adjacent the site, Nos. 10 and 20 Duke Street. The proposed changes to the front elevation which presents to Duke Street, are considered acceptable whereby there is no proposed increase in ridge height or eaves level. As mentioned above, the proposed shop front will enhance the townscape quality whereby the Department considers it to be sympathetic to its setting, both in terms of its immediate building frontage and the wider streetscape. The inclusion of stall risers and pilasters on the shop front are welcomed and considered appropriate and sympathetic to the area.

Traditional materials have been proposed including timber windows and doors and natural slate roof. The upper floor windows are vertically emphasised and spread evenly across the façade. Access is proposed to the upper floor living accommodation as well as an access retained to the rear of the building.

The scale and design of the rear extension is also noted whereby the works will result in a flat roofed rear return with a ridge height of approx. 8.4m from GL. There is an existing flat roofed rear return on the building with a ridge height of 5.4m. Given the existing development surrounding the site, the rear and side elevations are obscured from view along critical viewpoints such as The Square, Duke Street, Church Street and Charlotte Street.

I am satisfied that the proposal complies with (g).

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

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

The Department acknowledge the surrounding context of the site including the adjacent public house which extends to the rear of the development site.

Recent planning history associated with the public house has been outlined above including the approval of a beer garden and the approved change of use and renovation of an outbuilding to a beer garden. Conditions have been attached to both approvals restricting the hours of operation to 12:00-22:00 and restricting the hours of amplified/live music events to 12:00-19:30 (2 per month or no more than 12 per year.) A current application is currently under consideration (LA07/2022/1108/F) to vary the hours of operation of Graffiti Street (no. 13A below) to:

- Monday to Thursday 12:00 to 23:00
- Friday and Saturday 12:00 to 01:30
- Sunday 12:00 to 00:30

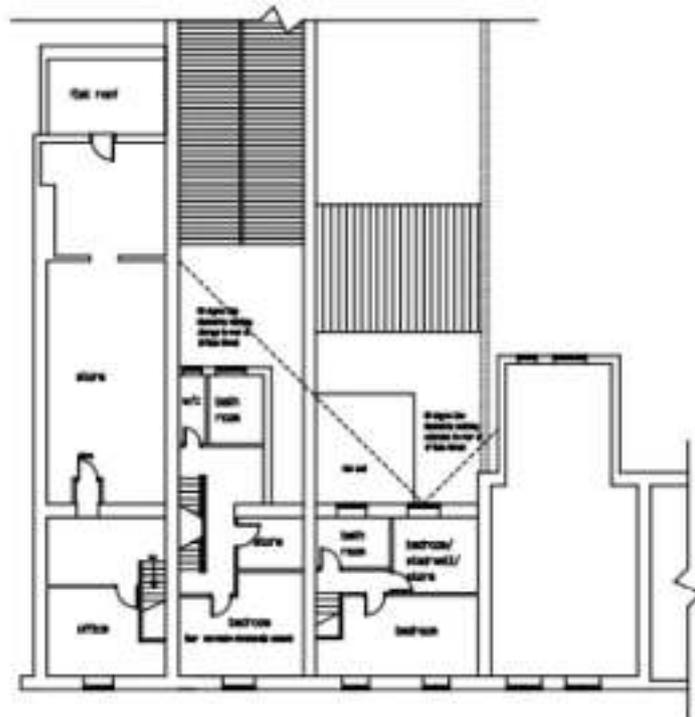


Application site outlined in red and extent of public house and beer garden outlined in blue

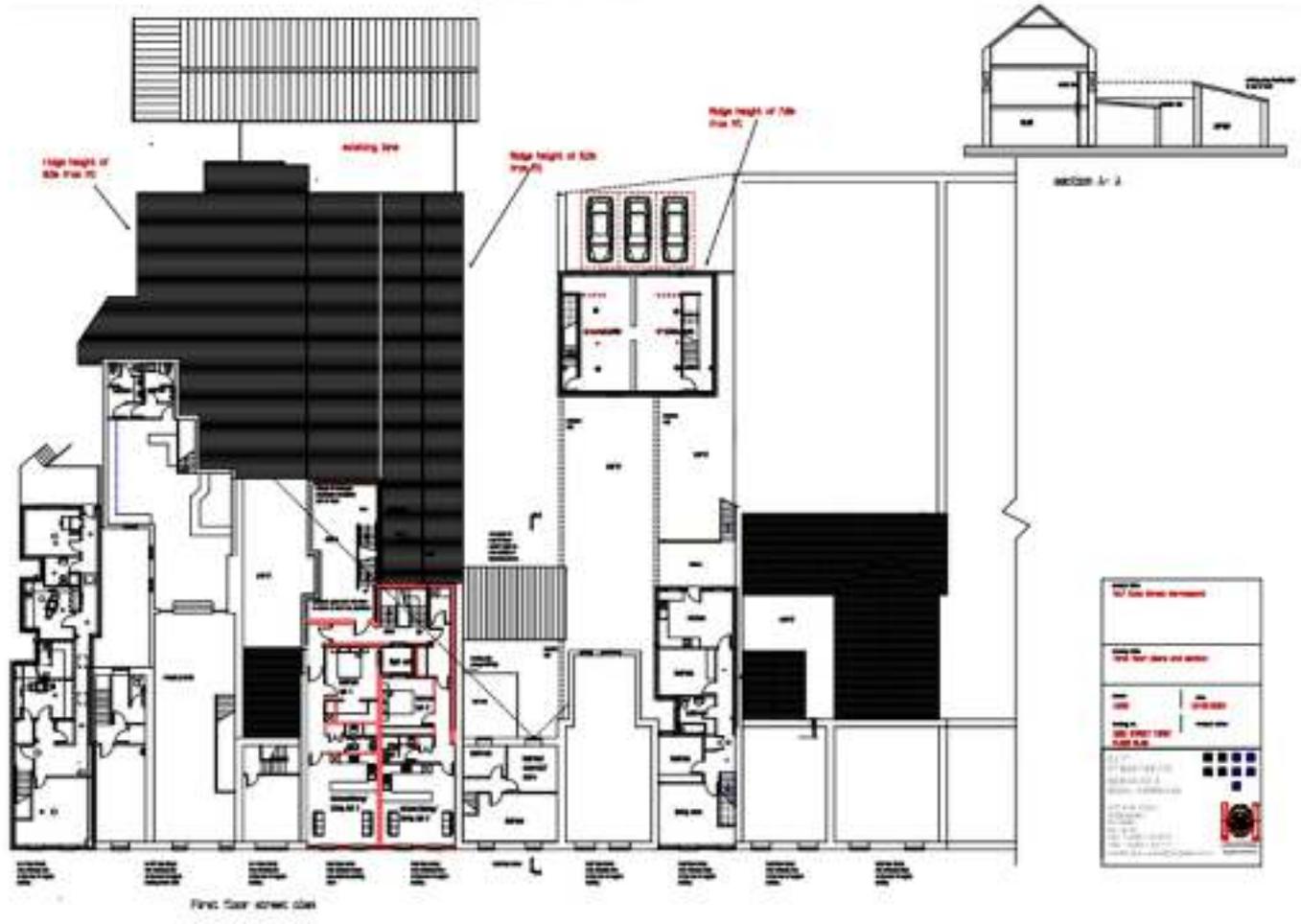
Several consultations have been issued to Environmental Health. As outlined above, a noise impact assessment was submitted whereby EH advised that there is the potential for loss of amenity for the occupants of the proposed apartments due to noise nuisance. EH went on to advise that they have no objection in principle on condition that the specific requirements stated in the Noise impact assessment are included as a condition of any planning permission granted. Further correspondence with Environmental Health (James Campbell) on 20th June and 5th December 2023, confirmed that EH has no objections to this application subject to the noise report recommendations being added.

Having account, the comments from Environmental Health who provided expertise in this respective field and offered no objections, it is considered that subject to conditions being attached, it is not considered that the proposal is acceptable.

Regarding impact on the amenity of neighbouring residents as a result of the proposed works, the neighbouring building to the south-east, No. 9 is currently in use for retail. The commercial nature of this building is noted. The footprint of No. 11 already encompasses the entire plot with an existing flat roofed rear return. The proposal will increase the ridge height of the rear return by approx. 3m. The footprint of No. 13 will be extended to include the entire plot. The existing flat roofed rear return of No. 13 will be extended outwards and upwards in line with the upper floor extension of No. 11. No. 15 Duke Street abuts the application site to the NE and is a residential dwelling. The agent has provided existing and proposed floor plans of the proposal in relation to No. 15.



existing 1st floor scale 1/8" = 1'-0"



section 1-1

First floor street view

PROJECT INFORMATION	
PROJECT NO.	LA07-2022-1395-F
DATE	08/15/2022
SCALE	AS SHOWN
DESIGNER INFORMATION	
DESIGNER	ARCHITECTURAL DESIGN GROUP, INC.
ADDRESS	1000 W. 10TH AVENUE, SUITE 1000, DENVER, CO 80202
PHONE	(303) 733-1111
WEBSITE	www.adginc.com
APPROVALS	
DESIGNED BY	[Signature]
CHECKED BY	[Signature]
DATE	08/15/2022

The relationship between No. 15 Duke Street and the application site (rear) is shown below.



As shown above, there is an existing outbuilding within the yard of No. 15 Duke Street. The common boundary between No. 15 and the application site is defined by a 3m high wall. There is an existing 2 storey rear return to the application building. 'Graffiti Street' butts the application site and is north-west of No. 15. Graffiti Street has a ridge height of approx. 4.9m. The Planning Department do acknowledge the extent of the proposed extension in relation to possible overshadowing of the private amenity space and rear windows serving habitable rooms of No. 15. Both existing and proposed floor plans, elevations and sections have been provided.

However, consideration must be given to the existing site conditions whereby it is evident this row of terraced buildings has been subjected to various extensions over the years. The existing dense urban environment has ultimately resulted in existing overshadowing of No. 15 from the existing rear returns and outbuildings adjacent. The Department note the scale of the proposed development in relation to that existing, and also path of the sun, and on balance consider a refusal could not be sustained on these grounds.

No. 17 Duke Street is sufficiently separated from the application site to alleviate any concerns regarding loss of light or overshadowing.

No side or rear windows are proposed as all internal bedrooms are served by an internal light well. As such, there is no unacceptable overlooking resulting from the proposed development.

The proposed complies with (h).

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

The proposal is considered to comply with this criterion whereby the access to all the apartments is via an access straight onto Duke Street which, due to the town centre location, provides sufficient surveillance.

Overall, the proposal complies with Policy QD 1.

Policy LC 1 of Addendum PPS 7 states:

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

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

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

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

Para 2.4 of Policy LC 1 states

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

The proposal involves the creation of 4 x 1 bedroom apartments which would replace an existing 1 bedroom dwelling. I am content that the proposed density is not significantly higher than that found in the established residential area given the existing apartments found within the town centre. The pattern of development is considered in keeping with the overall character and environmental quality of the established residential area.

In terms of unit size, Annex A provides the minimum floorspace required for 1-bedroom apartments – between 50 and 55sqm. All apartments meet this threshold.

The proposal complies with Policy LC1.

Summary

Generally, the proposed scheme is acceptable in that retailing is to be promoted within town centres and over the shop living is also to be promoted as per PPS 12 as a sustainable form of development. The scheme will also not create any negative amenity issues. The proposal is considered to comply with all prevailing planning policies; as such, approval is recommended.

Recommendation: Approval

Draft 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: 3261 PL EX FP REV A and 3261 PL FP REV B.

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

3. The windows at first and second floor of the development hereby approved shall be hardwood painted.

Reason: The site lies within an Area of Townscape Character.

4. The doors and windows at ground floor of the development hereby approved shall be timber.

Reason: The site lies within an Area of Townscape Character.

5. The pitched roof of the development hereby approved shall be natural slate with clipped eaves to main roof and dormers.

Reason: The site lies within an Area of Townscape Character.

6. The rainwater goods of the development hereby approved shall be aluminium.

Reason: The site lies within an Area of Townscape Character.

7. An acoustic ventilation system shall be fitted in the apartments hereby approved prior to the occupation of the unit it serves which shall be permanently retained thereafter.

Reason: To protect the amenity of residents.

8. The ground floor unit hereby approved shall be used only for any use contained within Use Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

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

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

10. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by the Planning Condition above, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Case Officer Signature: Eadaoin Farrell

Date: 06.12.23

Appointed Officer Signature: M Keane

Date: 06-12-23

Cole Partnership
Architecture and Project Management
12A Duke Street Warrenpoint
Co.Down BT34 3JY

68

Proposed demolition of Nos 11 and 13 Duke Street Warrenpoint and reconstruction of off license with four apartments over. Ref: LA07/2022/1395/F

This is a planning application for the demolition of two existing building in Duke Street Warrenpoint, one of which is an existing off license with storage and the other a dwelling which has lay vacant for over 15 years. The redevelopment of the building as pointed out in the case officers report will improve the street scene of Duke Street.

The case officers reports is satisfied with the proposal in relation to all the applicable policy.

The client is content with the all the recommended conditions and looks forward to rejuvenating this section of Duke Street Warrenpoint.

John Cole
For

Cole Partnership/



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

1.0 Application Reference: LA07/2022/1168/F

2.0 Date Received: 07.07.22

3.0 Proposal: Erection of a 16,730sqm storage and distribution warehouse including ancillary office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, earth bund, site access including realignment of Chancellors Road and right hand turn lane and all other associated site works.

4.0 Location: Lands east of Chancellors Road and to the north and rear of Nos. 44; 46 and 46a Chancellors Road, Newry

5.0 Site Characteristics & Area Characteristics:

5.1 The application site is located approximately 1 mile to the W of the Newry City located on the urban periphery of Newry. The site comprises of approximately 6.62 hectares (16.4 acres) of agricultural lands to the E of the Chancellors Rd and to the W of the NI railway and parallel to the A1 dual carriageway, extending across lands N of and to the rear of Nos 44, 46 and 46 A Chancellors Rd.

5.2 Topography of the site slopes W to E with a gentle sloping gradient downwards from S to NE towards the A1, boundaries are generally defined by existing hedgerows.

5.3 In terms of the locality the site is strategically placed with access to the A1 and Camlough Rd within 0.7- 1.4 miles (N) and to the S via the upgraded junction at Doran's Hill. Development within the immediate area of the site include a cluster of dwellings known as Bleary Bungalows to the SW with several recent dwellings SW boundary of the site. There are also several established industrial developments to the N and S of the site.

5.4 The site is located within the development limits of Newry on land zoned for Economic Development (NY69) as identified by the Banbridge/ Newry and Mourne Area Plan 2015. This includes key site requirements (Realignment of the Chancellors Rd and widened to agree standards along the frontage of the site and from the extremity to the proposed new link from Chancellors Rd to A1 upgrade, hedges on the site boundaries shall be retained and augmented with planting 5-8m wide belt of tree of native species to assist with integration, layout of buildings to ensure that viewed of

open storage areas are minimised to Chancellors Rd and A1).



Application Site



Aerial View

6.0 Relevant Site History:

6.1 Application Site:

LA07/2022/0540/PAN - Erection of a c.16,650sqm storage and distribution warehouse including first floor office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, site access including right hand turn lane at Chancellors Road and all other associated works. Lands east of Chancellors Road and to the north and west of No. 20 Carnagat Lane and to the north and rear of Nos 44, 46, 46a Chancellors Road, Newry. (PAN Concluded 08.04.22)



LA07/2022/0540/PAN Site Location Map

LA07/2022/0269/PAN Erection of a c.16,650sqm storage and distribution warehouse including first floor office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, site access including right hand turn lane at Chancellors Road and all other associated works. Lands east if Chancellors Road and to the north and west of No. 20 Carnagat Lane, Newry. (PAN Concluded 01.03.22)



LA07/2022/0269/PAN Site Location Map

LA07/2019/0934/O - Proposed site for industrial units with associated access road. Site directly adjacent and to North West of 46 Chancellors Road. (Granted 30.01.20)

- No objections received
- Conditions Applied
 - Standard time and details reserved;
 - Acoustic barrier along the boundary 46/ 46 A and at the boundary opposite 1-8 Bleary Bungalows, screening 2m in height;
 - Hours of operation 7am to 7pm Monday to Sat, No Working on Sunday;
 - Deliveries and Dispatch between 7am to 7pm Monday to Saturday only;
 - No external plant shall be installed until full details provided;
 - Details of flood lighting;
 - Use only for B2 (light Industrial), B4 Storage and Distribution) and for no other use;
 - No good or merchandise stationed or displayed in the hardstanding; and
 - A Schedule 6 consent required.



Site Location Map for LA07/2019/0934

LA07/2021/0740/PAD - Erection of a storage and distribution warehouse including first floor office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, site access including right hand turn lane and all other associated works. Lands east of Chancellors Road north and west of no. 20 Carnagat Lane, Newry



Site Location for LA07/2021/0740/PAD

6.2 Surrounding Planning History:

LA07/2022/1357/O - Proposed site for industrial/storage units (Use classes B2/B3/B4) and associated road improvement works. Land to the east of 31 Chancellors Road and 55m to the southwest of 5 Carnagat Lane, Newry. Current (Adj and N of the site) (Current Application)

LA07/2022/0797/PAN- Proposed site for industrial/storage units (uses Classes B2/B3/B4) and associated road improvement works. Land to the east of 31 Chancellors Road and 55m to the southwest of 5 Carnagat Lane, Newry (Adj and N of the site) (PAN Concluded 14.07.22)



Site Location for LA07/2022/1357/O and LA07/2022/0797/PAN

LA07/2021/1759/PAN - Builder's yard with ancillary office, 2no. industrial buildings and 26no. social housing dwellings (Category 1 older persons accommodation, which is self-contained accommodation for the more active elderly that do not require supervision). Land to the east of 31 Chancellors Road and to the south of Carnagat Road, Newry. (PAN Concluded 27.10.21)



Site Location Map for LA07/2021/1759/PAN

LA07/2021/0831/F - Site for erection of 2No. detached dwellings and associated detached garage, with new roads access and associated siteworks. Site directly southwest and adjacent of No. 44 Chancellors Road and east of No. 46A Chancellors Road. Granted (Adj and S of Site)



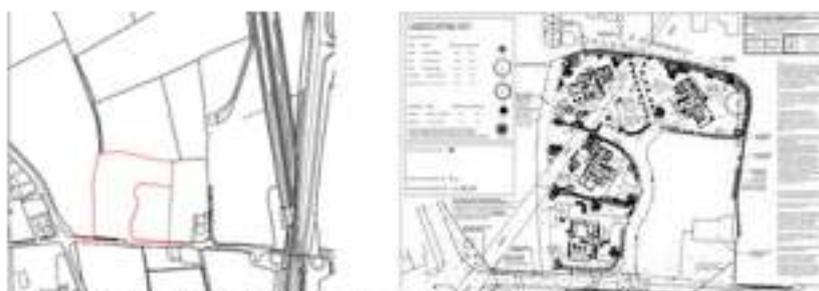
Site Location Map for LA07/2021/0831/F

LA07/2020/0677/F - Erection of 2 detached dwellings, 1 detached dwelling with detached garage, new roads access and associated siteworks. 20m east of 44 Chancellors Road. (Granted 22.10.20), Newry



Site Location Map for LA07/2020/0677/F

LA07/2020/0583/F - Proposed 4 no. new dwellings. 40A Chancellors Road, Newry. (Granted 02.02.21)



LA07/2020/0583/F Site Location and Layout

LA07/2017/0030/F – 6 Dwellings. 40 A Chancellors Rd. Granted 16.10.18.



Site Location Map LA07/2017/0030/F

LA07/2016/1102/RM - Site for erection of 4 No. Detached Dwellings, 1 No. Detached Dwelling and associated detached garage, with new roads access and associated siteworks (5 No. Dwellings in total) (Granted 10.03.17)



Site Location Map LA07/2016/1102/RM

7.0 Planning Policies & Material Considerations:

- Regional Development Strategy 2035 (RDS)
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP)
- DES 2 - Planning Strategy for Rural Northern Ireland
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS 4 - Planning and Economic Development
- PPS 6 - Planning, Archaeology and the Built Heritage
- PPS15 (Revised) - Planning and Flood Risk
- DCAN 10 (Revised) - Environmental Impact Assessment
- DCAN15 - Vehicular Access Standard
- DOE Parking Standards

8.0 Consultations:

8.1 EH (21.11.23) – Environmental Health have no objection subject to conditions.

Construction phase:

The noise consultant's letter dated 27 July 2023 states that NSR14 is the vendor of the land in this application and has also issued a letter of support. Environmental Health would have concern that NSR14 would be affected by noise during construction. If the Planning Office is satisfied that this receptor is financially involved, then Environmental health will not be objecting to the construction phase subject to the following conditions:

1. There should only be works, construction, earth movements etc on site between 0700 and 1800 Monday to Friday, Saturday 0800 to 1300 and no workings on Sundays.
2. Prior to construction commencing on site a noise management plan must be supplied to the Planning Office for approval and this should include resident notification systems, contact for complaints and mitigation for nearest noise receptors.

3. If piling is found to be required then prior to it occurring a revised noise assessment will be required with mitigation measures included.
4. The applicant should comply with all mitigation measures on page 20-21 of the Noise Report.
5. The noise consultant has set a construction target of 65dB LAeq,T resulting from BS5228. To ensure compliance with this a noise monitor should be installed for the construction phase and any breaches
6. The earth barriers and acoustic fencing shown on drawing 01-02 Revision F should be installed prior to the construction of the warehouse commencing.

Operation phase.

1. If the Planning Office are minded to approve the application then all HGV's parking in the site must use electric cooling. No running of diesel cooling to be permitted.
2. Hours of operation for goods in and goods out should be 0600-1900 Monday to Friday and 0700 to 1700 on Saturdays with no working on Sundays.
3. The acoustic barriers should be constructed as shown on the following drawings 01-02 REV I, 05-04 REV D and 05-03 REV E.
4. If a justifiable noise complaint is received the applicant should undertake a BS4142 assessment and submit it to Planning with proposed mitigations. Environmental Health should be consulted on same.
5. All forklifts used on site must be electric to reduce noise disturbance.
6. The vehicle wash should only be used between 0800 and 1800 Monday to Saturday and not on a Sunday.
7. All air handling equipment e.g. refrigerators should be located on the façade shown on 01-02 REV I and limited to a maximum of 60dB(A) at 1m as per letter dated 13 March 2023 from noise consultant.
8. All HGV and LGV using the site should have broadband reversing alarms and beeping alarms should not be used unless required under Health and Safety legislation. The broadband reversing alarms on HGVs and LDVs should also be extended to all forklifts or other mobile machinery or vehicles used on site.

Outdoor lighting.

1. No Environmental Health objections to proposed.

The agent has provided confirmation that NSR14 has a financial interest in the development as per correspondence dated 14.12.23.

Review of the additional information supplied in the consultation dated 17th November 2023. Environmental Health has no objections subject to the above conditions.

8.2 NIEA (06.09.23)

NED has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns.

8.3 NIE (03.08.23)

NIE Networks can confirm that they hereby remove the objection to this planning application on the basis that, the applicant; in the event that planning approval is granted:

1. The applicant, prior to the construction stage, continues with their application for an alteration to the overhead line in order to maintain the safety clearances required to these lines.

8.4 Rivers Agency (31.07.23) – Previous comments 1 and 5 remain the same as previous consultation.

FLD2 - Protection of Flood Defence and Drainage Infrastructure

There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The south western portion of the site is traversed by an undesignated watercourse. The Historical Ordnance Survey maps indicate that an undesignated watercourse historically traversed the site. The site may be affected by other undesignated watercourses of which we have no record.

The applicant has established that the historic watercourse has been culverted and proposes to divert the undesignated culverted watercourse traversing the the site.

- DfI Rivers requires the Schedule 6 consent from DfI Rivers Area Office in relation to the culvert diversion.

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

In addition by way of a planning informative, landowners whose property backs onto this watercourses should be made aware of their riparian obligations to maintain the watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

FLD3 - Development and Surface Water – The DA has provided a detailed drainage design that demonstrates that the issue of out of sewer flooding will be managed by attenuating the 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%), within the proposed drainage network and safely disposed of at limited rate supported by relevant correspondence from DfI Rivers.

If this was achieved it would satisfy the requirement under PPS 15, FLD 3 to provide adequate measures to mitigate the flood risk from the development to elsewhere.

DfI Rivers advises the Planning Authority that the applicant will be responsible for the design, construction and maintenance of the drainage network, and managing the flood risk associated with this network. There will be no further input by a statutory authority. DfI Rivers advises that compliance with the drainage assessment is included in any planning decision.

DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions.

Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

FLD4 - Artificial Modification of watercourses – Artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for The Planning Authority.

Any culverting approved by the Planning Authority will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage (NI) Order 1973

Rivers Agency (08.03.23)

FLD 1 (Development in Fluvial and Coastal Flood Plain) – Does not lie within a 1 in 100 or 1 in 200 year fluvial flood plain.

FLD 5 (Development in Close Proximity to Reservoirs) – Not applicable.

Letter from Rivers Agency dated 12.01.23 confirm approval Schedule 6 consent which is valid for 24 months from date of letter. The remaining policies FL2, 3 and 4 are now satisfied.

8.5 HED (Historic Monuments) (30.06.23)

HED (Historic Monuments) are content the scheme is compliant with policy requirements subject to conditions for archaeological mitigation ahead of development.

8.6 DFI Roads (02.06.23)

Approval subject to conditions.

8.7 SES (05.04.23)

SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

8.8 Loughs Agency (23.08.22)

The applicant should demonstrate best environmental practice when working close to watercourses.

8.9 NIW (08.09.22)

Refusal. Subject to successful discussion

WWTW – Available capacity (Information valid for 18 months from date of consultation – March 24)

Public Foul Sewer - A high level assessment has indicated potential network capacity issues.

Public Water Supply - There is a public water main within 20m of the proposed development boundary which can adequately service these proposals.

Surface Water Discharge - Applicant proposes to discharge storm to nearby watercourse under schedule 6 agreement.

The agent has provided correspondence from Rivers Agency dated 12.01.23 for a Schedule 6 application which remains valid for 24 months (expiring 12.01.25). Correspondence has indicated that Rivers Agency are content with proposals.

9.0 Objections & Representations

9.1 The application was advertised in local newspapers on the 30th/31st August 2022 and readvertised.

9.2 17 neighbours were notified on the 15-24th August 2022.

9.3 As a result of neighbour notification and advertisement the Planning Department has received 321 objections and 1 petition. A letter of support on behalf of multiple addresses has also been provided. The issues raised along with consideration of representations have been set out below:

10.0 Letters of Representation:

10.1. 1 Petition of Support:

33, 44, 46, 46a Chancellors Rd and 20 Carnaget Lane

- Strongly endorse the application;
- Zoned for economic use, land consistent with area plan;
- PPS4 proposals are compliant;
- New contemporary/ industrial designed building is appropriately and sensitively clearly exercised given the buildings juxtaposition with our neighbouring residential properties
- Landscaping is robust and will assist with promotion of sustainability and biodiversity
- Economic benefit

10.2. 321 objections, summary of issues provided below:

10.3 Roads Issues:

- Road safety

- Contrary to PED 9 (G) and AMP1 and AMP2 of PPS3 road network and extra vehicular traffic will generate.
- Chancellors Rd not suitable for HGV traffic
- Road not capable of handling additional traffic/ Road Infrastructure Inadequate
- Traffic

DFI in their consultation response dated 02.06.23 have recommended approval of proposals subject to planning conditions. Following consideration of plans and objections DFI Roads have raised no issues relating to road safety or the inability of current infrastructure to facilitate such a development. Further consideration of proposals against PPS3 are set out below at 24.0.

10.4 Communication:

- Why are letters of objection not being published;
- Objections not sent to EH
- Letters of objection have not been published on the public portal
- These plans have been seen in the local media but not shared with residents and third parties

Due to the high volume of objections received each are manually checked, redacted and scanned before publishing including notification of consultees were necessary. This work has now been undertaken including consultation with EH.

The proposal also required a public consultation exercise prior to submission of the formal application. Whilst not responsible for this exercise the Planning Department is content from the evidence provided that this has been completed. Furthermore, information associated with this application has been published publicly.

10.5 Pollution/ Impact to Environment/ Amenity:

- Air pollution
- Noise
- Light pollution

Environmental Health have considered impacts in terms of noise, air and light pollution and have raised no objections as per their consultation response dated 21.11.23. Issues have also been assessed under 22.0 below.

10.6 Visual Impact:

- Highly visible from A1
- Not possible to hide or integrate building within country landscape.
- Earth bunds proposed at two points these are insufficient to hide the development
- Does not fit into area and will sit out like a sore thumb
- The height and square footage of the building is unprecedented in Newry and its surrounding area
- Size of the warehouse is totally out of keeping within the local area
- Eyesore blotting the landscape
- Building will be seen in all directions

The application site is set within the urban settlement of Newry City sited back and below the road level of the A1. The site is visible on approach along the A1 from the bridge (S heading N) from this perspective the development will be seen in the context of Dennison's Commercial (located to the E) set on a higher level and closer to the A1 than proposals. The development is set to the W of the A1 and is below the road level and will be read along with housing and commercial buildings at Chancellors Rd, overall viewed as an urban context. Views are intermittent due to natural roadside vegetation along the A1 which limited views. Likewise on approach from N to S along the A1 the site lies below the road level and views restricted due to vegetation but the development also benefits from the backdrop of mountainous land to the west which provides a backdrop.

It is not a test of invisibility, the building will be visible on approach in various directions along the A1 and Chancellors Rd. However the building and layout has been well designed to minimise views, along with earth bunds and vegetation planting which when matured will assist in softening the visual aspect of the overall development. The presence of earth bunds/ vegetation will screen views at eyelevel when viewed from immediate properties (Sees sectional drawings 05-04 REV C and 05-03 REV D Site Sections 1-5,6a and 6-12).

The height and square footage are comparable to other development within close proximity of the site including, Norbrook and developments at the Carnbane Industrial estate which are within 2 miles of the site (See diagram at point 19.7)

10.7 Context/ Character:

- Surrounded by agricultural land
- Change from a rural area to industrial
- Existing rural area which will be changed in an unrepairable way
- Industrialisation of our beauty area. Maintain the agricultural nature and encourage the thriving wildlife pollution.
- Site is on the countryside in the Ring of Gullion. Landscape is agricultural with some scattered housing
- Industrialisation of beauty area
- Isn't compatible with surrounding land us
- Local area transformed significantly and unfavourably if the development were permitted
- Maintain agricultural nature of the environment and encourage wildlife

It is acknowledged that the land has been used for agricultural purposes. However the site is located within the development limits of Newry City and on lands zoned for economic development and is not within the open countryside or the AONB. The site has also had the benefit of planning permission for an economic use under planning reference LA07/2019/0934/O with the principle of this use established at the site.

10.8 Previous Approval:

- Previous approval given for small industrial units at this site with necessary road improvements. These were restricted to a smaller site, small units., nearly 3 times the height of the current plans of over 18m.
- Original conditions stipulated ridge height of 8m as to not adversely affect the area

- Original outline hours of operation were 7am to 7pm
- No resemblance to original small scale outline proposals
- Proposed development dwarfs the small units
- Scale of the development proposed larger than outline approval for two small industrial units with max ridge of 8 m
- Outline had restriction in hours of operation and deliveries to and from the site restricted to avoid impact on neighbours
- Proposing 24/7 operation
- The 2020 permission restricted hrs of opening to 7am to 6pm deliveries in and out 7am to 6pm and no Sunday working to protect amenity
- Outline given for 2 small units
- Council previously ruled size of units should not exceed 8m to avoid impact on residential amenity and visual amenity, 18m is much greater will be rejected as council position changing

Planning permission has been granted at the site for the principle of industrial units (LA07/2019/0934/O) on a site which was much smaller, it also was closer to the road and neighbouring properties than current proposals. The original planning approval had no restriction on height or size or number of units as these details were matters reserved for detailed drawing stage. There was a conceptual plan showing two smaller buildings however this was for illustrative purposes only, the hours of operation were from 7am to 7pm Monday to Sat and closed Sunday.

Although the current development encompasses a much larger site the development proposed this will be set further back from residential properties than what was originally approved. There is no doubt that the buildings are much larger in terms of size and scale, however the building has been set back with site layout, design, earth bunds and landscaping will assist in minimising visual impact. The hours of operational use will also be restricted to avoid impact to residential amenity.

10.9 Alternative Sites:

- Alternative sites in Carnbane and Greenbank to locate development
- Savage and Whitten already in Carnbane why is it not staying in a locality where there is infrastructure and services that already exist
- There are zoned industrial estates for this sort of development
- Welcome the investment by Savage and Whitten but have chose the wrong location
- Sufficient sites available at Greenbank/ Carnbane
- Full scale industrial operation trying to locate in a residential area
- Should be sited in an existing established industrial area such as the Carnbane where it currently operates

It is outside the remit of the Planning Department to insist that the applicant stays at their existing premises. The site offers a better location in terms of direct access to strategic road and rail infrastructure, the site is zoned for an economic use with development proposals in accordance with the key site requirements of the land zoning. See consideration of land uses in relation to the development plan at 17.0.

10.10 Loss of Amenity - Loss of Privacy/ Overlooking/ Loss of light

- Loss of light

- Overlooking
- Impact to privacy
- Residential disturbance
- Height we will be overlooked by office workers on 2nd floor
- Height of distribution centre will mean that neighbours are overlooked
- Impact to residential amenity
- Prisoners in our own homes due to, lighting and unsafe road

Given the set back and distance of the proposed building and car parking areas there will be no direct loss of light, overlooking or impact to privacy. The earth bunds, planting, orientation of the building and main use of the SE portion of the site will limit any potential disturbance. Environmental Health in their comments dated 21.11.23 have no issues of concern regarding impact to amenity.

10.11 Generation of Litter/ Vermin

- Generation of litter
- Generation of vermin

This is outside the remit of the Planning Department and is the responsibility of the developer to ensure adequate measures are in place to manage and control.

10.12 Sustainable Travel

- No public transport on Chancellor Rd
- Movement pattern does not support walking/ cycling

The development is contained within the settlement limits of Newry City with access to wider public transport within the area. The proposals will also include cycle parking and linkage through to the existing footpath network to encourage sustainable patterns of movement.

10.13 Habitat:

- Trees and plants, hedgerows ripped up to make way for this warehouse and hundreds of animals killed in the process
- Removal of trees and plants
- At odds with protecting species
- Maintain agricultural nature of the environment and encourage wildlife
- Impact to natural heritage/wildlife/ ecology/ habitat

The Planning Department are aware of the current use of the site for agricultural purpose. However, the land is zoned within the urban settlement of Newry for economic development and given the former planning history of the site precedent has been set for an economic use at this location, therefore the change from agricultural to an economic land use is unavoidable.

In relation to existing vegetation, habitat and wildlife at the site NIEA in comments dated 06.09.23 have no objections to proposals subject to condition. Impact to natural heritage and vegetation has been considered at 23.0 below.

10.14 Size/ Scale of the Development

- Large/ high building out of keeping within a largely rural area
- Unprecedented size and operation within the countryside, previous approval much smaller industrial units
- Not consistent with local area will dominate
- Some industry in the area but these are modest in nature and family run businesses. Proposals are out of keeping and will be visible for miles.
- Buildings of this size cannot be readily concealed, footprint and ridge many times greater than other buildings in the area .
- Dimensions are totally at odds with current fabric and is compatible to the area
- Destroy the nature of the area which is situated in an AONB
- Unprecedented size
- Monstrous size
- Dominant
- Due to size and scale unable to screen the building
- Storage shed tallest within the Corrinshogo area
- Permit a large an high building is totally out of keeping in a largely rural area
- Creation of an eyesore
- Scale, mass and nature will not integrate
- Buildings of this scale cannot be readily concealed
- Scale so big it cannot be physically integrated and would harm the appearance of the rural area character
- Monstrous building will not fit in with low level houses on the road
- Extraordinary scale and form will have on visual impact
- Blight on the local area
- Enormous building
- Totally out keeping
- Footprint and ridge are many times bigger than any other building in the area
- Totally out of scale and proportion of surroundings
- Impact to visual amenity
- Unable to integrate

The site is located within Newry City with examples of similar size and form found within the settlement. The Planning Department acknowledge the large size, scale and form of the development however notwithstanding this the development is located on lands specifically zoned for this purpose and the principle established through the grant of the former permission.

The agent has carefully designed the development in terms of its set back further from the road than what was originally permitted under LA07/2019/0934/O, the development is set 3m below the road level of the Chancellors Road and A1 road levels, and has orientated the narrower portions of the elevations to front onto the public road views, the stepping arrangement to the frontage screen views of the larger warehouse to the rear and the use of earth bunds and landscaping will further assist with integration with some of the tree species. Once these have reached maturity will be 12m-30m in height will in time assist in screening views. The building cannot be readily screened but attempts have been made to soften the visual aspect but also the development is not misplaced when considered along with other

commercial development within close proximity including those with larger footprints of a similar scale and mass within a 2 mile radius of the site.

10.15 Noise Report

- Noise Report has inconsistencies
- Noise report submitted has errors. Request a 3rd party independent noise consultant

The Environmental Health department in consultation responses had to seek clarity on a number of issues with regard to noise related information. In comments dated 21.11.23 they have indicated that they are content with proposals subject to condition.

10.16 Lack of Pavement

- No pavement
- Pedestrians and residents unable to walk this road
- No pavement for walkers

Development proposals include linkage to the existing network to the S of the site with further pathway provided to the N, this will assist in improving the current situation at this location.

10.17 Flooding

- Flooding

The site is not located within the flood plain therefore there are no associated risks of flooding within the immediate area of the site.

10.18 Maps Inaccurate

- Developer using maps which are not up-to-date

The Planning Department have considered this and have checked against Spatial Ni records as well as departmental mapping. The Department has no issues of concern in relation to this.

10.19 Parking Bays at Bleary Bungalows

- Parking bays at Bleary bungalows however how can these be restricted for use by residential only

Proposals have sufficient incurtilage parking for users and visitors of the site without need to park outside the development. Notwithstanding this the developer in widening the road, realignment and creating a new foot way is able to facilitate a

parking bay immediately opposite and outside the properties at Bleary Bungalows which will be an improvement on the current roadside parking arrangements. Despite this provision the Planning Department cannot place restriction on a publically used road facility.

10.20 Operational Hours

- Servicing of hub 24 hours a day
- Operation of business 24/ 7 will have continuous and loading and distribution cycles
- Hours of operation restricted by the council now the developer is proposing 24/7
- 24/7 operation will have a detrimental impact
- 24/7 deliveries leaving site at 6am
- 12 loading bays and 40HGVS this means through the night there will be movement HGVs as they are being loaded for preparation for the first deliveries

The Planning Department is mindful of the potential for impact to residential amenity, whilst the applicant has taken steps to avoid impact in terms of acoustic earth bunds, fencing etc and use of the SE portion of the site for main operational use for loading/unloading. The Planning Department has also made it conditional to restrict the operational hours of use to ensure that residential amenity is protected.

10.21 Vegetation Planting

- Requires appropriate boundary treatment and means of enclosure are provided and storage areas screened form view
- No amount of landscaping will cover this eyesore
- Lack of screening
- Site not adequately screened
- Impossible to screen
- Earth bunds proposed at two points and even these with minimal landscaping planned will not be able to hide this blot on the landscape

The Planning Department acknowledge that it will be difficult to screen the development initially nor is it possible to eradicate views of the site from areas of public assembly. Notwithsdtanding this the developer has taken steps in terms of the design , layout, orientation, earth bunds and landscaping to assist in softening the visual appearance and in time with maturity of vegetation will further assist in screening the development.

10.22 Crime

- Increase in crime

The site is secured in terms of fencing and vegetative boundaries around the site and will be informally surveilled by users of the site which should assist in prevention of crime.

10.23 Acoustic Barrier/ Earth Bund

- Some type of acoustic barrier proposed but it will only merely reduce noise not eliminate it.
- Acoustic fencing and earth bund on small part of site developer ignored impact by not putting on noise and reducing impact on the full boundary of the site

EH have raised no issues of concern in their comments dated 23.11.23

10.24 Land Zoning

- Land should never been zoned for economic development in predominantly rural detached residents
- Land should never have been zoned for economic activity
- Object to land zoning for economic development
- Since zoning significant residential growth surrounding site
- More suitable location for this development on land zoned for economic development in established industrial areas

Prio to publication of the Banbridge, Newry and Mourne Area Plan 2015, the area plan including intended land zonings would have went through due process in terms of consultation, public consultation and public inquiry. Following this process, the area plan was adopted and published in 2015 with the land zoning and key site requirements for the site set out within the plan. The development sought fully adheres to the land zoning and key site requirements as set out within the area plan.

10.24 Historical Area

- Steeped in history with standing stone
- Chancellors Rd of huge historical significance to the heritage society as it forms part of the NITB guided tours for visitors around the world
- Object to impact to historic standing stone

The Planning Department are aware of the standing stone and archaeological potential at the site therefore consulted with Historic Environment Division (HED). In comments dated 30.06.23 advised that they were content that the scheme was compliant with relevant policy subject to archaeological mitigation.

10.26 Economic Development

- No economic argument for the destruction of the beautiful landscape of Ring of Gullion
- Economic need for 20 jobs but building is too much

- No economic argument for the development which outweighs the adverse impact which it will have on residents
- Object to economic argument for the development on the basis that the circa 20 jobs created doesn't warrant the adverse impact would have on the local residential and agricultural area bordering the Ring of Gullion due to scale, nature and form
- Bringing jobs to the community. These jobs already exist in Savage and Whitten in the Carnbane industrial estate less than 2 miles from site. The creation of 10% increased jobs circa 20 but no time on when jobs will be created
- Not a stringent enough economic argument

Firstly, the site is located within the settlement of Newry City on lands zoned for an economic purposes of which proposals comply.

The developer has advised that the scheme presents a logistical base to bolster and secure import/ export supply chains throughout Northern Ireland, making a positive contribution to and deliver much needed employment to the area.

The business is a local wholesale company and is within the top 100 NI Businesses as one of the largest independent wholesalers on the island of Ireland servicing over 2000 customers. The development proposals represents a development investment opportunity with a gross value of circa £15m; which will support in excess of circa 120-150 construction jobs and apprenticeships, with plans to build on its 200 + workforce, with economic impact set to positively benefit suppliers and subcontractors within the local areas (See 5.4, 5.5, 6.3 and 6.4 of the Supporting Planning , Design and Access Statement).

10.27 Objection from Chancellors Rd Residnets – Noise/Hours of Operation (23.11.23 and 14.12.23)

Issues raised have been previously considered by EH and Planning. Issues relating to noise and impact to residential amenity were fully considered throughout the planning process which resulted in additional information and a meeting held with the agent to address this. It is of note that the proposed scheme is set further back from properties than original sought under LA07/2019/0934/O, encompasses earth bunds, acoustic fencing, planting bands and the operation uses located to the SE side of the development to avoid impact to amenity. The nearest properties affected i.e. 44, 46, 46a Chancellors Rd, 33 Chancellors Road and the property at No. 20 are supportive of proposals. The Planning Department also propose the implementation of restrictive conditions on operational use etc in the event that planning permission is granted.

11.0 Consideration and Assessment:

11.1 The proposals involve the erection of a 16730sqm storage and distribution warehouse including ancillary office and accommodation.

11.2 The development will include re-alignment of the road with 2.5m wide layby to be allowed for residents along the Chancellors Road. A new access approx. 20m NE of the entrance of 33 Chancellors Road and creation of footway along the road frontage to connect the footway link to the S. A 5 metre, deep screen planting belt with native species hedgerow and trees, directly behind this with approximately 30m of undeveloped green space with a 3m high earth bund with planting. Immediately behind the bund is the service road and carparking for the development which leads to a service yard, security cabin, switch room and fuel tank, with loading area along the SE portion of the site whilst a recycling and vehicle washing bays located to the extreme NE of the site. The site boundaries are surrounded by 5m wide roadside planting, 5m planting and 8m buffer planting to the NW and NE portions of the site with maintenance of wildlife corridor, earth bunds are also located adj and N of 20 and to the rear of 44, 46 and 46a with additional planting along the bund and along the service yard with undeveloped greenspace between.

11.3 The proposed building is located approximately 115m -150m at its nearest point from residents at Bleary Bungalows, 105-165m away from 44, 46 and 46a Chancellors Rd And 55m from No. 20. The building comprises 16730 sqm.

11.4 The building finished floor level is 88.5m sitting approximately 3.5m below the road level. The front portion of the site is 16.3m in height finished with window and doors curtaining walling, Kingspan cladwhite and grey. The building is 2/3 storeys high which will accommodate meeting rooms, reception, chill room at ground floor, 1st floor conference room, training, sales, 2nd includes canteen, sales, accounts area extending along the frontage to provide further trading, finance customer service office accommodation. Whilst at third floor of 2/ 3 storey floors to accommodate HSE, HR and sales. The warehouse is located to the rear of the office accommodation which is 18.5 m in height extending 230m with loading bays etc only accessible form the S side of the development. Along this portion of the site is additional transport offices, switch room and canteen as well a forklift charging station. The external finishes are grey goose clad and roller shutter doors, office areas in Kingspan white colour panelling. The front portion of the building is only accessible to the public, loading bays etc are only accessible along the southern portion of the site.

12.0 Development Management Regulations:

12.1 The development has been considered under the Planning (Development Management) Regulations (Northern Ireland) 2015 as a storage and distribution warehouse within Part 8 of the regulations as the area of the site exceeds 1 hectare (6.62 ha) and the floor area also exceeds 5000 sqm (16730 sqm) and therefore required the submission of Proposal of Application Notice which was submitted under LA07/2022/0540/PAN.

12.2 The regulation also requires a pre-application community event to be undertaken prior to the submission of the formal submission of the major application. However, due to the Coronavirus pandemic temporary modification under the Planning (Development Management) (Temporary Modifications)(Coronavirus) (Amendment No. 2) Regulations (Northern Ireland) 2021 were in place. Which suspended the requirement to hold a public event as temporary measure during the emergency period to be extended until 31st March 2022.

12.3 The agent submitted a Pre-Application Notice to the Planning Department on the 7th February 2022 which was subsequently agreed in writing on the 8th April 2022. Due to the temporary modification of legislation the agent carried out public consultation by way of corresponding with Cllrs/ MLAs and elected representatives, all addresses within 200m radius of the site had correspondence hand delivered or by way of a leaflet drop, public notices within the Newry Reporter 30th March 2022 and a dedicated digital website created.

12.4 Supporting evidence of this process was submitted as part of this application to demonstrate that this has been carried out in accordance with legislative requirements at that time (See Pre Application Consultation Report dated 7th July 2022).

13.0 EIA Screening:

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

14.0 Habitats Regulations Screening

14.1 This planning application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council dated 5th April 2023, the informed response is attached at Annex A of the consultation response.

14.2 Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

14.3 Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 05/04/2023. This found that the project would not have an adverse effect on the integrity of any European site.

15.0 Planning Act:

15.1 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.

16.0 The Regional Development Strategy (RDS) 2035:

16.1 The RDS is an overarching strategic planning framework supporting sustainable development whilst encouraging strategic links between settlements. Newry has been identified within the RDS as the South Eastern City gateway due to its close proximity to the land border and major port of Warrenpoint as well as its position on the main Belfast-Dublin Corridor.

16.2 The site is located on the western part of Newry City within 0.4 miles of Newry ByPass linking to the A1 major route and is well connected to both Belfast and Dublin due to its close proximity to the main road as well as rail links.

16.3 The development is proposed on lands zoned for economic use within the Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) with its close proximity to strategic transport corridors which makes this site well placed for development in the context of the regional structure and strategic connections. Proposals fully meet the requirements of Regional Guidance on Economy insofar as fulfilling the requirements of RG1 (RG1: Ensure adequate supply of land to facilitate sustainable economic growth) and RG2 (Deliver a balanced approach to transport infrastructure) of the provisions of the RDS

16.4 The site is located to the western part of Newry city within close proximity to strategic transport corridors which makes this site well placed for development in the context of the regional structure and strategic connections, fully conforming with the provisions of the RDS.

17.0 Banbridge/ Newry and Mourne Area Plan 2015



17.1 The Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP) is the operational Local Plan for this site, which identifies the site as being within the settlement limits of Newry City (NY01).

17.2 Under Policy SMT2 (Volume 1 of the Plan) zoned economic development land planning permission will only be forthcoming provided development is in accordance with prevailing regional planning policy, plan proposals as well as key site requirements.

17.3 124 hectares of land within the settlement has been zoned for economic development under allocation ECD1 (Volume 1 of the Plan)(which allows for a range of economic development uses which includes General Industrial (Class B3), Light Industrial (Class B2), Business (Class B1) and Storage and Distribution (Class B4) as defined in the Planning (Use Classes) Order (Northern Ireland) 2015 (The former 2004 Planning Use Classes Order 2004 now superseded by the 2015 Order).

17.4 The site comprises 6.62ha of the 19.46ha of land zoned for economic development at Chancellors Road part of the NY69 land zoning (Zoning NY 69 – Economic Development Chancellors Road) which identifies specific key site requirements:

- The Chancellors Road will be realigned and widened to agreed standards along the frontage of the site and from the site extremity to the proposed new link from Chancellors Road to the A1 Upgrade;
- Hedges on the site boundaries shall be retained and augmented with the planting of a 5-8 metre wide belt of trees of native species to assist integration of development on the site;
- Layout of buildings to ensure that views of open storage areas are minimised to Chancellors Road and the A1.

17.5 From the detailed plans provided (Site Layout Plan 01-02 REV I and 5212759-ATK-ZZ-DR-D-100 – Private Streets Determination Drawing) the proposed development has included realignment and widening to agreed standards along the frontage of the site which has been accepted by DFI in their consultation response dated 02.06.23 and also includes footway link to the N and S of the access allowing linkage to the existing footpath network and proposals also include widening to facilitate 2.5 wide layby along residential properties at Chancellors Road.

17.6 The site is accessed from the Chancellors Road, the only open area of storage within the site comprises of a designated skip area for recyclable materials which is tucked away to the rear NE corner of the site away from residential properties. The area of open storage is discreetly located and will be screened from view from the A1 due to planting band and earth bund, given the distance back from the Chancellors Rd it is not envisaged that there will be any view of the open storage area. The arrangement of the building with shorter width elevations onto the Chancellors Road and A1 have been carefully designed to limit views. Whilst acknowledged it does not eliminate views in its entirety (further consideration to visual aspect will be assessed below) the area plan does not seek to have a test of invisibility.

17.7 The developer proposes a 5m deep screen planting to the rear of the visibility splay with a 30m depth undeveloped green open space to rear with a 3m earth bund and planting on top. Surrounding boundaries immediately adjacent to the development also comprise of hedge/ tree planting with outer boundaries retaining and augmenting

vegetation particularly along the outer boundaries along the A1 and to the rear of 44, 46 and 46a Chancellors Rd.

17.8 The development will consolidate the company's operations at other locations within Newry to provide a purpose built facility for Savage and Whitten Wholesale (See support Planning, Design and Access Statement June 22 – Para 3.0 Proposal Details). Proposals fall within Part B of Industrial and Business Use Classes B1-4 as defined within the Planning (Use Classes) Order (Northern Ireland) 2015 and is in compliance with the uses permitted under this zoning, as set out within the development plan.

17.9 In summary, the proposal in principle, is acceptable to the BNMAP 2015, however the detailed scheme must also meet prevailing policy requirements, as considered below.

18.0 Planning Policy Consideration:

18.1 As there is no significant change to the policy requirements for industrial development following the publication of the SPPS and it is somewhat less prescriptive, the retained policy of PPS4 will be given substantial weight in determining the application in accordance with paragraph 1.12 of the SPPS.

19.0 Policy PED 1 - Economic Development in Settlements:

19.1 Policy PED1 of PPS4 directs that development proposals for an industrial or business use defined as Classes B1 – Business Use, Class B2- Light Industrial, B3 - General Industrial and B4 – Storage and Distribution as defined by the Planning (Use Classes) Order 2015 will only be permitted within a city where it is specified for such use within a development plan.

19.2 The site is zoned for economic development (NY69) within the Banbridge/ Newry and Mourne Area Plan 2015 (BNMAP 2015) which allow for range of economic development uses to which these proposals adhere to.

19.3 Proposals include office accommodation as part of the facility falling within category a of the Class B1: Business Use. The office use proposed is subsidiary to the main Class B4 use proposed at the site and fully adheres to the provisions of the area plan land zoning as well as PED 1 considerations.

19.4 The use of the site for storage and distribution purposes falls within Class B4 with policy only allowing for this type of development to be permitted specifically if allocated for such purposes in an development plan, to which this development adheres.

19.5 However, whilst meeting the requirements for use in a specifically zoned area . In addition a Class B4 development will also be permitted in an existing industrial/ employment area if it can be demonstrated that:

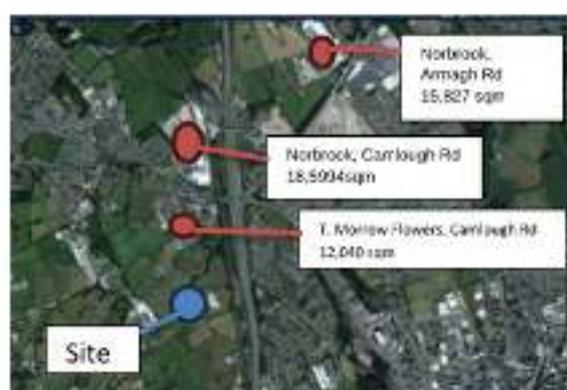
- the proposal is compatible with the predominant industrial employment use
- it is of a scale, nature and form appropriate to the location

- not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally

19.6 There are several Class B (Industrial and Business Use) found along the Chancellors Road and Carnagat Lane within close proximity of the site but also the site is zoned for economic development with proposals found compatible with the predominant industrial employment use.

19.7 Whilst the Planning Department acknowledge the significant size, scale and form of the development however it is compatible with similar scale developments within a 1 mile radius of the site and therefore is appropriate to its location.

Furthermore, to mitigate the visual impact the building has been designed consisting of four, three and two storey blocks to break up the larger warehouse building set behind. Along with earth bund on the perimeter with planting of native tree species and retention of existing shrubs and trees where possible. Through appropriate design and landscaping measures the development will not dominate the area.



19.8 The proposed site will utilise 6.62ha (30% of the 19.46ha available) of zoned land for economic use available at this location leaving sufficient availability of lands to allow for additional industrial/ employment uses at this locality and the area plan in general.

19.9 *The proposed development in its entirety not only fully conforms with the land zoning at this location but also meets the requirements of PED 1 for the reasons set out above.*

20.0 Policy PED 9 General Criteria for Economic Development

20.1 PED 9 of PPS4 sets out further general criteria (a to l) which must be met for all economic development proposals:

(a) it is compatible with surrounding land uses;

20.2 The proposed development is located within the settlement limits of Newry City on land specifically zoned for an economic development use and is located within an area where there are several Class B (Industrial and Business Use) found along the Chancellors Road and Carnagat Lane within close proximity of the site (Two Stacks

Whiskey, Ireland Craft Beverages, Nostrand, Resonate, AC Autocare, Citywest Transport, OSM Electrical Engineering, Convery Contracts).

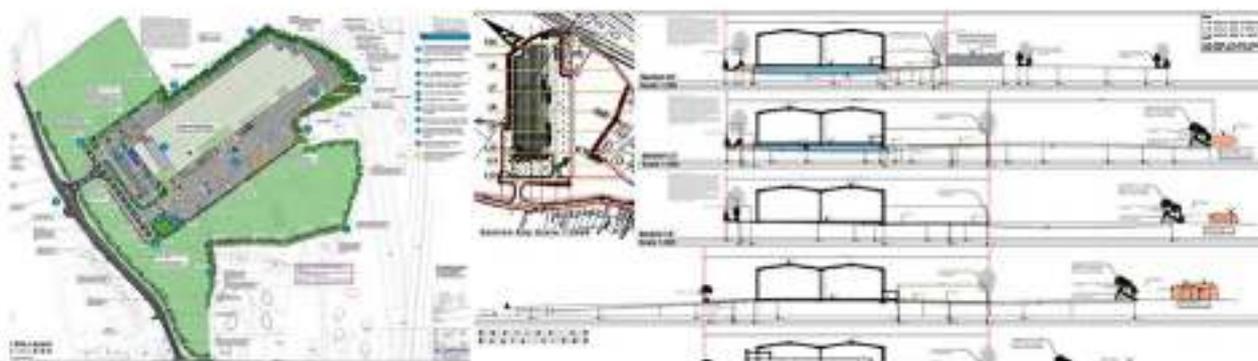
There are several residential dwellings within the vicinity of the site including those residents at Bleary Bungalows, 44, 46 and 46a Chancellors Rd and No. 20. Despite this the development at its nearest point i.e. the access road is approximately 65m away whilst the main building is approximately 110m away, the development is sufficiently removed from residential properties to avoid impact to amenity and thus the development is compatible alongside existing residential uses also.

Proposals meet criteria a of PED 9.

(b) it does not harm the amenities of nearby residents;

(e) it does not create a noise nuisance;

(f) it is capable of dealing satisfactorily with any emission or effluent;



20.3 The development proposed to create a 3m earth bund with planting above with the building approximately 30m away from this directly to the rear of Nos. 44, 46 and 46 a Chancellors Road, the building at its nearest part is approximately 110m away. As the building, bund and planting are located to the north of these properties there will be loss to daylight or overshadowing caused. Given the distance this development is located away from properties there will be no overlooking or loss to privacy. Any views of the development from the residents is restricted due to the earth bund and planting proposed. For those residents at Bleary Bungalows these are much further away from proposals at approximately 65 m from access road and 115m from the building, again given the separation distances there will be no issues relating amenity. Overall, the development to the nearest neighbours are 65m -115, which is sufficiently distanced away from these properties to avoid any potential nuisance

Furthermore, Environmental Health have considered impact in relation to noise, air pollution as well as general amenity upon residents and have raised no issues of concern in their consultation response dated 21st November 2023 and 4th December 2023 subject to adherence to planning conditions.

Proposals meet criteria b,e and f of PED 9, for the reasons set out above.

(c) it does not adversely affect features of the natural or built heritage;

20.4 HED in comments dated 30.06.23 are content the scheme is compliant with policy and NIEA in comments dated 06.09.23 has considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided, has no concerns.

Criteria c is complied with.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

20.5 The site is not located within a 1 in 100 or 1 in 200 year fluvial flood plain nor is it located within an area of inundation from a reservoir therefore there is no known flood risk associated with the site. In terms of exacerbating flood risk elsewhere Rivers Agency in their consultation response dated 31.07.23 have considered the information provided with the application including the drainage assessment and have concluded that while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions

Overall proposals meet criteria d of PED 9.

(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;

20.6 Proposals include road widening, realignment, creation of 2.5m wide layby for residents on Chancellors Rd and link to the existing footpath network. There is sufficient access, parking and manoeuvring within the site and adequate linkage to support sustainable patterns of movement. DFI Roads in their consultation response 02.06.23 have no objection to proposals subject to planning conditions.

Proposals adhere to criterion g,h and i of PED 9.

(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

20.7 The site layout of the development has been carefully formed taking account of residential amenity, protection of wildlife, surrounding context in terms of finishes, existing business development within the area as well as bringing road improvements at this location and promotion of sustainability.

The proposed external finishes take into account the finishes of the surrounding character. The scale and massing are acknowledged as significant however taking account of other established business within the area is compatible to these developments. The design and finishes of the development have included a stepped arrangement along the frontage to break up the appearance of the larger warehouse to rear. The design and finishes include lighter colours used in the front façade comprising powdered coated aluminium and white panels with glass to create softer visual aspect and goosewing grey to rear with loading bays to keep out of sight from the Chancellors Rd and A1, earth bunds on the perimeter of the site with planting of native tree species and retention of existing shrubs and trees will assist with integration. Loading bays and parking for HGVs have been positioned to the side to protect vistas surrounding the lands as well as noise mitigation measures to protect residential amenity from any potential noise disturbance. Areas of outside storage are located to the rear of the development out of sight and adheres to the key site requirements of the area plan in this regard.

Proposals includes realignment and widening of the Chancellors Road with inclusion of a right turning lane into the development, which will assist in the promotion of road safety. The inclusion of footpath linkage and cycle parking, its strategic location close to the major roadway and rail links will assist in promotion sustainable patterns of movement.

Proposals include extensive landscaping throughout the layout with inclusion of wildlife corridors to the N and E of the site will assist in integration but promotion of protection of wildlife/ habitat at the site.

Areas of existing public access adjacent and S/SW of the site are informally surveilled by the proposed office block maintaining safety and security at the site along with the 2.4m palisade fencing will deter access.

Proposals meet the criteria of j, k and l for the reasons set out above.

(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

20.8 Site is located within the development limits of Newry City within an urban setting therefore criteria m is not applicable in this case.

Criteria m not applicable

Overall proposals fully adhere to the requirements of PED 9 as outlined above.

21.0 DES 2 – Townscape

21.1 The site is located within the development limits of Newry on land zoned for economic use and, also has had the benefit of planning permission which a restrictive condition relating to a B2 or B4 Use Class use at this location. Therefore, the land use at this location is acceptable. Overall, the design and layout has taken account of design and finishes, context of the wider surrounds, it does not create

conflict with adjacent land uses and is sufficiently distanced away from residential properties to avoid any issue relating to residential amenity.

On this basis the application fulfils the requirement of DES 2 of the PSRNI.

22.0 SPPS - Safeguarding Residential and Work Environs 4.11 and 4.12

22.1 Paragraphs 4.11 and 4.12 of the SPPS outlines that there are a wide range of environmental and amenity considerations including noise and air quality which should be considered when assessing a development management proposal.

22.2 Each of the 321 objections received in relation to the application have been fully considered with issues raised including concerns in relation to proposals such as impact due to noise, light, air quality, design, visual intrusion, general nuisance, road issues.

22.3 In terms of noise nuisance the Planning Department consulted with Environmental Health who had raised noise concerns in their consultation responses dated 02.02.23, 18.05.23, 11.09.23 and 14.11.23. Given the concerns raised by EH a meeting was held on the 17th November 2023 between Planning, EH and representatives of the proposal with discussions of concerns upon residential amenity with further information required.

Further information was submitted on the 17th November and forwarded to EH for consideration , with EH having no objections subject to condition. The development has been carefully designed to avoid any amenity concern in relation to noise as the site layout in terms of additional buffer planning along the boundaries, an earth bund surrounding the site with planting, the position of the car park and access is some 60-65 m away from residential properties and the building 110/115m away from houses, all HGV deliveries and collections occur on the SE side of the building, the nearest building to this side are 44, 46, 46a Chancellors Road, whilst the nearest entrance point is closest to No. 33 Chancellors Rod which have submitted a letter of support to proposals with the nearest property at No 20 having a vested financial interest which was confirmed by letter on the 14.12.23.

22.4 Environmental Health have considered proposals as well as objections in relation to impact upon amenity in relation to light pollution and have no objections as per their comments dated 21.11.23.

22.5 As the proposals are for a storage and distribution use there is not likely to be air pollution issues, although during construction phases of the site there may be issues relating to dust however if controlled and managed by the developer during construction should not be problematic. EH in comments dated 21.11.23 have set out conditions which should be adhered to during construction and operational phases of the development.

22.6 Paragraphs 4.11 and 4.12 of the SPPS give consideration to the visual intrusion that proposals can have in terms of impact to amenity.

Letters of objection have also raised this as an issue of concern. The Planning Department have acknowledged the scale and mass of the building at this location and have considered the wider context in which there are several other commercial uses within the locality but also the scale and size of buildings within 0.5 miles of the site including Norbrook and T.Morrow Flowers which offer a similar floor size in comparison. Notwithstanding this, the development has been carefully orientated to reduce visual impact by the stepped arrangement along the front facade to break up the visual appearance of the much larger warehouse to the rear, the front elevation and narrower elevation comprises of lighter coloured façade with powder coated aluminium to create a softer visual impact. The building is set back from the road and at a distance from residential properties.

The proposal also includes tree/ woodland planted boundaries and use of native trees within the site along the W and S parts of the development which include trees species such as Cherry (18-25m height and maturity), Scots Pine (30/35m maturity), Oak (20/40m maturity) and Hazel 12m maturity). Whilst it is acknowledged that the initial planting will have limited screening. However once planting has become established and matured growing to 12-40m in height which will surpass the height of the proposals. The use of 3m earth bunds and planting on top as well as roadside vegetation will assist in screening views for immediate residents (see sectional drawings) there will be no direct overlooking, overshadowing, loss of light caused by proposals as it is far removed from residential properties.

22.7 In terms of wider views the site sits below the A1 and its distance from this, the natural topography as well as vegetative boundaries within the vicinity will cause intermittent views and orientation of the building with narrower elevation facing both roads will reduce visual impact. The building will also be set against a backdrop of rising land to the W of the site which will aid integration. There are views from the bridge between Martins Lane and Chancellors Road, however views are read in conjunction with Dennison's Commercial to the E and housing to the west with the development placed behind this, whilst the policy is not an test of invisibility the site again has a level of backdrop provided by distant hills and also with vegetation will over time have a lesser visual exposure.

22.8 Other environmental considerations have been set out below in relation to water supply and sewerage.

22.9 Proposals adhere to paragraphs 4.11 and 4.12 of the SSPPS for the reasons set out above.

23.0 SPSS and PPS2 – Natural Heritage

Policy NH 2 - Species Protected by Law and Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

23.1 Planning permission is only forthcoming if it is not likely to harm a European protected species and will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on Habitats, Species or Features of Natural Heritage Importance.

23.2 NIEA in comments dated 6th September 2023 have confirmed that the application site contains species which are protected by the Wildlife Order. Further information was sought from the agent regarding previous comments and additional information in the form of ecology information and additional drawings were provided.

23.3 In relation to protect species i.e bats, badgers and newts within the vicinity of the site. NED have considered the additional ecological information, protected species management plan and drawings provided and are content with the proposed recommendations and mitigation noted by the ecologist and provided such works are undertaken in accordance with the detail provided. Overall, on the basis of the information provided NED have no concerns subject to recommended conditions.

23.4 In terms of lighting impact upon habitat NED have also considered additional information in the form of an Outdoor Lighting Report (May 23) and on the basis of information provided consider it unlikely that proposed lighting on the site will have any significant impact on protected species or other wildlife.

23.5 Priority Habitat in the form of hedgerow at the site will be removed to facilitate development. Whilst acknowledged these can have significant biodiversity value in relation to plant species and corridors for movement of species. NED have considered the revised Landscape Plan (Drawing No. 300 Rev 4) which indicates that there will be retention of tress and hedge along with further planting of trees along site boundaries but also proposals for a wildlife corridor to be created along the N and E portions of the site.

23.6 Provided that the planting schedule is undertaken as indicated on the submitted drawings, NED consider that it is unlikely that the proposed development will have a significant impact on priority habitats.

23.7 Given that here is existing vegetation at the site which has the potential to support breeding birds. It is recommended that any works are carried out outside bird breeding season or checked prior to works by an ecologist (this can be made conditional in the event that planning permission is granted).

23.8 NED has considered the impacts of the proposal and have concluded that it is unlikely proposals will have any significant impact on any designated site.

23.9 Proposals meet the requirements of the SPPS as well as NH 2 and NH5 of PPS2 for the reasons set out above and NIEA have no objection to proposals subject to conditions.

24.0 SPPS, PPS3 – Access, Movement and Parking, Parking Standards (Policy AMP 1 Creating an Accessible Environment, Policy AMP 2 Access to Public Roads, AMP 6 Transport Assessment, AMP 7 Car Parking and Servicing Arrangements, AMP 8 Cycle Provision and AMP 9 Design of Car Parking) and DCAN 15 – Vehicular Access Standards

24.1 The proposal involves the creation of a new access (70m NW of No. 1 Bleary Bungalows and opposite No. 33 Chancellors Road), the internal road to the NW of the site is for maintenance purposes only with HGV and deliveries contained to the SE portion of the site, parking, 167 car parking spaces to the front to the development which includes mobility parking, covered cycle parking area. A new footway will be provided along the frontage of the site linking in with the existing network to the SE of the site. Proposals also include road widening, creation of a 2.5m layby to the front of dwellings and right turning lane into the development.

24.2 A detailed Transport Assessment has been provided in accordance with AMP6. Although the road layout since original submission has been amended to address concerns originally outlined by DFI in a meeting dated 15th November 2022. The latest scheme submitted has been further considered by DFI Roads and the final amended details are considered acceptable to the requirements of PPS3 AMP2 (Access to Public Routes) and DCAN 15 (Vehicular Access Standards). Private Streets Determination Drawings have also been signed off by DFI in relation to the new footway being provided along part of the Chancellors Road. The necessary conditions as provided by DFI Roads are included at the end of this report, to ensure the requirements of PPS3 are met.

24.3 PPS3 Policy AMP7 deals with Car Parking and Servicing requirements given proposals are for a Class B4: Storage and Distribution Use car parking provision is in the rate of 1 space per 250 sqm GFA and 1 lorry space per 250sqm GFA this equates to the provision of 67 car parking and 67 lorry spaces. The development some 167 carparking spaces, 59 lorry spaces and 12 cycle spaces with sufficient room incurtilage for turning, parking and manoeuvring and is well screened from view from the public road through proposed vegetation planting. The parking provision also takes account of staffing requirements on site and has more than adequately facilitated parking at this location. In terms of parking numbers, the proposed parking provision is acceptable to Policy AMP7 and the requirements of DOE Parking Standards. The car parking is proportionately allocated throughout the scheme, giving consideration to a balance of spaces and user requirements making provision for those whose mobility is impaired. In summary, the proposed parking

provision (as amended) is considered acceptable to Policy AMP1, AMP7 and the guidance of DOE Parking Standards.

24.4 Transport NI in their consultation response dated 02.06.23 have no objection with proposals subject to condition.

24.5 *Proposals meet the requirements of the SPPS and PPS3.*

25.0 SPPS and PPS 6 - Planning, Archaeology and the Built Heritage (Policy BH 4 Archaeological Mitigation)

25.1 The site is located in an archaeological sensitive area with several recorded archaeological sites and monuments within the surrounding landscape, including a standing stone located close to the S boundary of the application site.

25.2 The agent has submitted an Archaeological Impact Assessment which has now been reviewed by HED. In comments dated 30th June 2023 have considered the detailed information in relation to setting and archaeological potential and have concluded that whilst there is high archaeological potential at the site which may contain previously unrecorded below ground archaeological potential. Notwithstanding this HED Monuments are content that the scheme complies with relevant policy. However, this will be subject to planning conditions for archaeological mitigation prior to commencement of development at this specific location.

25.3 *Proposals meet the requirements of the SPPS and PPS6 for the reasons set out above.*

26.0 SPPS and PPS15 Revised Planning Policy Statement 15 'Planning and Flood Risk

26.1 Policy FLD 1 and FLD5 – The site does not lie within the 1 in 100 year fluvial or 1 in 200 coastal flood planning nor is it within the pathway of inundation from either Camlough Lake or Bessbrook Pond.

26.2 FLD2 – There are no designated water courses within the site. However the SW portion of the site is traversed by an undesignated watercourse. Following comments received from DfI Rivers (March 23) the agent forwarded additional information by email on the 7th June 2023 which included updated drainage assessment and drainage drawings which were considered by Rivers Agency.

The applicant also advised that the historic watercourse had already been culverted with proposals to divert the undesignated culverted watercourse. In order to do this a Schedule 6 consent is required. The agent furnished the Planning Department with a letter from Rivers Agency dated 12.01.23 confirming approval of a Schedule 6 Consent, as well as this sufficient scope has been left to the undeveloped portion of the S side of the development to allow provision of a maintenance strip to allow access for Rivers Agency personnel.

On this basis the requirements of FLD2 have been satisfied.

26.3 FLD3 – A Drainage Assessment submitted July 2023 has been considered by Rivers Agency which has demonstrated that sewer flooding will be managed by attenuating the 1 in 100 year event, including an allowance for climate change (10%) and urban creep (10%), within the proposed drainage network and safely disposed of at limited rate. This is supported by a letter of confirmation of a Schedule 6 consent from Rivers Agency dated 12.01.23.

26.4 Whilst the developer is ultimately responsible for the design, construction and maintenance of the drainage network, and managing associated flood risk. Provided that the developer fully complies with what the drainage assessment has set out - which will be made conditional in the event that planning approval is given. Overall, in comments from Rivers Agency there is an acceptance of the logical reasons set out that they have no reason to disagree with the conclusions made.

The requirements of FLD3 have been satisfied

26.5 FLD 4 – A culvert is proposed within the NW portion of the site to provide for diversion of the undesignated culverted watercourse, which has confirmed Schedule 6 consent (See letter from Rivers Agency dated 12.01.23).

Policy FLD 4 has now also been satisfied.

Rivers Agency in comments dated 31.07.23 and 08.03.23 have raised no issues of concern with proposals and subject to condition proposals satisfy the requirements of the SPPS as well as FL2,3 and 4 of PPS15 for the reasons set out above.

27. 0 Water and Sewerage

27.1 The applicant proposes to connect to the mains water supply, public sewer and surface water through a mains sewer.

27.2 Having reviewed NIW comments dated 08.09.22 there is available capacity at the WWTW and a public water supply.. Although there is a public foul sewer within 20m of the development there is nevertheless capacity issues in relation to this. The applicant has obtained a Schedule 6 Consent for the discharge of storm water to the nearby watercourse.

27.3 NIW in comments dated 08.09.22 have alluded that subject to successful discussion and outcomes regarding issues they may reconsider their position. The agent has been made aware of these of capacity issues and has confirmed by way of email on the 05.12.23 that they are dealing directly with NIW to resolve.

27.4 The developer has engaged in a process with NIW responding on the 1st December 2023 providing a Solution Engineers Report which has outlined the measures to be undertaken by the developer and setting out a way forward.

27.5 As the applicant has engaged in this process with NIW, ultimately the onus is on the applicant to obtain relevant consents from NIW for connect to supply ensure that sewerage provision is provided on site prior to commencement. As connection, capacity and consent requirements are matters that lie outside the remit of the Planning Department this does not prevent the application being approved subject to negative conditions to ensure adequate connection is made prior to the development commencement and becoming operational.

28.0 Impact to European Sites:

28.1 This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Newry, Mourne and Down District Council.

28.2 Having considered the nature, scale, timing, duration and location of the project it is concluded that the project would not have any adverse effect on the integrity of any European site either alone or in combination with other plans or projects.

28.3 This conclusion is subject to the following mitigation measures being conditioned in any approval.

29.0 Consideration and Assessment Summary:

29.1 Having had regard to the development plan, consideration of the objection letters and all other material considerations (including SPPS, DES 2 of PSRNI, PPS2, PPS3, PPS4, PPS6, PPS15, DCAN15, DOE Parking Standards,) the proposed scheme merits as a suitable economic development proposal which is in full compliance with the land zoning of the area plan, adheres to key site requirements and full complies with planning policy for the reasons set out above. Therefore, the application is recommended for approval subject to the necessary planning conditions outlined below.

30.0 Recommendation: Approval

31.0 Draft 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:

● C-01 REV A	Drainage Layout (Sheet 1 of 2)	13.06.23
● C-01 REV B	Drainage Layout (Sheet 2 of 2)	13.06.23
● 01 REV B	Location Plan	24.04.23
● 01-01	Site Survey	07.07.22
● 01-SA	Site Analysis	07.07.22
● 01-KS	Site Key Requirements	07.07.22
● 01-CP	Concept Plan	07.07.22
● 01-02 REV I	Site Layout Plan	02.08.23
● 02-01 REV B	Proposed Plan GFL Warehouse	31.03.23
● 02-03 REV A	Floor Plans Administration Block to Frit. Ground, First, Second and Third Floor Plans	07.07.22
● 02-10 REV A	Plan Areas	07.07.22
● 02-10 REV A	Plan Areas	07.07.22
● 03-01 REV C	Proposed Elevations	31.03.23
● 04-01 REV A	Typical Building Sections	07.07.22
● 05-03 REV E	Proposed Site Sections 1-5 & L6A	02.08.23
● 05-04 REV D	Proposed Site Sections 6-12	02.08.23
● 05-05 REV A	Sections at Boundary B1-B6	31.03.23
● 05-06 REV A	Sections at Boundary B7-B12	31.03.23
● 06-01	Bike Shelter	07.07.22
● 06-02	Security Gate Kiosk	07.07.22
● 06-03	Sub Station Switch Room	07.07.22
● 06-04	Stand By Generator	07.07.22
● 300 REV4	Landscape Plan	17.07.23
● 301 REV O	Landscaping Planting Plan	17.07.23
● 45/CD/NY/22 REV 1	Exterior Lighting Layout Rev11	17.07.23
● 45/CD/NY/22 SL1	Street Lighting Layout	07.07.22
● 5212759-ATK-ZZ-DR-D-1001 REV P04	Private Streets Determination Chancellors Road	31.03.23
● 5212759-ATK-HGN-DR-D-0002A REV P02	Private Streets Determination Longitudinal Profile	31.03.23
● 5212759-ATK-HGN-DR-D-0002 REV P04	Private Streets Determination Longitudinal Profile	31.03.23
● 5212759-ATK-HGN-DR-D-0002 REV P01	Private Streets Determination Longitudinal Profile	07.07.22
● 5212759-ATK-HGN-DR-D-0003 REV P01	Typical Construction Detail	31.03.23

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

3. Construction works (including earth movements) shall only take place between 0700hrs and 1800hrs Monday to Friday, Saturday 0800hrs to 1300 and no construction works are permitted on Sundays.

Reason: In the interest of residential amenity.

4. Prior to commencement of development a noise management plan which shall include details of resident notification systems, contact for complaints and mitigation for nearest noise receptors shall be submitted to and agreed in writing by the Local Planning Authority to the satisfaction of Environmental Health.

Reason: In the interest of residential amenity.

5. No piling is permitted until a revised noise assessment including mitigation measures are submitted to and agreed in writing by the Local Planning Authority to the satisfaction of Environmental Health.

Reason: In the interests of residential amenity

6. All noise mitigation measures shall be implemented in accordance with Pages 20-21 of the Noise Report (dated ...).

Reason: In the interests of residential amenity

7. Prior to commencement of development a noise monitor shall be installed and shall be retained at the site for the duration of construction works, all noise during construction shall not exceed 65dB LAeq (resulting from BS5228). This shall be implemented for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority to the satisfaction of Environmental Health.

Reason: In the interests of residential amenity.

8. Prior to the operational use of the development hereby permitted the earth barrier and acoustic fencing shall be constructed in accordance with drawing No. 01-02 Rev I, 05-04 REV D and 05-03 REV E. The acoustic barriers shall be retained thereafter.

Reason: In the interest of residential amenity.

9. All HGV's parked within the site shall only use electric cooling, there shall be no running of diesel cooling permitted.

Reason: in the interests of residential amenity.

10. The operational hours of the development hereby approved (including all deliveries and associated distribution activity) shall be strictly limited to be 0600hrs -1900hrs Monday to Friday and 0700hrs to 1700hrs on Saturdays (closed Sundays).

Reason: In the interest of residential amenity

11. In the event that a justifiable noise complaint is received the applicant shall complete a BS4142 noise assessment and shall include mitigation details, this shall be submitted to and agreed in writing by the Local Planning Authority to the satisfaction of Environmental Health.

Reason: In the interest of residential amenity

12. All forklifts used on site shall be electric only.

Reason: To reduce noise disturbance and to protect residential amenity.

13. The vehicle wash shall only be operational between 0800hrs and 1800hrs Monday to Saturday and shall not be used on a Sunday.

Reason: In the interest of residential amenity.

14. All air handling equipment (such as refrigerators etc) shall be located on the façade shown on drawing No. 01-02 REV I and shall be limited to a maximum of 60dB(A) at 1m as per letter dated 13th March 2023 from the noise consultant. This shall be implemented and maintained in perpetuity unless otherwise agreed in writing by the Local Planning Authority to the satisfaction of Environmental Health.

Reason: In the interest of residential amenity.

15. All HGV, LGV including forklifts or other mobile machinery shall only use broadband reversing alarms (beeping alarms shall not be used unless required under Health and Safety legislation).

Reasons: in the interests of residential amenity.

16. No development activity shall commence until an updated Protected Species Management Plan (PSMP) has been submitted to, and agreed in writing by, the Local Planning Authority to the satisfaction of Natural Environment Division (NED).

All works on site shall conform to the PSMP and any amendments to the PSMP shall be agreed in writing with the Local Planning Authority. The PSMP shall include (but not be limited to) the following:

- a. Aims and objectives of the PSMP;
- b. The roles and responsibilities of the Ecological Clerk of Works;
- c. Results of updated badger surveys prior to any works commencing, including vegetation clearance or associated mechanical operations;
- d. Details of all badger management, mitigation and protection measures to be implemented during all phases of the development and the results of the monitoring of the effectiveness of such measures;

- e. Setts proposed for permanent closure under licence;
- f. Setts proposed for temporary closure under licence;
- g. Timing and scheduling of all sett closures;
- h. Details of the setts which will be available to badgers within and adjacent to the site during and after the imminent phase of the development and proposed mitigation measures to protect badgers during construction works;
- i. Details of the creation of an artificial Sett and associated mitigation measures;
- j. Details of the provision of Wildlife Corridors and associated mitigation measures.

Reason: To protect badgers.

17. Prior to the commencement of any of the development hereby approved a person recognised by NIEA as a suitably qualified and experienced person has been appointed as an Ecological Clerk of Works (ECoW) and the roles and responsibilities of the ECoW submitted to and agreed in writing with the Local Planning Authority. The ECoW shall be responsible for the production of the PSMP and shall supervise all construction activities at regular intervals.

Reason: To protect badgers.

18. Prior to the commencement of any of the development hereby approved no development activity, including ground preparation or vegetation clearance, shall take place until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres as indicated within the submitted Protected Species Management Plan (dated).

No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones unless an appropriate Wildlife Licence has been obtained from NIEA and evidence of this shall be submitted to and agreed in writing by the Local Planning Authority to the satisfaction of NIEA.

Reason: To protect badgers and their setts on the site.

19. All works to take place within 25 metres of existing badger sett entrances on site shall be supervised by an NIEA Protected Species Licence holder.

Reason: To protect badgers and their sett.

20. The landscaping and planting plans shall be carried out in accordance with Drawing number 301 Rev O – Landscape Planting Plan and Drawing number 300 Rev 4 – Landscape Plan.

Reason: To minimise the impact of the proposal on the biodiversity value of the site.

21. If within a period of 5 years from the date the development is completed any tree, shrub, or hedge is removed, uprooted, destroyed, 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 Local Planning Authority gives written consent to any variation.

Reason: To minimise the impact of the proposal on the biodiversity value of the site.

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

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

23. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 22.

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

24. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition L15a.

These measures shall be implemented and a final archaeological report shall be submitted to the Local Planning Authority within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Local Planning Authority

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

25. 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:5212279-ATK-HGN-DR-D-0002 REV P04 Published 06th April 2023

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.

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number . 5212279-ATK-HGN-DR-D-0002 REV P04 Published 06th April 2023

The Local Planning Authority hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

27. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No: 5212279-ATK-HGN-DR-D-0002 REV P04 Published on 6th April 2023 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.

28. No other development hereby permitted, shall be occupied until the Footway has been completed in accordance with details submitted to and approved by Planning on Drawing No: 5212279-ATK-HGN-DR-D-0002 REV P04 Published 06th April 2023

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

29. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure Street Lighting Section. The details of which shall be submitted to and agreed in writing by the Local Planning Authority.

Reason: Road safety and convenience of traffic and pedestrians.

30. The Street Lighting scheme, including the provision of all plant and materials and installation of same, shall be implemented as directed by the Department for Infrastructure's Street Lighting Section

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians.

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

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

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

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

33. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 1, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

34. The parking spaces as shown on drawing No. (....Site Layout) shall be provided prior to occupation of the development hereby approved and shall be retained and available solely for the parking of vehicles associated with the development thereafter.

Reason: To ensure adequate parking in the interests of road safety and the

convenience of roads users.

35. No goods, merchandise or other material shall be stationed or displayed on or about the forecourt of the premises.

Reason: To safeguard the visual appearance of the premises and of the area generally.

36. All hard and soft landscape works shall be carried out in accordance with drawing No. (.....Site Layout) and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following the operational use of the building hereby permitted.

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

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

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

CONDITIONS:

EH

1. There should only be works, construction, earth movements etc on site between 0700 and 1800 Monday to Friday, Saturday 0800 to 1300 and no workings on Sundays.
2. Prior to construction commencing on site a noise management plan must be supplied to the Planning Office for approval and this should include resident notification systems, contact for complaints and mitigation for nearest noise receptors.
3. If piling is found to be required then prior to it occurring a revised noise assessment will be required with mitigation measures included.
4. The applicant should comply with all mitigation measures on page 20-21 of the Noise Report.
5. The noise consultant has set a construction target of 65dB LAeq,T resulting from BS5228. To ensure compliance with this a noise monitor should be installed for the construction phase and any breaches
6. The earth barriers and acoustic fencing shown on drawing 01-02 Revision F should be installed prior to the construction of the warehouse commencing.

Operation phase.

1. If the Planning Office are minded to approve the application then all HGV's parking in the site must use electric cooling. No running of diesel cooling to be permitted.
2. Hours of operation for goods in and goods out should be 0600-1900 Monday to Friday and 0700 to 1700 on Saturdays with no working on Sundays.
3. The acoustic barriers should be constructed as shown on the following drawings 01-02 REV I, 05-04 REV D and 05-03 REV E.
4. If a justifiable noise complaint is received the applicant should undertake a BS4142 assessment and submit it to Planning with proposed mitigations. Environmental Health should be consulted on same.
5. All forklifts used on site must be electric to reduce noise disturbance.
6. The vehicle wash should only be used between 0800 and 1800 Monday to Saturday and not on a Sunday.
7. All air handling equipment e.g. refrigerators should be located on the façade shown on 01-02 REV I and limited to a maximum of 60dB(A) at 1m as per letter dated 13 March 2023 from noise consultant.

8. All HGV and LGV using the site should have broadband reversing alarms and beeping alarms should not be used unless required under Health and Safety legislation. The broadband reversing alarms on HGVs and LDVs should also be extended to all forklifts or other mobile machinery or vehicles used on site.

Outdoor lighting.

1. No Environmental Health objections to proposed.

NED CONDITIONS

Recommendations:

1. No development activity shall commence until an updated Protected Species

Management Plan (PSMP) has been submitted to, and agreed in writing by, the Council. All works on site shall conform to the PSMP and any amendments to the PSMP must be agreed in writing with the Council. The PSMP shall include (but not be limited to) the following:

- a. Aims and objectives of the PSMP;
- b. The roles and responsibilities of the Ecological Clerk of Works;
- c. Results of updated badger surveys prior to any works commencing, including vegetation clearance or associated mechanical operations;
- d. Details of all badger management, mitigation and protection measures to be implemented during all phases of the development and the results of the monitoring of the effectiveness of such measures;
- e. Setts proposed for permanent closure under licence;
- f. Setts proposed for temporary closure under licence;
- g. Timing and scheduling of all sett closures;
- h. Details of the setts which will be available to badgers within and adjacent to the site during and after the imminent phase of the development and proposed mitigation measures to protect badgers during construction works;
- i. Details of the creation of an artificial Sett and associated mitigation measures;
- j. Details of the provision of Wildlife Corridors and associated mitigation measures.

Reason: To protect badgers.

Natural Heritage

2. No development activity shall commence until a person recognised by NIEA as a

suitably qualified and experienced person has been appointed as an Ecological

Clerk of Works (ECoW) and the roles and responsibilities of the ECoW agreed in

writing with the Department. The ECoW shall be responsible for the production of the PSMP and shall supervise all construction activities at regular intervals.

Reason: To protect badgers.

3. No development activity, including ground preparation or vegetation clearance,

shall take place until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres as indicated within the submitted Protected Species

Management Plan. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones unless an appropriate Wildlife Licence has been obtained from NIEA and evidence of this has been provided to the Planning Authority in writing, Reason: To protect badgers and their setts on the site.

4. All works to take place within 25 metres of existing badger sett entrances on site shall be supervised by an NIEA Protected Species Licence holder.

Reason: To protect badgers and their setts.

5. The landscaping and planting plans shall be carried out in accordance with Drawing number 301 Rev O – Landscape Planting Plan and Drawing number 300

Rev 4 – Landscape Plan. If within a period of 5 years from the date the development is completed any tree, shrub, or hedge is removed, uprooted, destroyed, 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 written consent to any variation.

Reason: To minimise the impact of the proposal on the biodiversity value of the site.

NIE CONDITONS

Following discussions with the applicant, NIE Networks can confirm that they hereby remove the objection to this planning application on the basis that, the applicant; in the event that planning approval is granted:

1. The applicant, prior to the construction stage, continues with their application for an alteration to the overhead line in order to maintain the safety clearances required to these lines.

We would also like to take this opportunity to refer the applicant to HSE Guidance Note HSG

47 "Avoiding danger from underground services" which set out the safe working practices and

construction methods that should be employed and to HSE Guidance Note GS6 "Avoidance of

Danger from Overhead Electric Lines" which sets out the safe working practices and construction methods that should be employed.

The applicant can contact us as below, and must state their planning application reference number.

Case Officer Signature: Patricia Manley

Date:22.02.22

Appointed Officer Signature:

Date:

Over 300 residents, political representatives and community groups have objected to this application. The application is contrary to planning policy and should therefore be refused.

Key background points to note:

- The proposed site is right on the border of the Newry City settlement development limit and the outstanding area of natural beauty of the Ring of Gullion.
- The character of the area is rural in nature. Land use is predominantly agricultural with scattered residences.
- The land was zoned for economic development as part of the 2015 LDP. This is totally at odds with the surrounding area use. Since this zoning there has been a significant increase in residences immediately surrounding the site with 8 new family detached homes built, 8 new detached homes with planning permission granted, and land recently sold for residential development.
- We challenge the economic zoning of this land and intend to input to the new local development plan when the opportunity arises to challenge the zoning of this area for industrial use.
- Outline planning permission (LA07/2019/0934/O) was approved on this site in 2020 with the conditions:
 - the eave height of any building to be limited to 8m so as to not adversely impact the visual amenity of the area;
 - the hours of operation and deliveries to and from the site to be limited to Monday to Saturday 7am to 7pm and no Sunday operation, so as not to adversely affect residential amenity.

This application should be refused as it is contrary to the above conditions and to planning policy as follows:

Planning policy statement 4- PED 1 Which states

A Class B4 development will be permitted in a proposed industrial/employment area where it can be demonstrated: that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location.

The proposal is not compatible with the predominant industrial/employment use as it is being proposed for an agricultural area with scattered residences. This application is enormous and clearly not of the scale, form and nature which is in keeping with this largely rural area. The proposed development will have a detrimental impact on the visual amenity of the area, dominating the landscape. No amount of screening will allow such a massive development to be absorbed.

PED 9 – General Criteria for Economic Development

This application does not meet several of the required criteria, including:

- **Criteria A It is compatible with surrounding land use.**

It is not compatible with this largely agricultural area with scattered residences and some small-scale businesses.

- **Criteria B It does not harm the amenities of nearby residents**

It will have a detrimental impact on the quality of life of residents with the continuous noise, air and light pollution and traffic congestion. Environmental Health has consistently recommended refusal due to noise. This changed on 21st Nov with no change in the applicant's operation proposed. Our group has challenged the depth of the Environmental Health consultation with no detailed analysis of the current applicant operation as a basis and no consideration of the applicant's planned operations expansion.

- **Criteria C- It does not affect the natural heritage**

This is an area rich in protected wildlife species including badgers, bats, newts and birds. The NIEA require a protected species management plan to be implemented which among other things includes the movement of

badger setts. The development involves the removal of hedgerows which is contrary to the 2015 local development plan site requirement that hedgerows be maintained for this site.

- ***Criteria E- It does not create a noise nuisance.***

The proposed development will create a huge noise nuisance for local residents resulting from the multiple HGV movements in and out of the site in narrow time periods, from the operation of movement of HGVs through the night to allow loading of HGVs ready for morning, noise resulting from employees movements out and into site at various shift changes including night time, noise from operations on site e.g. chiller refrigeration, forklifts, vehicle wash and waste management.

- ***Criteria G- the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified.***

The road network, even with proposed development is inadequate. The 2015 LDP required the Chancellors Road to be realigned and widened to agreed standard from the site extremity to the proposed new link from chancellors Road to the A1 upgrade. No improvements have been proposed at the Corrinshogo crossroads, a junction with poor visibility. No improvements have been proposed between 8 Bleary Bungalows and Corrinshogo crossroads, an accident blackspot. The key site requirement of the LDP is not being adhered to.

The Chancellors Road is a B road which since the building of the A1 is now a heavily used commuter road for those travelling to and from Newry and the Republic from South Armagh. The Road is very narrow at points where cars and HGVs are unable to pass each other without stopping and driving on the verge. There is no pavement for most of the 60MPH road, used daily by walkers and hikers. The site traffic will exasperate these road safety issues. Residents have consistently campaigned for improvement of this part of Chancellors road and it's adjoining junctions through political representatives with the DFI. Assuming all traffic from the proposed site will go and come South of the site is unacceptable.

- ***Criteria 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.***

This application does not support walking and cycling to the site. There is no pavement beyond the site for walking on the north side. No cycle lanes are provided on any part of the road. There is not adequate access to public transport with no public bus service on Chancellors Road. Further this proposed development does not provide access to services and reduce the need to travel. The location increases the need to travel with few services in the vicinity as far outside the city centre and not near established industrial zones.

- ***Criteria M - in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.***

Although technically classed as inside the settlement development limit of Newry this site is in reality in the countryside. It is not possible to integrate this development into the local landscape. The local area would be transformed significantly and unfavourably if this development is permitted. Many other sites in existing industrial areas in the Newry area are available for this type of development.

Cumulative Impact

The cumulative impact of this application and neighbouring site application LA07/2022/1357/O has not been considered. These two applications together will have a further detrimental impact on the visual amenity, residential amenity, natural heritage and put further strain on an inadequate road network. For example, both applications have proposed a pavement along part of their site frontage however although they are next door there is a significant gap remaining between pavements which shows the cumulative impact of both applications is not being sufficiently considered.

In summary

This is the wrong location for the proposed development. Putting this huge development on this site will have a detrimental impact on the visual amenity of the area, residential amenity, and impact severely on the safety and congestion of the local road network with no accessible public transport in place.

Reference: LA07/2022/1168/F

Address: Lands east of Chancellors Road and to the north and rear of Nos. 44; 46 and 46a Chancellors Road, Newry

Proposal: Erection of a 16,730sqm storage and distribution warehouse including ancillary office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, earth bund, site access including realignment of Chancellors Road and right hand turn lane, and all other associated site works.

Committee Meeting: Wednesday 10th January 2024. ITEM 3

Dear Members,

I write on behalf of S&W to set out the applicant's statement of support, welcoming the officer's recommendation to approve this exciting new state of the art purpose built warehouse premises on lands zoned for economic development at Chancellors Road, Newry, known as NY 69.

By way of background, this business has served the local community for more than 100 years in Newry. In 1916 the Savage family started Newry Cash & Carry, in 1918, J&E Whitten formed and in 2000 the two family run businesses combined. They now operate the length and breadth of the island of Ireland, with more than 1500 customers, 300 suppliers and more than 300 employees based in Newry.

As the business has grown, it has had to lease space across multiple locations. It now has around 100,000sqft of space plus offices across 3 different sites, which is now precluding the business from growing and causing operational and management inefficiencies and difficulties.

Employing local people is at the heart of the businesses philosophy, and S&W has a current payroll of around £9.7m, which they hope to grow to around £12m by 2028. This goes directly into local peoples pockets and the economy. In addition, over £5m is spent with annually with local suppliers, they have a local community programme for giving back, a schools programme to help with employment and they are an active member of the Newry Chamber.

The subject site falls within a much larger zoning which is identified for 'Employment Development' as NY 69 in the Newry, Mourne and Down Adopted Area Plan. Our proposal sits on around c6.62 hectares of the larger NY 69 which is c19.46 hectares in total.

The principle of the proposed use on zoned employment land is therefore acceptable.

The site is strategically well placed immediately to the west of the A1 North-South corridor, and c 0.7 miles from the recently upgraded junction at Doran's Hill.

We note that there have been representations received in opposition to the proposal, mainly concerned with roads and noise.

In terms of roads, one of the key site requirements of the zoning is that Chancellors Road will be realigned and widened to agreed standards, and the developer is to consult roads in formulating any proposals.

In support of the application we have undertaken the following:-

- Transport Assessment Form (TAF)
- Transport Assessment
- Framework Travel Plan; and Service Management Plan

We have had detailed engagement with DFI Roads, and in addition to upgrading Chancellors Road across our site, we have agreed to the following suite of upgrades/improvements:-

1. Access road design and Chancellors Road widening/realignment has been undertaken in accordance with DCAN 15 and DMRB;
2. Access is designed to facilitate the application site as well as future development;
3. Chancellors Road improvements provide the following benefits:
 - o Improved road alignment and width that safely allows HGV's to pass
 - o Improved forward visibility splays
 - o Dedicated right hand turn lane for the site
 - o 2m footway provision and street lighting along the site's frontage
4. Improved car parking for the existing residents
5. Improved connectivity to the existing residential dwellings to the south of the site (not part of the KSR)
6. Delivers a consistent carriageway width along Chancellors Road from the application site frontage to the A1
7. All junctions continue to operate well within capacity in future years

In terms of noise, similar to roads, there has been detailed engagement with EHO. We have undertaken detailed background noise surveys and modelling undertaken by AONA Environmental, highly experienced acoustic consultants. In summary:-

1. The proposed warehouse is sited away from nearby residents and the curtilage of the site was extended to allow for a suite for acoustic measures including:-
 - o Acoustic fencing
 - o Numerous Embankments/Landscaped Berms

Through a process of consultation with EHO and with mitigations and amended proposals EHO has confirmed no objection subject to a number of recommended conditions. The same applied to concerns regarding lighting, whereby EHO have confirmed no objection.

In conclusion:-

1. The proposal is cited on lands identified for employment and industry in the adopted plan (NY69).
2. There are no objections from any statutory consultees.
3. The current business is hamstrung by being located across multiple locations.
4. S&W are proposing to invest c £15m into a new purpose built facility which will support c 120 construction jobs.
5. The new proposal will enable S&W to take on new business and grow the current payroll from c £9.7m to c £12m.
6. S&W won the 2023 Newry Best Place to Work & NI Community Champion. It would work hard to be a good neighbour to existing and new residents.
7. S&W are the first business of scale in NI to move to an Employee Ownership Trust model, which brings huge benefits to all employees. Profits are put back into the business and 90% of bonus paid to lower earning employees.
8. Without certainty over their future, S&W have had to put recruitment on hold and are struggling to manage current staff with the uncertainty of where the businesses future might be.

The applicant welcomes the assessment by the Council to approve and respectfully requests members to endorse the officer recommendation so that this long established Newry Business can secure its future within this city for the next 100 years.

Application Ref: LA07/2022/1168/F

Site Location: Lands east of Chancellors Road to the north and rear of Nos. 44; 46 and 46a Chancellors Road, Newry

Proposal: Erection of a 16,730sqm storage and distribution warehouse including ancillary office accommodation. Development also comprises service yard, car parking, wash bay and recycling area, security cabin, landscaping, earth bund, site access including realignment of Chancellors Road and right hand turn lane and all other associated site works.



Comhairle Ceantair

Chancellors Road and
agus an Dúin

**Newry, Mourne
and Down**
District Council

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



Site Location & Context



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Aerial overview - existing



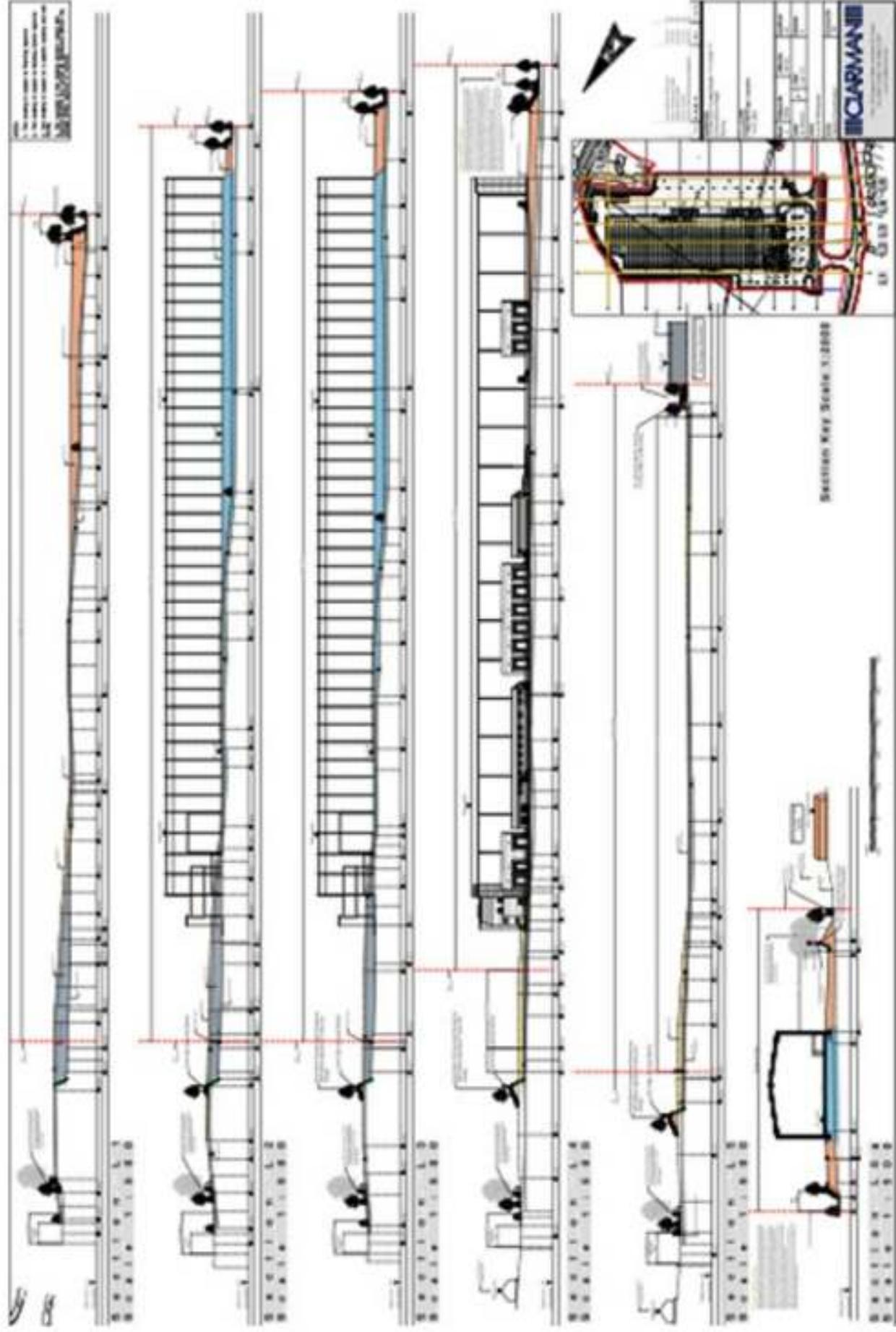


Proposed Sections





Site Sections

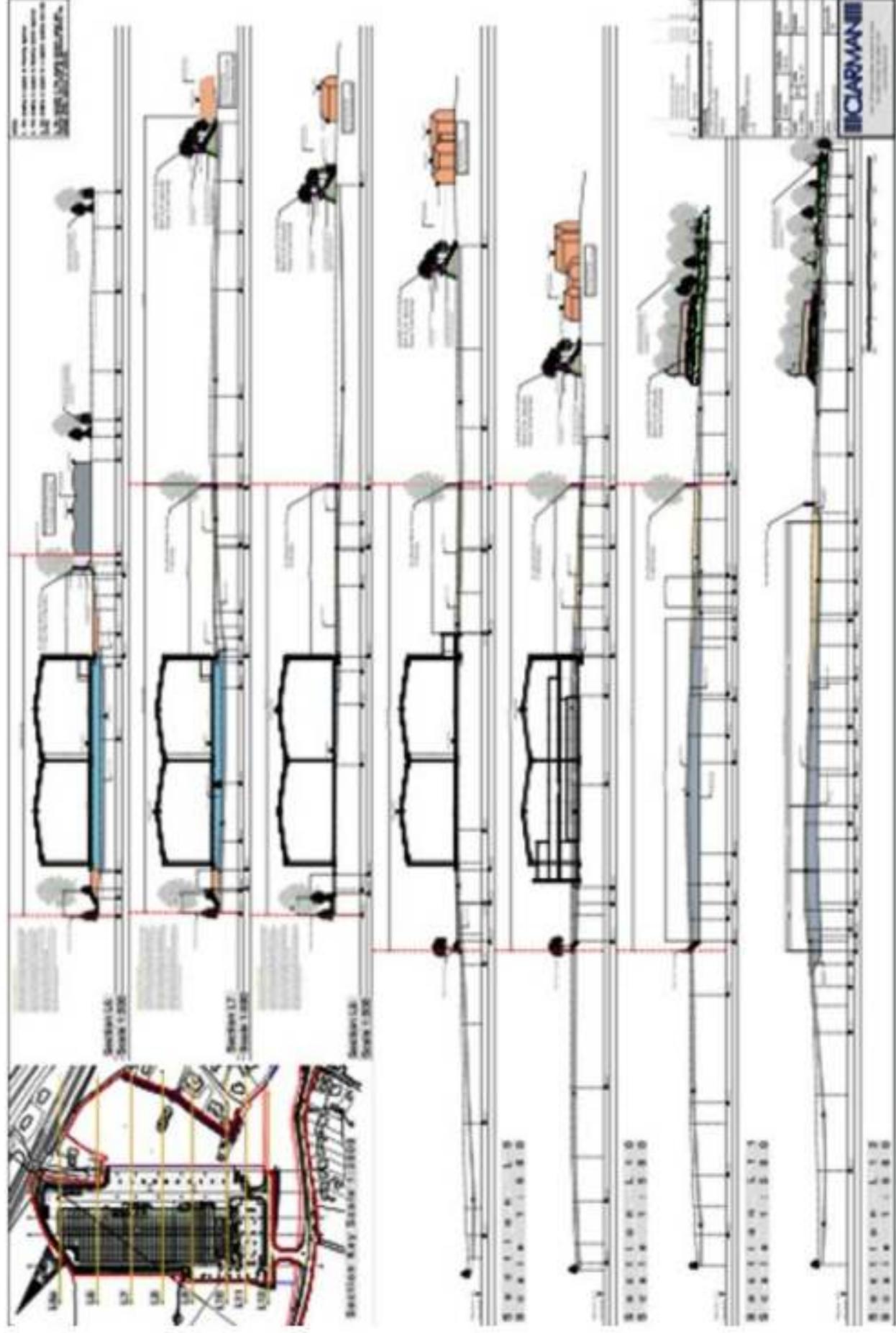


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Site Sections



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View from A1 heading N from S



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View from A1 heading N from S



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View from A1 heading N from S



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On approach along A1 N heading S



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View from Chancellors Rd



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View from Chancellors Rd



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View from Chancellors Rd



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Area Plan Context – BNMAP 2015



Zoning NY 69:

Economic Development
Chancellors Road



Zoning NY69: Economic Development Chancellors Road

19.46 hectares of land at Chancellors Road are zoned for economic development

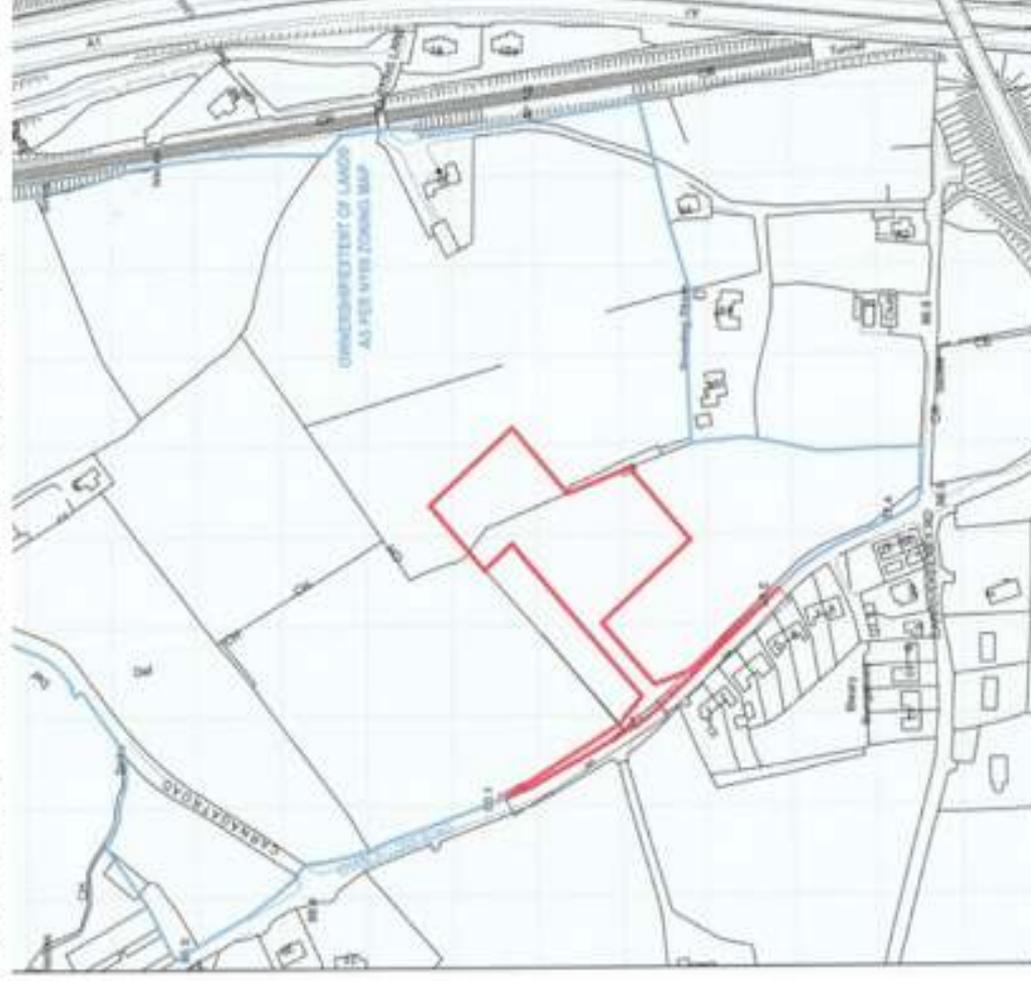
Key Site Requirements:

- The Chancellors Road will realigned and widened to agreed standards alongs the frontage of the site and from the site extremity to the proposed new link from the Chancellors Road to the A1 Upgrade
- Hedges on the site boundaries shall be retained and augmented with the planting of a 5-8m wide belt of trees of native species to assist integration of development on the site
- Layout of buildings to ensure that views of open storage areas are minimised to Chancellors Road and the A1



Planning History - LA07/2019/0934/O

Site for industrial units with associated access road.





Planning History – LA07/2019/0934/O

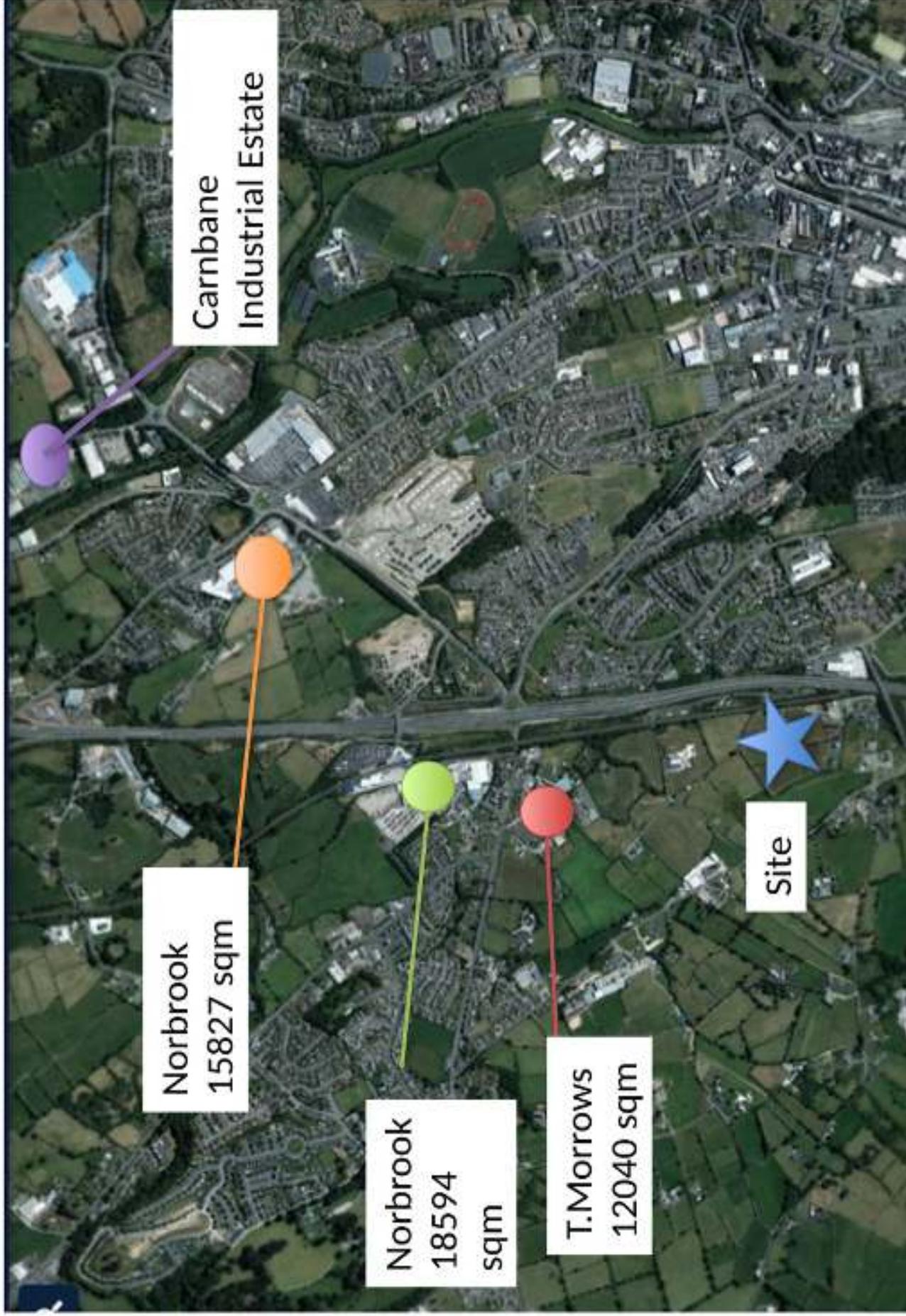
Site for industrial units with associated access road.

Planning Permission Granted 30.01.20

- Conditions Applied
- Standard time and details reserved;
- Acoustic barrier along the boundary 46/ 46 A and at the boundary opposite 1-8 Bleary Bungalows, screening 2m in height;
- Hours of operation 7am to 7pm Monday to Sat, No Working on Sunday;
- Deliveries and Dispatch between 7am to 7pm Monday to Saturday only;
- No external plant shall be installed until full details provided;
- Details of flood lighting;
- Use only for B2 (light Industrial), B4 Storage and Distribution) and for no other use;
- No good or merchandise stationed of displayed in the hardstanding; and
- A Schedule 6 consent required.



Comparable Development





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0426/F

Date Received: 12th March 2020

Proposal: Demolition of existing dental practice, hot food bar and ancillary storage buildings; development of indoor play unit, replacement dental practice, replacement hot food bar, restaurant, opticians, travel agency, craft shop, ancillary storage buildings; and extension to existing kitchen area for existing supermarket deli and proposed restaurant.

Location: 51a Forkhill Road, Newry, BT35 8QY

1.0 SITE CHARACTERISTICS & AREA CHARACTERISTICS:

- 1.1 The site is located within the small settlement of NewtownCloghoge and is within the Ring of Slieve Gullion Area of Outstanding Natural Beauty (AONB.) It comprises an existing retail unit and filling station, dental practice, hot food bar, café, ancillary storage buildings and associated car parking. The site directly adjoins; Forkhill Road to the east, agricultural lands to the west / rear an existing yard to the south and Carn Road to the north. There is also an existing watercourse running along the western / rear site boundary. There is a variation in levels across the site, with the landform falling from east to west (with the western side of the site c.2.5m lower than the eastern side.)
- 1.2 The area is characterised by a mix of residential, commercial and recreational uses; with surrounding residential development; including Carn View directly opposite / east, Blinne Court opposite / north and No. 51 Carn Road some 30m west of the site. There is an additional filling station at 56 Forkhill Road (some 70m south-east of the site, whilst Killeavy GAA pitches and clubrooms are located some 10m north-west of the application site along Carn Road.
- 1.3 It is noted that there is a commercial building (café at ground floor, offices upper,) within the overall complex (No. 51E Forkhill Road) which has been omitted from this application site boundary, as detailed in the relevant site location plan below:



Drawing No. 40305-100 Rev B – Site Location Map

2.0 SITE HISTORY:

2.1 There are several historical planning records relating to the application site, as outlined in the table below, with those most relevant to this assessment highlighted in red.

Application Reference	Proposal	Decision
LA07/2019/1303/PAN	Demolition of existing dental practice, hot food and ancillary buildings, development of creche, replacement dental practice, replacement hot food bar, restaurant, opticians, travel agency, craft shop, ancillary storage buildings and entrance foyer, changes to elevation of existing retained supermarket, and extension to existing kitchen area for existing supermarket deli and proposed restaurant-	PAN ACCEPTABLE 01.10.2019
LA07/2018/0830/PAD	Proposed Rationalisation and	PAD

	Development at Retail Site (Containing Mulkerns Spar Supermarket and others) at 51 Forkhill Road, Newry, BT35 8QY	CONCLUDED
LA07/2015/1394/A	Shop sign (similar to existing mounted on shop front)	APPROVED 31.05.2016
LA07/2015/1377/F	Alterations to shop entrance/new shop front enclosing porch area and internal relocation of post office and toilets to provide off. sales area	APPROVED 31.05.2016
P/2013/0337/F	Extend existing unit to provide storage and office space for Dental Surgery	APPROVED 05.07.2013
P/2010/0520	Pre-Application Enquiry (mixed use development)	Null decision
P/2010/0046/F	Extend existing Eurospar shop and provide storage building and car parking	APPROVED 29.12.2010
P/2007/0238/A	One double sided free-standing display unit	APPROVED 08.06.2007
P/2006/0020/F	Erection of crafts shop and tea rooms	APPROVED 12.12.2006
P/2005/0184/F	Extension to supermarket	APPROVED 13.06.2005
P/2005/3032/O	Site for 3 no. Light Industrial/Commercial Units	APPROVED 16.04.2007
P/2003/2184/F	Extension to buildings under construction, to house automatic teller machine (ATM)	APPROVED 04.12.2003
P/2003/2328/F	Change of use of 2 No. Retail Units to Dental Practice	APPROVED 13.01.2004
P/2001/0349/F	Proposed 3 no. additional retail units	APPROVED 14.08.2001
P/1998/1153	Site for dwelling	REFUSED 05.11.1998
P/1997/1491	Site for housing development	APPROVED 10.02.1998
P/1994/1466	Site for dwelling	APPROVED 15.02.1995
P/1993/0468	Petrol Filling Station and Shop (amended proposal)	APPROVED 20.10.1993
P/1992/0207	Erection of petrol filling station and shop	APPROVED 07.07.1992
P/1990/1119	Site for filling station and store	APPROVED 09.01.1991
P/1989/0824	Site for dwelling	APPROVED 06.10.1989
P/1989/6007	Pre-application enquiry (housing)	12.06.1989
P/1987/0931	Site for sales of Commercial Vehicles with	REFUSED 28.03.1988

	Portacabin Office	
P/1978/0621	PROPOSED SITE FOR HOUSING DEVELOPMENT	REFUSED 31.08.1978
P/1977/0597	PROPOSED USE OF LAND FOR INDUSTRIAL PURPOSES	REFUSED 30.09.1977
P/1973/0217	PROPOSED USE OF LAND FOR ERECTION OF PLAY AREA	APPROVED 05.07.1974

3.0 PLANNING LEGISLATION, POLICIES & MATERIAL CONSIDERATIONS:

- The Planning Act (NI) 2011
- The Planning (Use Classes) Order (NI) 2015
- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Banbridge / Newry and Mourne Area Plan 2015 (BNMAP)
- A Planning Strategy for Rural Northern Ireland (PSRNI) – DES2

- PPS2 – Natural Heritage
- PPS3 – Access, Movement & Parking
- PPS15 (Revised) – Planning and Flood Risk

- DCAN10 – Environmental Impact Assessment
- DCAN4 – Restaurants, Cafes and Fast Food Outlets
- DCAN15 – Vehicular Access Standards
- DOE Parking Standards

4.0 STATUTORY CONSULTATIONS:

- 4.1 **DfI Rivers Agency (18/01/2021)**– Drainage Assessment and details considered - Specific conditions and informatives provided to meet PPS15(revised) requirements – see PPS15 (revised) discussion.
- 4.2 **HSE NI (27/03/2020)** – Site is not within the consultation zone for high pressure gas transmission pipelines and/or major hazard installations or 100m from a quarry, therefore HSE NI has no specific comments to make.
- 4.3 **NI Water (30/03/2020)** – Public water supply service available. Foul sewer available, storm discharge to adjacent watercourse proposed and there is capacity at serving Wastewater Treatment Works (Newry WwTW)– further considered in the assessment below.
- 4.4 **Shared Environmental Services (27/04/2021)** –The proposal is unlikely have a significant effect on the features of any European site. See PPS2 discussion below.
- 4.5 **DAERA:**

Regulation Unit (RU) Land and Groundwater Team (07/04/2020) - A Contaminated Land Report including a Preliminary Risk Assessment and a Generic Quantitative Risk Assessment (GQRA) has been submitted / reviewed

- RU has no objections to the proposal, subject to attached conditions and informatives being adhered to.

Water Management Unit (WMU) (20/12/2023) - on the basis of the information provided WMU is content with the proposal strictly subject to: The proposal complying with Policy FLD 4, conditions and DAERA Standing Advice and any relevant statutory permissions being obtained.

Natural Environment Division (NED) (19/03/2021) - has considered the impacts of the proposal on designated sites and other natural heritage interests (Including review of ecological surveys submitted) and on the basis of the information provided, has no concerns.

4.6 **DFI Roads (final response dated 13/10/2022)** – DfI Roads have been consulted on several occasions throughout the processing of this application, including an on-site meeting to discuss the issues in detail. Several amendments have been made in relation to road safety and access and DfI Roads are now content with the scheme, with relative conditions provided – Detailed discussion below.

4.7 **NMDDC Environmental Health (10/07/2020)** - No objections in principle to the proposal, provided there is no extension to permitted opening hours at the site.

5.0 **OBJECTIONS & REPRESENTATIONS:**

5.1 The application was advertised in local papers on 30th March 2020 and 1st April 2020. The statutory publication period subsequently expired on 15th April 2020;

5.2 10 neighbouring properties were notified of the application by letter on 23rd March 2020 and subsequently re-notified on 27th October 2021 following amendments to the scheme. The statutory neighbour notification period expired on 10th November 2021.

5.3 At the time of writing (Dec 2023,) no objections or third-party representations have been received in relation to this application.

6.0 **PLANNING ASSESSMENT AND CONSIDERATION:**

6.1 In summary, the primary purpose of the application is to resolve existing access, circulation and storage issues at the site, in addition to providing some additional local services for the Newtowncloghoge area and updating and improving the overall design and appearance of the site.

6.2 The proposal includes the re-development of the existing supermarket, filling station and commercial units; with a building on the northern side of the site (as indicated in green on the map included above Para. 1.3) which currently hosts a dental practice and hot food bar to be demolished to provide additional car parking spaces. These businesses are proposed to be relocated to a new building on the southern side of the site, which will also accommodate a new indoor play unit and restaurant, which will share its kitchen with that of the supermarket deli kitchen, which is also proposed to be extended.

- 6.3 The proposal also includes an extension on the northern side of the supermarket to provide additional storage as well as 3 new units, to accommodate: an opticians, travel agents and a craft shop, together with their ancillary storage areas.
- 6.4 Revised layout and Road improvements include 2 no. right turning lanes off Forkhill Road and improved internal access and circulation including a new (one way) service road running adjacent to the perimeter of the site and increased parking provision (189 spaces in total) and alteration of existing access points to provide two vehicular accesses to the site (with one of these accesses to be amended to 'entrance only' access, with a new egress point off the service road to the north.)



Proposed Site Layout (Drawing No. 40305-102 Rev C)

- 6.5 The proposal comprises a number of new and / or extended retail and commercial elements (in addition to associated ancillary storage areas,) falling within Use Classes A1, D1 and Sui Generis of The Planning (Use Classes) Order (NI) 2015, which for the purposes of this assessment are identified as the following:
- New indoor play unit (Sui Generis;)
 - Replacement dental practice (Use Class D1;)
 - Replacement hot food bar; (Sui Generis;)
 - New Restaurant (Sui Generis;)
 - New Opticians (Use Class D1;)
 - New Travel Agency (Use Class A1;)
 - New Craft Shop (Use Class A1;)
 - Extended supermarket kitchen (to serve both the new restaurant and existing supermarket deli (Use Class A1 and Sui Generis;)
- 6.6 The Planning Authority has carefully assessed the proposal in the context of prevailing planning policy requirements.

The key issues to be considered in this assessment are; the principle of the new retail and commercial development on the site, road safety and parking, the proposed design and its impact on the amenity of the locality

and AONB, the impact upon residential amenity, impacts on natural heritage, flood risk, drainage and sewerage considerations, impact on any archaeological features and potential for land contamination.

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

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.

- 6.8 BNMAP 2015 operates as the current Local Development Plan for this area and identifies that the application site is located within the limits of a small settlement (Newtowncloghoge – NE01) and it has no particular zoning (white land.) The site is also falls within a designated Area of Outstanding Natural Beauty (Ring of Slieve Gullion AONB.) As there are no policies within the Plan specifically relevant to this site / application, the principle of development will fall to be considered under the retained provisions of the SPPS. The remaining elements of the proposal detail will also be considered against the retained planning material policies outlined above at Para 3.0.

6.9 The Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

6.10 SPPS (Retailing)

In terms of retailing elements within the proposal, the supermarket / post office extension, proposed craft shop and proposed travel agency fall under Class A1:Shops of The Planning (Use Classes) Order (Northern Ireland) 2015. Since the approval of the supermarket on this site, of the previous planning the publication of the SPPS now replaces PPS5: Retailing and Town Centres. Para 6.278 of the SPPS directs that that in small settlements, policies and proposals for retailing must be consistent with the aim, objectives and policy approach for retailing in town centres and be of a scale, nature and design appropriate to the character of the settlement and meet local need (i.e. day to day needs).

- 6.11 The SPPS emphasises the importance of town centres in meeting retail provision and sets out a sequential test (Paras 6.280, 6.281) for assessing all such proposals. The SPPS states that planning authorities will require applications for town centre uses to be considered in an order of preference; primary retail core, town centres, edge of centres and out of centre locations. The site already has the benefit of planning permission for a retail element

within the scheme and had been previously used for commercial use prior the original application having been submitted.

- 6.12 The SPPS also requires that that all applications for retail or town centre type developments above a threshold of 1000m² gross external area which are not proposed in a town centre undertake a full assessment of retail impact as well as need. This includes applications for an extension/s which would result in the overall development exceeding 1000m² gross external area (Paragraph 6.283.)
- 6.13 The applicant has identified a catchment area for the development, primarily comprising of the rural area to the south west of Newry, together with the extreme south western corner of the city, as indicated below:



- 6.14 Both the PAN and Pre-Application Consultation Report associated with this application, refer to an excess of 1000m² gross external floor area from the proposal. The P1 application form (as originally submitted) also details that there will be an additional gross floorspace of 1886m² and total gross floorspace 3990m² resulting from this proposal.
- 6.15 Given the location (i.e. out-with an existing centre) and nature of proposal as submitted, together with the absence of an up to date Local Development Plan, the applicant was subsequently asked to provide / demonstrate:
1. That there are no sequentially preferable sites within the identified catchment as required by Para. 6.280 of the SPPS;
 2. An assessment of need in line with Para. 6.282 of the SPPS;
 3. A Retail Impact Assessment in line with Para. 6.283 of the SPPS;
- 6.16 The Design and Access Statement submitted with seeks to demonstrate that the above requirements are fully met. On the basis of the catchment provided, there are no other town centres within it and apart from Newry. The closest settlement is Meigh (approximately 1.5 miles to the south west.) This is a larger settlement than Newtownclohogue and has a small convenience store, pharmacy, pub, hairdressers and some additional retail units.

- 6.17 In this context, the proposal is considered to satisfy the first criteria, in addition the overall size of the proposal is quite modest and would be unlikely to affect planned investments in Newry City Centre so the second criteria is satisfied, and as the LDP is still under preparation the proposal will not be prejudicial to it. Finally, there will be no cumulative impacts from the development and the provision of additional retail units will prove an opportunity for job creation so the proposal should have a positive economic benefit.
- 6.18 Further clarification was sought in relation to point 3 above as the figure of 85m² is at odds with information submitted in the application form and PACC report. A subsequent table has been provided depicting the existing and proposed gross and net floorspace calculations, together with associated maps detailing the breakdown of these figures. Following this clarification and review of additional information submitted, it is accepted the proposal presents a minor increase in retail floorspace which is below the threshold for 'need' and 'retail impact' assessments required by the SPPS (Paras 6.282 and 6.283 respectively.)
- 6.19 Overall, on the basis of information available, it is accepted that there are no sequentially preferable sites within the identified catchment and the proposal is consistent with the aim, objectives and policy approach of the SPPS for town centres and retailing, meets local need (i.e. day-to-day needs), and is of a scale, nature and design appropriate to the character of the settlement of Newtowncloghogue.**
- 6.20 SPPS (Community and Sui Generis Uses)**
- The proposed uses as dental practice and opticians fall within Class D1: Community and Cultural Uses of The Planning (Use Classes) Order (Northern Ireland) 2015. It is noted that the Dental Practice is established and existing, therefore this consideration relates only to the proposed Opticians. The new indoor play unit, replacement hot food bar, new restaurant (and kitchen) are considered to Sui Generis under The Planning (Use Classes) Order (Northern Ireland) 2015.
- 6.21 The SPPS emphasises a 'Town Centre first' approach for the location of other main town centre uses which includes that of cultural and community facilities, retail, leisure, entertainment and businesses with proposals appropriate to provide within an existing shopping area. Para 6.86 of the SPPS notes that favourable consideration should be given to an economic development proposal where it is of a scale, nature and design appropriate to the character of the particular settlement and subject to meeting normal planning criteria such as compatibility with nearby residential use.
- 6.22 In the context of the established uses at this site and small settlement limit, the newly proposed community and sui generis units are considered acceptable in principle to the SPPS in terms of their scale, nature and design, subject to meeting all other prevailing planning policy requirements, as considered below.**
- 6.23 SPPS (Residential Amenity)**

The closest residential properties to the scheme include: No.51 Carn Road (c.30m west,) and properties within Blinne Court to the north and Carn View to the east. No third party objections or representations have been received for consideration, at the time of writing this report (September 2022.)

- 6.24 Environmental Health have considered impact to amenity (including noise pollution) as part of their consultation response dated 10.07.2020, raising no specific objections provided there is no extension to permitted opening hours at the site. A planning condition will be necessary to ensure that there are no changes made to the previously permitted opening hours at the site in the interest of protecting the amenity of surrounding residents from unacceptable noise pollution.

6.25 SPPS, PPS3, DOE Parking Standards and DCAN15

The proposal involves the alteration of 2 no. existing vehicular entrance / exit points, including introducing 2 no. right hand turn lanes off Forkhill Road. The proposal also includes a separate entrance to the south for service vehicles and a separate exit to the north for both service vehicles and cars from the norther section of the car park, with only one access off Forkhill Road serving entrance and exist, with the second being entrance only. As noted, the one way service road runs around the periphery of the site.

- 6.26. The scheme since originally submitted has been amended on several occasions to address concerns originally outlined by Dfl Roads, in relation to: access / entrance points (positioning of and being two-way,) sight visibility splays, radii, right turn pockets, stagger points, traffic islands, provision of a Traffic Assessment, Auto Tracking details (including for fuel tanks,) internal road markings and parking. An on-site meeting with Dfl Roads, The Planning Authority and The Agent and Design Team took place in June 2021 to help discuss the Road Safety issues on the ground.

- 6.27 **The latest scheme submitted has been further considered by Dfl Roads and the final amended details are considered acceptable to the requirements of PPS3 AMP2 (Access to Public Roads) and DCAN15 (Vehicular Access Standards and address the earlier concerns raised.** Private Streets Determination Drawings have also been signed off by Dfl in relation to a new footway being provided along part of Forkhill Road to the site frontage. The necessary conditions as provided by Dfl Roads are included at the end of this report, to ensure the requirements of PPS3 are met.

- 6.28 PPS3 Policy AMP7 deals with Car Parking and Servicing requirements. The scheme as initially submitted, presented concerns in terms of the number of car parking spaces provided and it was noted that no details were given for the existing commercial units within the complex which are not within the application site. Clarification was sought on this specifically as information provided up to this point was based on these units being 'retail' when in reality, they comprise a café / coffee shop and office units, which have different parking requirements to retail.

6.29 Following a subsequent request for a detailed breakdown of the proposed parking to facilitate the development (as amended,) a parking schedule has been provided on the Proposed Site Plan (Drawing 40305-102 Rev C.) which sets out that there will be 189 car parking spaces provided against a requirement for 184 spaces. 2 no. lorry spaces are also provided, in addition to 29 cycle parking stands. The parking provision also takes account of the existing commercial building at the locality out-with the application site (26 spaces provided.) In terms of parking numbers, the proposed parking provision is acceptable to Policy AMP7 and the requirements of DOE Parking Standards. The car parking is proportionately allocated throughout the scheme, giving consideration to a balance of spaces and user requirements. **In summary, the proposed parking provision (as amended) is considered acceptable to Policy AMP7 and the guidance of DOE Parking Standards.**

6.30 SPPS and PPS15 (Revised) – Planning and Flood Risk

There are no watercourses which are designated under the terms of the Drainage (NI) Order 1973, within the bounds of the site. A watercourse which is undesignated under the terms of the Drainage (NI) Order 1973, bounds the western portion of the site. The site may be affected by undesignated watercourses of which DfI Rivers Agency have no record. DfI Rivers Planning Advisory Modelling Unit having considered the proposal in line with PPS15 (Revised) note that Policies FLD4 (Artificial Modification of watercourses) and FLD5 (Development in Proximity to Reservoirs) are not applicable to this site offer the following advice in relation to FLD1-FL3:

6.31 Policy FLD1(Development in Fluvial and Coastal Flood Plains) – The built development is taking place on elevated ground and out of the floodplain. DfI Rivers Agency note that it should be a condition of planning that the area of floodplain, if designated as open space by Planning Service under FLD 1(f) of Revised Planning Policy Statement 15, should not be raised or the flood storage capacity and flood conveyance route reduced by unsuitable planting or obstructions. The development, as noted, is in proximity to an undesignated watercourse. DfI Rivers Flood maps indicate the site is some 165m east of the floodplain of the designated watercourse. As the area in question is not designated as open space, rather agricultural land, the provisions of FLD1 (f) are not considered applicable to the application site and a planning condition is not necessary in this regard.

6.32 Policy FLD2 (Protection of Flood Defence and Drainage Infrastructure) - An undesignated watercourse bounds the western portion of the site. Under 6.32 Revised Policy PPS15 (revised) and Policy FLD2, it is essential that an adjacent working strip (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) is retained to facilitate future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners – The proposed Drainage Layout (drawing C-02) annotates that a maintenance strip is to be provided on opposite side of the watercourse as per existing. The proposed Site Layout Drawing also details a minimum 5m development free area to the rear of the site. It is noted that the watercourse is also accessible via adjoining lands

further west and in this context, the proposed details are considered compliant with FLD2.

- 6.33 Policy FLD3 (Development and Surface Water) – To address any potential pluvial flood risk, a dedicated storm water drainage system is proposed to be installed, in accordance with NI Water requirements, for adoption - to enable discharge of storm water into the existing watercourse. NI Water (NIW) raise no concerns or objections in relation to management of surface water in this regard and the necessary consents from NIW should be obtained separately to planning (informatives attached as necessary.)
- 6.34 DfI Rivers Agency in reviewing the drainage and surface water proposals has appraised the Drainage Assessment (DA) prepared by Sheehy Consulting (dated 12th March 2020.) DfI Rivers, accepts the logic of this DA and has no reason to disagree with its conclusions, noting that the responsibility for justifying the DA and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (as per section 5.1 of Revised PPS15). Rivers Agency advise that a condition is necessary in respect of flood management and mitigation to safeguard against flood risk to the development and elsewhere – this condition is attached further below.
- 6.35 The necessary consent to discharge into the watercourse was obtained by the applicant from DfI Rivers Agency on 21st May 2020, who were satisfied with the details shown on the respective drainage drawing. It is noted that with the passage of time, this consent has now expired (valid to 20th May 2021.) The agent has advised the Planning Authority that an application has been submitted to renew the Schedule 6 consent, however the outcome of this application is still pending. It is therefore considered necessary to attach a planning condition in relation to obtaining an updated Schedule 6 consent from DfI Rivers Agency to discharge storm water into the watercourse, prior to commencement of development, in the interest of protecting the site from any surface flooding.
- 6.36 DAERA's Water Management Unit has considered the impacts of the proposal on the water environment and on the basis of the information provided are unable to determine if the development has the potential to adversely affect the surface water environment. Water Management Unit requested further details in relation to drainage and the conceptual drainage plan provided, including: A full site drainage plan for the development showing / clarifying the following:
- Details of any statutory permissions held (discharge consents) for the disposal of foul sewage and surface water;
 - Clarification on proposed foul sewage treatment for this site;
 - Full detail of any interceptor(s) on site and where they are located – details of any interceptors must also show the connections into and out of the interceptor as well as the discharge point of each interceptor;
 - details of any tanks on site including their locations and size;
 - Full details of any tanks on site including their locations and size;
 - All areas of hardstanding must be clearly identified;

- If vehicle washing is to take place on site? If so, this must be incorporated into the drainage plans and the disposal of wash waters clearly identified.
- Are detergents used in the vehicle washing and if so what type?
- All flows throughout the site must be clearly identified - the foul and storm lines and direction of flow.

6.37 Further details were provided by the agent on 07.12.2023 in the form of a full drainage plan and associated detailing (Drawing No. C-06,) which was subsequently sent to WMU and is currently with them for further consideration. In a final response (dated 20.12.2023, WMU having considered the impacts of the proposal on the surface water environment and on the basis of information provided advise that WMU is content with the proposal strictly subject to the proposal complying with Policy FLD4 of PPS15 (Revised) and subject to conditions, the applicant referring and adhering to DAERA Standing Advice and any relevant permissions being obtained. Whilst reference to FLD4 has been made, the Planning Department note that FLD4 is not applicable to this site (as advised by DfI Rivers Agency) and that this response should have perhaps been referring to FLD3 rather than FLD4.

6.38 A planning condition is necessary to ensure a final Construction Environmental Management Plan (CEMP) is agreed in writing with the Planning Authority (in consultation with DAERA) prior to commencement of development, to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

6.39 In the context of the planning condition suggested by DfI Rivers Agency, it is considered that the drainage details requested by Water Management Unit will also form part of this condition. This is to ensure all drainage details have been considered (including any potential impact on the water environment.) prior to commencement of development.

6.40 In further considering the impact of the development on the water environment, the proximity of the site to the watercourse is also a consideration. DAERA Water Management Unit have recommend that a planning condition is inserted in any decision notice to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment (including the provision of a detailed construction management plan) or alternatively, additional information is provided to fully assess these matters prior to determination. Conditions to this effect are considered appropriate and have been added to this report.

6.41 Sewerage Considerations

The proposal seeks to connect to NIW mains infrastructure to deal with sewage. NIW in their response dated 30/03/2020 advised that there is a foul sewer available to serve the proposal, with capacity at the receiving Wastewater Treatment Works. NIW further advised that consultation with NIW is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for.

- 6.42 DAERA Water Management Unit (response dated 07/04/2020) also have raised concerns that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Newry WwTW and recommend that planning consult with 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 this proposal. WMU further refer the applicant to must refer and adhere to all the relevant precepts contained in Standing Advice for DAERA Commercial or Industrial Developments.
- 6.43 Further to NIW and DAERA responses, the applicant provided a PDE response from NIW (dated 19/10/2020 and valid to 19/10/2021.) This response advised that whilst the receiving WwTW has capacity, the sewer network is at capacity and NIW recommend that no further connections should be made to this network, or a condition should be incorporated which requires an alternative drainage / treatment solution for the site.
- 6.44 The agent queried whether the connection is considered as a 'new / further' connection, given it primarily relates to re-development of a site. Whilst this query is acknowledged, the Planning Department need to be satisfied that verifiable steps have been taken with NIW to resolve the issue given their comments in the PDE submitted to date (dated 19.10.2020) and consultation response. A further request was made to the agent on 07.11.2023 to provide an update on these matters, including any evidence of engagement with NIW to date and clarification on the following:
- Whether an updated PDE been submitted further to PDE dated 19.10.2020;)
 - An update on the Wastewater Impact Assessment;
 - Details of verifiable steps taken with NIW to date to resolve the issue and whether agreement has been reached for a treatment solution for the development (i.e. via an alternative treatment solution such as a treatment plant or agreement from NIW that the development does not constitute a further connection;)
- 6.45 The agent has subsequently submitted the following details for consideration:
- Wastewater Impact Assessment finding dated 15.09.2022;
 - Email correspondence between the appointed engineer and NIW in relation to the WwIA final determination / approval;
- 6.46 The WwIA findings state that NIW are content that the foul discharge represents a 'like for like' replacement and based on this assessment, NIW would consent to a foul discharge connection at a rate of 0.066 l/s to the existing connection manhole. The NIW assessment assumes that the foul connections for the existing dental practice and pizza restaurant will be permanently replaced. Proof is required that the foul connections for the dental practice and pizza takeaway restaurant have been in use within the past five years. The appropriate proof of occupancy is to be provided to NIW before the consent to discharge can be granted by NIW. The agent has advised the Planning

Department that the necessary evidence was subsequently sent to NIW and they are awaiting the outcome of this determination, with the email correspondence provided confirming this position.

- 6.47 On the basis of these details, it has been satisfactorily demonstrated that the applicant is actively engaging with NIW to reach an appropriate foul drainage solution from the site and on the basis of NIW's WwIA findings, this is likely to be approved. As this approval has not been granted prior to this recommendation being finalised, it will be necessary to attach a planning condition to the planning decision to ensure that the necessary consent from NIW is obtained prior to commencement of the development approved, in the interest of public health and the environment.

6.48 SPPS and Land Contamination

The re-development of this brownfield site is in principle, aligned with the sustainable development objectives of the SPPS. A Contaminated Land Report including a Preliminary Risk Assessment and a Generic Quantitative Risk Assessment (GQRA) has been presented (as prepared by RSK Ireland Limited) in support of this application. There is a potential for localised unforeseen contamination at the site for which conditions are recommended by DAERA's Land & Groundwater Team within the Regulation Unit to be applied to any Planning approval for this development.

Based on the information provided, provided the necessary conditions and informatives in respect of any discoverable land contamination are adhered to, the proposal is considered acceptable to Para 3.3 of the SPPS (sustainable development)

6.49 EIA and HRA legislation

As the proposal meets the description of development 10(b) as listed under Schedule 2 of The Planning (EIA) Regs (NI) 2017 and is located within a sensitive area (AONB,) an EIA screening determination is required. An EIA screening has subsequently been completed, giving consideration to the criteria listed in Schedule 3 of The Planning (EIA) Regs (NI) 2017 and **it is determined that the proposal is unlikely to have significant effects on the environment by virtue of factors such as its nature, scale and location, and does not constitute EIA development.**

- 6.50 A HRA Screening has been completed in consultation with Shared Environmental Services (SES.) 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).

6.51 SPPS and PPS2 (Natural Heritage)

PPS2 Policy NH1 – Given the advice of SES, the proposal would not be likely to have a significant effect on the features of any European site – meeting policy NH1 of PPS2.

- 6.52 In terms of other natural heritage interests, NED has reviewed the necessary Ecological Survey provided (as prepared by Dr Kennedy July 2020) and has no concerns regarding impacts to Protected Species. The survey identifies invasive plant species (Japanese Knotweed and Giant Hogweed) at the west of the site and recommends that methods for control and eradication are detailed in the Construction Method Statement. NED welcomes the recommendations in the report which includes consideration being given to enhancing the biodiversity of the site with a wildflower margin, use of native species in any planting schemes, erection of a bat box on the northwest corner of the site and use of bat-friendly lighting – **subject to the necessary conditions / informatives below being met, the proposal would therefore also be acceptable to policies NH2 and NH5 of PPS2.**
- 6.53 The site is located within the Ring of Gullion AONB, the proposed design will create a more modern appearance for the centre which will enhance its appearance within the AONB. The design and finishes proposed are in keeping with the existing buildings and offer a visual enhancement in this regard. The Planning Department requested the addition of landscaping measures throughout the scheme and in particular along the frontage of Forkhill Road to soften the scheme and enhance the visual amenity and surrounding character. Amendments to this effect have been provided, with the addition of new trees augmented along the road frontage and around the site perimeter, in addition to grassed areas, detailed on the proposed layout drawing. Conditional to the landscaping measures being implemented and maintained in perpetuity, the overall **design is considered acceptable to Policy NH6 in this regard.**
- 6.54 The proposal does not impact on any sites of conservation importance (national or local) – as assessed under Policies NH3 and NH4. **In summary, subject to the necessary conditions / informatives below being met, the proposal is acceptable to SPPS and PPS2 requirements.**

7.0 RECOMMENDATION:

Approval (subject to the conditions below being met.)

8.0 SUGGESTED 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:
 - 40305-100 Rev B – Site Location Map (date stamped 14 Oct 2021)
 - 40305-102 Rev C – Proposed Site Plan (date stamped 10 June 2022)
 - 40305-103 – Proposed Floor Plans (date stamped 12 March 2020)
 - 40305-104 – Proposed Elevations (date stamped 12 March 2020)
 - 40305-105 – Proposed Elevations and Sections (date stamped 12 March 2020)
 - C-01 Rev H – Right Hand Turning Lane (date stamped 3 August 2022)
 - C-02 – Conceptual Drainage Layout (date stamped 8 Sept 2020)
 - C-03 Rev B – Autotrack Layout (date stamped 10 June 2022)
 - C-04 – Autotrack Layout – Private Car (date stamped 10 June 2022)
 - C-05 Rev A – Road Layout Private Streets Determination (date stamped 14 September 2022)
 - C-06 - Site Drainage Plan (dated November 2023)
 - L-01 – Location Plan – Article 3 (4)c (date stamped 10 June 2022)

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-05 Rev A, bearing the date stamp 14 September 2022.

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

4. No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number C-05 Rev A, bearing the date stamp 14 September 2022. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

5. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. C-05 Rev A,

bearing the date stamp 14 September 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. No other development hereby permitted, shall become operational until the footway has been completed in accordance with details submitted to and approved by Planning on Drawing No. C-05 Rev A, bearing the date stamp 14 September 2022.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

7. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a 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 user.

8. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Drawing No. C-05 Rev A, bearing the date stamp 14 September 2022 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

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

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

10. The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the Department for Infrastructure's Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

11. 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 Infrastructure's Street Lighting Section (These works will be carried out entirely at the developer's expense.)

Reason: To ensure the provision of a satisfactory street lighting system, for road safety and convenience of traffic and pedestrians

12. Prior to commencement of the development hereby approved, the method of sewage disposal shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Northern Ireland Water.) Development shall take place in accordance with the approved details.

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

13. Prior to the commencement of the development hereby approved, a Schedule 6 Consent to Discharge shall be submitted to and agreed in writing by the Newry, Mourne and Down District Council's Planning Authority in consultation with DfI Rivers Agency.

Reason: As required by the terms of Schedule 6 of the Drainage (NI) Order 1973 and to ensure surface water can be safely discharged from the proposed development.

14. Once a contractor has been appointed and at least 8 weeks prior to the commencement of all development hereby approved, a final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with DAERA's Water Management Unit and Natural Environment Division.) The final CEMP shall contain all the appropriate environmental mitigation as advised by DAERA's Water Management Unit in their response dated 07/04/2020 and DAERA's Natural Environment Division in their response dated 19/03/2021. Development shall take place in accordance with the approved CEMP.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure that the appointed contractor implements the appropriate measures to eradicate and control invasive plant species present on the site.

15. 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.

16. After completing the remediation works under Condition 17 and prior to occupation of the development, a Verification Report shall 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. The Verification Report should also ensure to verify fully any waste management movements from the subject site in relation to remediation works undertaken.

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

17. During the first available planting season after completion of the development, or as otherwise agreed in writing by the Local Planning Authority, landscaping shall be carried out in accordance with the Proposed Site Plan (Drawing No 40305-102 Rev C - date stamp received 10th June 2021) and maintained thereafter.

Reason: In the interest of visual and residential amenity.

18. 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 Local Planning Authority gives its written consent to any variation.

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

Case Officer Signature: O. Rooney **Date:** 20.12.2023

Appointed Officer Signature: P. Manley **Date:** 20.12.2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference:

LA07/2023/2082/F

Date Received:

15.12.22

Proposal:

Addition of a single storey rear extension

Location:

35 Fair Road
Greencastle
Kilkeel
Down
BT34 4LS

Site Characteristics & Area Characteristics:

The site is located within the rural countryside outside any development limits as designated under the Banbridge, Newry and Mourne Area Plan 2015 (BNMP 2015). The site is also within the Mourne Area of Outstanding Natural Beauty. The application site abuts Carlingford Lough ASSI, SPA and Ramsar site.

The red line boundary comprises No. 35 Fair Road which is a small roadside cottage with a 2-storey side extension which has been added in recent years. The site comprises a small rear garden that abuts the beach. The rear boundary is defined by a stone wall and wooden posts and rope.

The surrounding area is rural in character comprising detached roadside dwellings and farm holdings.



Site location map



Front elevation of application dwelling



Rear elevation of application dwelling

Planning Policies & Material Considerations:

This application will be assessed under the following policy considerations:

- Strategic Planning Policy Statement (SPPS)
- Banbridge, Newry and Mourne Area Plan (2015)
- PPS 2: Natural Heritage
- PPS 7 (Addendum): Residential Extensions and Alterations
- PPS 15: Planning and Flood Risk

Within their response, NIEA referred to the below policies:

- The UK Marine Policy Statement (MPS)
- The Draft Marine Plan for Northern Ireland
- Integrated Coastal Zone Management Strategy for Northern Ireland 2006-2026

Site History:

- P/1987/0944 – Extension and improvements to dwelling – Approved September 1987
- P/2003/1643/F – Extension to dwelling – Approved June 2004

- LA07/2017/0586/F - Adjacent to 31 Fair Road Greencastle Kilkeel - Retrospective temporary permission is being sought for a two berth caravan on this site for holiday purposes only by applicant – Refused April 2018

Consultations:

- DfI Rivers – offered no objections as per Policies FLD 1-5 of PPS 15.
- NIEA – NED and Marine and Fisheries Division issued a final response in September 2023.
NED advised that the proposal may be contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 1, and Natural Heritage, Policy NH 3, in that development would, if permitted, have the potential to have an unacceptable adverse impact on the conservation objectives of the designated sites.
Marine and Fisheries Division advised of significant concerns with the location and advised that the proposal could be impacted by coastal erosion and coastal change in the future.
- SES – requested an outline Construction Method Statement and sight of NIEA's substantive response. SES provided a final response in December 2023 offering no objections subject to mitigation conditions.
- Loughs Agency – offered no objections subject to pre-commencement conditions.

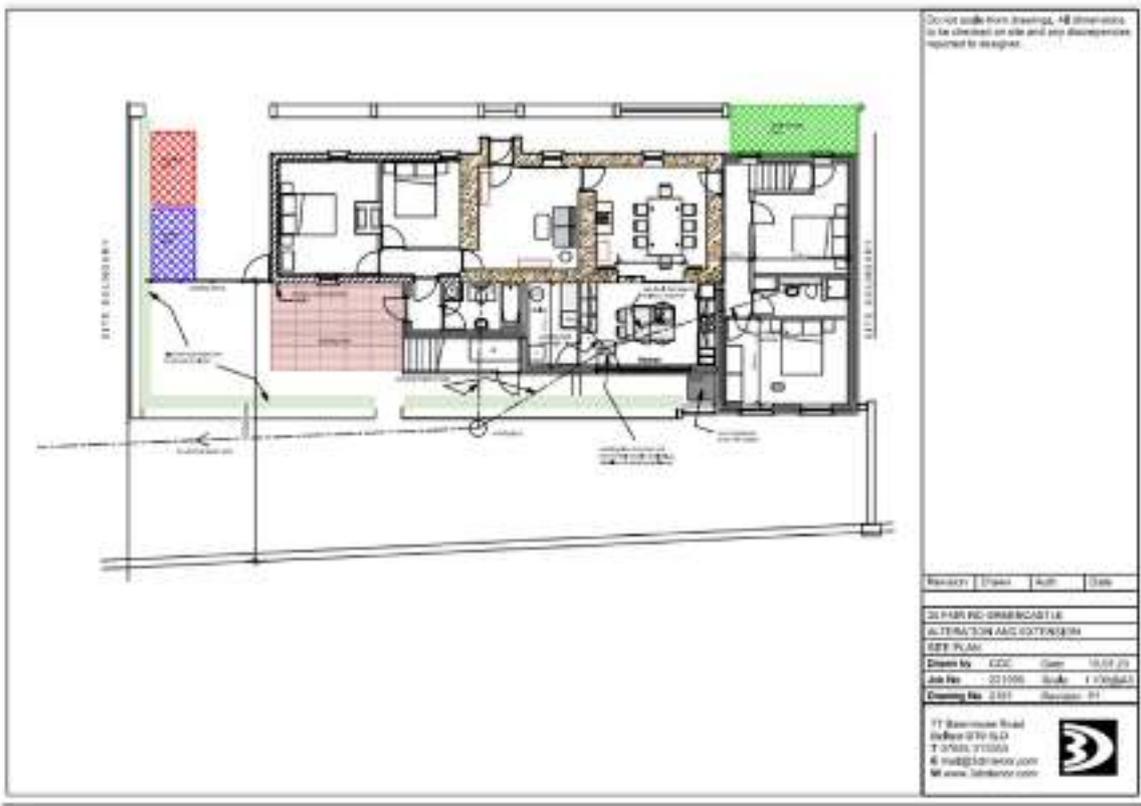
Objections & Representations:

- Two neighbouring addresses were notified on 8th March 2023.
- The application was advertised in the local press on 22nd February 2023 (Mourne Observer).

No objections or representations have been received to date (19.12.23).

AssessmentProposal

The proposal involves the erection of a single storey rear extension. The proposed extension is within the existing curtilage and all existing boundaries are to remain. The extension will measure approx. 23sqm and will comprise a flat roof (approx. 2.8m high with first floor balcony on top) and the materials proposed include aluminium windows and door, roughcast plastered walls to match the existing, precast concrete external staircase leading up to balcony and structural glass balustrade around the outside of first floor balcony. The proposed plans are shown below.



Do not scale from drawings. All dimensions to be checked on site and any discrepancies reported to architect.

Revised	Drawn	Auth	Date

23 PAR RD DORRINGTON
 ALTERATION AND EXTENSION
 SITE PLAN

Drawn by: GJC Date: 16.04.23
 Job No: 231006 Scale: 1/2500
 Drawing No: 001 Revision: 01

17 Broomfield Road
 Walsley 2170 QLD
 T 07553 713304
 E info@solbarco.com
 W www.solbarco.com



Principle of Development

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. The subject site is located within rural countryside as identified by the BNMAP 2015. There are no specific policy provisions within BNMAP for this site and as there is no significant change to the policy requirements for residential extensions following the publication of the SPPS, the retained addendum to PPS7 'Residential Extensions and Alterations' will be given substantial weight in determining this proposal, in accordance with paragraph 1.12 of the SPPS. Given the proximity of the site to designated sites (Carlingford Lough), retained policies PPS 2: Natural Heritage and PPS 15: Planning and Flood Risk will also be considered.

Habitats Regulations Assessments (HRA)

Newry, Mourne and Down District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 01/12/2023. This found that the project would not have an adverse effect on the integrity of any European site.

PPS 2: Natural Heritage

The site is within the Mournes Area of Outstanding Natural Beauty and abuts Carlingford Lough ASSI, SPA and Ramsar site.

Given the close proximity to designated sites, consultations were issued to NIEA, Loughs Agency and SES.

As outlined above, NIEA NED advised that the proposal may be contrary to Planning Policy Statement 2: Natural Heritage, Policies NH 1 and NH 3, in that development would, if permitted, have the potential to have an unacceptable adverse impact on the conservation objectives of the designated sites. In response to the CEMP submitted, NED advised that the proposal is adjacent to the protected ASSI habitats: intertidal mudflats and sandflats. These form where large quantities of silt derived from rivers are deposited in the estuary. The sediment is stable and communities are typically dominated by polychaete worms and bivalve molluscs as well as mud snails and other invertebrates. This high biomass of invertebrates provides an important food source to wading and waterbird features of the site and is sensitive pollution.

NED outlined concerns of potential sea flooding over the 10- week period of which this development is proposed to take place whereby the flooding may bring deleterious materials into the designated sites, causing contamination of marine environment adjacent to the proposal. The invertebrate assemblage feature of the site could be

directly impacted by the subsequent reduction of water quality, which will in turn have indirect impacts on the various bird features that feed on them.

Marine and Fisheries Division advised of significant concerns with the location and advised that the proposal could be impacted by coastal erosion and coastal change in the future. Marine and Fisheries Division advised that the application site is situated directly adjacent to a section of coastline considered to be at High risk of coastal erosion. Marine and Fisheries Division went on to advise that this application would likely increase the economic value of the assets along this narrow coastal strip which is vulnerable to the impacts of coastal erosion and flooding and is likely to increase calls for coastal sea defences along this coastal strip in order to protect this property, which are not guaranteed and may not be provided or feasible in the future.

SES offered no objections in response to the CEMP subject to a suggested pre-commencement condition:

1. Throughout the construction phase, a clearly defined buffer of at least 10 metres, as shown on Site Layout Drawing 2101 Rev P1, must be maintained between the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, etc. and the boundary of Carlingford Lough SPA and Ramsar site.

Loughs Agency also offered no objections subject to the following suggested conditions:

1. All storm water from the development site should not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures. Storm water can carry pollutants into watercourses and high volume discharges can alter the prevailing hydrological regime, both of which can impact on fisheries interests.
2. The proposed domestic sewerage treatment system must be installed and operated in strict accordance with the manufacturers' instructions. A longterm maintenance agreement must be in place between the applicant and the supplier of the unit and it should be documented to the satisfaction of the Planning Authority.
3. Adequate containment should be provided for all chemical and oil storage on the site. The provision of bunds should be in accordance with the appropriate British Standards.
4. Work methods and materials must not impinge upon any nearby watercourses. The use of cement/concrete on site will require careful management. While they are versatile building materials, they are also highly toxic to aquatic life and therefore must be kept out of all drains and watercourses.

The Planning Department has considered all consultee responses and consider the following relevant and material to the proposal:

- There is no extension to the existing curtilage proposed.
- All existing boundaries are to be retained.
- The proposal does not involve the creation of footprint any closer to Carlingford Lough than already existing.
- The existing dwelling is currently inhabited. The proposed extension is for a larger open plan kitchen/dining area.
- A similar rear extension with a similar footprint proposed at the same location (with the exception of the resultant balcony proposed and upper floor opening proposed) may be accepted as Permitted Development whereby no planning permission is required.
- The plan show connection to the existing septic tank. (Accordingly, Condition 2 from Loughs Agency is not considered necessary).

As the application site is within an AONB, NH 6 also applies. Given the modest scale of the proposed extension and in consideration of the existing side extension which has ultimately altered the character of the roadside cottage, I am satisfied that 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.

On this basis, the Planning Department consider it cannot sustain a refusal as per Policy NH 2. Conditions recommended by SES and Loughs Agency will be attached to prevent the pollution of surface water and to ensure the works will not have an adverse effect on the integrity of any adjacent designated sites.

Addendum to PPS 7: Residential Extensions and Alterations

Policy EXT1 is the determining policy for this proposal – there are four criteria to assess:

- a) The proposal is shown above and involves the erection of a single storey rear flat roofed extension and the creation of a first-floor balcony on top of the extension. The extension is to the rear of the property, therefore views from the adjacent public road, Fair Road. The rear of the property can be viewed from the shoreline and therefore consideration must be given to this public viewpoint. As shown above, the proposed eaves respect the height of the eaves of the existing property. The flat roof extension does not extend above the height of the ridge of the existing property. The proposed footprint is modest and in scale with the modest size of the existing roadside cottage. The character of the existing dwelling has been altered by the approval and subsequent development of a 1 ½ side extension which extends over the main ridge. The proposed extension will appear subordinate to the existing side extension and to the main dwellinghouse and will not dominate

the host property or its wider surroundings. Proposed materials are considered acceptable. The structural glass balustrade is also considered non-offensive and complementary to the large glazed rear elevation on the existing side extension. In summary, I am satisfied that the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area.

- b) The nearest neighbouring dwellings are Nos. 32 and 34 Fair Road; semi detached cottages adjacent the application site to the north. As the extension is to the rear, the amenity of these adjacent dwellings will not be impacted in terms of overlooking, loss of light or overshadowing.

No. 29 Fair Road is approx. 78m north of the proposed first floor balcony. Given the separation distance, I am satisfied the proposed works will not impact the amenity of No. 29 to an unacceptable level in terms of overlooking, loss of light or overshadowing.

It is noted the first floor balcony is not included in the description of the proposal. Having account the modest size of the balcony, its location to the rear, which is enclosed to either side by existing rear returns, and distance to any other property along this side of road, there is no potential for overlooking or loss of amenity.

Relevant neighbour notification and advertising was undertaken in line with statutory requirements, whereby any interested party can view the proposals and make comment. The proposal comprises an extension whereby the balcony would fall within the scope of this, and the application is considered Valid.

- c) The application site is within an AONB and abuts Carlingford Lough ASSI, SPA and Ramsar site. Regarding the possible impact on the adjacent designated sites and the AONB, see assessment under PPS 2 above.
- d) I am satisfied that sufficient space remains within the curtilage of the property for recreational and domestic purposes.

PPS 15: Planning and Flood Risk

The application site is adjacent to the coastal flood plain.

Within NIEA's response, Marine and Fisheries Division advised that the site may be vulnerable to future flooding events and increased storm waves, particularly if the flood levels exceed those predicted on DfI Flood mapping.

A subsequent consultation was issued to DfI Rivers whereby no objections were raised as per Policies FLD 1-5 of PPS 15.

Rivers Agency confirmed the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain.

Summary

The proposed extension is considered sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area given the modest scale, massing, design and acceptable external materials. Given the separation distance between the proposed works and adjacent residential properties, it is considered the works will not impact the amenity of these dwellings to an unacceptable level in terms of overlooking, loss of light and overshadowing. Sufficient space remains to the rear of the property.

The Planning Department acknowledges the consultee responses whereby NIEA are recommending refusal as per PPS 2. However, on balance and as outlined above, the Planning Department consider it cannot sustain a refusal under PPS 2.

Recommendation: Approval

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: Plan No. 28414NW and Drawing Nos. 2201P2 and 2101P1.

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

3. A clearly defined buffer of at least 10 metres, as shown on Site Layout Drawing 2101P1, must be maintained throughout the construction phase between the location of machinery refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil, etc. and the boundary of Carlingford Lough SPA and Ramsar site. Adequate containment should be provided for all chemical and oil storage on the site. The provision of bunds should be in accordance with the appropriate British Standards.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site and to prevent pollution of surface waters which is detrimental to fisheries.

4. No works, development, demolition, site clearance or site preparation shall be carried out unless in accordance with the approved Construction Environmental Management Plan, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site and to prevent pollution of surface waters which is detrimental to fisheries.

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

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

6. The proposed extension shall connect to the existing septic tank, prior to any part of the extension approved coming into use.

Reason: To ensure the orderly development of the site.

Informative:

- This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
- This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- The applicant must comply with Guidance for Pollution Prevention 5: Works and maintenance in or near water
- The applicant should demonstrate best environmental practice when working close to watercourses. The potential for deleterious matter to enter a watercourse is of primary concern. Impacts on the aquatic environment such as a decrease in water quality can cause a significant impact upon various life history stages of fish species.
- The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (Northern Ireland) 1952 to cause pollution which is detrimental to fisheries interests.
- The applicant is advised that any future requirement for coastal protection would be subject to the Planning and/or Marine Licencing regimes, including Habitats Regulations Assessment, and that there is no guarantee that future sea defences would be approved.
- The applicant's attention is drawn to the fact that the proposal is adjacent to the boundary of several Marine Protected Areas and precautions should be taken to ensure the integrity of these areas will not be damaged by the proposal's activities. Any activity occurring within the designated site but outside the proposed red line boundary are subject to The Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended) and require consent from the Northern Ireland Environment Agency, Conservation, Designations and Protection Unit, Klondyke Building, Gasworks Business Park, Belfast BT7 2JA.

- The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly disturb, capture, injure a Harbour seal (*Phoca vitulina*) or Grey seal (*Halichoerus grypus*).
- It is also an offence to intentionally or recklessly:
 - disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
 - damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
 - damages or destroys anything which conceals or protects any such structure;or
 - to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal
- Where impact cannot be avoided or mitigated, a licence may be required for operations and DAERA Marine Wildlife Team should be consulted.
- The Wildlife (Northern Ireland) Order 1985:
<http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-otheranimals>
- The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly, injure or kill a wild animal included in Schedule 5 of this Order. This includes 1Angel shark (*Squatina squatina*), 1Common skate (*Dipturus batis*), Short snouted seahorse (*Hippocampus hippocampus*), Spiny seahorse (*Hippocampus guttulatus*), Spiny lobster (*Palinurus elaphus*) and Fan mussel (*Atrina fragilis*).
- It is also an offence intentionally or recklessly:
 - disturb any such animal while it is occupying a structure or place which it uses for shelter or protection,
 - damage or destroy, or obstruct access to, any structure or place which any such animal uses for shelter or protection,
 - damage or destroy anything which conceals or protects any such structure; or
 - to have in possession or control any live or dead wild animal included in Schedule 5 or any part of, or anything derived from, such an animal.
- The Wildlife (Northern Ireland) Order 1985
<http://www.legislation.gov.uk/nisi/1985/171/part/II/crossheading/protection-of-otheranimals>
- The applicant's attention is drawn to the following links which provide standing advice to be considered:
 - Planning in the Coastal Area
 - Standing advice for development that may have an effect on the water environment (including groundwater and fisheries)

- Marine Map Viewer
 - Decisions affected by marine policy - authorisation decisions
- Monitoring and Assessment Team response to planning consultation refers to standing advice:
<https://www.daera-ni.gov.uk/publications/standing-advice-development-may-have-effect-water-environment-including-groundwater-and-fisheries>

Case Officer Signature: Eadaoin Farrell

Date: 19.12.23

Appointed Officer Signature: M Keane

Date: 19-12-23

Committee Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2023/2322/F	Target Date:
Proposal: Construction of new public walking trail and car park	Location: Council Playing Fields The Links, Strangford, Co.Down, BT30 7NB
Applicant Name and Address: NMDC Downshire Civic Centre Ardglass Road Downpatrick BT306GQ	Agent Name and Address: Damien Clarke Downshire Civic Centre Ardglass Road Downpatrick BT306GQ
Date of last Neighbour Notification:	19 May 2023
Date of Press Advertisement:	12 July 2023
ES Requested: No	
Consultations: DFI Roads DFI Rivers NIEA	
Representations: 0	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: Aug 2023

Characteristics of the Site and Area

The application site comprises the perimeter of an existing football field adjacent to The Links in Strangford as well as a small regularly shaped area adjacent to the entrance to the pitch. The site lies outside the settlement limit of Strangford, but sits directly adjacent to it. It is relatively flat and has mature vegetation interspersed along portions of the boundary. The entire site is within the Strangford and Lecale AONB.



Description of Proposal

Construction of new public walking trail and car park

Planning Assessment of Policy and Other Material Considerations

The proposal will be assessed in relation to the Regional Development Strategy, the Ards and Down Area Plan 2015, the Strategic Planning Policy Statement for Northern Ireland (SPPS), PPS2 Natural Heritage, PPS3 Access, Movement and Parking and PPS8 Open Space, Sport and recreation.

The list of planning policy and guidance documents is not exhaustive. Should any additional document form part of the assessment for the proposal it will be referenced within the report.

PLANNING HISTORY

Planning

Application Number: R/1988/0389 Decision: Permission Granted Decision Date:

Proposal: Temporary Classroom for Playroom

Application Number: R/1974/0293 Decision: Permission Granted Decision Date:

Proposal: EXTENSION TO EXISTING HOUSING DEVELOPMENT - 10 HOUSES.

Application Number: LA07/2023/3131/PAD Decision: Decision Date:

Proposal: Housing development (38-40)

Application Number: R/2003/0770/F Decision: Permission Granted Decision Date: 07 November 2003

Proposal: New playgroup pre - fabricated building and external play area fenced in. (Replacement of existing pre-fabricated building)

CONSULTATIONS

DFI Roads – initially requested amendments to the plans to show an amended radii and gates. Upon receipt of these amendments, they responded with no objections.

DFI Rivers – Development is not within the Q100 Floodplain. In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, The Flood Hazard Map (NI) indicates that an area of the southern section of the proposed new walkway is affected by portions of predicted pluvial flooding (surface water).

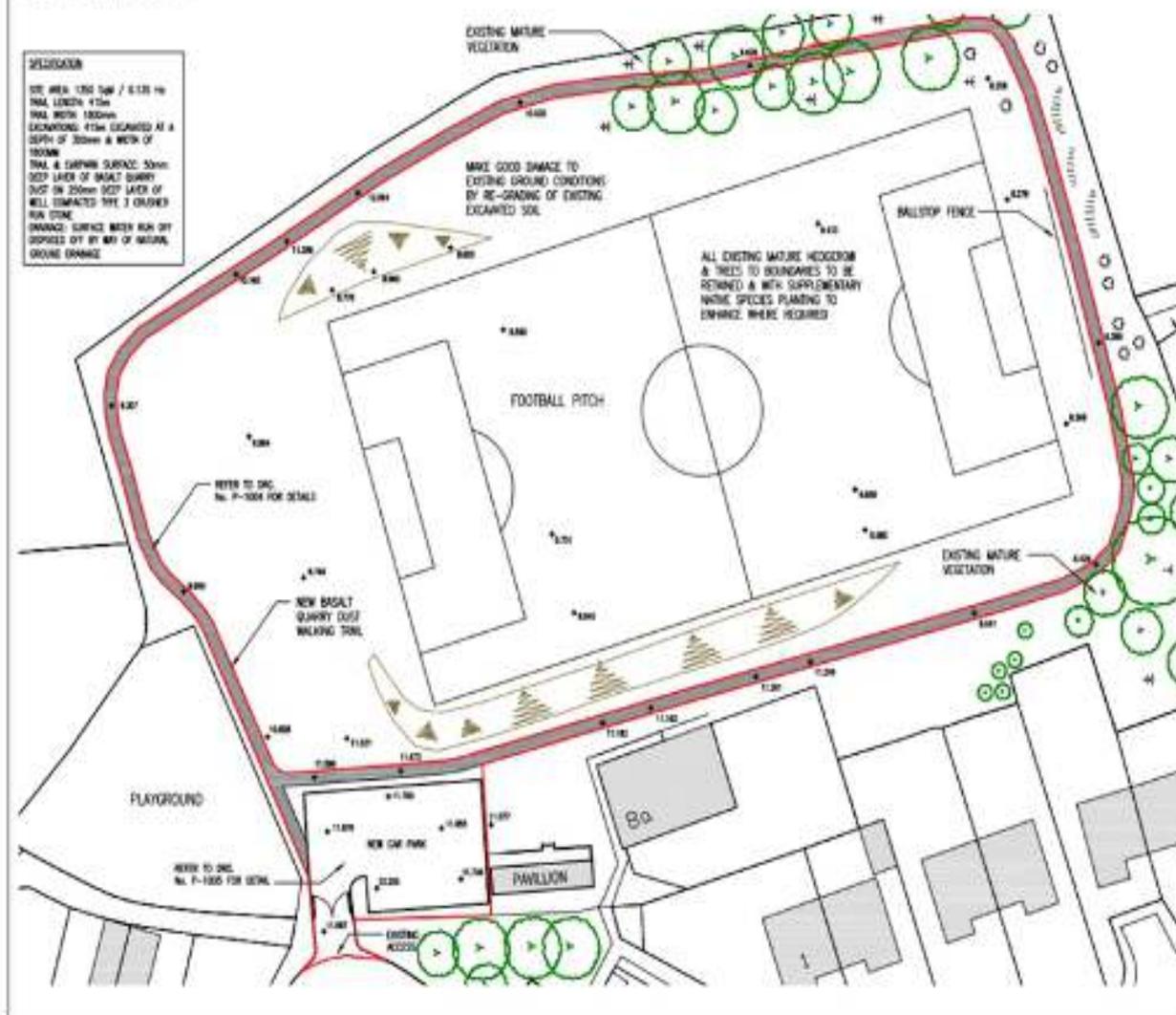
We advise that although this development does not exceed the thresholds as outlined in Policy FLD 3 and subsequently a Drainage Assessment is not required, there may be potential for surface water flooding as indicated by the surface water layer of the Flood Hazard Maps (NI). As such, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

NIEA – NIEA sought clarification that there would not be any trees with bat roost potential being removed, and also for an indication of the wetlands on the site.

Following receipt of requested additional information, NED is content that the proposed development is unlikely to significantly impact protected or priority species or habitats.

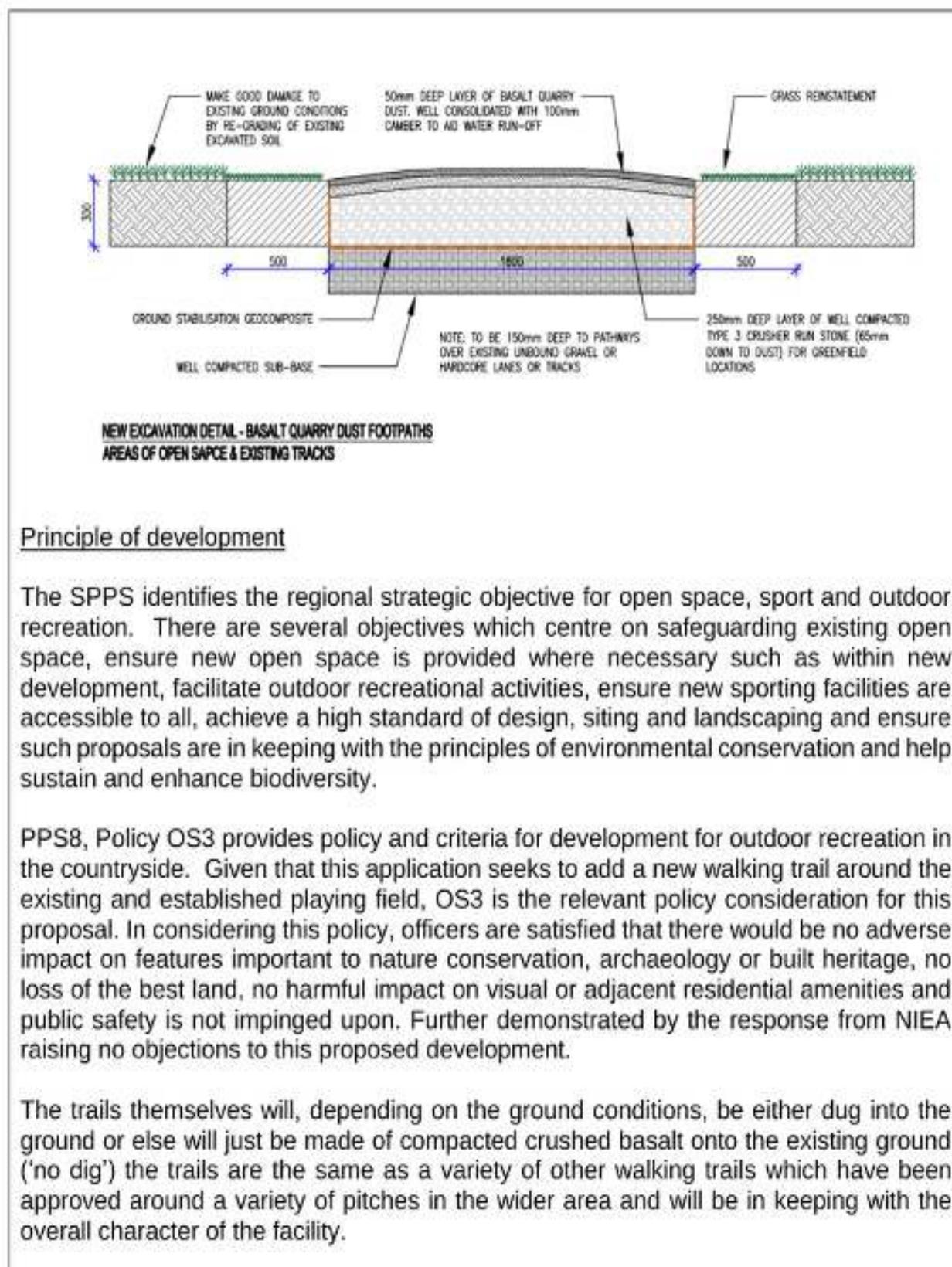
EVALUATION

Permission is sought for the creation of a new walking trail around the perimeter of the playing field along with a new carpark adjacent to the entrance of the pitch. The proposal would be as set out below:



MEMORANDUM

SEE AREA 1350 146 / 0.131 Ha
 TRAIL LENGTH 412m
 TRAIL WIDTH 1000mm
 EXCAVATION: 412m DEEPENED AT A
 DEPTH OF 200mm & WIDTH OF
 1000mm
 TRAIL & CARPARK SURFACE: 50mm
 TOP LAYER OF BASALT QUARRY
 DUST ON 200mm DEEP LAYER OF
 WELL COMPACTED TYPE 3 GRAVEL
 FOR STONE
 DRAINAGE: SURFACE WATER RUN OFF
 DISPOSED OFF BY WAY OF NATURAL
 GROUND DRAINAGE



The new trail and carpark will be contained within the grounds of the pitch and will not be visible from outside the playing field facility nor will it extend any further into open countryside. In any event, even if the trail was visible this would not be out of character with the area. The carpark proposed is considered not to be harmful to the amenity of the area given that there is already an existing carpark adjacent on The Links. The playing field at present is contained to the back of a residential estate and is not considered highly visible so any additions of this nature to the playing field are not considered to result in harm to the amenity of the area.

PPS 3 – Access, Movement and Parking

DFI Roads were consulted on the proposal. They initially responded some amendments to the plan showing a 5metre radii at access point and for gates to be located 5 metres back from the edge of the road.

Upon receipt of these amendments/clarification – DFI responded again raising no objection to the proposal.

There would be 17 new car parking spaces proposed. This is considered sufficient to serve the new track. Officers are therefore satisfied that this proposal is acceptable in terms of access and road safety.

Ecological Considerations

PPS2 provides policy criteria for consideration of impact on protected sites, protected species, biodiversity and sites of local importance, priority habitats and priority species.

NED were consulted on the proposal and had initially requested information relating to the following:

- Clarification if any retained trees are to undergo arboricultural works
- Info of any lighting proposed
- A badger survey
- Clarification of the wetland referred to in bio checklist

Upon receipt of this information, they responded seeking a further clarification and then finally responded with no objections to the proposal. They supplied informatives which they requested to be added to any permission granted.

Considering the above, officers are satisfied that the proposed trails and carpark is in compliance with all relevant planning policies. It is not considered to have any harmful impact on the character of the surrounding area, nor will it harm the residential amenities of the closest neighbouring properties. the addition of a walking trail is of benefit to the wider community and is therefore recommended for approval.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval – subject to conditions

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 drawing numbers and documents to which this decision relates are: P-1000, P-1003, P-1004 and P-1005.

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

Informatives:

1. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

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

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

2. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the smooth or common newt (*Lissotriton vulgaris*, formerly *Triturus vulgaris*);
- damage or destroy, or obstruct access to, any structure or place which newts use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a newt while it is occupying a structure or place which it uses for shelter or protection.

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

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

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

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

4. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).
5. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973 and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
6. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
7. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

8. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Case Officer Signature: J McMullan **Date: 11 December 2023**

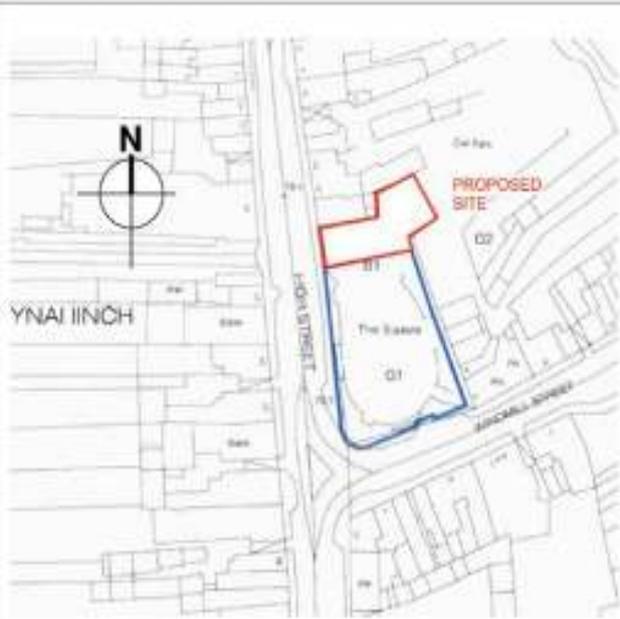
Appointed Officer: A.McAlarney **Date: 19 December 2023**

Committee Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2023/3517/F	Target Date:
Proposal: Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.	Location: Market House 17 The Square Ballynahinch BT24 8AE
Applicant Name and Address: Gareth Little 40 Magheraknock Park Ballynahinch BT248FG	Agent Name and Address: Gary Harpur 8 Tullywest road Saintfield BT247LX
Date of last Neighbour Notification:	22 November 2023
Date of Press Advertisement:	3 November 2023
ES Requested: No	
Consultations: DFI Roads HED	
Representations:	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: Nov 2023

Characteristics of the Site and Area

The application site comprises Ballynahinch Market House, located centrally within the settlement of Ballynahinch. The former Market House (HB18/07/005, Grade B1), which is a building of special architectural and historic interest, is protected by Section 80 of the Planning Act (NI) 2011. The building has had a set back link extension added to it more recently. It sits within the settlement of Ballynahinch.



Description of Proposal

Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.

Planning Assessment of Policy and Other Material Considerations

The application site is located within the settlement of Ballynahinch as designated in the Ards and Down Area Plan 2015 and as such Policy COY 1 is the relevant policy document, which is read in conjunction with the SPPS and PPS 3. Given that the building is Listed, PPS 6 is also relevant.

PLANNING HISTORY

Planning

Application Number: R/1997/6018 Decision: Enquiry: Other Letter Issued
Decision Date:

Proposal: Regeneration of Market House Market Street Ballynahinch

Application Number: R/1997/0250 Decision: Permission Granted Decision
Date:

Proposal: Landscaping of town square

Application Number: R/1987/0536 Decision: Permission Granted Decision
Date:

Proposal: Improvements to existing store

Application Number: R/1997/6033 Decision: Enquiry: Other Letter Issued
Decision Date:

Proposal: Regeneration scheme Market Square Ballynahinch

Application Number: R/1984/0763 Decision: Permission Granted Decision
Date:

Proposal: 1. As required by Article 26 of the Planning (Northern Ireland) Order 1972 application for approval of the matters reserved in condition 2 must be made within three years of the date on which this permission is granted and the development to which this permission relates must be begun by whichever is the later of the following dates:-

- (i) the expiration of a period of five years from the date hereof; or
- (ii) the expiration of two years from the final approval of any matters reserved in condition 2.

2. The siting, design and external appearance of the building(s) and the means of access thereto, and the landscaping of the site shall be as may be approved by the Department, to enable the Department to consider in detail the proposed development of the site.

This decision refers to location plan date stamped complete application 14 November 1984.

Application Number: LA07/2020/0641/PAD Decision: Decision Date:

Proposal: 6no 3p/2b apartments

Application Number: LA07/2023/3515/F Decision: Application Invalid Decision
Date:

Proposal: Change of Use to a Day Centre for people with Learning disabilities

to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.

Application Number: R/2000/1135/Q Decision: Enquiry:Likely to Approve

Decision Date: 20 September 2000

Proposal: CPDS - Proposed exhibition area, meeting room and offices

Application Number: R/2001/0258/LB Decision: Consent Granted Decision

Date: 03 October 2001

Proposal: Total external & internal refurbishment.

Application Number: R/2001/0256/F Decision: Permission Granted Decision

Date: 03 October 2001

Proposal: The Market House - Ground Floor - Retail/Tourist & Community Information. First Floor - Public Meeting Room/Exhibition Area. New Build Unit - 3 Storey Office Accomodation.

Application Number: R/2003/1370 Decision: Enquiry: Other Letter Issued

Decision Date: 07 November 2003

Proposal: Second community regeneration

Application Number: R/2004/0255/F Decision: Permission Granted Decision

Date: 08 March 2005

Proposal: Replacement of derelict buildings with new shop & office (use class 2) building.

Application Number: R/2012/0540/F Decision: Permission Granted Decision

Date: 21 March 2013

Proposal: Proposed kerb adjustments together with amendments to walls and steps outside Market House and decorative metalwork

Application Number: LA07/2021/0677/LBC Decision: Consent Granted

Decision Date: 22 June 2021

Proposal: Proposed installation of telecomms apparatus to council sites, as per the attached plans, as part of the Full Fibre Northern Ireland project.

Application Number: LA07/2021/2092/LBC Decision: Consent Granted

Decision Date: 28 February 2022

Proposal: Alteration to internal layout, realignment of stud partition walls to create meeting rooms and reception area.

CONSULTATIONS

DFI Roads - Dfi Roads would offer no objections to this proposal providing there will be no additional off street car parking requirement.

HED - 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. HED Historic Buildings has considered the impacts of the proposal on the listed building and based on the information provided, advises that, subject to conditions, it satisfies the requirements of Paragraphs 6.12 and 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policies BH7 (Change of Use of a Listed Building), BH 8 (Extension or Alteration of a Listed Building) and BH 11 (Development Affecting the Setting of a Listed Building) of the

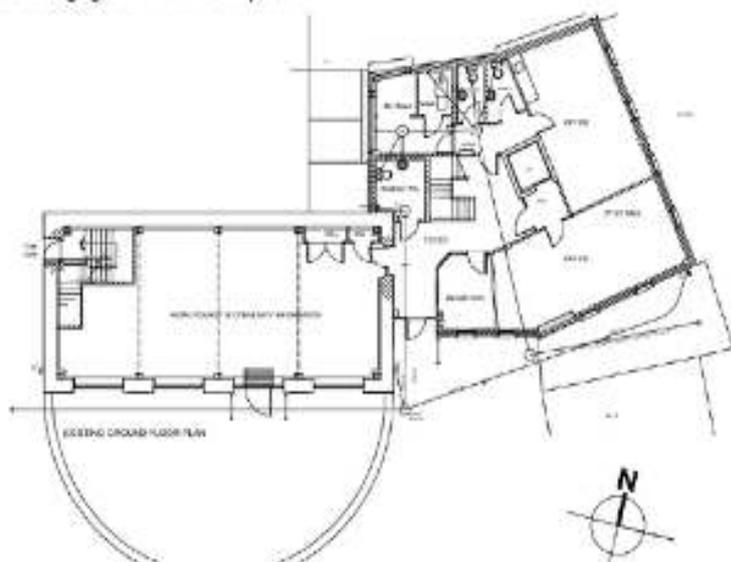
Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

EVALUATION

The proposal seeks permission for the following:

- Internal alterations to create a training kitchen, a café and a glazed draught lobby
- Removal of internal stud walls
- Change of use to Day centre, café, and meeting rooms
- The changes involved will all be internal only and will not affect the first or second floors. Only the ground floor will be altered as part of this application.

Existing ground floor plan



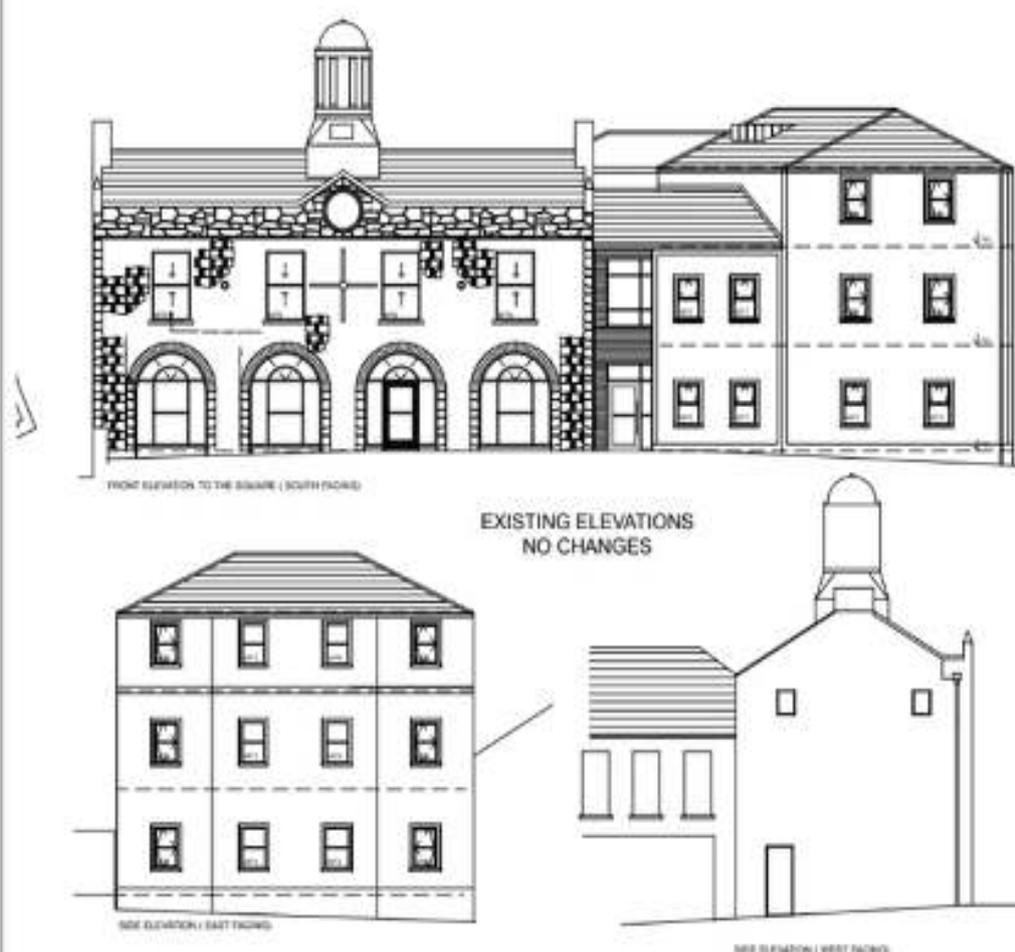
Proposed ground floor plan



As shown on the above, the ground floor will be converted from a large retail/tourist/community information unit along with offices, into a training kitchen, lobby toilets and café with seating area and deli counter circulation space.

Upstairs will remain in its current form i.e., occupied by meeting rooms.

Elevations of the building will remain the same (as existing.) There will not be any difference to the exterior of the building nor to the actual walls of the listed elements of the building. All fittings and units will be either freestanding or attached to stud walls rather than the listed building structure. A good deal of the works are inside the non-listed link extension.



Consideration & Assessment

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

Until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS. There are no conflicts in this instance.

SPPS

Paragraph 3.8 of the SPPS states that the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The proposed alterations to the Market House will not result in any alterations to the external façade of the building. As such, there would not be any harmful upon the streetscene or character of the surrounding area. The alterations to the interior to subdivide the space via stud walls into a café, training kitchen and draught lobby will not be apparent externally.

Officers are satisfied that the change of use to day centre and training kitchen is an acceptable use both within this building and the immediate site context. These uses would not result in harm to the character of the surrounding area given the nearby mix of units and land uses and given that there won't be any increase in built form, noise or other disturbances. All access arrangements to the building will be as existing.

There would not be any harmful impact upon the residential amenities of the nearest residents given that there is no increase in bulk or mass to the building.

As such, the proposed development would not result in any demonstrable harm to interests of acknowledged importance and is in accordance with the guidance of the SPPS.

COY 1

The proposal involves a change of use to Day Centre with training kitchen for people with learning difficulties and an adjoining café for the food/baked goods to be served in. Given that this application is on behalf of Harry's Mates charity, officers consider this to be a community use rather than a commercial venture and so are assessing it under COY1.

Policy COY 1 of ADAP 2015 states that Planning permission will be granted for community uses provided all the following criteria are met:

- There is no significant detrimental effect on amenity,
- The proposal does not prejudice the comprehensive development of surrounding lands, particularly on zoned sites,
- The proposals are in keeping with the size and character of the settlement and its surroundings,
- Where necessary, additional infrastructure is provided by the developer, and
- There are satisfactory access, parking and sewage disposal arrangements.

The proposed alterations to the Market House as mentioned above will not result in any harmful impact upon surrounding amenity given that there will not be any increase in bulk or mass of the building and the building is to remain as a community facility. The change of use of the community centre itself, as mentioned above, will not result in any harmful impact upon surrounding amenity given that there would not be any noise nuisance or harmful traffic generation. A café and training kitchen are considered to be acceptable town centre uses.

The alterations would not prejudice the comprehensive development of surrounding lands given it is all contained within the existing site. The proposal is also considered to be in keeping with the size and character of the settlement and its surroundings.

DFI Roads were consulted and are satisfied with the new parking layout. There is sufficient parking, in considering the town centre location with two large carparks nearby and on-street parking all around the adjacent streets.

PPS 6 – Planning Archaeology and the Built Heritage

HED were consulted on the proposal given that the subject building is Listed.

Policy BH 7 Change of Use of a Listed Building

The Department will normally permit the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced.

Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.

Policy BH 8 Extension or Alteration of a Listed Building

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (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.

Policy BH 11 Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

The proposed works are considered to be modest in terms of impact upon the Listed Building itself. The works inside to create the training kitchen will be within the more modern side extension (which is not listed) and will not be visible or apparent externally. As such, officers consider that the setting of the Listed Building is preserved. The works inside the listed portion of the building will not involve works to the walls of the listed building, the works will be to stud walls, or will include free standing items rather than the walls being drilled into or amended in any way. Again, there will not be any alterations to the listed elements of the building and so there will not be any alteration visible from outside the building. As such, officers are satisfied that the significance of the listed building will be preserved. Changing the building from a community facility to café and training kitchen along with the existing meeting rooms is considered to be an acceptable change of use in considering the wider area. The change of use is considered to secure its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced given that there are no alterations to the listed portions of the building itself.

This acceptability is further confirmed by the response provided by HED. They have responded with no objections to the proposed alterations and change of use subject to the imposition of a condition. They confirm that the proposal satisfies the requirements of Paragraphs 6.12 and 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policies BH7 (Change of Use of a Listed Building), BH 8 (Extension or Alteration of a Listed Building) and BH 11 (Development Affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

PPS 3 Access, Movement and Parking

The proposed development will make use of all existing parking and access provision. There are no amendments proposed to any aspect in this regard. DFI Roads were consulted on the proposal and responded with no objections providing there will be no additional off-street car parking requirement.

Officers are satisfied that this town centre location with two large car parks nearby does not require an off street parking provision.	
Neighbour Notification Checked	Yes
Summary of Recommendation	
<i>Approval – subject to conditions</i>	
Conditions:	
<ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The development hereby permitted shall take place in strict accordance with the following approved plans: P101. Reason: To define the planning permission and for the avoidance of doubt. 3. Excavation work within 1m of the listed building shall be carried out by hand or by tools held in the hand and not power-driven tools. Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works 4. All fixings to the existing stonework within the Market House building shall be specified as non-expanding and non-ferrous to prevent corrosion, damage and staining. Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works 5. All new internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council. Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and 	

to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

6. New joinery within the Market House building shall be hand painted on site as opposed to factory finish. Factory applied primer is acceptable.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

7. Any extant historic Internal plaster shall be repaired using a breathable lime plaster

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

8. Any new heating, plumbing, power and ventilation installations to servery facilities within the Market House building shall be surface mounted and reversible.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

9. All new ventilation terminals in external walls shall be cast metal.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

10. All new waste pipework in external walls shall exit below floor level to back inlet gully or be surface mounted in large diameter copper

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

Informatives:

1. Discussions with Building Control should be initiated at an early stage; changes may be required in relation to fire, sound, thermal insulation, etc that would affect the historic fabric of the building. If such requirements are not considered in this application, further revisions may be required that may not comply with PPS6.
2. It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal / external or setting). All listed buildings are afforded the same protection, irrespective of grade.

Case Officer Signature: J McMullan Date: 14 December 2023

Appointed Officer: A.McAlarney Date: 19 December 2023

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

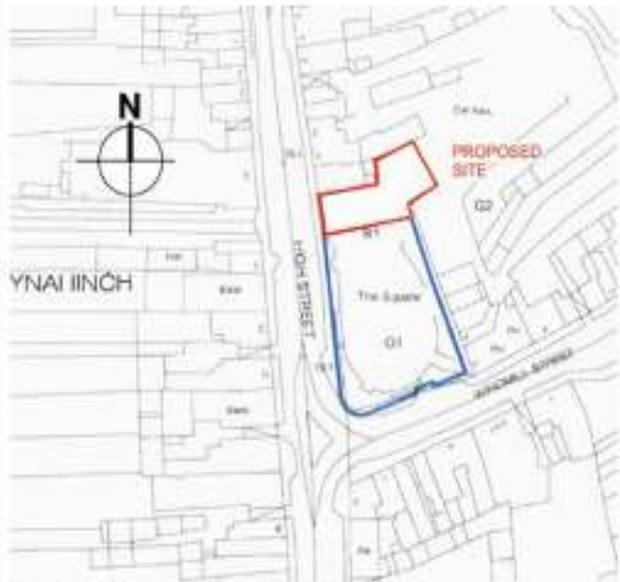
Date _____

Committee Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2023/3516/LBC	Target Date:
Proposal: Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.	Location: MARKET HOUSE 17 THE SQUARE BALLYNAHINCH BALLYNAHINCH DOWN BT24 8AE
Applicant Name and Address: Gareth Little 40 Magheraknock Park Ballynahinch BT248FG	Agent Name and Address: Gary Harpur 8 tullywest road Saintfield BT247LX
Date of last Neighbour Notification:	
Date of Press Advertisement:	15 November 2023
ES Requested: No	
Consultations: HED	
Representations:	
Letters of Support	
Letters of Objection	
Petitions	
Signatures	
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit: Nov 2023

Characteristics of the Site and Area

The application site comprises Ballynahinch Market House, located centrally within the settlement of Ballynahinch. The former Market House (HB18/07/005, Grade B1), which is a building of special architectural and historic interest, is protected by Section 80 of the Planning Act (NI) 2011. The building has had a set back link extension added to it more recently. It sits within the settlement of Ballynahinch.



Description of Proposal

Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.

Planning Assessment of Policy and Other Material Considerations

The application site is located within the settlement of Ballynahinch as designated in the Ards and Down Area Plan 2015 and as such Policy COY 1 is the relevant policy document, which is read in conjunction with the SPPS and PPS 3. Given that the building is Listed, PPS 6 is also relevant.

PLANNING HISTORY

Planning

Application Number: R/1997/6018 Decision: Enquiry: Other Letter Issued

Decision Date:

Proposal: Regeneration of Market House Market Street Ballynahinch

Application Number: R/1997/0250 Decision: Permission Granted Decision

Date:

Proposal: Landscaping of town square

Application Number: R/1987/0536 Decision: Permission Granted Decision

Date:

Proposal: Improvements to existing store

Application Number: R/1997/6033 Decision: Enquiry: Other Letter Issued

Decision Date:

Proposal: Regeneration scheme Market Square Ballynahinch

Application Number: R/1984/0763 Decision: Permission Granted Decision

Date:

Proposal: 1. As required by Article 26 of the Planning (Northern Ireland) Order 1972 application for approval of the matters reserved in condition 2 must be made within three years of the date on which this permission is granted and the development to which this permission relates must be begun by whichever is the later of the following dates:-

(i) the expiration of a period of five years from the date hereof; or

(ii) the expiration of two years from the final approval of any matters reserved in condition 2.

2. The siting, design and external appearance of the building(s) and the means of access thereto, and the landscaping of the site shall be as may be approved by the Department, to enable the Department to consider in detail the proposed development of the site.

This decision refers to location plan date stamped complete application 14 November 1984.

Application Number: LA07/2020/0641/PAD Decision: Decision Date:

Proposal: 6no 3p/2b apartments

Application Number: LA07/2023/3515/F Decision: Application Invalid Decision Date:

Proposal: Change of Use to a Day Centre for people with Learning disabilities to include a Cafe, a Training Kitchen, Meeting rooms that can also be used by local Community groups.

Application Number: R/2000/1135/Q Decision: Enquiry:Likely to Approve Decision Date: 20 September 2000

Proposal: CPDS - Proposed exhibition area, meeting room and offices

Application Number: R/2001/0258/LB Decision: Consent Granted Decision Date: 03 October 2001

Proposal: Total external & internal refurbishment.

Application Number: R/2001/0256/F Decision: Permission Granted Decision Date: 03 October 2001

Proposal: The Market House - Ground Floor - Retail/Tourist & Community Information. First Floor - Public Meeting Room/Exhibition Area. New Build Unit - 3 Storey Office Accomodation.

Application Number: R/2003/1370 Decision: Enquiry: Other Letter Issued Decision Date: 07 November 2003

Proposal: Second community regeneration

Application Number: R/2004/0255/F Decision: Permission Granted Decision Date: 08 March 2005

Proposal: Replacement of derelict buildings with new shop & office (use class 2) building.

Application Number: R/2012/0540/F Decision: Permission Granted Decision Date: 21 March 2013

Proposal: Proposed kerb adjustments together with amendments to walls and steps outside Market House and decorative metalwork

Application Number: LA07/2021/0677/LBC Decision: Consent Granted Decision Date: 22 June 2021

Proposal: Proposed installation of telecomms apparatus to council sites, as per the attached plans, as part of the Full Fibre Northern Ireland project.

Application Number: LA07/2021/2092/LBC Decision: Consent Granted Decision Date: 28 February 2022

Proposal: Alteration to internal layout, realignment of stud partition walls to create meeting rooms and reception area.

CONSULTATIONS

HED - HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPSS and PPS 6 archaeological policy requirements. HED Historic Buildings has considered the impacts of the proposal on the listed building and based on the information provided, advises that, subject to conditions, it satisfies the requirements of Paragraphs 6.12 and 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policies BH7 (Change of Use of a Listed Building), BH 8 (Extension or Alteration of a Listed Building) and BH 11 (Development Affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built

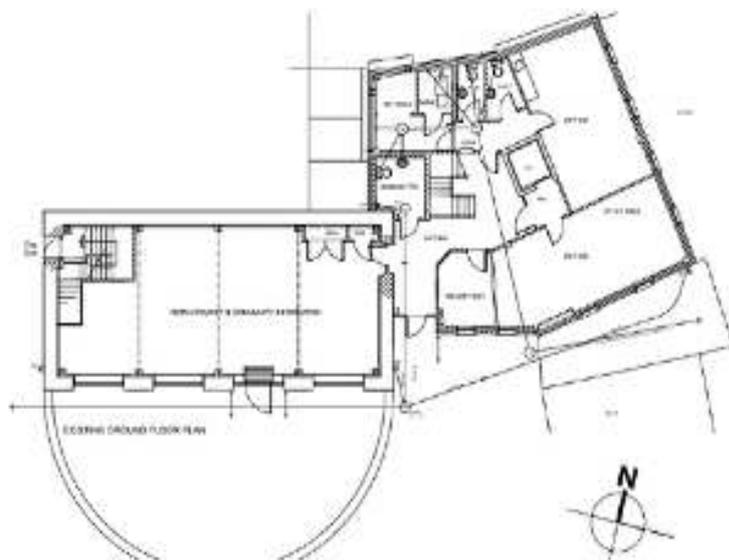
Heritage

EVALUATION

The proposal seeks permission for the following:

- Internal alterations to create a training kitchen, a café and a glazed draught lobby
- Removal of internal stud walls
- Change of use to Day centre, café, and meeting rooms
- The changes involved will all be internal only and will not affect the first or second floors. Only the ground floor will be altered as part of this application.

Existing ground floor plan



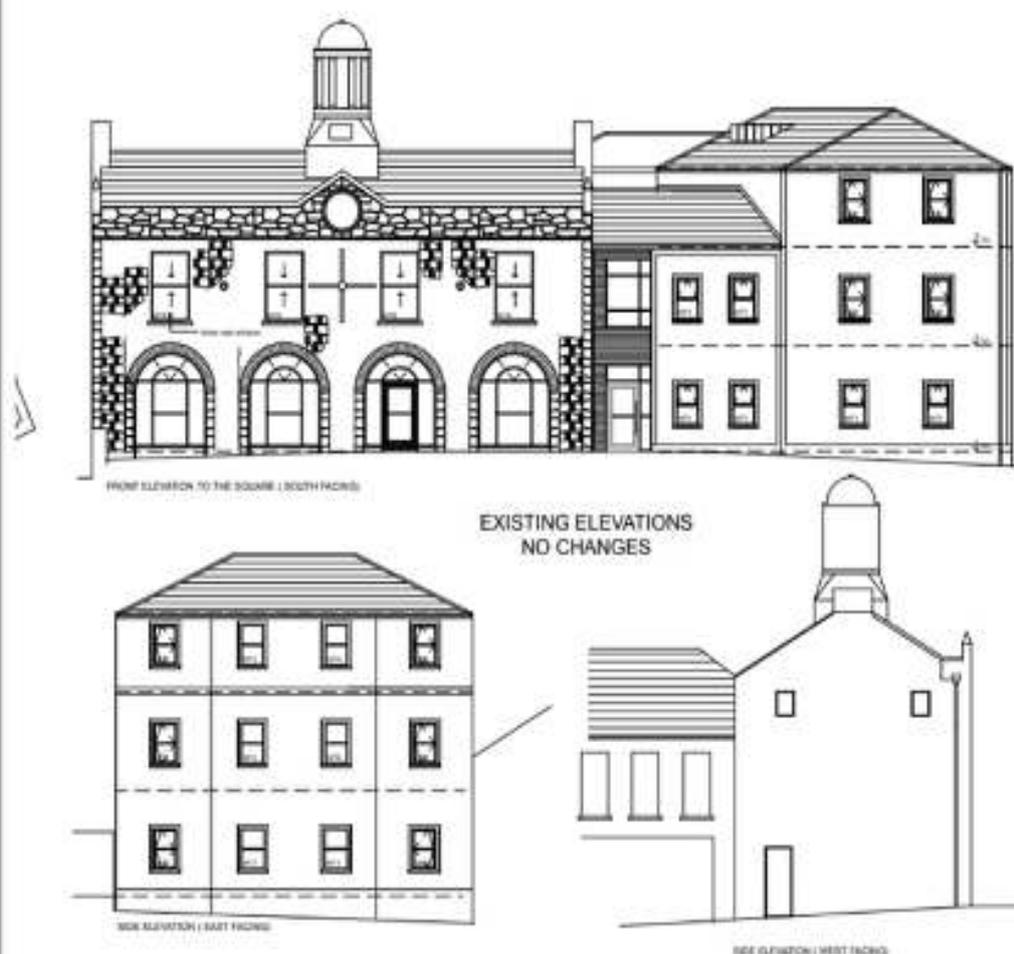
Proposed ground floor plan



As shown on the above, the ground floor will be converted from a large retail/tourist/community information unit along with offices, into a training kitchen, lobby toilets and café with seating area and deli counter circulation space.

Upstairs will remain in its current form i.e., occupied by meeting rooms.

Elevations of the building will remain the same (as existing.) There will not be any difference to the exterior of the building nor to the actual walls of the listed elements of the building. All fittings and units will be either freestanding or attached to stud walls rather than the listed building structure. a good deal of the works are inside the non-listed link extension.



PPS 6 – Planning Archaeology and the Built Heritage

HED were consulted on the proposal given that the subject building is Listed.

Policy BH 7 Change of Use of a Listed Building

The Department will normally permit the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced.

Proposals for a change of use should incorporate details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting.

Policy BH 8 Extension or Alteration of a Listed Building

The Department will normally only grant consent to proposals for the extension or alteration of a listed building where all the following criteria are met:

- (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.

Policy BH 11 Development affecting the Setting of a Listed Building

The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
- (c) the nature of the use proposed respects the character of the setting of the building.

The proposed works are considered to be modest in terms of impact upon the Listed Building itself. The works inside to create the training kitchen will be within the more modern side extension (which is not listed) and will not be visible or apparent externally. As such, officers consider that the setting of the Listed Building is preserved. The works inside the listed portion of the building will not involve works to the walls of the listed building, the works will be to stud walls, or will include free standing items rather than the walls being drilled into or amended in any way. Again, there will not be any alterations to the listed elements of the building and so there will not be any alteration visible from outside the building. As such, officers are satisfied that the significance of the listed building will be preserved. Changing the building from a community facility to café and training kitchen along with the existing meeting rooms is considered to be an acceptable change of use in considering the wider area. The change of use is considered to secure its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced given that there are no alterations to the listed portions of the building itself.

This acceptability is further confirmed by the response provided by HED. They have responded with no objections to the proposed alterations and change of use subject to the imposition of a condition. They confirm that the proposal satisfies the requirements of Paragraphs 6.12 and 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policies BH7 (Change of Use of a Listed Building), BH 8 (Extension or Alteration of a Listed Building) and BH 11 (Development Affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Neighbour Notification Checked

Yes

Summary of Recommendation

Approval – subject to conditions

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: P101.

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

3. Excavation work within 1m of the listed building shall be carried out by hand or by tools held in the hand other than power-driven tools.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works

4. All fixings to the existing stonework within the Market House building shall be specified as non-expanding and non-ferrous to prevent corrosion, damage and staining.

Reason: To ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works

5. All new internal works and finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

6. All new joinery within the Market House building shall be hand painted on site as opposed to factory finish. Factory applied primer is acceptable.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

7. Any extant historic Internal plaster shall be repaired using a breathable lime plaster

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

8. All new heating, plumbing, power and ventilation installations to servery facilities within the Market House building shall be surface mounted and reversible.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

9. All new ventilation terminals in external walls shall be cast metal.

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

10. All new waste pipework in external walls shall exit below floor level to back inlet gully or be surface mounted in large diameter copper

Reason: To ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and

to ensure maximum retention of historic fabric, in compliance with PPS6 BH7, BH8 and BH11.

Case Officer Signature: J McMullan **Date: 14 December 2023**

Appointed Officer: A.McAlarney **Date:19 December 2023**

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

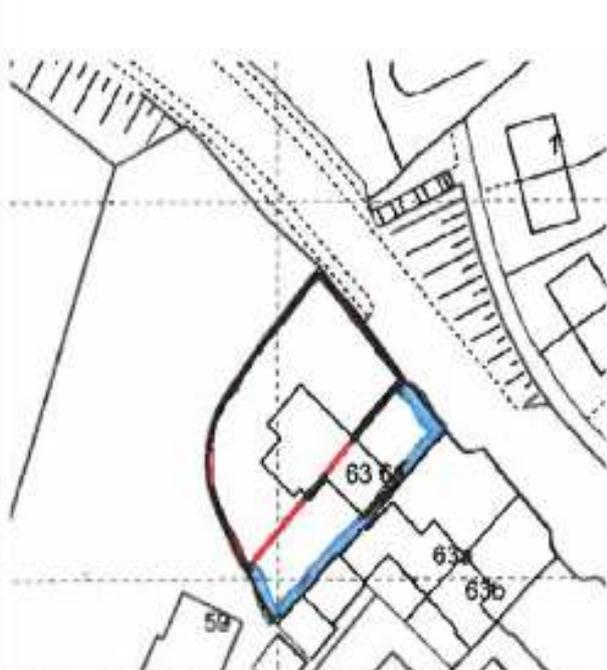
Date _____

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/1052/O	Target Date:
Proposal: Demolition of existing shop building and proposed construction of 2no Semi-detached dwellings	Location: 61-63 Edward Street Downpatrick
Applicant Name and Address: Mr & Mrs Martin Connolly 61 Edward Street Downpatrick BT30 6JH	Agent Name and Address: 11 Ballyalton Park Ardmeen Downpatrick BT30 7BT
Date of last Neighbour Notification:	9 August 2022
Date of Press Advertisement:	11 July 2022
ES Requested: No	
Consultations: see report	
Representations: none	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The application site is located at 61-63 Edward Street, Downpatrick.



Date of Site Visit: September 2022

Characteristics of the Site and Area

The site lies within Downpatrick and is accessed along Edward Street. It comprises an existing single storey flat roof SPAR shop with white rendered walls. There is an existing mono pitched store to the side of the shop which stores coal and home heating fuels in association with the shop. The front boundary is partially defined by a low-level wall with railings approx. 1m in height. This wall and railings continues along part of the northern boundary. The well maintained hedge of No 65 is seen from along this boundary. A similar wall and railings defines the boundary to the adjacent dwelling which is attached to the shop. The remaining NW boundary is open so that cars can drive in and park and access the shop directly from Edward Street, with tarmac surface on this section and to the side and rear of the site. The site measures some 18m x 33m at its widest points.

The area is predominantly residential in character and is characterised by a variety of house types including two storey semi-detached to the south east and two storey semi-detached with hipped roof opposite and detached dwelling to the rear of the site. Further north along Edward Street are chalet type bungalows, which look onto an existing area of open space and playpark, directly north of the site are playing/football pitches.

Description of Proposal

Demolition of existing shop building and proposed construction of 2no Semi-detached dwellings

Planning Assessment of Policy and Other Material Considerations

Site History:

LA07/2018/0214/LDP | 61-63 Edward Street, Downpatrick | Internal enlargement of shop floor to provide additional sales of 35 sq m | APPLICATION REQUIRED.

R/2003/1220/F | Proposed alterations to shop with 2 new apartments over.

R/1999/0705/F | 61-63 Edward Street, Downpatrick | Extension to dwelling | Permission Granted 20.10.1999.

R/1997/0674 | 61-63 Edward Street, Downpatrick | Extension to existing shop premises and internal alterations

R/1995/0807 | Rear of and adj to 61 & 63 Edward Street Downpatrick | Dwelling Permission Granted 02.03.1995

R/1994/0976 | Rear of and adj to 61 & 63 Edward Street Downpatrick | Dwelling | Permission Granted 02.03.1995.

Planning Policies & Material Considerations:

The site is located within the town of Downpatrick as designated within the Ards and Down Area Plan 2015.

The following planning policy statements are relevant to the proposal;

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 3 Access, Movement and Parking
- PPS 7 Quality Residential Development
- PPS7 Addendum Safeguarding the Character of Established Residential Areas
- PPS12 Housing in Settlements

Published guidance documents will also be considered such as Creating Places, DCAN 8 –'Housing in Existing Urban Areas' and DCAN 15 and Parking Standards.

Consultations:

NI Water have commented as follows: refusal

A Wastewater Impact Assessment was submitted to NIW for this proposal on 15th September 2023. The initial findings show that the nature of the downstream network issues mean that storm water offsetting is not a suitable solution for this site. The downstream network issues are complex, and time is needed to assess what potential

solutions there might be for this site. A WWIA is not deemed complete until a solution has been agreed upon, and deemed deliverable by both NIW and the developer. Until this has reached its conclusion, NIW's response will remain the same as that which was issued on 3rd August 2022, with the following overall recommendation: **Refusal. Subject to successful discussions and outcomes regarding issues highlighted in the responses below, NI Water may reconsider its recommendation.**

The assessment of the application has considered foul only flows from this development. The surface runoff from the proposed development site must go to a dedicated storm outfall. The discharge of storm water to the foul sewer is not permitted. This assessment is based on 2 residential units with a peak flow of 0.04 l/s. The issues limiting development at the proposed development site are as follows:

- Hunters Mill CSO – Adequate Screening: Inadequate Watercourse Dilution: Pass 3DWF: Pas FA: Proposed Closure
- Meadowside Downpatrick CSO – Adequate Screening: Inadequate Watercourse Dilution: Pass 3DWF: Pass FA: Proposed Closure
- There are sewers downstream with limited or no capacity.

The nature of the downstream network issues mean that storm water offsetting is not a suitable solution for this site. The downstream network issues are complex, and time is needed to assess what potential solutions there might be for this site. Negotiation on the WWIA is ongoing with NIW and the applicant.

DFI Roads – No objections

Objections & Representations

In line with statutory requirements neighbours have been notified on 26.07.2022. The application was advertised in the Down Recorder (Statutory expiry 03.08.2022). No letters of objection or support have been received in relation to the proposal.

Consideration and Assessment:

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. The application is located within the settlement of Downpatrick, within and with the AONB.

The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) provides advice regarding housing in settlements to planning authorities engaged in preparing new area plans. Whilst advocating increased housing density without town cramming,

its provisions do not conflict with extant regional policy in respect of proposals for dwellings within settlements.

PPS 7 -Planning Policy Statement 7 Quality Residential Environments

Planning Policy Statement 7 Quality Residential Environments (PPS7) sets out planning policies for achieving quality in new residential development. Policy QD1 of PPS7 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

The current proposal seeks outline planning permission for the erection of a pair of semi-detached dwellings. An indicative layout has also been provided.



Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment. Within Policy QD1 of PPS 7 there is a requirement for all proposals for residential development to conform to the listed 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;

This is an outline application to establish whether two dwellings can be accommodated on the site. The layout shows two dwellings with frontages of 8.4m sited fronting on the Edward Street.

DCAN 8 explains that Demolition and redevelopment of existing houses presents the greatest challenge in terms of retaining the character and integrity of the established street scene. Without great care and attention to detail in terms of the siting of buildings, their massing and architectural treatment, the use of materials and the maintenance of the existing landscape, there is a danger that redevelopment schemes will detrimentally affect the quality and character of the residential environment.

The current arrangement along Edward Street sees a variety of different house types. The acceptability of the proposal is dependent on the site characteristics and proposed layout plan with particular regard to the proposed amenity space and in-curtilage parking provision.

(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;

There are no issues regarding archaeology or the built heritage or landscaped features.

(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 of the development public open space is not a requirement. Criterion (c) of Policy QD1 insists on residential development proposals adequately providing public and private open space and landscaped areas as an integral part of the development. Creating Places (CP) states that for any individual house an area of less than around 40 square metres will generally be unacceptable. Paragraph 7.19 of CP states that to give privacy to adjacent dwellings and gardens, an appropriately designed boundary treatment, such as a hedge, or wall, that is above eye level in height should be provided. Paragraph 7.20 expands to say that there should always be a strong definition between private open spaces and public areas, for example, where the side

garden of a dwelling abuts a road, footpath or common open space. The dwellings can provide for adequate amenity space.

According to the layout the two dwellings can provide for higher than 70msq of amenity space with a resultant back garden depth which is variable in depth with one of the plots having a depth of at least 13m+ with the other plot curving to the side in line with the adjacent houses' access road. The proposal would meet criteria c.

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

The provision of neighbourhood services is not applicable to this application given the scale of development.

(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;

Given the scale of development a movement pattern is not required.

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

The current use (as a shop) uses the area of hardstanding for the parking of cars. This arrangement of hardstanding and parking to the front is a similar arrangement to the property at 63 which is under the ownership of the applicant. The proposal is sufficient to provide off street in curtilage parking.

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

The proposal is for an outline application so there are no details of plans or materials and finishes of the dwellings. These can be subject to condition is deemed to be necessary.

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

This is an outline application, which could be designed to ensure there are no issues of overlooking. Satisfactory boundary treatments should ensure there are no issues at ground level. The proposed houses will follow the development pattern already set back like No 63. According to the layout there would be a separation distance of more than 20m with the property No 59 to the rear. It is considered that there would be no unacceptable adverse effect on the residential amenity of No. 59 or to No 63 (under the ownership of the applicant) in respect of overlooking, loss of light, overshadowing, noise

or other disturbance. Consequently, it is considered that the proposed development could be designed to have no adverse impact on neighbouring properties. Consideration will need to be given to all elevations at reserved matters stage.

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

It is considered that the proposal would not give rise to crime or antisocial behaviour and should promote personal safety in the same regard as the existing dwellings.

On balance the proposed development of two dwellings would respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas and accords with criteria a -I of PPS 7.

APPS 7

Policy LC 1 of the Addendum states that in established residential areas, planning permission will only be granted for the redevelopment of extended garden areas to accommodate new housing where all the criteria set out in Policy QD 1 of PPS 7 and 3 additional criteria listed in Policy LC 1, are met.

In consideration of the stated criteria, the proposal would comply with criteria (a) of Policy LC1 of PPS7 Addendum: Safeguarding the Character of Established Residential Areas. Criteria (a) requires that the proposed density is not significantly higher than that found in the established residential area. The proposal would be in keeping with the overall character and environmental quality of the established residential area. The proposal would comply with this part of APPS7 (b). According to the layout the dwelling units would comply with part C and Annex A of APPS 7.

The provision of car parking spaces to the front of the dwellings would have a similar arrangement compared both the current use and the adjacent dwelling. It is deemed that the resulting pattern of development would be in keeping with the overall character and environmental quality of the established residential area and that consequently, the proposal would not offend criterion (b) of Policy LC 1. The proposal would meet part c of LC 1.

PPS 3 - Access, Movement and Parking PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing, onto a public road where:

1. such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
2. 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 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 environment improvement
- The location and number of 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

DfI Roads were consulted on the application and offer no objections. The proposal has sufficient parking within each plot.

NI Water

The applicant has submitted a Waste Water Impact assessment as per NI Water request. Negotiation is ongoing between NIW and the applicant. As a solution has not yet been found and the Council intend attaching negative conditions, the application requires to be presented to Committee.

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

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

Conclusion

The application has been assessed against the relevant planning policies and material considerations including objections and taking into account the input of the Councils consultees, it is determined that the proposal is acceptable in planning terms.

Recommendation:

Approval

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 this 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: Time Limit.

2. Insofar as expressly conditioned below details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter 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.

3. The development hereby permitted shall take place in strict accordance with the following approved plan: 22412NW4 and A002.

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

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

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

5. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 4, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

6. A landscaping plan shall be submitted as part of the reserved matters application to include details of any new planting to the boundaries and any boundary treatments. The planting plan as finally approved shall be carried out during the first planting season after the dwellings are occupied. 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 council gives written consent to any variation.

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

Informatives

- 1. The development hereby permitted shall have a layout which is broadly in line with the indicative concept layout plan A002 but may be subject to modification to address any specific concerns raised following consideration of the detailed submission.
- 5. Upon receipt of this statutory consultation and to discuss any areas of concern, the applicant is advised to contact Waterline on 03457 440088 or waterline@ni-water.com. Alternatively, guidance notes and application forms are available to download from NI Water website at <https://www.niwater.com>.
- 6. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
- 7. This permission does not confer title. It is the responsibility of the developer to ensure that s/he controls all the lands necessary to carry out the proposed development.

Neighbour Notification Checked	Yes
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Summary of Recommendation – Approval

Case Officer Signature: C Moane	Date: 15 December 2023
Appointed Officer: A.McAlarney	Date: 18 December 2023

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Committee Application

Development Management Officer Report	
Case Officer: Laura McCausland	
Application ID: LA07/2022/2025/LBC	Target Date:
Proposal: REPLACEMENT 2NO. FIRST FLOOR FIXED SASH WINDOWS AND FRAMES TO MATCH EXISTING	Location: 10 - 14 CENTRAL PROMENADE NEWCASTLE BT33 0AA
Applicant Name and Address: NMDDC DOWNSHIRE CIVIC CENTRE ARDGLASS ROAD DOWNPATRICK BT30 6RA	Agent Name and Address: NICOLA MCEVOY DOWNSHIRE CIVIC CENTRE ARDGLASS ROAD DOWNPATRICK BT30 6RA
Date of last Neighbour Notification:	
Date of Press Advertisement:	22 February 2023
ES Requested: No	
Consultations: HED	
Representations: nil	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The application site is located within the settlement limit and town centre of Newcastle as designated by the Ards and Down Area Plan 2015. This application relates to Grade 2 Listed Building (HB18/14/001) Annesley Mansions ('Newcastle Centre'), 10-12 Central Promenade, Newcastle which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI). The property is a rectangular shape, 2 storey with basement comprising of smooth rendered walls with raised quoins, hipped natural slate roof, stone chimneys and timber external doors and Georgian sash windows. The property current use as Civic Centre with leisure facilities and tourist information centre. Topography is flat across the site, onstreet parking is available and access is taken directly from Central Promenade.

Description of Proposal

REPLACEMENT 2NO. FIRST FLOOR FIXED SASH WINDOWS AND FRAMES TO MATCH EXISTING

Planning Assessment of Policy and Other Material Considerations

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

- Ards and Down Area Plan 2015
- Strategic Planning Policy Statement for Northern Ireland
- Planning Policy Statement 6 (Planning, Archaeology, and the Built Heritage)

PLANNING HISTORY

Planning

Application Number: R/1989/0939 Decision: Permission Granted

Proposal: Erection of 6 flag poles, banners, signs on main building and colonade

Application Number: R/1989/0838 Decision: Permission Granted

Proposal: New Steel Staircase, Concrete Balcony & new additional Access

Application Number: R/1998/0592 Decision: Permission Granted

Proposal: 3 Sided Tourist Information Case

Application Number: R/1984/0554 Decision: Permission Granted

Proposal: LEISURE POOL AND ASSOCIATED BUILDINGS.

Application Number: R/1984/0813 Decision: Permission Granted

Proposal: RE-LOCATION OF CENOTAPH

Application Number: R/1980/0052 Decision: Permission Granted

Proposal: TO DEMOLISH LISTED BUILDING (MUNICIPAL BUILDINGS, NEWCASTLE)

Application Number: R/1975/0038 Decision: Permission Granted

Proposal: HOLIDAY HOME FOR ELDERLY PEOPLE

Application Number: R/1976/0343 Decision: Permission Granted

Proposal: FUNFAIR

Application Number: R/1992/1045 Decision: Permission Granted Decision

Date:

Proposal: Refurbishment of building to provide tourist information, office, activity area, cafe and associated facilities

Application Number: R/1992/1044 Decision: Consent Granted

Proposal: Refurbishment of Annesley Mansions

Application Number: R/1989/0537 Decision: Permission Granted

Proposal: 6 flagpoles and banners, sign on entrance to main building and sign on colonade

Application Number: R/1989/0538 Decision: Permission Granted

Proposal: 11KV Overhead line

Application Number: R/1989/0938 Decision: Permission Granted

Proposal: 11KV O/H Line

Application Number: R/1978/0378 Decision: Permission Granted
 Proposal: PROPOSED DINING ROOM EXTENSION, WITH TOILETS AND SICK ROOMS ADJACENT

Application Number: R/1985/0598 Decision: Permission Granted
 Proposal: CONSERVATORY.

Application Number: R/1995/0901 Decision: Permission Granted
 Proposal: Proposed escape stair and lift extension to existing holiday home for the elderly with new disabled access

Application Number: R/1987/0661 Decision: Permission Granted
 Proposal: Alterations to Listed building

Application Number: R/1983/0306 Decision: Permission Granted
 Proposal: ILLUMINATED SIGN

Application Number: R/1977/0649 Decision: Permission Granted
 Proposal: LANDSCAPING TO NIES SUBSTATION

Application Number: R/1975/0170 Decision: Permission Granted
 Proposal: FUNFAIR

Application Number: R/1974/0251 Decision: Permission Granted
 Proposal: ERECTION OF FIRE ESCAPE.

Application Number: R/2000/0988/A Decision: Consent Granted
 Decision Date: 27 September 2000
 Proposal: Adshel bus shelter

Application Number: R/2000/0989/F Decision: Permission Granted
 Decision Date: 27 September 2000
 Proposal: Erection of bus shelter on public footpath

Application Number: R/2003/1017 Decision: Enquiry: Other Letter Issued
 Decision Date: 02 October 2003
 Proposal: Redevelopment of promenade.

Application Number: R/2004/1201 Decision: Enquiry: Other Letter Issued
 Decision Date: 03 August 2004
 Proposal: Delisting of buildings of special architectural or historic interest

Application Number: R/2004/1844/F Decision: Temporary Approval

Decision Date: 10 March 2005

Proposal: Temporary relocation (3 years) of a public toilet facility, from promenade amenity area to land adjacent to Newcastle tourist information centre.

Application Number: R/2004/1337/F Decision: Permission Granted Decision Date: 22 March 2005

Proposal: Environmental improvements which include demolition of footbridge. New sea wall, raising and refurbishment of promenade with infilling of promenade gardens to create a grassed slope. Widening and refurbishment of footpath at Main Street. Street furniture, timber walkways, access ramps, steps and tree and shrub planting. Sea-side themed sand and water-play area and civic space.

Application Number: R/2005/0876/F Decision: Temporary Approval

Decision Date: 10 September 2005

Proposal: Temporary relocation (3 years) of a public toilet facility to the side car park adjacent to Newcastle Tourist Info. Centre.

Application Number: R/2005/1224/F Decision: Permission Granted

Decision Date: 29 November 2005

Proposal: Environmental Improvement Scheme to inc new parking bays, street lighting, street furniture, traffic calming measures and planters, also reorganisation of space in front of Annesley mansions to inc removal of fencing, installation of new paving and planters.

Application Number: R/2006/0739/F Decision: Permission Granted

Decision Date: 10 November 2006

Proposal: Amendments to previously approved scheme (R/2005/1224/F) to include provision of new set down area, cycle lane and reduced size traffic island

Application Number: R/2005/0678/A Decision: Consent Granted

Decision Date: 09 February 2007

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

Application Number: R/2007/0544/F Decision: Permission Granted

Decision Date: 11 September 2007

Proposal: Environmental improvement scheme to include new paving, seating walls, lighting columns, planting beds and alterations to existing railings, ramps and steps into Annesley Building.

Application Number: R/2007/0546/LB Decision: Consent Granted

Decision Date: 11 September 2007

Proposal: Environmental improvement scheme to include new paving, seating walls, lighting columns, planting beds and alterations to existing railings, ramps and steps adjoining Annesley building.

Application Number: R/2009/1017/F Decision: Permission Granted

Decision Date: 11 June 2012

Proposal: New senior citizen's hostel (22 twin rooms, 4 family rooms, with lounge, dining and ancillary facilities) and 4 no. retail units. (Amended scheme)

Application Number: R/2012/0382/F Decision: Permission Granted

Decision Date: 09 May 2013

Proposal: Amendment to previously approved scheme (R/2009/1017/F) for New Senior Citizen's hostel (15 twin rooms, 4 family rooms (42 people) with lounge, dining and ancillary facilities) and 3no retail units

Application Number: R/2014/0661/F Decision: Permission Granted Decision

Date: 29 January 2015

Proposal: Sculpture trail on Newcastle Promenade

Application Number: LA07/2015/0884/A Decision: Consent Granted

Decision Date: 20 November 2015

Proposal: Name and address, single letter gable wall text signage

Application Number: LA07/2015/0079/F Decision: Permission Granted

Decision Date: 29 September 2016

Proposal: Change of use of Ground Floor Units from Retail to Café/Restaurant

Application Number: LA07/2018/0654/A Decision: Consent Granted

Decision Date: 24 August 2018

Proposal: Conversion of existing six sheet display unit incorporated into an existing Adshel bus shelter to a six sheet digital display screen

Application Number: LA07/2021/0657/LBC

Decision: Consent Granted Decision Date: 20 July 2021

Proposal: Proposed installation of telecoms apparatus

Application Number: LA07/2021/2087/F Decision: Permission Granted

Decision Date: 11 March 2022

Proposal: Reinstatement of 2 sash windows to rear elevation of building.

Application Number: LA07/2021/1752/LBC Decision: Consent Granted

Decision Date: 11 March 2022

Proposal: Demolition of extension building adjoined to original B2 listed building and all associated remedial works

Application Number: LA07/2022/0201/LBC Decision: Consent Granted

Decision Date: 13 May 2022

Proposal: Removal of tiered seating and steps. Widening of corridor between theatre and display room. Create new store using a section of existing store.

SUPPORTING DOCUMENTS

A Design and Access Statement and photographs have been submitted in support of the application.

CONSULTATIONS

HED (Historic Buildings) has considered the impacts of the proposal on the listed building and based on the information provided, advises that subject to conditions, it complies with paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH8 (Extension or Alteration of a Listed Building of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

REPRESENTATIONS

No Representations have been received in respect to the application.

EVALUATION

SPPS

Paragraph 6.13 of the SPPS states that development involving alteration to a listed building may be permitted, particularly where this will secure the ongoing viability and upkeep of the building.

PPS6 Policy BH 8- Extension or Alteration of a Listed Building

Proposals for the extension or alteration of a listed building will only be granted consent where all the following criteria are met:

- (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



Architectural elevations of the Newcastle Centre building. The top drawing is the West Elevation, showing a long, symmetrical facade with a central entrance and multiple chimneys. The middle drawing is the East Elevation, showing a similar facade with a prominent central entrance and a red-colored section. The bottom two drawings are the North and South Elevations, showing the side profiles of the building with their respective rooflines and chimneys.

West Elevation

East Elevation

North Elevation

South Elevation

Newcastle Council
an ISO 9001:2015
registered business
Newry, Moira and Down
Social Housing

Building:
Newcastle Centre

Council reference no.:

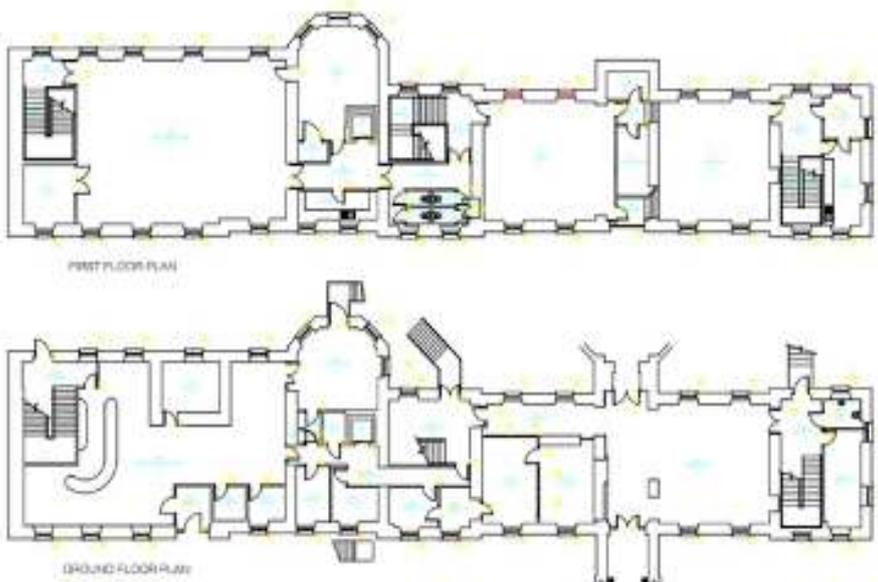
Drawing Title:
Elevations

Drawing no.:
000

Scale:
1:200 @ A3

Drawn by:
NM

Date:
02.12.22



Architectural floor plans of the Newcastle Centre building. The top drawing is the First Floor Plan, showing a long, narrow layout with a central circular area and several rooms. The bottom drawing is the Ground Floor Plan, showing a similar layout with a central circular area and a large open space. The plans are color-coded with yellow and blue highlights.

First Floor Plan

Ground Floor Plan

Newcastle Council
an ISO 9001:2015
registered business
Newry, Moira and Down
Social Housing

Building:
Newcastle Centre

Council reference no.:

Drawing Title:
Plans

Drawing no.:
002

Scale:
1:200 @ A3

Drawn by:
NM

Date:
02.12.22

The proposal seeks Listed Building Consent for the replacement 2No. first floor fixed sash windows and frames to match existing. Information provided within the Design and Access Statement informs that current windows are very badly damaged structurally and are allowing ingress of water to seep into the building. Detail provided on the proposed elevation denote that no other proposed changes are sought to the appearance of the building apart from replacement of 2No. windows to match existing.

Windows to be replaced are located to the rear of the property and thus proposed works will be concealed from all public views. Proposed material finish is to be timber Georgian sash windows that are to be painted in RAL colour as existing. The proposal does not seek to change the character or appearance of the building. No change is sought to the building's setting. All features of special interest are to remain intact and unimpaired by the proposed works.

Proposed detail of works are regarded to be of high quality, traditional design and material finish, sympathetic in nature and to respect existing building thus considered appropriate.

Proposed works are considered to be de-minimus in scale and seek to replace 'like for like' therefore proposed visual changes and impact of development works are considered to be of low impact on the character of the building and setting there of. Proposed works are considered to be necessary and will help preserve and enhance the building itself and will sympathetically function as part of the existing building without detracting from the overall visual impression of the area, built form or Listed Building.

The application for 'Replacement 2No. First Floor Fixed Sash Windows and Frames to Match Existing' (LA07/2022/2025/LBC) impacts upon HB18/14/001 Annesley Mansions (Grade B2) which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011.

Historic Environment Division (HED), Historic Buildings, has considered the impacts of the proposal on the listed building and based on the information provided, advises that:

Subject to conditions, it complies with paragraph 6.13 of Strategic Policy Planning Statement for Northern Ireland and Policy BH8 (Extension or Alteration of a Listed Building of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage).

HED note that the windows in question have been accurately represented on the elevations, however, that is not the case for other windows that will remain in place. (see full consultation response for diagram)

HED has inspected the windows and notes they are beyond repair; they also appear to be C20th replacements. As the two windows proposed for replacement are fixed with thick glazing bars and modern glass, there is scope to fit double glazing in these openings. Given the sea-facing aspect, this should assist in energy conservation. The

applicant may wish to consider double glazing to all the replacement windows within the former Hotel section of the East Elevation; if that is the case, a further application would be required. HED would then wish to discuss offsetting this change with inserting more appropriate sliding sash windows to the former Hotel along the principal façade, which faces onto Central Promenade.

Conclusion

On consideration it is deemed that the proposal is in accordance with relevant planning policies SPPS and Policy BH 8 of PPS 6.

Therefore it is determined that the proposal is acceptable in planning terms and Listed Building Consent is recommended.

Neighbour Notification Checked	NA	Yes/No
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Summary of Recommendation

Consent

Conditions: Subject to change

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

2. The development hereby permitted shall take place in strict accordance with the following approved plans Nos DDC157-G-1-00, 002 & 003

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

3. Prior to fabrication of windows, a sample of the proposed glass and the glazing bar shall be submitted for written approval by the council in conjunction with HED.

Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

4. The final coat of paint for all external joinery shall be brush-applied on site, i.e. not factory finished.

Reason: to ensure that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building.

Case Officer Signature: Laura McCausland	Date: 21 December 2023
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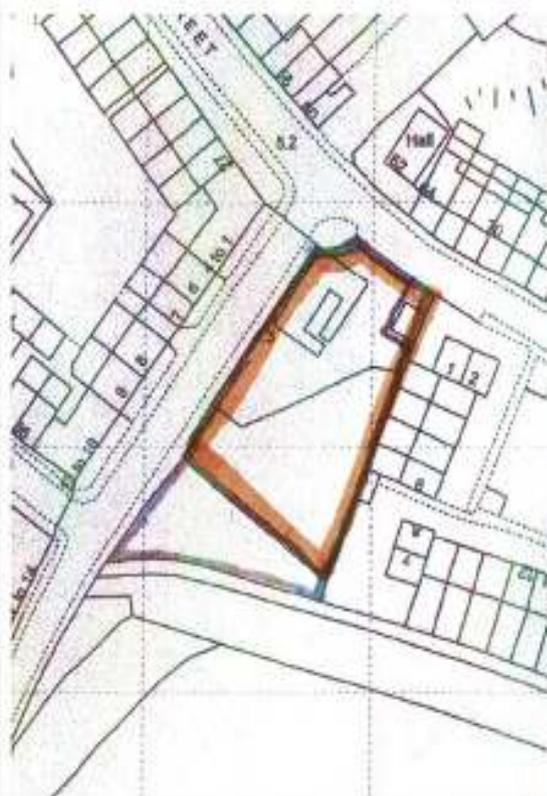
Appointed Officer: A.McAlarney	Date: 21 December 2023
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Committee Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2020/1671/F	Target Date:
Proposal: Residential development of 4 two bed townhouses, 4 one bed apartments and 2 two bed apartments (10 units in total) with vehicular and pedestrian entrance at Seaview, car parking, private open space and ancillary works including retrospective consent to demolish garage.	Location: Land adjacent to Seaview and Shore Street and 34 Seaview Killyleagh
Applicant Name and Address: Strangford Lough Properties Limited 1 Catherine Street Killyleagh BT30 9QQ	Agent Name and Address: 677 Lisburn Road Belfast BT9 7GT
Date of last Neighbour Notification:	6 January 2022
Date of Press Advertisement:	2 December 2020
ES Requested: No	
Consultations: See report	
Representations: yes – see report	
Letters of Support	45
Letters of Objection	95
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: Land adjacent to Seaview and Shore Street and 34 Seaview Killyleagh



Date of Site Visit: January 2021

Characteristics of the Site and Area

The site is located within Killyleagh village and is a corner site located at the junction of Seaview and Shore Street. The site has been cleared of any buildings, but formerly accommodated a single storey prefabricated commercial building located along the frontage at Seaview, but that was damaged by fire in the first half of 2020. The building contained asbestos and has since been demolished under approval from the Council (as it lies within the Killyleagh Conservation Area). A second domestic garage building on the site was also demolished at the same time, that demolition was unauthorised and is subject to application LA07/2020/1669/DCA. The site is now predominantly a grassed area with a portion of land (outside the red line) which separates the site from the path that runs along the shoreline towards housing at Hans Sloan. The area is residential in character surrounded predominantly with terraced housing.

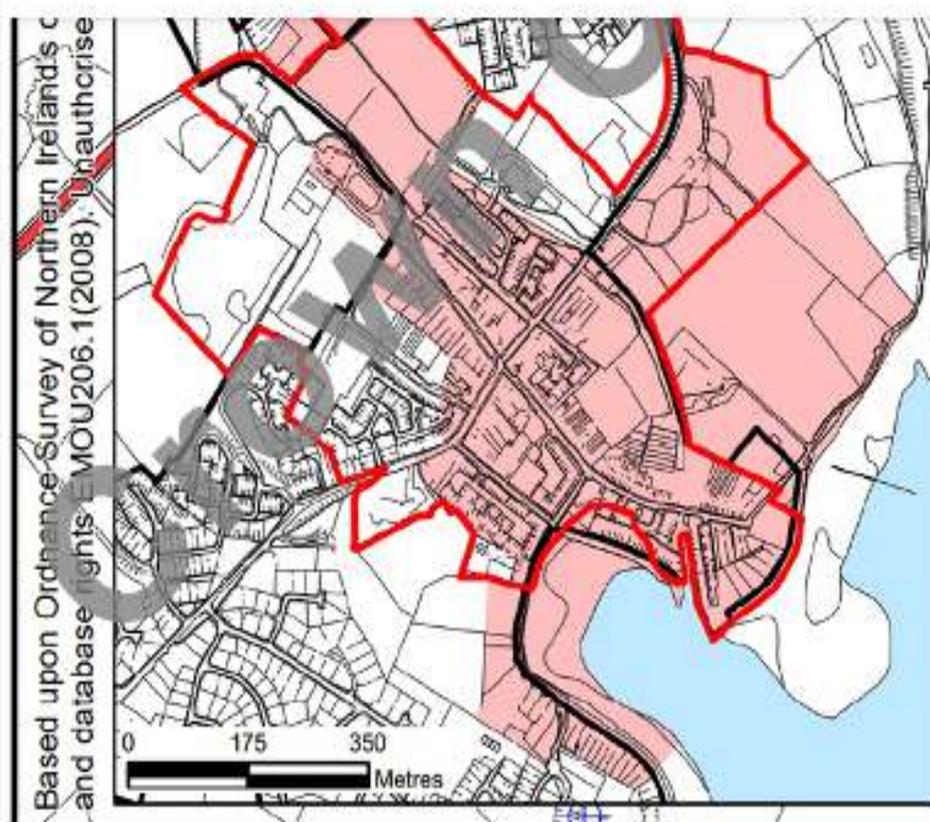
Description of Proposal

Residential development of 4 two bed townhouses, 4 one bed apartments and 2 two bed apartments (10 units in total) with vehicular and pedestrian entrance at Seaview,

car parking, private open space and ancillary works including retrospective consent to demolish garage.

Planning Assessment of Policy and Other Material Considerations

The application site is located within the settlement of Killyleagh as designated in the Ards and Down Area Plan 2015. This application site is located within the Killyleagh Area of Archaeological Potential (AAP) and partly within the Killyleagh Conservation Area and AONB as defined in the Ards and Down Area Plan 2015. It is noted that within the Killyleagh Conservation Booklet (March 1993) the site lies within the Conservation Area in its entirety.



Ards and Down Area Plan 2015

Map No. 3/014a - Killyleagh



Extract from Killyleagh Conservation Area Guide 1993

The following planning policy statements are relevant to the proposal;

- The Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2 Natural Heritage
- PPS 3 Access, Movement and Parking
- PPS 6 Archaeology and the Built Environment
- PPS 7 Quality Residential Development
- PPS 7 Addendum Safeguarding the Character of Established Residential Areas
- PPS 12 Housing in Settlements
- PPS 15 Planning and Flood Risk

Published guidance documents will also be considered such as

- Killyleagh Conservation Area Guide (1993)
- Creating Places,
- DCAN 8 'Housing in Existing Urban Areas'
- DCAN 15
- DoE Parking Standards.

PLANNING HISTORY

Planning

LA07/2020/1669/DCA | Rear of 34 Seaview, Killyleagh | Retrospective application for consent to demolish garage of 105 cubic metres | Pending

LA07/2018/1030/F | Land adjacent to Seaview and Shore Street, Killyleagh | Erection of 3 townhouses and 10 apartments with altered new entrance | Application Withdrawn 31.01.2020.

LA07/2018/1124/DCA | Land adjacent to Seaview and Shore Street, Killyleagh | Demolition of vacant dwelling and outbuilding including garden walls to allow the erection of new residential development | withdrawn 31.01.2020.

LA07/2020/0958/DCA | Land adjacent to Seaview and Shore Road, Killyleagh Demolition of vacant building | PERMISSION GRANTED | 13.10.2020.

R/2006/0080/F Site adjacent to 34 Seaview, Killyleagh, Demolition of existing single storey dwelling and chip shop | Permission Granted 14.09.2006.

R/2005/1312/O Site Adjacent to 34 Seaview, Killyleagh. Site for Housing Development and associated parking. Permission Granted 11.09.2006.

R/2002/0125/O Site adjacent to 34 Seaview, Killyleagh, Site for housing development & associated car parking. Permission Granted 04.04.2003.

R/1998/0838 SITE Adj To 34 Seaview Killyleagh Site for housing development- apartments & car parking Permission Granted

R/1995/0484 ADJ TO 34 Seaview Killyleagh Residential development | Permission Granted

R/1988/0997 34 Seaview Killyleagh Replacement boundary wall Permission Granted

R/1979/0368 34 Seaview, Killyleagh Infilling of Ground Up To Adjoining Land To Extend Garden Area |Permission Granted

Enforcement

LA07/2021/0434/CA | Proposal: Alleged unauthorised container, dumping of soil heaps, storage of bales and telephone pole | enforcement case closed 01/07/2022.

LA07/2020/0298/CA | To The Rear Of 34 Seaview, Killyleagh | Alleged unauthorised demolition within a conservation area | ongoing

R/2010/0130CA Adjacent to 34 Seaview, Killyleagh (bottom of Shore Street/Irish Street, land in between) Operational Devt Enforcement Case Closed 04.03.2011.

R/2009/0140CA Old Methodist Church, Shore Street, Killyleagh. Operational Devt Enforcement Case Closed 08.03.2012.

Consultations:

NI Water – Available capacity

The downstream catchment is constrained by overloaded sewage infrastructure including one or more downstream. Unsatisfactory Intermittent Discharges (UID's) which are causing a negative impact on the environment. These issues are outlined in the following section. This information has been validated, verified and signed off by our environmental regulator the Northern Ireland Environment Agency (NIEA). A WWIA has been submitted to NI Water, however no solution has been found.

DFI Roads – No Objections subject to PSD's

Shared Environmental Services (SES) – no objections subject to conditions regarding mitigation

Rivers Agency – No objections

Historic Environment Division (HED) – No objections

Environmental Health – No objections

DAERA -NIEA NED – Objection - Natural Environment Division (NED) has considered the impacts of the proposal and, on the basis of the information provided, advise the Local Planning Authority that the current proposal may have significant impacts on a designated site.

DAERA – Marine and Fisheries Division – objection - proposal is contrary to planning policy.

NIEA – Water management unit – no objection subject to NIW outcome (as detailed in report)

Objections & Representations

In line with statutory requirements neighbours have been notified on 01.12.2020, 18.10.2021, and again on 23.12.2021. A total of 95 letters of objections (including letters from Cllr Andrews and former Cllr Walker, Peter Weir former MLA, Patrick Brown (now MLA)) have been received along with 45 letters of support.

While there are a significant amount of objection letters, the main issues can be summarised as the following: (Please note all objections letters have been read in full and hard copies are available on the file)

- Parking – severe lack of parking in Shore Street and Seaview, with no off street parking, this will increase the need for parking in the area
- Sewerage system is inadequate and new housing will add to an already over-loaded system, adding to the problems already faced by residents
- Contrary to QD 1 of PPS 7 – overdevelopment and increased density of the site and overshadowing, urban cramming. Not appropriate to the Conservation Area, character of the area, cumulative impact and the unsatisfactory state of the site.
- The property to be demolished contains asbestos
- Part of the site is on the floodplain
- Impact on bats
- Environmental concerns – adjacent to the shores of Strangford Lough ASSI, AONB and impact on wildlife
-

The scheme was reduced from 18 units to 10 unit and further objections were still raised (continued to be further objected by Cllrs Andrews, Walker and Brown)

- Traffic and parking
- Access point (only one) single lane on Shore Street – parking passing bays need to be added
- Even though the properties have reduced, so too has the plot size
- Object to two storeys in height
- Impact on AONB and bats
- Still over development of the site – which will impact on flooding and water line issues.
- Character of the area – impact on listed buildings
- Cumulative impact (in terms of previous approvals)
- Retrospective planning for demolishing the garage
- Impact on amenity, noise and disturbance
- Impact on tourism - economic impact

There are those who support the application (45 letters) including Harry Harvey MLA

- Proposal will provide for much needed housing to the area
- The site has been an eyesore for too long
- The proposed development will enhance this part of Killyleagh
- The proposed development is in keeping with the area
- It will bring employment to the area

Consideration and Assessment:

The Strategic Planning Policy Statement for Northern Ireland: Planning for Sustainable Development (SPPS) refers at paragraph 6.137 to the need to deliver increased housing without town cramming and promotes the importance of new development respecting local character and environmental quality, as well as safeguarding the amenity of existing and proposed residents. In respect of the development, there is no conflict or change in policy direction between the provisions of the SPPS and that contained in Planning Policy Statement 7: Quality Residential Environments (PPS7), Planning Policy Statement 2: Natural Heritage and Planning Policy Statement 3: Access, Movement and Parking (PPS3) which provide the relevant policy context. The guidance in Creating Places: Achieving Quality in Residential Developments is also material to the consideration of the proposal.

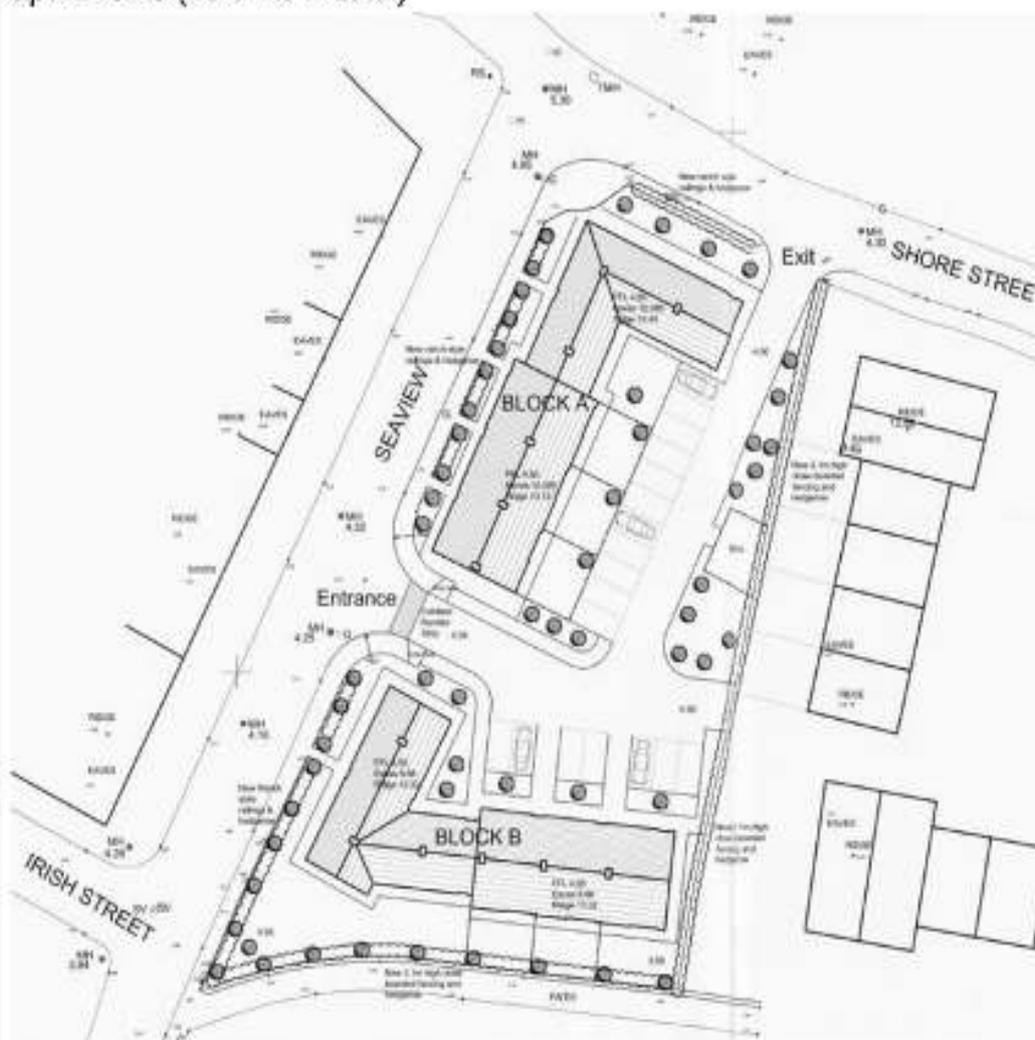
PPS 7 -Planning Policy Statement 7 Quality Residential Environments

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

The headnote of Policy QD1 states that the design and layout of residential development should be based upon an overall design concept that draws on the positive aspects of the character and appearance of the surrounding area. The amplification of the policy indicates that in assessing proposals in established residential areas particular account will be taken of the spacing between buildings, the safeguarding of privacy, the scale and massing of buildings and the use of materials. The acceptability of any scheme is

thus dependent on its design and details as well as site-specific features and the context of the surrounding area.

The scheme was originally submitted for 6 two bed townhouses and 12 one bedroom apartments (18 units in total)



Initial submission

While the red line has remained the same through the processing of the application, development was clearly outside the red line initially including the southern portion of the site (which runs parallel with the path). Following a number of meetings, where the scheme was considered unacceptable, amendments were sought and it is on this basis that this assessment is based, on 4 two bed townhouses, 4 one bed apartments and 2 two bed apartments (10 units in total)

encompassed a single-storey low elevation pitched building fronting onto Seaview and a pitched roof single storey garage which fronted onto Shore Road which comprised of corrugated tin and block construction, these have all since been removed and the site has been lying vacant but secured with site railings along Seaview. The site is a grassed area and can be accessed onto both roads. The site itself is a corner site which has a frontage onto both Seaview and Shore Street and in this respect is a significant site in terms of the views into and from the site and from the Lough and Conservation Area. The terraced dwellings opposite the site offer a variation in form and roof rhythm, ranging from two storey to single storey in height. Hans Sloane Square is located to the east of the site and comprises two storey dwellings.

The scheme takes the form of two separate blocks separated by an access road with parking and services to the rear. The agent has taken on board feedback from the previously submitted schemes relating the scheme more to the development at Hans Sloane Square, whereby it is better in terms of overall proportions and layout on the site. The scheme has reduced the overall bulk and massing and is more respectful of its location and positioning along both Shore Street and Seaview. The buildings are two storey in height offering variation in form of roof rhythm which would be characteristic of the area. Indeed the Killyleagh Conservation Area Booklet makes particular reference to this 'at Seaview the striking irregularity of roofline is a major component of streetscape'. The elevation which addressed Shore Street has an adequate solid to void ratio with an overall length of 21m. The hipped roof at the junction with Seaview, turns the corner sufficiently with satisfactory variation in roof form, fenestration and while they are apartments along this section, there are sufficient front doors and chimneys serving the properties to give the impression of a row of terraces. The remaining portion of Block A includes two 2 bed townhouse properties, which adequately address the street frontage along Seaview. Block B also includes two (2 bed) town houses which have individual rear gardens and parking beyond. Overall, it is accepted that 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.

(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 in close proximity to dwelling nos. 32 & 34 Shore Street, Killyleagh (Grade B2) and Killyleagh Parish Church (C of I), Church Hill, Killyleagh (Grade B) which are of special architectural and historic interest, protected by Section 80 of the Planning Act (NI) 2011. Historic Environment Division (HED), Historic Buildings, were therefore consulted as part of the consultation process. HED has considered the impacts of the

proposal on the listed buildings and on the basis of the information provided, advises that, it is content with the proposal without conditions under Paragraph 6 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning Archaeology and the Built Heritage. HED, Historic Buildings, considers the proposal compliant with Policy BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, as the following criteria are met:

- a) The detailed design respects the listed buildings in terms of scale, height, massing and alignment;
- b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the buildings; and
- c) The nature of the use proposed respects the character of the setting of the building.

There are no landscape features identified. In this respect the proposal complies with part (b).

(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;

Criterion (c) of PPS 7 seeks to ensure that adequate provision is made for private open space. When read with paragraph 4.31 of the amplification to the policy, it is clear that the provision of private open space is regarded as particularly important for new family dwellings, described in general terms as those of three or more bedrooms. Paragraph 5.19 of Creating Places (CP) supplements policy on this issue and refers specifically to 'back garden provision'. It indicates that this should be calculated as an average space standard for the development as a whole and should be around 70 sqm per house or greater.

In terms of private open space, to promote choice for residents a variety of different garden sizes have been provided and back garden provision is calculated as an average space standard for the development as a whole, this should be around 70 sq m per house or greater. The gardens would all comply with this standard. Private open space provision is considered appropriate.

Given that there are only 10 units on the plot, there is no requirement under Policy OS 2 of PPS 8 to provide open space as this relates to units of 25 plus. While the communal

open space is not designated or demarcated for the proposed occupants, there is adequate space within the application site to accommodate the private open space provision. This element of policy has been met.

A detailed landscape plan and corresponding Landscape Management and Maintenance Plan has been submitted and should be conditioned on any planning permission granted. The onus will rest on the developer to ensure that such open space will be made available and subsequently retained, managed and maintained in perpetuity as public open space. The proposal satisfies Policy QD1 (c).

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

The provision of neighbourhood services is not applicable to this application given the scale of development.

(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;

Given the scale of development a movement pattern is not required.

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

The proposal provides for off street communal parking at the rear of the site for both the townhouses and apartments. Parking Standards indicates 1.5 spaces per 1 bedroom apartment, 1.75 per 2 bed apartment (unassigned spaces), and 1.75 spaces per 2 bed house, therefore there is a requirement of 17 spaces. The scheme provides for 19 spaces in total.

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

In terms of the materials used in the scheme, which includes rendered walls with slate have slate roofs, with plaster details around the window and door openings. Rainwater goods are proposed to be cast metal and eaves are kept simple without timber bargeboards. The materials and finishes are deemed to be acceptable.

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

The overall development has been assessed against Creating Places guidance. The development provides for a mix of housing types. The protection of the privacy of the

occupants of residential properties is an important element of the quality of a residential environment and is a key consideration where new development is proposed adjacent to existing properties. Dwellings have been designed to present an attractive outlook onto the proposed road, with windows permitting informal surveillance of the area of open space, while ensuring privacy from overlooking is preserved.

In terms of overlooking from Block A (Seaview) to the dwellings at 1-6 Hans Sloane Square, there would be more than 20m separation distance, which would mitigate against any overlooking. In terms of the apartment section of Block A which faces onto Shore Street, there is a blank gable wall, along the elevation with Hans Sloane Square with a side to side relationship. In terms of Block B with Hans Sloan Square there is approx. a separation distance of over 30m. While one of the objectors raises the issue of overlooking and privacy, it is deemed that overall the design and layout will not create conflict and it is considered that the proposed development would have no adverse impact on neighbouring properties in terms of overlooking, loss of light, overshadowing, noise or other disturbances. In this case the objectors concerns do not have determining weight.

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

It is considered that the proposal would not give rise to crime or antisocial behaviour and should promote personal safety in the same regard as the existing dwellings.

APPS 7

Policy LC 1 of the Addendum states 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 set out below are met: Policy LC 1 requires; (a) that the proposed density is not significantly higher than that found in the established residential area and; (b) that the pattern of development is in keeping with the overall character and environmental quality of the established residential area, and these need to be considered.

Paragraph 2.7 of Policy LC 1 states that for a residential development scheme to be successful, the extent of the surrounding area will need to be fully considered as well as factors including:

- existing densities and layouts;
- plot sizes;
- ratios of built form to garden area;
- spacing between buildings;

- scale, height, and massing of buildings;
- landscaping and boundary treatments;
- impacts of proposals, including that of parking provision, on the street scene.

In consideration of the above the proposal would comply with criteria (a) of Policy LC1 of PPS7 Addendum: Safeguarding the Character of Established Residential Areas. Criteria (a) requires that the proposed density is not significantly higher than that found in the established residential area. The proposed development has been reduced from initial submission of 18 units to 10 units on a site of 0.28ha this equates to 35 units per hectare which would be of medium density. In this context the proposal would comply with this. The dwelling units would comply with Annex A of APPS 7.

Policy DES 2 – Townscape (Planning Strategy for Rural NI)

This policy 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 use of materials.

The proposal involves the demolition of a former garage and single storey building on a now vacant site within the settlement limits of the village of Killyleagh. In consideration of SP 18 and DES 2 of PSRNI and following amendments from the initial submission, which is now deemed to be acceptable, it would be difficult to argue that given the design proposal put forward, would not make a positive contribution to the townscape along this part of Shore Street and Seaview, thus the proposal would meet this aspect of the policy.

Demolition in a Conservation Area

Planning permission has been previously granted for the development of the site including demolition of the buildings including R/1995/0484, R/1998/0838, R/2002/0125/O, R/2005/1312/O and R/2006/0080/F. While these permissions have lapsed they do indicate that at that time the buildings on the site did not make a material contribution to the character or appearance of the Killyleagh Conservation Area. Any permission granted after April 1993 (Killyleagh Conservation Guide) that involved demolition would have incorporated conservation area consent to demolish. The application LA07/2020/1669/DCA deals with this as a separate application.

PPS 3 - Access, Movement and Parking

PPS 3 sets out the planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. It forms an important element in the integration of transport and land use planning.

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 Department's 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 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.

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.

Following a series of amendments, parking, layout and servicing provision for the development is acceptable and there are no objections from DfI Roads subject to private Streets drawings and conditions. DfI Roads had required that none of the proposed dwellings will be able to have pedestrian access direct onto Seaview and anyone accessing the front doors of the properties will have to walk along the communal path from the entrance, or access from the rear, this is to prevent cars from parking along the frontage, so in this respect the scheme was Changed to extend the railing and hedge along the frontage.

19 parking spaces are available for the scheme as detailed above. This meets with DOE parking standards.

PPS 6 Planning, Archaeology and the Built Environment

Planning Policy Statement 6 Planning, Archaeology and the Built Heritage sets out planning policy for the protection and conservation of archaeological remains and features of the built heritage. HED Historic Buildings have assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 BH 11 as detailed above.

PPS 6 – BH 12 – New Development in a Conservation Area

As mentioned previously the site is partially within the Conservation Area of Killyleagh in accordance with the Ards and Down Area plan, however within the Killyleagh Conservation Booklet (March 1993) the site lies within the Conservation Area in its entirety.



Irish Street

Irish Street, with, architecture and predominantly residential, descends steeply from Catherine Street to the town and harbour. It is a street of new terrace dwellings and churches with an uninterrupted view of Strangford Lough and the Ards Peninsula. The new houses are traditional in style and slope nicely down the slope. Viewed from the harbour they frame the high red brick wall of the flax mill which encloses the western end of the street. St Mary's Catholic Church, a listed building, now functions as the parish hall having been replaced by a new church of modern design which stands beside it.



Shore Street and the Harbour Area

Shore Street falls gently towards the harbour turning slowly to meet Bridge Street where the Dickey River enters the Lough. It is a predominantly residential street of two storey dwellings which descend the incline to the harbour unfolding a pleasantly irregular pattern of roof pitches and heights. Among the dwellings are a



number of interesting and attractive groups the most notable of which are, Nos 20-26, a Victorian terrace, Nos 32-34, both listed; Nos 80-102 taking the curve of the street gracefully and quite similar in appearance to Nos 32-34. The former Methodist Church, overlooking the harbour, provides good illustration to the adjacent terrace houses. The old gasworks building at the end of the street, now derelict, has potential for reuse.

Housing renewal is also much in evidence both in Shore Street and round the corner in Seaview. The new houses are attractive and have been constructed with due regard for the historic character of the town. The infill development on the northern side of Shore Street is particularly good whilst at Seaview the striking irregularity of roofline is a major component of streetscape. From Seaview the view of the tree-encircled parish church on top of Church Hill provides an impressive backdrop to Shore Street and the outlook to the Lough and beyond is splendid.

The Department will normally only permit development proposals for new buildings, alternations, extensions and changes of use in, or which impact of the setting of, a conservation area where all the following criteria are met:

1. The development preserves or enhances the character and appearance of the area;
2. The development is in sympathy with the characteristic built form of the area;
3. The scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
4. The development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
5. Important views within, into and out of the area are protected;
6. Trees and other landscaped features contributing to the character or appearance of the area are protected; and
7. The development conforms with the guidance set out in Conservation area documents

On balance, and following the amendments to the scheme, it is deemed that the proposal would preserve, enhance the character and appearance of the area, and would it be in sympathy with the characteristic built form. The scale and form and detailing of the development would respect the characteristics of adjoining buildings in the area.

PPS 2 – Natural Heritage

PPS 2 deals with a commitment to sustainable development and to conserving and where possible enhancing and restoring our natural heritage.

Policies NH 1 - European and Ramsar Sites – International, NH 2 Species Protected by Law, NH 3 - Sites of Nature Conservation Importance – National, Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance and Policy NH 6 - Areas of Outstanding Natural Beauty are all engaged.

The application site is within/adjacent to the following national, European and international designated sites:

- Strangford Lough SPA/SAC, which are designated under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended);
- Strangford Lough ASSI Part 2, which is declared under the Environment Order (Northern Ireland) 2002

In accordance with the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), the Competent Authority should ensure an assessment is carried out to determine if the proposal, either alone or in combination, is likely to have a significant effect on a European site and the qualifying features, in line with the site conservation objectives.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, SES advises the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval.

SES also note the following, that according to NIEA Marine and Fisheries Division, the adjacent coastline is moderately eroding and they have expressed concerned regarding likely future protection requirements. The applicant is advised that any proposed sea defences would be subject to the planning and/or Marine Licencing regimes including Habitats Regulations Assessment. There is no guarantee that future sea defences would be approved.

Marine and Fisheries division - Marine Conservation has considered the impacts of the proposal and on the basis of the information supplied considers the proposal may be contrary to the following policy: Strategic Planning Policy Statement 2015 - Section 3.13.

Paragraph 3.13 of the SPPS states the following:

The planning system should therefore help to mitigate and adapt to climate change by:

- shaping new and existing developments in ways that reduce greenhouse gas emissions and positively build community resilience to problems such as extreme heat or flood risk;
- promoting sustainable patterns of development, including the sustainable reuse of historic buildings where appropriate, which reduces the need for motorised transport, encourages active travel, and facilitates travel by public transport in preference to the private car;
- requiring the siting, design and layout of all new development to limit likely greenhouse gas emissions and minimise resource and energy requirements;
- avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, landslip and coastal erosion and highly exposed sites at significant risk from impacts of storms;
- considering the energy and heat requirements of new developments when designating land for new residential, commercial and industrial development and making use of opportunities for energy and power sharing, or for decentralised or low carbon sources of heat and power wherever possible;
- promoting the use of energy efficient, micro-generating and decentralised renewable energy systems; and
- working with natural environmental processes, for example through promoting the development of green infrastructure and also the use of sustainable drainage systems (SuDs) to reduce flood risk and improve water quality.

The main bullet point of concern relates to bullet point 4:

"The planning system should therefore help to mitigate and adapt to climate change by ... avoiding development in areas with increased vulnerability to the effects of climate change, particularly areas at significant risk from flooding, lands DAERA - Natural Environment Division (NED) also has concerns with this proposal and considers that it is contrary to policy.

The proposed site boundary is partially within the designated sites boundary. There is a wall that separates the development site and the coastal environment. This area of coastline has been identified as being of moderate risk to coastal erosion. NED has concerns regarding this proposed development on the features of Strangford Lough SAC/SPA/ASSI Part 2. Also, given its location, there may be impacts from or on the development as future changes occur in the coastal zone, such as rises in sea level and coastal erosion. Proposed development must ensure that it does not impact adversely on natural coastal processes or cause associated ecosystem impact.

M&FD notes that this application site is directly adjacent to, with the south-east corner within the present day and predicted climate change floodplain boundaries (DFI Flood mapping) (as shown by the red circle on the snapshot taken from the DFI Flood map below). M&FD note that this application site, due to its location, maybe vulnerable to the effects of climate change. Due to the unknown impacts of climate change and sea level rise, they note that the current predicted floodplain boundaries could be worse than currently anticipated and as such would recommend that the precautionary approach is adhered to in accordance with section 2.6.8.4 of the UK Marine Policy Statement which notes that:

"Marine plan authorities should be satisfied that activities and developments will themselves be resilient to risks of coastal change and flooding and will not have an unacceptable impact on coastal change. A precautionary and risk - based approach, in accordance with the sustainable development policies of the UK Coastal Development Administrations, should be taken in terms of understanding emerging evidence on coastal processes".



Map 1 showing current and future climate change floodplain and the location of application site indicated by red circle.

In consideration of the response from DAERA, both by M&FD and NED, the agent disagrees with the consultee response, stating that they have demonstrated that the site lies outside the climate change coastal floodplain. DfI Rivers is the executive agency that manages flooding and is responsible for assessing the impacts of development on floodplains. The submitted Flood Risk Assessment details the extent of the coastal floodplain

including in the climate change scenario based on information provided by DfI Rivers.

The agent also states that the consultee relies upon its 'Coastal Erosion Study - High Level Appraisal' a study forming part of a wider gap analysis of coastal erosion that it admits is a "high-level preliminary vulnerability assessment of coastal erosion" that "identified areas at potential [sic] risk of erosion". It goes on to state that while the coastline around Killyleagh is classified as moderate, that "risk ranking is arbitrary" and its "reliability must be approached with a high degree of caution". So the consultee's reason for objection is not based on up to date modelling or site-specific data but on a document that is preliminary, lacks specific detail (it is high-level) and can only identify areas where erosion from flooding might, not will, occur. The agent then proceeds to highlight that "It is clear from this that the consultee does not have any detailed or robust site-specific evidence of coastal erosion to support its objection".

In accordance with the SPPS the consultee must show through evidence that there is a high risk of flooding or erosion at the application site specifically, to sustain a policy objection under paragraph 3.13.

In consideration of the consultee response and the rebuttal from the agent, the Council has a duty to interrogate and evaluate all the material evidence and must then must make an informed decision as to whether determining weight should be placed on the response from DAERA M&FD and NED, this is evidenced from the Clare McCann Court of Appeal judgement, which highlighted the danger in relying disproportionately on the presumptive expertise of consultees. It is noted that the application was initially submitted with development on the site running and including a portion of land to the south east adjacent to the coastal path. This area was later removed from the scheme, therefore there is another piece of 3rd party intervening land and a coastal path (which incorporates sea defences and is under the control of the Council - Killyleagh Waterfront Walkway) which separates the development from Strangford Lough. In addition there are quite a few properties at Hans Sloane Square that would be impacted if the application site was also affected.



The above map shows provides information in respect to the areas identified in the Coastal Erosion Study as being at risk and shows that the site lies outside this area. The Flood Risk Assessment reports at paragraph 3.2.2 that DfI Rivers provided its modelled, site specific climate change flood level, which is 3.42 metres AOD. The site survey shows that the coastal path, which is located behind a flood wall, is 3.45 metres AOD while the land adjacent to it between the path and the application site is around 3.5 metres AOD with the application site itself is between 3.78 and 4 metres AOD. The FRA, section 3.2.5 also deals with the effect of wave action. The consultant's report considers that the effects of wave action on the site are not significant. Its reasons include an appraisal of the factors relating to wave strength, concluding that the location is in a sheltered part of Strangford Lough. Based then on the positive response from DfI Rivers and taking into account the site specific circumstances of this particular scheme, in accordance with paragraph 3.13 of the SPPS, the final decision lies with the Council. It is clear that the risk of flooding and/or erosion at the application site is not so significant, that the Council could sustain a reason for refusal, the precautionary approach and subsequent response by M&FD and NED is deemed in this case to not carry determining weight.

Addition Natural Heritage Considerations

A Bat Roost Emergence/Re-entry Survey Report and NI Biodiversity Checklist were both uploaded to the Planning Portal 20/09/2022 and NED has considered their contents. NED consider that the evidence submitted in the bat survey report shows that the proposed development is unlikely to significantly impact the local bat population. The author of the NI biodiversity checklist states none of the extant habitats are classified as priority habitat while the adjacent shoreline does not fall within any of the coastal priority habitats and no evidence of protected species was recorded on site. NED advise that

any vegetation/scrub clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August. The policy complies with NH 2 and 5 of PPS 2.

This policy requires development proposals in Areas of Outstanding Natural Beauty (AONB) to be sensitive to the distinctive special character of the area and the quality of their landscape, heritage and wildlife. It also states that "new buildings should respect local architectural styles and patterns. It is deemed that the proposal complies with NH 6 of PPS 2.

PPS 15 – (Revised) Planning and Flood Risk

PPS 15 adopts a precautionary approach to development in areas susceptible to flooding. Rivers Agency have been consulted regarding the proposal and following the submission of a Flood Risk Assessment and drainage report offer no objections to policies FLD 1 -5 of PPS 15. It is noted that taking into account the precautionary approach of PPS 15, it should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

Other matters

NI Water

The applicant has submitted a Waste Water Impact assessment as per NI Water request. As a solution has not yet been found the application requires to be presented to Committee.

NIEA – Water management response is dependent on the NI water response. The application proposes to dispose of foul sewage to a Northern Ireland Water Limited (NIW) sewer. If NIW advise the NI Planning that they are content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit has no objection to this aspect of the proposal.

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

The granting of planning approval does not dispense with the necessity of obtaining other consents from other statutory bodies. A condition placed on the decision notice

should ensure that prior to any development all the necessary connections are obtained by the relevant authorities.

Conclusion

On balance, taking into account the content and requirements of the relevant policies and consultee comments in particular DAERA who have concerns regarding the proposal, it is concluded the proposed development will not result in any significant or unacceptable impact on the character of this area due to its size, location, extent and nature, nor a significant impact on coastal erosion or on designated sites that would warrant refusal of the proposal. The application has also been assessed taking into account all material considerations including objections, it is determined that the proposal is acceptable in planning terms. The density is in keeping with the area and the details and layout of the proposed dwellings, amenity space, parking, design, form, proportion, materials, finishes and boundary treatments are in keeping with the SPPS, PPS7, PPS7 Addendum.

Recommendation:

Approval

As the Planning Authority are going against the advice of a consultee, namely DAERA – Marine and Fisheries and Natural Environment Division and Natural Environment Division (NED), this application will have to be presented to the Planning Committee.

As per the Scheme of Delegation, as the applications has attracted six or more material planning objections from different addresses and the recommendation is for approval then the application will be presented to the Planning Committee.

As there are NI Water issues the application is therefore subject to Planning Committee agreement on NIW issue.

The Drawings upon which this approval is based are as follows:

Site location plan – 20605NE

Proposed Site layout plan – 30G

Proposed Side elevations – 33C

Proposed Plans, Elevations floorplans – Block A – 31A

Proposed Plans, Elevations and floorplans – Block B – 30G

Proposed landscaping proposal 21-04-L101

Private Street Determination drawing 0001

Landscape Management Plan

Flood Risk & Drainage Assessment

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:

Site location plan – 20605NE

Proposed Site layout plan – 30G

Proposed Side elevations – 33C

Proposed Plans, Elevations floorplans – Block A – 31A

Proposed Plans, Elevations and floorplans – Block B – 30G

Proposed landscaping proposal 21-04-L101

Private Street Determination drawing 0001

Landscape Management Plan

Flood Risk & Drainage Assessment

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

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

Council Planning hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 0001 bearing the date stamp 05/04/2022

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

4. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 0001 bearing the date stamp 05/04/2022, **prior to the commencement** of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.
Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.
6. No dwelling 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.
Reason: To ensure adequate (in-curtilage) parking in the interests of road safety and the convenience of road users
7. No dwelling shall be occupied until the footway indicated on drawing 0001 bearing the date stamp 05/04/2022, has been constructed to final wearing course.
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
8. All hard and soft landscape works shall be carried out in accordance with landscaping Plan 21-04-L101, **prior to the occupation** of any part of the development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planting shall be replaced in the next planting season with others of a similar size and species unless the Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.
9. A Landscape Management Company shall be appointed by Strangford Lough Properties Limited to ensure implementation, management and long term maintenance of the open space area as detailed within the stamp approved site layout Plan C02(i), for a period of 20 years.

Reason: To ensure the sustainability of the approved landscape design through its successful establishment and long term maintenance.
10. The development hereby approved **shall not commence** on site until full details of foul and surface water drainage arrangements to service the development, including a programme for implementation of these works, have been submitted to and approved in writing by the Council in consultation with NIW.

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

11. No part of the development hereby permitted shall be occupied until the drainage arrangements, agreed by NI Water and as required by Planning Condition No 10, have been fully constructed and implemented by the developer. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

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

12. A suitable and clearly defined buffer of at least 10 metres must be maintained between the location of refuelling, storage of oil/fuels, concrete mixing and

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

13. Prior to and for the duration of the construction phase, silt fencing shall be erected between the proposed development and the marine environment.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

Informatives

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

2. ROADS

Street Lighting.

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

Street Lighting.

The Street Lighting scheme, including the provision of all plant and materials and installation of same, will be implemented as directed by the DFI Roads Street Lighting Section. (These works will be carried out entirely at the developer's expense.)

3. **NIEA – Water Management**
 The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice Multiple Dwellings.
 Care will need to be taken to ensure that polluting discharges to the watercourse do not occur during the works phase. The applicant must refer to and adhere to the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidelines. Water Management Units Pollution Prevention Team are available for any pollution prevention advice and guidance required and can be contacted at nieapollutionprevention@daera-ni.gov.uk at any stage.
 In addition please refer to the guidance series of best practice documents found here:
<https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppps-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

 NED advise that any vegetation/scrub clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.
4. **SES**
 According to NIEA Marine and Fisheries Division, the adjacent coastline is moderately eroding and they have expressed concerned regarding likely future protection requirements. The applicant is advised that any proposed sea defences would be subject to the planning and/or Marine Licencing regimes including Habitats Regulations Assessment. There is no guarantee that future sea defences would be approved
5. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
6. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development,

Neighbour Notification Checked	Yes
Summary of Recommendation - Approval	
Case Officer Signature: C Moane	Date: 12 December 2023
Appointed Officer: A.McAlarney	Date: 21 December 2023

LA07/2020/1671/F

Land adjacent to Seaview and Shore Street and 34 Seaview Killyleagh

Residential development of 4 two bed townhouses, 4 one bed apartments and 2 two bed apartments (10 units in total) with vehicular and pedestrian entrance at Seaview, car parking, private open space and ancillary works including retrospective consent to demolish garage



Comhairle Ceantair

**an Iúir, Mhúrn
agus an Dúin**

**Newry, Mourne
and Down**
District Council

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Location within



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Site Location Plan



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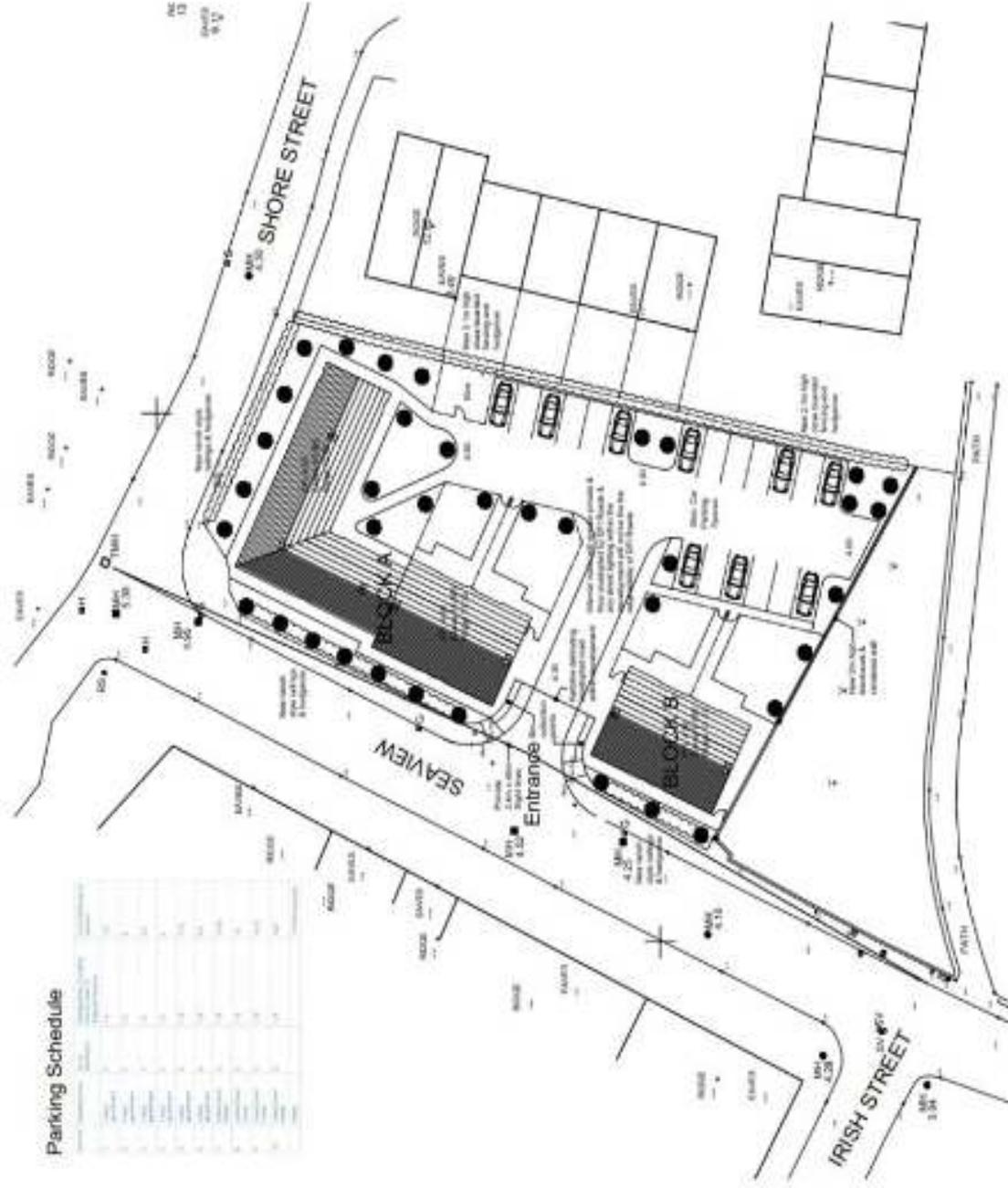


Aerial of Site



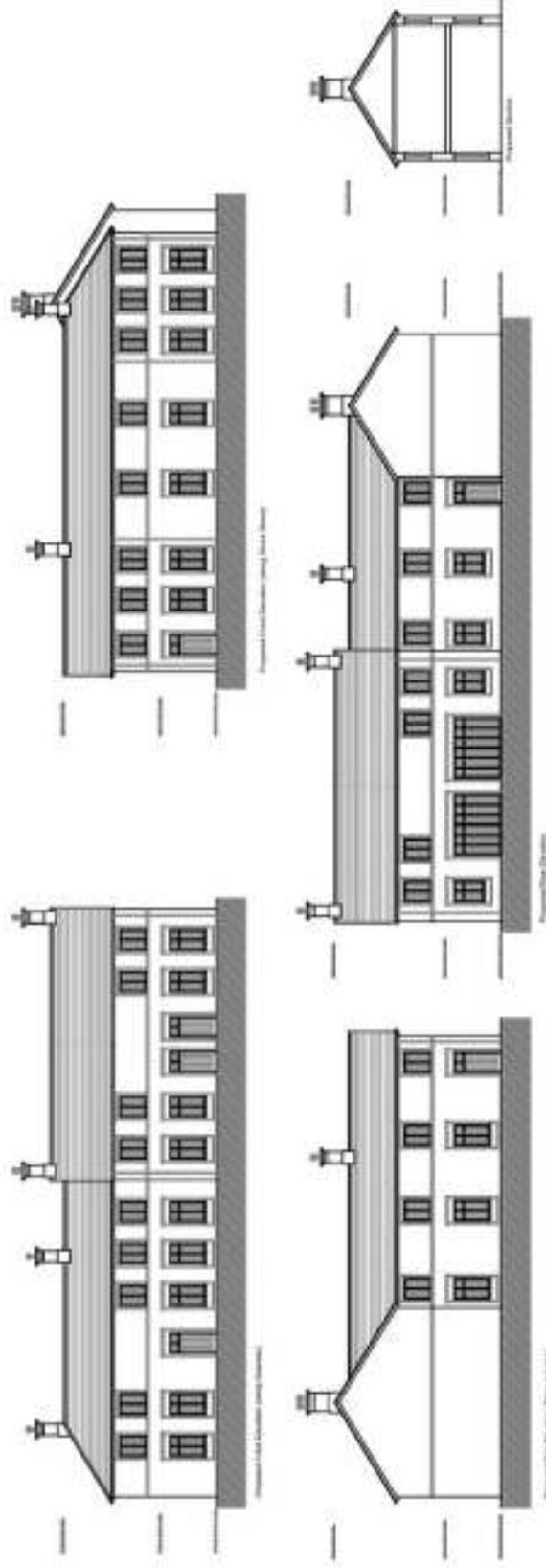


Proposal – Site Layout Plan





Proposed Elevations and floorplans - Block A



dempsey architects	
377 Lisburn Road Belfast, BT1 1QJ Tel: 028 3000 2800 Fax: 028 3000 2811 Email: info@dempseyarchitects.co.uk	
Project Name: Newry Mourne & Down District Council	Client: Newry Mourne & Down District Council
Project No: 16/17/18	Date: 16/11/18
Scale: 1:100	Drawing No: 01/11/18

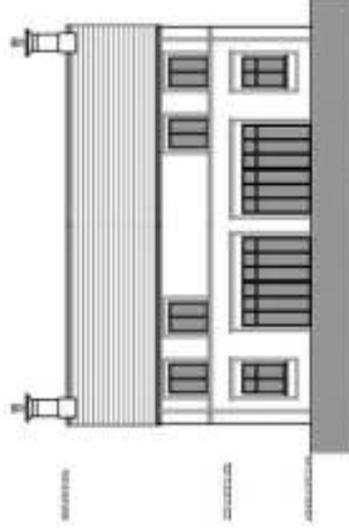




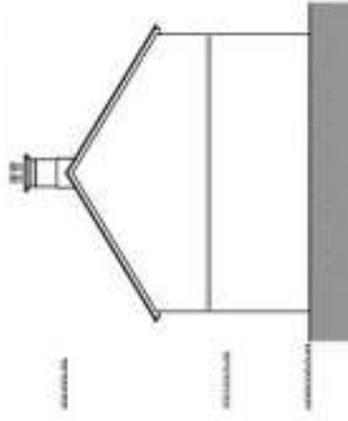
Proposed Elevations and floorplans - Block B



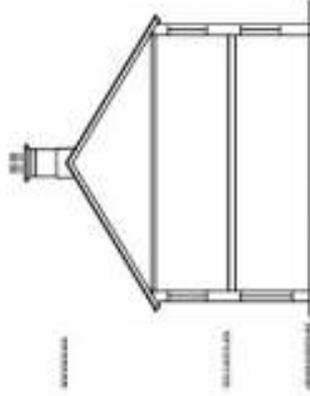
Proposed Front Elevation (along Seawater)



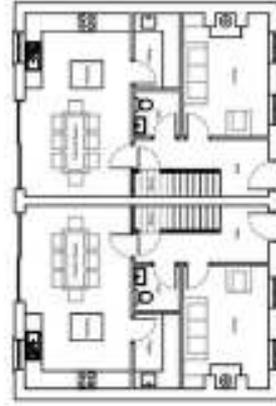
Proposed Rear Elevation



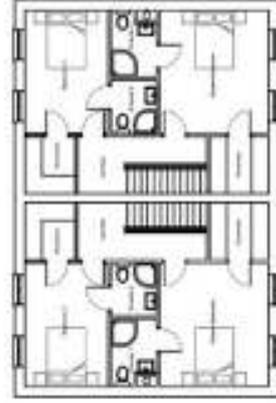
Proposed Side Elevation (Typical)



Proposed Section



Proposed Ground Floor Plan



Proposed First Floor Plan

- C Block B rear view 01/02/21
- B Block B layout revised 18/07/21
- A Block B Typographic information with 26/02/21

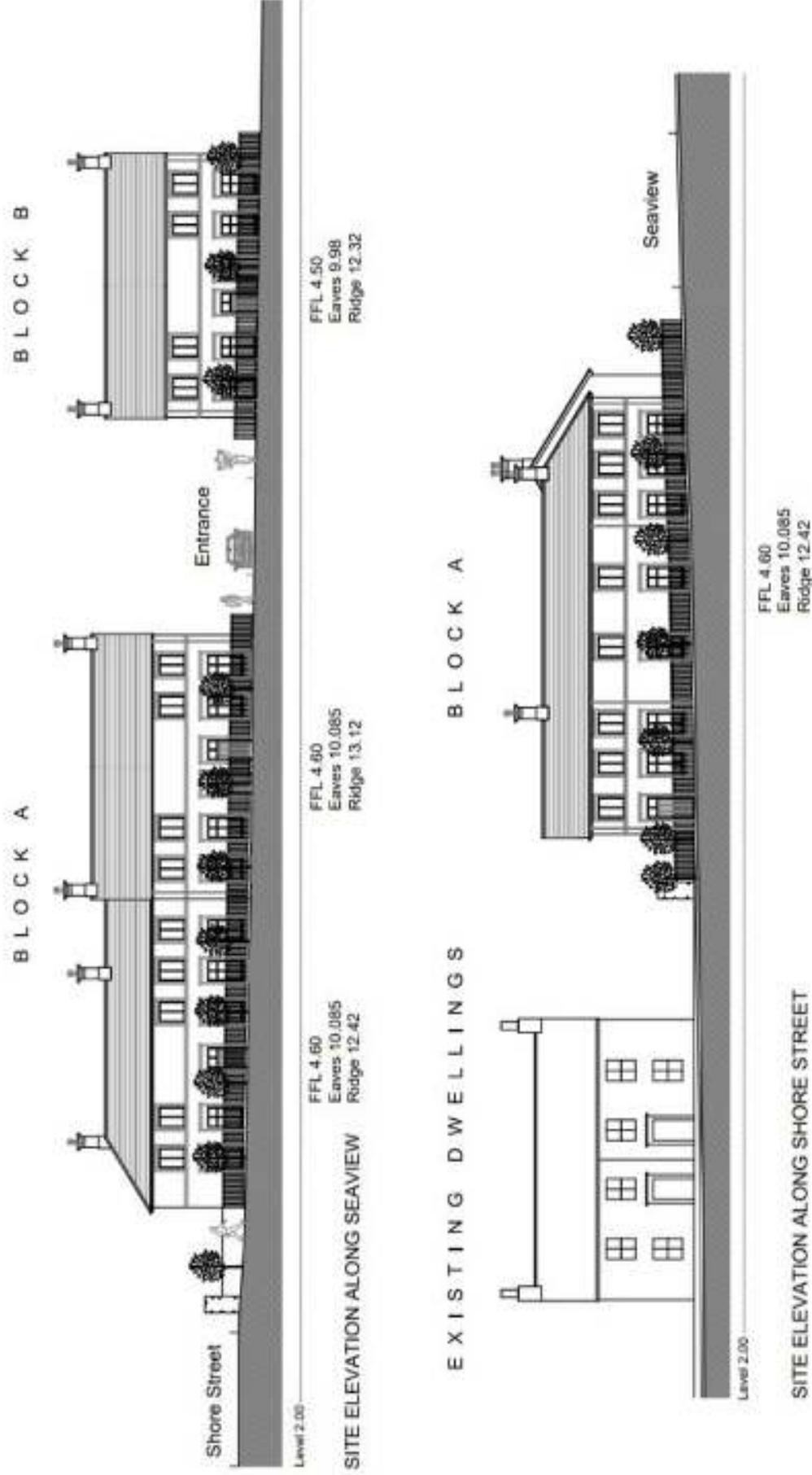
dempsey architects

877 Lillburn Road
Belfast BT9 7JZ
Tel: 02890 664096
Fax: 02890 661070
E-mail: info@dempsey.co.uk

Client	Seangford Lough Properties Ltd
Project	Proposed New Housing on lands adjacent to Seawater & Shore Street, Killybegh
Drawings	Proposed Block B
Project No.	1508
Drawn By	CS
Checked By	C
Date	20/08/21
Scale	1:100 @ A2



Proposed Streetscape – Elevations along both Seaview and Shore Street



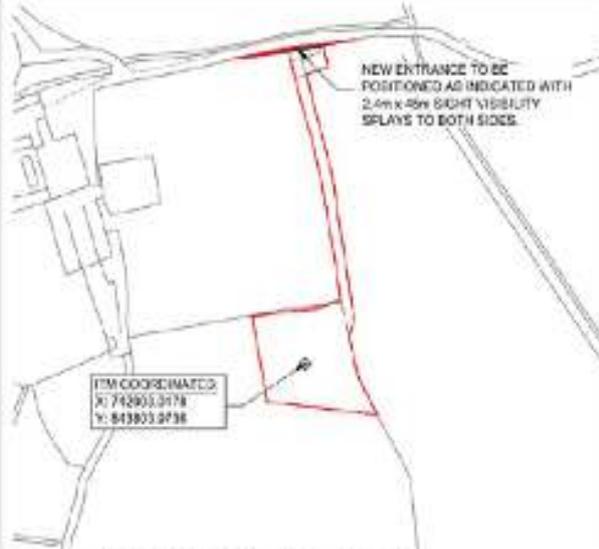


DAERA – Objects to the proposal

- Marine and Fisheries (M&FD) considers the proposal to contrary to the Strategic Planning Policy Statement 2015 - Section 3.13.
- Natural Environment Division (NED) has considered the impacts of the proposal and on the basis of the information provided, advise that the current proposal may have significant impacts on a designated site.

Delegated Application

Development Management Officer Report	
Case Officer: Jane McMullan	
Application ID: LA07/2021/1660/F	Target Date:
Proposal: Dwelling	Location: 250m SE of 19 Nutgrove Road Annadorn Downpatrick
Applicant Name and Address: Miss Ella Miskelly 36 Crabtree Road Ballynahinch BT24 8RH	Agent Name and Address: Sinead McConnell The Courtyard 380C Belmont Road Belfast BT4 2NF
Date of last Neighbour Notification:	
Date of Press Advertisement:	27 September 2021
ES Requested: No	
Consultations: DFI Roads DFI Rivers NI Water	
Representations: 0	
Letters of Support	0.00
Letters of Objection	0.00
Petitions	0.00
Signatures	0.00
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
 <p>NEW ENTRANCE TO BE POSITIONED AS INDICATED WITH 2.4m x 46m SIGHT VISIBILITY SPLAYS TO BOTH SIDES.</p> <p>ITM COORDINATES X: 742803.3178 Y: 843803.2738</p>	
Date of Site Visit: Nov 2021	
Characteristics of the Site and Area	
<p>The entrance to the site is located approximately 360m West along the Nutgrove Road from the junction with the Buckshead Road and is beside an existing concrete cattle crush. The site of the dwelling is approximately 170m South of the Nutgrove road and is located in the North Eastern corner of a larger agricultural field. Access to the site from the Nutgrove Road is through an agricultural gate between the cattle crush and hedge and then via a long, straight lane that runs along existing mature hedgerow field boundary. This access to site comprises of a crushed stone base and is apportioned from adjacent large agricultural field by way timber post and stock proof fence.</p>	
<p>The site of dwelling is within the NE corner of another large agricultural field at intersection of four fields and this field itself is in the form of a large drumlin which is a prominent feature in the landscape. The area of the site has been demarcated by way of timber post and stock proof fence.</p>	
<p>Within this enclosed area the site has been stripped and levelled being largely excavated from sloping side of large Drumlin and foundations are in place. The drumlin rises approximately 10-12m high and acts as a natural backdrop to this site. The site is surrounded on all four sides by agricultural land and the area surrounding this drumlin is relatively flat. The northern and eastern boundaries of this site are defined by existing mature native hedgerow. The southern and western boundaries are defined by a newly erected 1.2m high timber post and stock proof fence.</p>	
<p>The site is located in the countryside and not within or near to any defined settlement limit as stated in the Ards and Down Area Plan 2015. It is located in a secluded, sparsely populated rural area between Loughinisland and Downpatrick with a variance</p>	

of styles between old and new properties and farm buildings. The surrounding land is used mainly for agricultural purposes and the predominant feature of this area being the rolling drumlin topography typical of this region and native species hedgerows.

Description of Proposal

Dwelling

Planning Assessment of Policy and Other Material Considerations

The Ards and Down Area Plan 2015

SPPS – Strategic Planning Policy Statement for Northern Ireland

This policy provides overall context under which the Council will determine planning applications.

Planning Policy Statement 3: Access, Movement and Parking

Policies AMP 2 – Access to Public Roads and AMP 7 – Car Parking & Servicing Arrangements and

DCAN 15 - Vehicular Access Standards set out the main considerations that the Council will take into account in assessing the suitability of this proposal with regard to vehicular access, servicing and parking requirements.

Planning Policy Statement 21: Sustainable Development in the Open Countryside

Policies CTY 1 – Development in the Countryside, CTY 13 – Integration and Design of Buildings in the Countryside & CTY 14 – Rural Character of PPS -21; Sustainable Development in the Open Countryside set out the main considerations that the Council will take into account in assessing proposals for dwellings of this type and in this location. The provisions of this policy will prevail unless there are any other overriding policies or material considerations that outweigh it and justify a contrary decision.

Building on Tradition:

A Sustainable Design Guide for the Northern Ireland Countryside (April 2012)

PLANNING HISTORY

Planning

Application Number: R/2002/0637/O Decision: Permission Granted Decision

Date: 08 November 2002

Proposal: Proposed dwelling .

Application Number: R/2005/1517/RM Decision: Permission Granted Decision

Date: 09 November 2006

Proposal: Proposed Dwelling

Application Number: LA07/2017/0175/F Decision: Withdrawal Decision Date: 26 June 2017

Proposal: Change of design and new garage block to dwelling previously approved under ref: R/2005/1517/RM with development having commenced (amended site address)

Application Number: LA07/2019/0371/LDE Decision: Permission Refused
Decision Date: 03 May 2019

Proposal: Site access lane constructed, site levelled and foundations formed for new dwelling in accordance with extant Planning Approval R/2005/1517/RM

CONSULTATIONS

DFI Roads – following the receipt of requested amendments, no objections subject to conditions regarding site splays and access gradient

NI Water – no objections

DFI Rivers – initially responded advising that The Strategic Flood Map (NI) indicates that this site lies within the 1 in 100 year fluvial flood plain.

Due to the nature of the Strategic Flood Map (NI), the geographical extent of the predicted flood areas at this site cannot be precisely defined. The applicant should carry out a Flood Risk Assessment (FRA) that will verify the more accurate extent of the floodplain affecting this site in accordance with paragraph D4 of Planning Policy Statement (PPS) 15. This will require a river model.

In accordance with PPS 15 FLD 1, development will only be suitable to that part of the site which is found to be outside the determined flood plain. Any development intended within the flood plain will require the Planning Authority to deem the application to be an exception (through meeting one of the exceptions listed under the exceptions heading of PPS 15 FLD1).

A flood risk assessment was commissioned and submitted to DFI Rivers for their consideration. They consider that the modelled extents contained within the FRA do not reflect the flood extents to the proposed development and surrounding area as shown on The Flood Maps (NI), aerial photographic evidence of historical flooding, taken on 28th of February 1994 and 14th of June 2007.

They also point out that aerial photography taken of the site and surrounding area in 2021 and a site visit by PAMU on the 29th March 2022, confirms that infilling has taken place to lands to the east of the proposed development which may have altered the profile of the floodplain and increased flood risk elsewhere.

Dfi Rivers would object to any such infilling taking place. In order to allow proper consideration of flood risk to the site and elsewhere, Dfi Rivers PAMU would recommend that the applicant remove all infill material within the 1 in 100 year fluvial floodplain.

The agent in an email received on 17/10/22 notes the above comments but says that the infilling has taken place on lands outside the boundary of this planning application and outside the control of the applicant. They are of the opinion that the FRA is robust and accurate and confirms the proposed dwelling is not at risk of flooding.

In their final response, DfI Rivers advises that in order to fully assess the flood risk to the proposed development, DfI Rivers requires that the applicant's agent establishes the Q100 floodplain extents of the Blackstaff (Dundrum) River prior to the infilling works and sets the floor design levels a min 600mm above this established level.

In accordance with PPS 15, FLD 1, Development will only be suitable to that part of the site which is found to be outside the determined flood plain.

It should be brought to the attention of the applicant that the responsibility and implementation of flood risk measures rests with the developer and their professional advisors.

In order to allow proper consideration of flood risk to the site and elsewhere, DfI Rivers requires that all infill material within the 1 in 100 year fluvial floodplain be removed.

EVALUATION

Permission is sought for the erection of a dwelling.

The planning history of this site is to be noted.

A principle of development had been established on this site under planning application reference number R/2002/0637/O and again under planning application reference number R/2005/1517/RM. The effect of Condition 1 of this approval required the development to be begun by 07.11.08. Condition 2 of this approval required the vehicular access, including visibility splays be provided in accordance with the approved plans, prior to the commencement of any works or other development on the site.

A subsequent application for a change of house type, LA07/2017/0175/F, was received in 2017. During the processing of this application, the planning office found that there was insufficient proof to demonstrate that the commencement of planning application reference number R/2005/1517/RM occurred before the expiry date of 07.11.2008. While on site inspection, it was noted that the cattle crush is still in place and therefore the access still has not been implemented in accordance with that approved.

A certificate of lawfulness application was submitted for 'site access lane constructed, site levelled and foundations formed for new dwelling in accordance with extant Planning approval R/2005/1517/RM' in March 2019. It found that the operations undertaken to date do not comply with the relevant conditions of R/2005/1517/RM and did not demonstrate commencement. The works to date are therefore not lawful and that permission therefore is no longer extant.

On this basis, given that the previous permission was not lawfully commenced within the required time, there is no permission to rely upon.

No case has been made by the agent under which category of development under PPS 21 CTY1 they wish the development to be considered against.

Officers consider that the proposed dwelling does not fall under any of the exceptions outlined in CTY1 of PPS21 and therefore refusal is recommended.

In the covering letter submitted with the application, the agent sets out that the applicant was seriously ill during the years which followed the RM approval and was therefore unable to commence the development satisfactorily prior to the expiry date. Officers consider that this in itself is not sufficient to set aside the policy requirements of CTY1. Officers consider that a renewal of the planning permission could and should have been sought prior to its expiry.

Planning and Flood Risk

The application site is identified as having a range of constraints in relating to water and flooding; surface water map for NI, Q100 Fluvial Strategic Scale Model Output and Development falls within Watercourse lines with 10m buffer. Accordingly, DFI Rivers were consulted on the proposal.

They responded identifying that this site lies within the 1 in 100 year fluvial flood plain. They advise that due to the nature of the Strategic Flood Map (NI), the geographical extent of the predicted flood areas at this site cannot be precisely defined. They recommended that the applicant should carry out a Flood Risk Assessment (FRA) that will verify the more accurate extent of the floodplain affecting this site in accordance with paragraph D4 of Planning Policy Statement (PPS) 15. This will require a river model.

In accordance with PPS 15 FLD 1, development will only be suitable to that part of the site which is found to be outside the determined flood plain. Any development intended within the flood plain will require the Planning Authority to deem the application to be an exception (through meeting one of the exceptions listed under the exceptions heading of PPS 15 FLD1). Officers do not consider that the proposal for a dwelling meets any of the exceptions to FLD1 and therefore the application is not acceptable in this regard. .

A FRA was sought from the agent given the need to verify more accurately the extent of the floodplain. This was received and DFI Rivers were reconsulted. They advised that they consider that the modelled extents contained within the FRA do not reflect the flood extents to the proposed development and surrounding area as shown on The Flood Maps (NI), aerial photographic evidence of historical flooding, taken on 28th of February 1994 and 14th of June 2007.

They also point out that aerial photography taken of the site and surrounding area in 2021 and a site visit by PAMU on the 29th March 2022, confirms that infilling has taken place to lands to the east of the proposed development which may have altered the profile of the floodplain and increased flood risk elsewhere.

Dfl Rivers would object to any such infilling taking place. In order to allow proper consideration of flood risk to the site and elsewhere, Dfl Rivers PAMU would recommend that the applicant remove all infill material within the 1 in 100 year fluvial floodplain.

The agent in an email received on 17/10/22 notes the above comments from DFI Rivers but says that the infilling has taken place on lands outside the boundary of this planning application and outside the control of the applicant. They are of the opinion that the FRA is robust and accurate and confirms the proposed dwelling is not at risk of flooding.

In their final response, DFI Rivers advises that in order to fully assess the flood risk to the proposed development, Dfl Rivers requires that the applicant's agent establishes the Q100 floodplain extents of the Blackstaff (Dundrum) River prior to the infilling works and sets the floor design levels a min 600mm above this established level.

In accordance with PPS 15, FLD 1, Development will only be suitable to that part of the site which is found to be outside the determined flood plain. In order to allow proper consideration of flood risk to the site and elsewhere, Dfl Rivers requires that all infill material within the 1 in 100 year fluvial floodplain be removed.

Given that the proposed development does not meet one of the types of development suitable in the countryside and that the proposed development does not fall to be considered as an exception to FLD1 the planning authority recommend that this proposal should not succeed.

After consideration of all relevant planning policies and other material considerations this proposal does not satisfy the requirements of the policy PPS 21 CTY1 or PPS 15 FLD1.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Reasons for Refusal:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy FLD 1 of Planning Policy Statement 15 in that the proposal involves development within the floodplain and does not meet any of the exceptions listed under the exceptions heading of PPS 15.

Informative

1. The drawing numbers to which this decision relates are: JN_1002_D_001 Rev 1, JN_1002_D_003, JN_1002_D_004, JN_1002_D_005, JN_1002_D_006, JN_1002_D_007 and JN_1002_D_008 Rev 2.

Case Officer Signature: J McMullan

Date: 13 October 2023

Appointed Officer: A. McAlarney

Date: 13 October 2023

Written submission on behalf of applicant

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Committee Date:	Wednesday 10th January 2024
Planning Application Number:	LA07/2021/1660/F
Location	Proposed Residential Development Located on Lands 250m SE of No.19 Nutgrove Road, Annadorn, Downpatrick
Proposal	Dwelling

Proposed refusal reasons:

1. The proposal is contrary to the SPPS and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy FLD 1 of Planning Policy Statement 15 in that the proposal involves development within the floodplain and does not meet any of the exceptions listed under the exceptions heading of PPS 15.

Refusal Reason 1:

Policy CTY1 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. The policy also sets out 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, or it is otherwise allocated for development in a development plan.

The first refusal reason sets out that there are no overriding reasons why this development is essential in this rural location. As noted in the Case Officer's Report the principle of residential development was previously accepted. The current application seeks to renew planning permission R/2002/0637/O and R/2005/1517/RM. The proposed location, layout, and design of the dwelling are identical to the previously approved plans. The dwelling is of modest scale, with a single story and a footprint of approximately 260 square meters. The eaves and ridge heights remain the same as the previous approval, as do the proposed materials. Access arrangements also replicate those of the prior approval, incorporating visibility splays of 2.4m x 45m.

The land has been in the applicant's family for many years. Unfortunately, Mr. Miskelly's health deteriorated significantly in the years following the Reserved Matters approval. Mr Miskelly has offered to provide the Council with any relevant information relating to his health condition, however, to date, nothing has been requested by the Case Officer. The Case Officers report gives this little weight on the basis that *"renewal of the planning permission could and should have been sought*

Written submission on behalf of applicant

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prior to its expiry". Mr Miskelly considers that this stance does not fully appreciate the severity of his condition and domestic circumstances at that time.

At that time, Mr Miskelly's eldest son who now runs the family business was only 15 years of age and his wife Helen had never been involved in the family business. The debilitating nature of his illness prevented Mr Miskelly from not only realising that the planning permission would lapse but also the need to commence the development satisfactorily before the expiration date. The purpose of the proposal has consistently been to provide accommodation for a family member, Miss Ella Miskelly (a nurse), who is currently seeking to renew the planning permission. The applicant urges the Committee to consider these extraordinary circumstances as a substantial consideration. The dwelling's intended location, placement, and design mirror the previously approval plan.

Refusal Reason 2:

The second refusal reason states that the proposal involves development within the floodplain and does not meet any of the exceptions listed under the exceptions heading of PPS 15. The Case Officers Report states several times that the site is located within the flood plain. However, the proposed dwelling is not within the indicative flood plain as shown on the DfI Strategic Flood Maps. Based on the Strategic Flood Maps it would appear that the existing site access lane, and a small portion of the garden is in the indicative floodplain.

This planning application does not propose to raise the height of any areas within the indicative floodplain, therefore there is no development proposed within the indicative flood plain and therefore does not need to meet an exemption under Policy FLD1. The proposed development will not alter flood waters within or around the application area. This will ensure the proposed development will not impact the floodplain, and there will be no increase in flood risk to other properties as a result of this development.

Due to the existing access lane being within the indicative flood plain, a detailed Flood Risk Assessment was carried out, to consider risk to the occupants of the proposed dwelling. The Flood Risk Assessment recommended a Finished Floor Level of 600mm above the adjacent predicted flood height (FFL of 6.79mOD). This will ensure that the occupant is safe during a Q100 flood event.

The Flood Risk Assessment considered climate change (an additional allowance of flow rates of 20%).

Based on the above information, the proposed development site will not result in additional flood risk to areas around / downstream of the development or the development itself.

The DfI Rivers response and Case Officers report refers to land outside the boundaries of this planning application. This should not be a consideration or prejudice the correct determination of this planning application.

However, we would also specifically request that this application is deferred to the February Planning Committee to allow for a Cllr site visit in order for the decision makers to make an informed decision;

- Proposal is contrary to CTY1 of PPS21 Sustainable Development in the Countryside;
- Lack of information submitted on this application specifically a Design & Access Statement which is in breach of the Planning (General Development Procedure) Order (NI) 2015;
- Proposal fails to appropriately integrate into the countryside;
- Proposal fails to provide a suitable and safe access onto a public road;
- Proposal fails to maintain the character and visual integrity of an Area of Outstanding Natural Beauty

- The planning department feel that the proposal fails to respect the pattern of settlement in the area, offending Policies CTY 8, 13 and 14 of PPS 21, and NH 6 of PPS 2 however the pattern of settlement in the area is not as dispersed as has been outlined in officers' reporting of the site context. Permission is sought for 3 modest eco-pods, in a rural area that has already experienced a range of developments.
- Refusal has been recommended in part due to warring suggestions that the area is undeveloped, unspoilt or relatively unspoilt, remote and very rural. The area is, in fact, none of the above despite its coastal AONB location. In addition to dwellings and farms, there is a saddlery and an amenity site and car park at the nearby Tyrella Beach.
- For the purposes of Policies TSM 6 and NH 6, a view has been taken that, the site is too far from the beach. A proposal would not be granted any closer to the beach because of the Council's wider resistance to applications close to the coast (due to coastal erosion) and this site is in fact just a short distance away from the beach. It was stated that inadequate usable open space has been provided. The applicant would have been happy to revise the layout, and is amenable to compromise, notwithstanding the fact the site lies in a large field (in which there is an abundance of space that could be utilised for recreation).
- The pods have been described as akin to "mobile homes". It is said that because of their scale, they would be prominent and contrary to CTY 13 of PPS 21. In actual fact, they are less than half the size of mobile homes and the applicant would have been prepared to reduce their scale further if afforded an opportunity. Officers have not elaborated on how it is that 3m high pods on a site that is framed by higher ground, will be prominent in the local landscape. As the presentations slides show, views into the site are fleeting along a relatively short distance along Clanmaghera Road.
- Within the case officers report it is also stated that "it would be difficult to argue that the design and use of materials did not respect, to some degree, architectural styles within the area", this statement then would suggest their design supports their integration into the landscape. Therefore, scale appears to be the main issue here. Officers have not mentioned the fact that the pods are designed to be disabled-user-friendly. There are no other disabled-friendly sites in the area, and the facilities on this site will be better suited than the traditional mobile home / trailer park 2km away at Minerstown.
- Officers feel that the proposal will be prominent in the area, however they make no mention of the fact the site lies in a hollow in the terrain, or of the fact that the ground rises up to a crest on the coastline (and the proposal sits well below this crest, ensuring the proposal is not in fact prominent and does not breach the skyline). It does not offend Policies CTY 13 or 14 or NH 6 on the grounds of prominence.
- Views into the site will be fleeting when travelling along the Clanmaghera Road, the site will be partially viewable from a moving vehicle only. The alignment of the road along with the existing vegetation and development along this part of the Clanmaghera Road provides

screening to the site. The proposed development is only visible for a short distance when travelling east and west along the Clanmaghera Road and is not visible from Tyrella Beach or other surrounding areas. It is therefore difficult to ascertain how it can be considered to be prominent development.

- Critically, officers have failed to appreciate why a linear layout was selected – the proposal was designed to respect the site's contours. Officers have applied a higher standard than is laid out in the policies cited when judging visual impact: officers repeatedly use the phrase "the site is visible". The development is not expected to be invisible.
- Officers opine that the access lane with a turning head will have a negative impact on the rural character of the area. However, it is not out of character, there are a number of similar access lanes (most of which cover a longer distance) in close proximity to the site that serve other properties. These are inconspicuous in the overall landscape and the applicant is no different, it will appear similar to a simple farm track. The path will follow the contours of the existing land in order to avoid long straight lines.
- The applicant's concept has been misunderstood by officers, who have repeatedly queried why the pods are positioned so close to wetland – the eco-theme for this site is based upon nature conservation, biodiversity and sustainability. Given the site's proximity to Areas of Special Scientific Interest and a Special Area of Conservation, the applicant seeks to attract visitors seeking to explore these areas and wishes to reassure members that the proposal is not set out to attract stag or hen parties or groups of revellers. The applicant already provides tourist accommodation in the Mourne area and has appropriate booking arrangements to dissuade such clientele. This is a concept that has been supported by the NITB also.
- It is noted that there have been a high number of objections on this application (it is notable that the number of properties adjoining the site is considerably less than the objector count). These have been read and acknowledged by the applicant. The applicant has gone to significant expense in submitting ecological reports and additional information and went above and beyond the need to demonstrate to the objectors there was nothing scientifically wrong with the application. The fact there have been so many objections is countered by the fact that no consultees have any objections despite the site's environmentally sensitive location.
- It is suggested the proposal will result in ribbon development, however, for the purposes of Policy CTY 8 of PPS 21, it has not been recognised that the proposal does not share common frontage with any adjacent property. It therefore does not extend development in a linear manner. In fact, it is set back from the road, with only its access adjoining the road. It therefore does not offend CTY 8 of PPS 21.
- We would ask that members consider visiting the site themselves to determine whether in their opinion the proposal would be prominent in the landscape or not.

Viewpoints along Clanmaghery Road

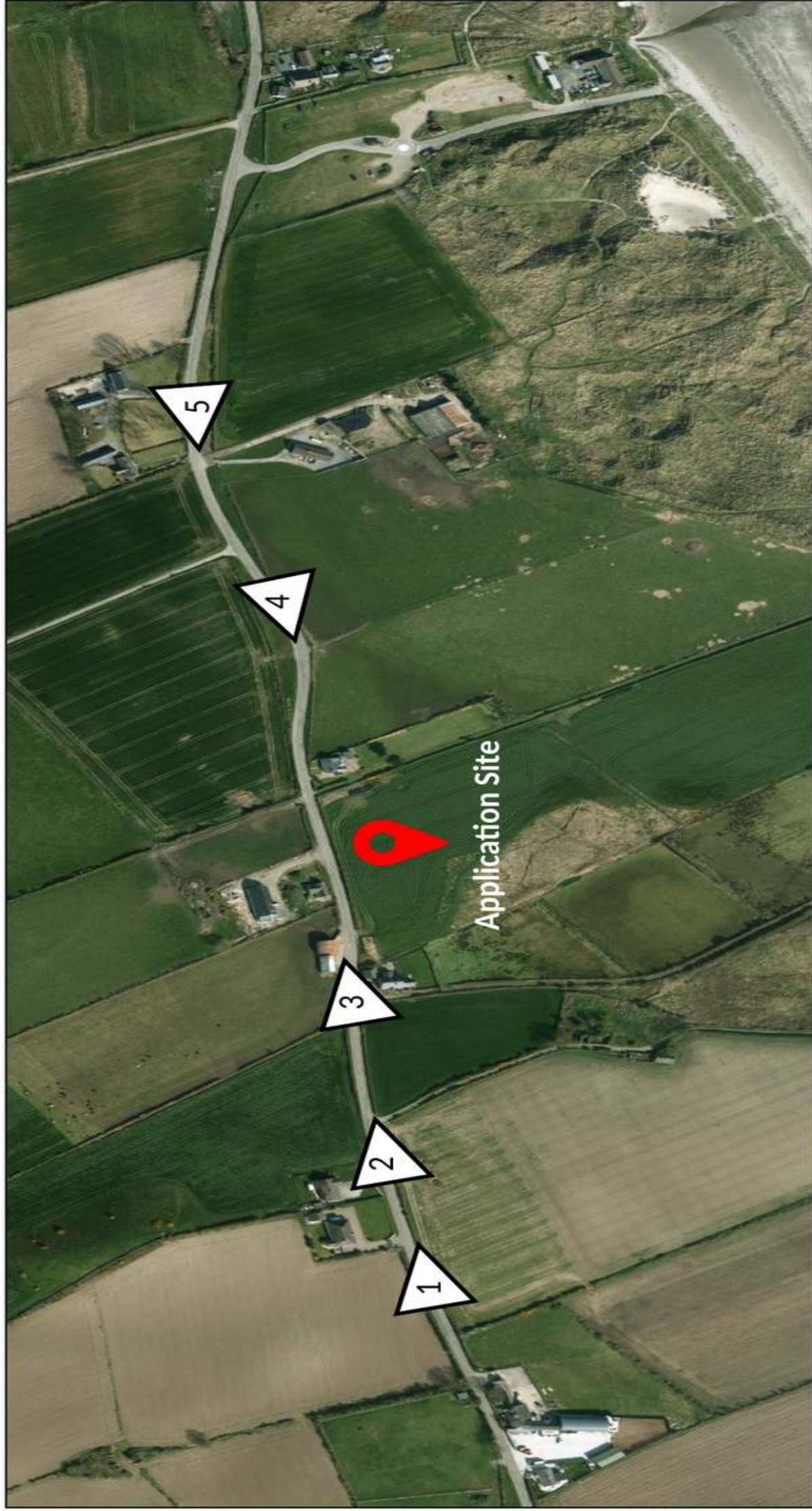


Image 1



Views of the proposed development will be fleeting.

Note existing development around the site.

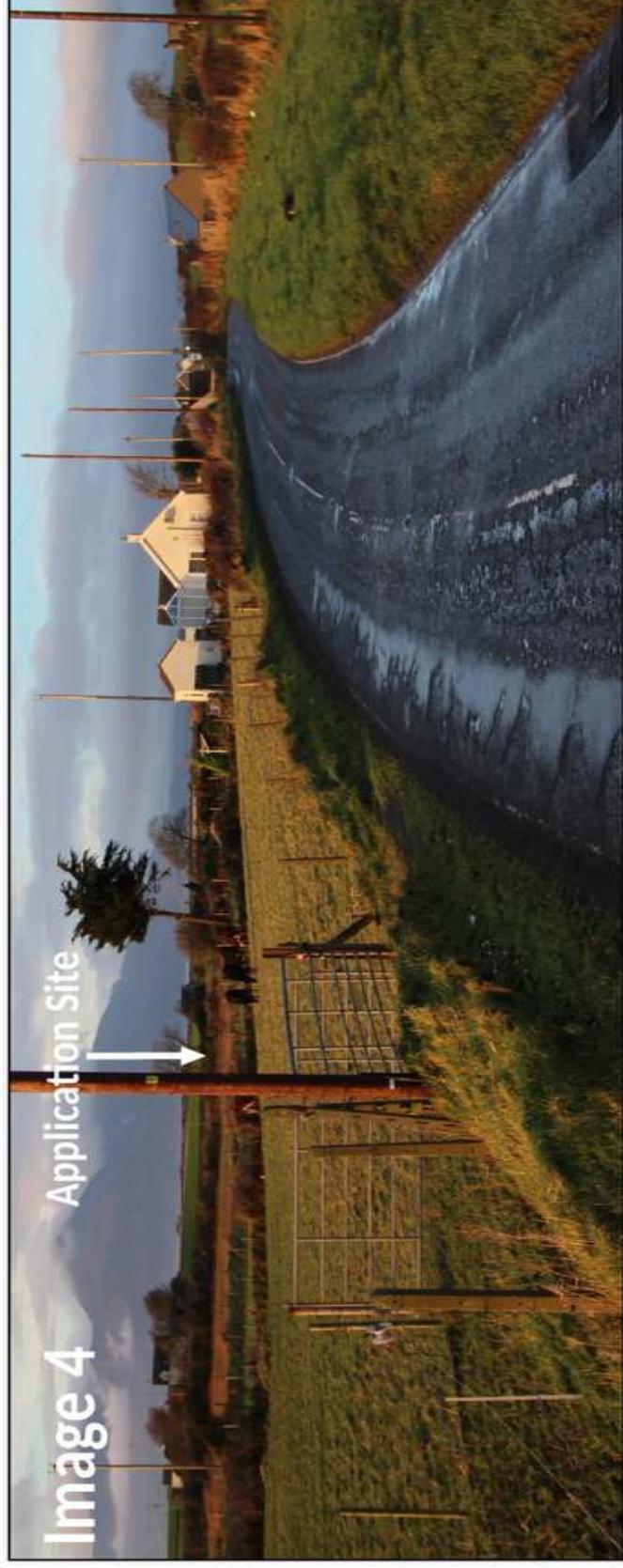
Image 2



Note distance of proposed pods from main road. Views are side on.



This part of the Clannaghery Road rises above the site, reducing its visual impact.



This part of the road bends away from the site.

The low-lying siting of the proposal will prevent the development from having a visual impact on its surroundings



Alignment of the road and existing vegetation limit views into the site.

Image 4

Application Site

Image 5

Application site

LA07/2022/0246/F - Existing Access (Indicated by red arrows)



- The proposed access lane is consistent with the pattern of development along this part of the road and would not have a negative impact on the rural character of the area.
- These accesses do not visually impact on the landscape and are rather inconspicuous when travelling along Clanmaghery Road.

LA07/2022/0246/F

Lands approx. 160m SE of 35 Clanmaghery Road
Tyrella, Downpatrick.

3 eco-pods, amenity room, ancillary car park,
associated site works

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



Comhairle Ceantair

**an Iúir, Mhúrn
agus an Dúin**

**Newry, Mourne
and Down**
District Council



Site Location Plan



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

www.newrymournedown.org

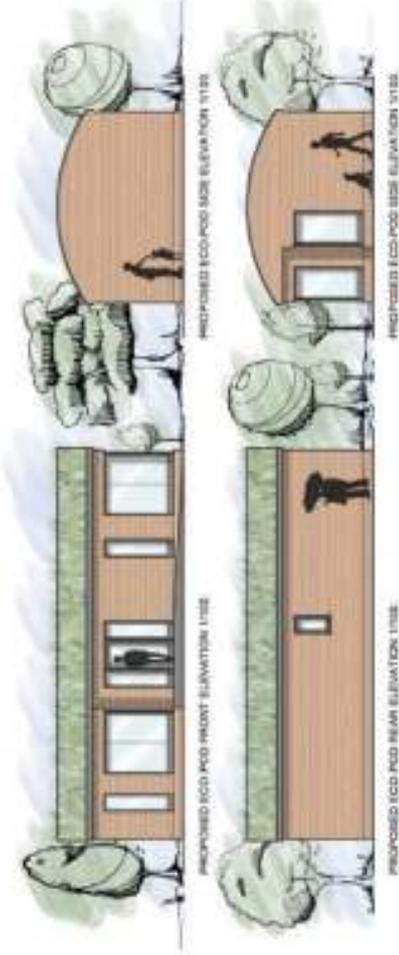


Aerial of Site



**Comhairle Ce
Newry, Mour**

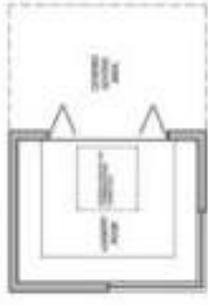
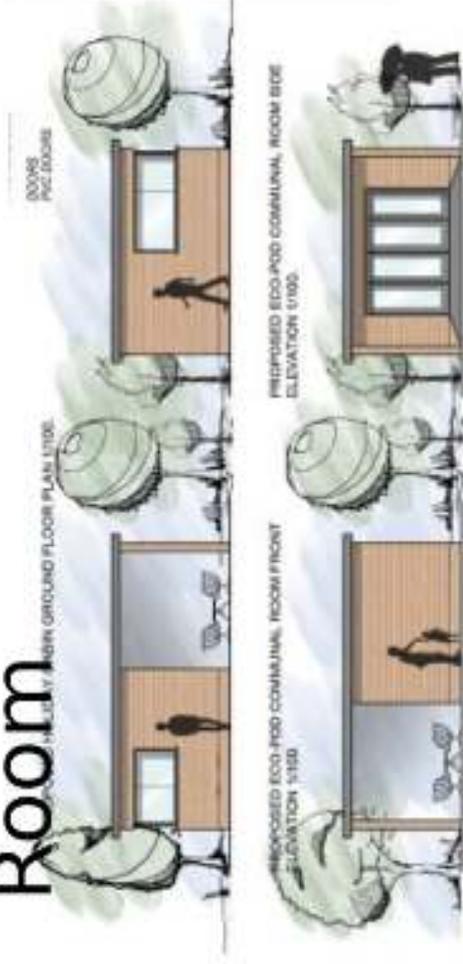




- EXTERNAL FINISHES
- ROOF: FLAT GREENHAFSUF
- WALLS: POLYURETHANE INSULATION ON CONSTRUCTION WALLS
- INTERIORS: POLYURETHANE INSULATION ON CEILING
- WINDSTOP: POLYURETHANE INSULATION ON CEILING
- POD: 2.0m x 2.0m

Proposed Pods

Proposed Communal Room



PROPOSED ECO-POD COMMUNAL ROOM REAR ELEVATION 1'100

PROPOSED ECO-POD COMMUNAL ROOM SIDE ELEVATION 1'100



PROPOSED ECO-POD COMMUNAL ROOM GROUND FLOOR PLAN 1'100



Reasons for

- The proposal is contrary to ~~Refused~~ Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside and Policy TSM 6 of Planning Policy Statement 16 Tourism in that the site is not located in an area that can absorb the development without adverse impact on visual amenity and rural character and the proposed development does not create a high quality and sustainable form of tourism. The location, layout and landscaping are not based on an overall design concept that respects the surrounding landscape and rural character and the site relies on new planting for integration.
- The proposal is contrary to SPPS and Policy CTY 13 and CTY14 of Planning Policy Statement 21 Sustainable Development in the Countryside and Policy NH 6 of PPS 2 Natural Heritage in that the proposed development is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and is considered to be a prominent feature in the landscape. The new buildings would rely primarily on the use of new landscaping for integration into the landscape and result in a detrimental impact on rural character in this Area of Outstanding Natural Beauty.
- The proposal is contrary to SPPS and CTY 14 of Planning Policy Statement 21 Sustainable development in the Countryside in that the proposal, if permitted, would result in the creation of a ribbon of development along the Clanmaghery Road.



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2125/O

Date Received: 27/01/2023

Proposal: Site for dwelling and garage.

Location: Land adjacent and south west of No. 3 Tullydonnell Road, Silverbridge.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area plan 2015, the site is within an Area of Outstanding Natural Beauty.

The site is an irregular shaped portion of land that rises from its southern boundary quite steeply to the boundary with No 3 which is a detached single storey property. No 3 is located to the north east of the site, to the north of the site is an overgrown area of land, there are what appear to be the remains of foundations on this portion of land. The application site is quite open given its sloping nature with the result being that it is visible when travelling along Tullydonnell Road and the nearby New Road.

On the opposite side of the road there is a more urban style development consisting of a number of properties along with a children's play park and basketball / football area.

The site is located in a rural area within no settlement limits, the development on the opposite side of the road is more urban in its layout and appearance and the area on the same side of the road as the site remains rural in its character and appearance.

Site History:

P/2003/0527/O - Site for dwelling and garage - 1 Tullydonnell Road, Silverbridge, Newry – Permission Granted 05/09/2003.

P/2006/1680/RM – Erection of dwelling - 1 Tullydonnell Road, Silverbridge, Newry – Permission Granted 06/07/2007.

Planning Policies & Material Considerations:

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

- Banbridge / Newry and Mourne Area Plan 2015

- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 21 – Sustainable Development in the Countryside
- Planning Policy Statement 3 – Access, Movement and Parking / DCAN 15
- Planning Policy Statement 2 Natural Heritage
- Building on Tradition

Consultations:

DFI Roads – No objections.

NI Water – No objections.

DFI Rivers – No objections subject to the proposal being under 1000sqm of any building and hardstanding, it is considered that any development would be under this threshold.

Objections & Representations:

The application was advertised on 22/02/2023, six (6) neighbours were notified on 21/02/2023, no representations or objections have been received.

Consideration and Assessment:

Paragraph 1.12 of the SPPS states that where the SPPS introduces a change of policy direction and / or provides a policy clarification that would be in conflict with the retained policy the SPPS should be accorded greater weight in the assessment of individual planning applications. However, the SPPS does not introduce a change of policy direction nor provide a policy clarification in respect of proposals for residential development in the countryside. Consequently, the relevant policy context is provided by the retained Planning Policy Statement 21, Sustainable Development in the Countryside. Policy CTY1 of PPS21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Planning Policy Statement 21 – Sustainable Development in the Countryside

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. The agent for the application submitted a supporting statement in which it states that the proposal should be considered against policies CTY 1 – Development in the Countryside and CTY 2a – New Dwelling in Existing Clusters, the statement and a follow up email provided by the agent provides justification as to how they consider the proposal to be in line with the requirements of CTY2.

CTY 1 sets out types of development that in principle are acceptable, consideration will be given to the proposal to ascertain if the proposal meets the policy requirements set out in CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters

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

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

Although no specifics have been given it is considered that the cluster lies outside a farm, it is considered that the cluster consists of four or more buildings including properties to the west of the public road and No 3 adjacent and north of the application site.

- the cluster appears as a visual entity in the local landscape;

The cluster as identified by the agent does not appear as a visual entity but instead would appear as two separate entities being the residential area to the west of the public road and No 3 adjacent and north of the application site, the proposal does not meet this criterion of policy.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

The site is located across the road from a community play area and so it could be argued that the site is associated with a focal point as the play area would be viewed as a community facility.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The agent argues that the proposal adheres to this criterion and that the overgrown foundations constitute development on one side and that No 3 is development on another side, it is also argued that other surrounding development should be considered including housing on the opposite side of the road.

The first aspect of this criteria is that the site should provide a suitable degree of enclosure, the site is open and sloping and as a result provides very little enclosure especially when viewed from New Road and Tullydonnell Road when travelling north. The site has No 3 on one side however the overgrown foundations are not considered in the spirit of this policy to constitute development. Approval on the overgrown site was granted over 15 years ago and there is no sign that a dwelling will ever be fully developed, it may be a case that the previous approval was not correctly implemented and as such any approval has lapsed. The overgrown site with foundations is not seen as one of the required two that should bound the site.

Any other development including properties on the opposite side of the public road are not seen to bound the site given the distinct separation by the road.

The site is not considered to provide a suitable degree of enclosure and is not bounded on at least two sides by other development as such the proposal does not meet this criterion.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

The agent argues within the supporting information submitted that the proposal is a rounding off and that it will not intrude into the open countryside. The Planning Department having considered the information feel that the proposal is not a rounding off of an existing cluster, it is considered that if approved the development would alter the character and visually intrude into the open countryside due to its prominent and open nature. The proposal is not a rounding off opportunity but simply an extension of development into the countryside, if approved it could be further argued that another property to the south of the site would be a further rounding off opportunity which would lead to further build up and impact on the character of the rural area.

Supplementary planning guidance Building on Tradition provides guidance on when proposals may and may not be seen as acceptable under Policy CTY2a. The document includes justification including diagrams which show that to be considered acceptable under this policy it is not considered acceptable to simply add to the extremities of existing development as this would in fact add to ribbon development.

The diagram below shows examples of development not considered to be in line with Policy CTY2a, the examples included are very similar to this application in that they are simply added to the end of existing development.



- development would not adversely impact on residential amenity.

It is considered that a single storey dwelling could be designed and orientated on the site so it would not result in an adverse impact on the amenity of the adjacent property No 3 or on the amenity of any other surrounding properties, the proposal is in accordance with this criterion.

The proposal is considered contrary to a number of criteria within policy CTY 2a and as such is not considered as an opportunity for a new dwelling in an existing cluster.

Integration, Design and Rural Character

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is an open agricultural field located on the edge of the public road and as such a dwelling on the site would be considered a

prominent feature in the landscape. The site at present is quite open to views and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. The proposal is for outline permission and so there are no details of design, if approval was recommended then conditions could be included to try and ensure any dwelling was of an acceptable design. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it will be unduly prominent, result in a suburban style build-up of development when viewed with existing buildings, and where it creates or adds to a ribbon of development.

As previously stated, the site is open and so a dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings. It is considered that the proposal when viewed with No 3 and the dwelling to its north the will add to a ribbon of development. It is considered that the proposal fails to comply with parts a, b and d of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB. The proposal (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable and in accordance with PPS3.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the cluster does not appear as a visual entity in the local landscape.

-the site does not provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

-the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and would significantly alter its existing character and visually intrude into the open countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

-the proposed dwelling if approved would be a prominent feature in the landscape;

-the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape;

-the proposed dwelling relies primarily on the use of new landscaping for integration;

and therefore would not visually integrate into the surrounding landscape.

4. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:

-the dwelling would, if permitted be unduly prominent in the landscape

-the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;

-the dwelling would, if permitted create a ribbon of development;

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

5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson **Date:** 15/11/2023

Authorised Officer: Maria Fitzpatrick **Date:** 16/11/2023



Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2023/2125/O

Date Received: 27/01/2023

Proposal: Site for dwelling and garage.

Location: Land adjacent and south west of No. 3 Tullydonnell Road, Silverbridge.

Site Characteristics & Area Characteristics:

The application site is located outside any settlement limits as defined within the Banbridge / Newry and Mourne Area plan 2015, the site is within an Area of Outstanding Natural Beauty.

The site is an irregular shaped portion of land that rises from its southern boundary quite steeply to the boundary with No 3 which is a detached single storey property. No 3 is located to the north east of the site, to the north of the site is an overgrown area of land, there are what appear to be the remains of foundations on this portion of land. The application site is quite open given its sloping nature with the result being that it is visible when travelling along Tullydonnell Road and the nearby New Road.

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Consultations:

DFI Roads – No objections.

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- the cluster appears as a visual entity in the local landscape;

The cluster as identified by the agent does not appear as a visual entity but instead would appear as two separate entities being the residential area to the west of the public road and No 3 adjacent and north of the application site, the proposal does not meet this criterion of policy.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

The site is located across the road from a community play area and so it could be argued that the site is associated with a focal point as the play area would be viewed as a community facility.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The agent argues that the proposal adheres to this criterion and that the overgrown foundations constitute development on one side and that No 3 is development on another side, it is also argued that other surrounding development should be considered including housing on the opposite side of the road.

The first aspect of this criteria is that the site should provide a suitable degree of enclosure, the site is open and sloping and as a result provides very little enclosure especially when viewed from New Road and Tullydonnell Road when travelling north. The site has No 3 on one side however the overgrown foundations are not considered in the spirit of this policy to constitute development. Approval on the overgrown site was granted over 15 years ago and there is no sign that a dwelling will ever be fully developed, it may be a case that the previous approval was not correctly implemented and as such any approval has lapsed. The overgrown site with foundations is not seen as one of the required two that should bound the site.

Any other development including properties on the opposite side of the public road are not seen to bound the site given the distinct separation by the road.

The site is not considered to provide a suitable degree of enclosure and is not bounded on at least two sides by other development as such the proposal does not meet this criterion.

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

The agent argues within the supporting information submitted that the proposal is a rounding off and that it will not intrude into the open countryside. The Planning Department having considered the information feel that the proposal is not a rounding off of an existing cluster, it is considered that if approved the development would alter the character and visually intrude into the open countryside due to its prominent and open nature. The proposal is not a rounding off opportunity but simply an extension of development into the countryside, if approved it could be further argued that another property to the south of the site would be a further rounding off opportunity which would lead to further build up and impact on the character of the rural area.

Supplementary planning guidance Building on Tradition provides guidance on when proposals may and may not be seen as acceptable under Policy CTY2a. The document includes justification including diagrams which show that to be considered acceptable under this policy it is not considered acceptable to simply add to the extremities of existing development as this would in fact add to ribbon development.

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It is considered that a single storey dwelling could be designed and orientated on the site so it would not result in an adverse impact on the amenity of the adjacent property No 3 or on the amenity of any other surrounding properties, the proposal is in accordance with this criterion.

The proposal is considered contrary to a number of criteria within policy CTY 2a and as such is not considered as an opportunity for a new dwelling in an existing cluster.

Integration, Design and Rural Character

Policy CTY 13 of PPS 21 requires a building to be visually integrated into the surrounding landscape. The application site is an open agricultural field located on the edge of the public road and as such a dwelling on the site would be considered a

prominent feature in the landscape. The site at present is quite open to views and would be unable to provide a suitable degree of enclosure for a dwelling to integrate into the landscape. To provide a suitable degree of enclosure and screening this would rely on the use of new landscaping. The proposal is for outline permission and so there are no details of design, if approval was recommended then conditions could be included to try and ensure any dwelling was of an acceptable design. It is considered that the proposal fails to comply with parts a, b and c of Policy CTY13.

CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A new building will be unacceptable where it will be unduly prominent, result in a suburban style build-up of development when viewed with existing buildings, and where it creates or adds to a ribbon of development.

As previously stated, the site is open and so a dwelling on the site would be prominent. A dwelling on the site would result in a suburban style build-up of development when viewed with existing buildings. It is considered that the proposal when viewed with No 3 and the dwelling to its north the will add to a ribbon of development. It is considered that the proposal fails to comply with parts a, b and d of Policy CTY14.

Area of Outstanding Natural Beauty

Planning Policy Statement 2 Policy NH6 is applicable due to the location within an AONB. The proposal (for the reasons noted above) is considered unsympathetic to the special character of the AONB and therefore fails this policy criterion.

Access and Parking

DFI Roads raised no objections to the proposal and as such it is considered that access and parking provisions are acceptable and in accordance with PPS3.

Development relying on non-mains sewerage.

Policy CTY 16 – The application would appear to comply with this policy, a condition should be included to ensure a copy of a consent to discharge be submitted prior to commencement of the development.

Recommendation: Refusal

Reasons for refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
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-the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation and would significantly alter its existing character and visually intrude into the open countryside.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that:

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5. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy NH6 of Planning Policy Statement 2, Natural Heritage in that the siting of the proposal is unsympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality.

Case Officer: Wayne Donaldson **Date:** 15/11/2023

Authorised Officer: Maria Fitzpatrick **Date:** 16/11/2023

LA07/2023/2125/O - Site for dwelling and garage adjacent and south west of No. 3 Tullydonnell Road, Silverbridge (Ronan Treanor)

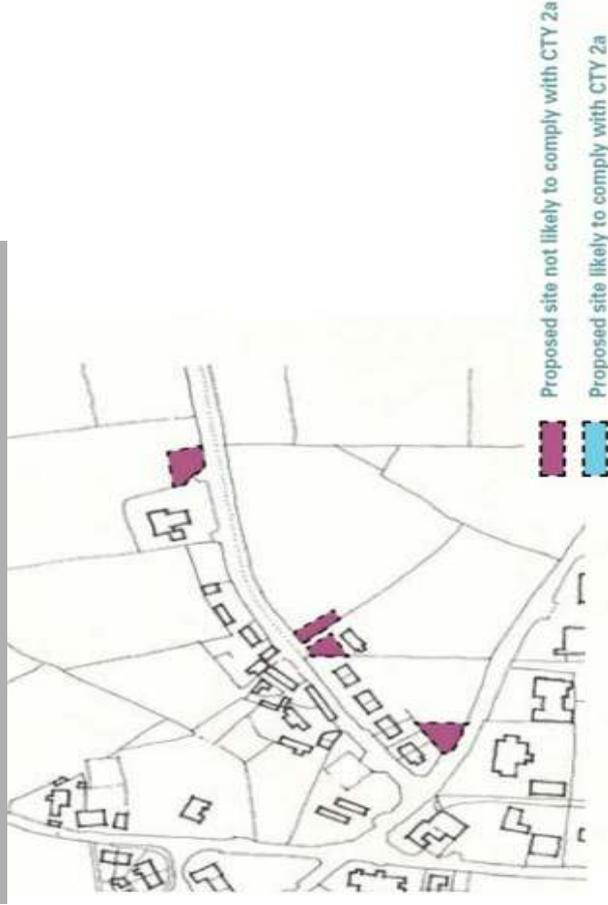
- The applicant proposes a dwelling in a cluster. Officers recognise the existence of the cluster and in particular that of a focal point in this built up area.
- Officers feel the proposal fails Policy CTY14 of PPS 21 and NH 6 of PPS 2 because they believe this results in a suburbanised settlement pattern. However, if it is accepted that this proposal will consolidate a cluster, CTY 14 and NH 2 are automatically satisfied.
- It has been suggested this proposal will extend the cluster into what officers regard as open countryside. However, there is development adjacent to, opposite, in front of and alongside the site.
- Opposite the housing estate, a developer has laid foundations for a new house (not referred to by officers). There are two finished houses adjacent to that. There are a further set of foundations to the rear of the outer house, and this proposal is sited to the rear of the two single houses and on the inner side of the easterly foundations that have been laid (to preserve a planning permission). The site is therefore clearly within the cluster's outer environs.
- Officers appear to be swayed by the fact the site lies on the periphery of the cluster. However, CTY 2a's permissive provisions are not limited to the nucleus of a cluster: the opportunity to round off and consolidate a cluster applies anywhere, provided one avoids encroaching into the open countryside. This proposal has not encroached into the open countryside in a northerly, easterly or westerly direction – there is completed or commenced development all around the site.
- This cluster differs from the types of clusters most frequently encountered (i.e. those at pubs, churches, post offices or cross roads). It includes two residential housing estates on one side of the road, with a playpark, and a group of individual dwellings that have accumulated opposite the main cluster. Contrary to what is suggested, the cluster is not split by Tullydonnell Road, and development has already broken out from the housing estates opposite into the open countryside.
- Members, if afforded an opportunity to view the site, would appreciate that the dwelling can only be seen in a small part of the surrounding area – one brief section of the south western approach (20 – 30 metres). It will not sit prominently or breach the sky line and will be suitably integrated with, among other things, a host of surrounding buildings and development.
- There has been an inference that the site is not part of the cluster due to its location on the opposite side of the road. The committee has a history of consistency and frequently recognises that consolidation will often involve development on an opposite side of a road (e.g. a dwelling at a crossroads' un-developed fourth quadrant).
- Officers have applied Policy CTY 2a in a way that is divergent from its written text: one of the fundamental requirements is that development must be bounded by other **development** on at least two sides. Officers have expressed a view that this requirement can only be met if the site is surrounded by **buildings** on at least two sides despite the Policy specifically referring to **development**.
- The refusal recommendation is based upon a differentiation between committed development and a finished building, whereas the Policy makes no such distinction.
- The definition of 'development' as per Section 23(1) of the Planning (Northern Ireland) Act 2011 is "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".
- Officers have strayed from the planning legislation's "meaning of development" and have unwittingly imposed a higher test than is actually set out in policy, in their criticism of the proposal, owing to the fact that "on one of its sides it is bounded by development that has not materialised into a substantial building". We urge Members to apply the policy as it was written.
- In CTY 8, when considering infill proposals, one is required to site between existing buildings, but the Policy for clusters is different – here it is development that is being consolidated. Also, CTY 2a's headline refers to an existing cluster of **development** so it is not just its sub criterion that alludes to bounding **development** – there is consistency throughout the Policy. In short, the Policy has significantly greater liberty than officers have anticipated.

LA07/2023/2125/O - Site for dwelling and garage adjacent and south west of No. 3 Tullydonnell Road, Silverbridge (Ronan Treanor)

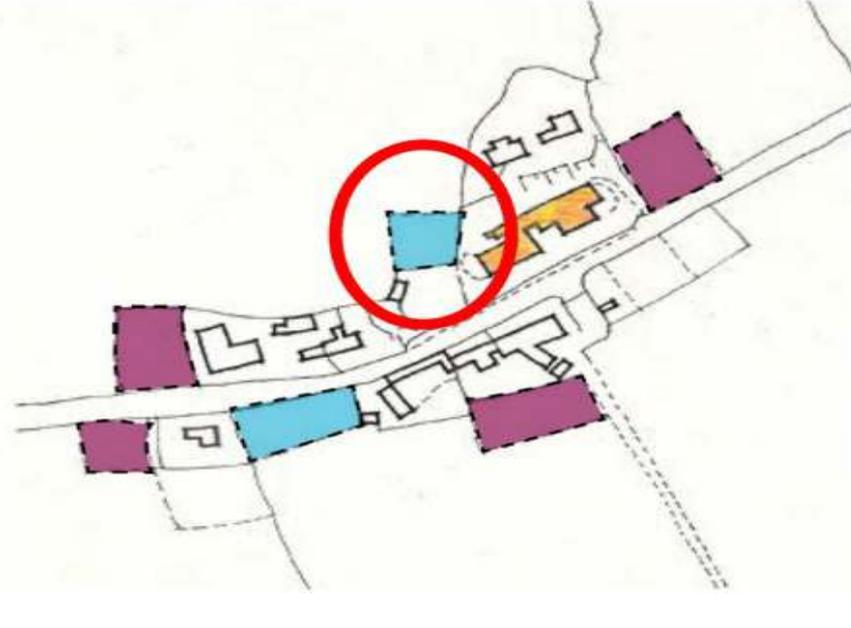
- A reasonable person standing on the road would be mindful of the fact that the proposal does not extend any further back from the road than the eastern foundations; it does not extend any closer to New Road than the southern foundations; and it does not extend any further along Tullydonnell Road than No. 5. It would be seen that this does not encroach into open countryside.
- Also, we ask the Committee not to accept an unwritten definition over that which is laid out in policy (in terms of differentiating between committed development and a finished building).
- This proposal is in keeping with the thrust of CTY 2a of PPS 21 (and this would satisfy the SPPS and CTY 1). The Planning Appeals Commission's approach is that policy does not have to be applied in a doctrinaire manner. It has clear and consistent views on this subject e.g.
 - 2021/A0010 – the proposal did not strictly comply with the fourth criterion, but complies with Policy CTY 2a when read as a whole
 - 2014/A0245 – strictly speaking the south eastern and south western boundaries did not directly abut development but this was not fatal
 - 2010/A0202 – While the proposal fails the third criterion it complies with the Policy's broad overall intent
- In light of the foregoing, Members are free to apply their own judgement, but we feel the facts suggest:
 - This cluster does read as a visual entity, from Tullydonnell Road;
 - The proposal will round off and consolidate the existing cluster without visually intruding into the countryside;
 - The proposal is bounded by development on the requisite number of sides and officers' attempt to expand the Policy to include only buildings is taking the Policy beyond its written content;
 - The site can only be seen from one short stretch of an approach on Tullydonnell Road. Because of the intervening and surrounding landscape features and rising ground beyond the site, and the proposal's integration with a group of buildings, it will not be prominent.
 - The suburban-style build up of development of concern to officers has already materialised, and this proposal will not further erode the area's character because of the limited visual impact, when viewed from Tullydonnell Road or even New Road.
- If it is accepted that the siting of the dwelling will consolidate the cluster, the proposal will not detract from the special character of the Area of Outstanding Natural Beauty.
- We thank you for your time and consideration in this matter, and in the event you are not persuaded by this presentation we invite you to visit the site.



Planners' example - from Building on Tradition - situation not comparable, as the examples shown are all at the end of a line



More relevant example - from Building on Tradition - The right hand example, strictly speaking, extends the cluster slightly but this is still held up as an example of what is possible



Appeal 2010/A0202

11. Whilst the proposal falls the third criterion of Policy CTY 2a of PPS 21, it complies with the policy's broad overall intent in that it would round off and consolidate an existing cluster of development without changing to the area's character. In this respect, there are a number of site-specific characteristics that I find so compelling as to outweigh the fact that the cluster is not associated with a focal point. These are as follows:

Appeal 2021/A0010

- 5.14 As the proposal complies with Policy CTY2a of PPS21 when read as a whole, it is one of the range of types of development which in principle are considered to be acceptable in the countryside and will contribute to the aims of sustainable development. Therefore, it also complies with Policy CTY1 of PPS21. The Council's first two reasons for refusal are not sustained.

Appeal 2014/A0245

17. Whilst strictly speaking the south eastern and south western boundaries do not directly abut development, the roads in between are narrow rural roads and in my opinion, the development opposite - notwithstanding the sight set back of the church - would provide suitable containment and enclosure for a dwelling sited as proposed.
18. Although, the proposal is not immediately bounded on these boundaries, in this case I do not consider this to be fatal to the proposal as in my opinion a dwelling sited as proposed would have a suitable degree of enclosure and would be read within the existing cluster at the junction of the two roads.

These approvals demonstrate that the PAC show consistency in their decision making and accepts that despite the failure to meet one criterion of the policy that the proposals complied with the policy in the round.



LA07/2023/2125/O

Land adjacent and south west of No. 3 Tullydonnell Road,
Silverbridge

Site for dwelling and garage

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



Comhairle Ceantair

**an Iúir, Mhúrn
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**Newry, Mourne
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District Council



Site Location Plan



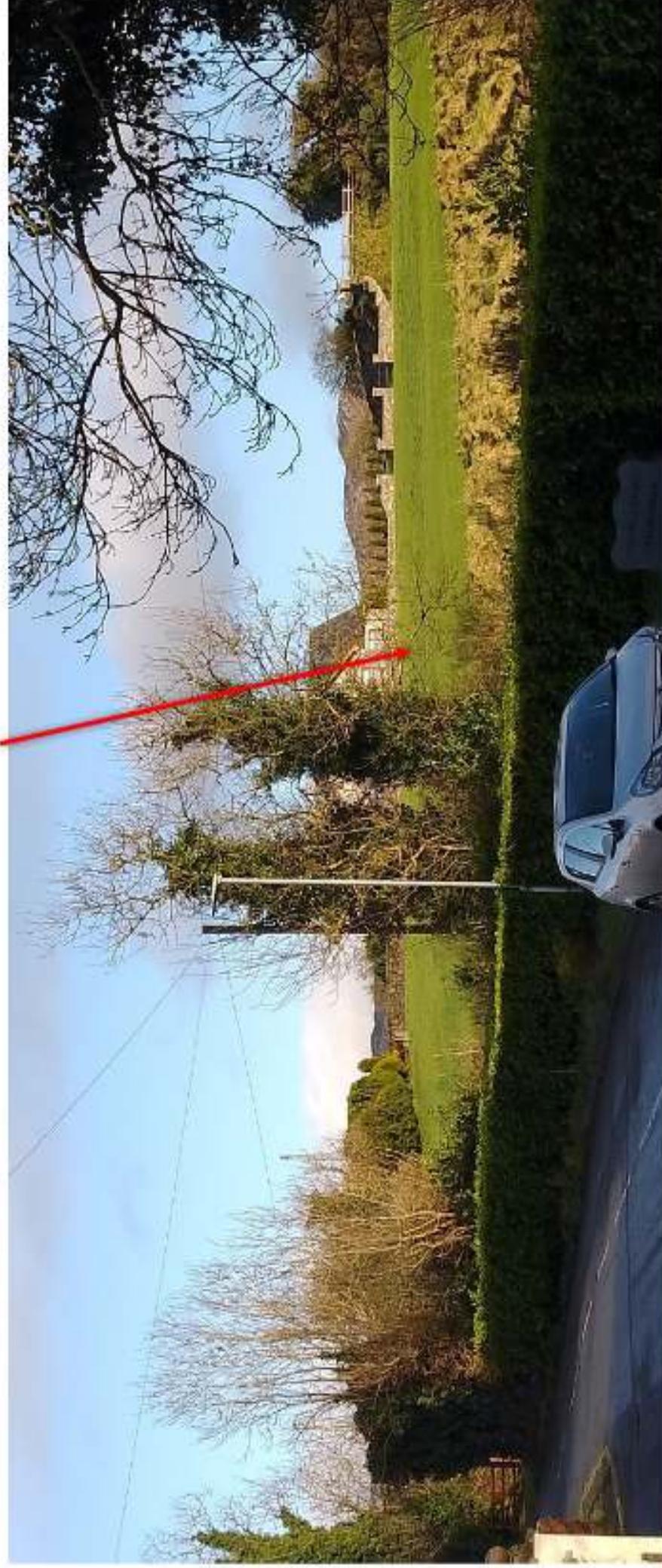


Aerial of site, from this you can see only one dwelling bounding the application site.





View of site from the public road, this shows the elevated and open nature of the site with a lack of screening.



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Newry, Mourne and Down District Council

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Photo showing adjacent site overgrown and only the remains of foundations in place, as such there is no building on this plot.





Image showing No 3 which is the only development to bound the application site.



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The diagram below shows examples within Building on Tradition of development not considered to be in line with Policy CTY2a, the examples included are very similar to this application in that they a rounding off but are simply added to the end of existing development.





Comhairle Ceantair
an Iúir, Mhúrn
agus an Dúin

**Newry, Mourne
and Down**
District Council

Application Reference: LA07/2020/0801/O

Date Received: 11.06.2020

Proposal: Proposed Housing Development.

Location: Lands between Daisy Hill Hospital Road adjacent and Northwest of 3 Woodhill adjacent and Southeast of 1 Woodlands Newry.

1.0. Site Characteristics & Area Characteristics:

- 1.1. The site includes a largely overgrown wooded area, comprising 0.8 hectares. It is immediately adjacent to the Hospital Road which forms its eastern boundary. It lies opposite an existing entrance to Daisy Hill Hospital. The site rises steeply towards the western boundary.
- 1.2. The site is located within the development limit for Newry City as designated in the Area Plan.
- 1.3. There are existing woodlands to the NW of the site and Woodhill housing development is found to the SE. The trees within the site are statutorily protected by a Tree Preservation Order. (TPO/2006/0042 and PLA2/6/042/06).

2.0. Site History:

LA07/2019/0787/PAD: Pre-Application Discussion.
Housing development
PAD Concluded

P/2005/2185/O
Site for housing development
Permission Refused: 04.02.2009

P/1997/1343
Development of Park and Children's Play Area
Permission Granted: 22.12.1998

- 3.0. **Planning Policies & Material Considerations:**
Planning Act NI 2011

SPPS – Strategic Planning Policy Statement for Northern Ireland
 Banbridge Newry and Mourne Area Plan 2015
 Planning Policy Statement 2 (PPS 2)– Natural Heritage
 Planning Policy Statement 3 (PPS 3) – Access Movement and Parking
 Planning Policy Statement 7 (PPS7) – Quality Residential Environments –
 Policy QD 1
 Planning Policy Statement 12 (PPS 12) – Housing in Settlements
 Planning Policy Statement 15 (PPS15) – Planning and Flood Risk
 Planning Policy Statement 8 (PPS 8) – Open Space
 Planning Strategy for Rural Northern Ireland
 Creating Places

4.0. Consultations:

DAERA – Following further information, no objection subject to compliance with attached conditions.

NI Water – public water supply within 20m of sites and no storm sewer within 20m of site. WWTW at full capacity. Agent has since proposed sewage treatment plant.

DFI Rivers – On receipt of Drainage Assessment no objection subject to compliance with attached condition.

DFI Roads – No objections subject to compliance with conditions and RS 1 form.

Environmental Health – no objections subject to connection to mains sewer.

Loughs Agency – no objections subject to condition.

Shared Environmental Services - Consultation not necessary due to the location of the proposed site with an adequate curtilage buffer separating it from any local watercourses.

5.0. Objections & Representations

- 5.1. 13 neighbours notified on 07.07.2020 and the application was advertised in the press on 07.07.2020. No objections or representations received.

6.0. Consideration and Assessment:

Banbridge Newry and Mourne Area Plan 2015

- 6.1. The site is located within the Development Limit for Newry City, indicated as White Land, where there is no designation on the land use and the Plan remains silent. Decision making is therefore deferred to the retained policies considered in detail below. The proposal is in general compliance with the Area Plan.

PPS7/SPPS/PSRNI/PPS12

- 6.2. With no distinct differences between the SPPS and PPS7 and PPS7 being the more prescriptive text, the lead policy consideration for the application will be policy QD1 of PPS7. New housing in settlements will be expected to meet the criteria tests (a-i) of policy QD 1 as discussed below;

(a) The proposed housing use would respect the context of the surrounding area which is predominately residential. However, the site is currently a wooded area which is overgrown in parts but benefits from large distinctive

trees which cumulatively are a significant feature in the local and wider landscape and contribute to the character of the area. The trees are important to the local area which is confirmed by the existing TPO that includes the site. The development of the site for housing would result in the removal of the protected trees and would detract from the established character of the area. It would erode the existing natural heritage and scenic quality of the area. In terms of the topography of the site, the site rises relatively steeply towards the SW. The indicative layout would rely heavily on retaining structures along the SW boundary to accommodate the proposal which I consider would be visually intrusive and would detract from the character of the area. For these reasons I consider the proposal contrary to part (a).

- (b) There are no archaeological or built heritage features of importance associated with the site. In terms of landscape features, there is a TPO on the site which includes 20 specific designations. The TPO designation occupies a prominent site just beyond the City Centre limits, offering long range views from Monaghan Street and Hospital Road. The agent has supplied an indicative layout showing in his opinion, that the proposal would only impact a section of designation No. 19. I do not agree that only designation 19 would be impacted by the proposal and I consider many of the ancillary works would invariably impact further designations not least those alongside Hospital Road. Therefore, I do not consider the landscape features of importance have been protected and subsequently the proposal is contrary to part (b).
- (c) This policy criterion would be considered in detail at RM stage however I am content that adequate public and private open space could be accommodated at this site.
- (d) Not applicable given the site's close proximity to the city centre.
- (e) A movement pattern will be considered in detail at full plans stage when the proposed layout becomes clear, DFI Roads has no objections to the proposal.
- (f) Adequate provision for parking will be considered in detail at full plans stage when the proposed layout becomes clear, however I anticipate enough space to accommodate car parking.
- (g) Form, materials and detailing will be assessed at full plans stage and are matters reserved.
- (h) The design and layout of the proposal will be assessed in detail at full plans stage and are matters reserved. However, it is envisaged given the distances involved to the nearest existing dwellings this criterion can be achieved.
- (i) The development will be expected to be designed in a way that deters crime and again this will be assessed in greater detail at full plans stage.

The proposal is contrary to part (a) and (b) of policy QD 1 of PPS 7.

Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas

- 6.3.** In established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites to accommodate new housing where all the criteria set out in Policy QD1 of PPS7 and all the additional criteria set out in this policy are met. As this is an outline application these matters could be reserved with consideration being given to ensuring that the local character, environmental quality and amenity of the existing dwellings are not eroded by the development of this site.
- 6.4.** The applicable policies of PPS 12 and PSRNI are considered to be satisfied insofar as practicable at Outline stage. The specific criteria of these policies will be assessed in greater detail at full plans stage, where the policy requirements are expected to be met.

Planning Policy Statement 15

- 6.5.** DFI Rivers has been consulted as part of the application. The Department has confirmed policies FLD1, FLD2, FLD4 and FLD5 are not applicable to the application. Following the submission of an amended drainage assessment DFI Rivers has no objection to policy FLD 3 subject to compliance with the attached condition ensuring a final Drainage Assessment must be submitted and agreed prior to the commencement of development. The proposal is therefore compliant with PPS 15.

Planning Policy Statement 2

- 6.6.** An Ecological Appraisal and a Report on a Bat Survey of a Site of Proposed Development has been provided as part of the application process which have been forwarded to NIEA Natural Environment Division (NED) for consideration. Subject to compliance with conditions that include invasive species, a landscape plan, bat friendly lighting, bat and badger activity NED is content the proposal.
- 6.7.** However, whilst TPO's are generally not within the remit of NIEA I consider policy NH 5 pertinent to the application site. This policy states '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, amongst other things, natural heritage features worthy of protection. As mentioned above the application site contains a number of significant trees (20 No) which are an important feature in the local and wider landscape. These trees are protected by individual Tree Preservation Orders, designated under Article 122 of the Planning Act (Northern Ireland) 2011 as they are natural heritage features clearly worthy of protection. Policy NH 5 clearly states that 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.

- 6.8. The agent claims that only one tree, (Designation 19) would be affected by the proposal. The Planning Department does not accept this, as noted above. The Planning Department considers that the trees have been protected by a statutory designation, due to their significance within the local and wider townscape.
- 6.9. It should be noted that the application includes an indicative concept plan showing a proposed housing layout covering the majority of the site and comprising 6 dwellings, 2 apartment blocks, an internal access road and associated communal car parking. While the application before the Planning Department is for an outline approval and the proposed layout is considered unacceptable, it is clear that a substantial part of the designation would be adversely impacted by this proposal. The loss of such substantial trees and associated vegetation would represent unsustainable development and it has not been demonstrated that any resultant benefits would outweigh the loss of these significant features. On this basis I consider the proposal fails policy NH 5 of PPS 2.

Planning Policy Statement 3 (PPS 3) – Access Movement and Parking

- 6.10. DFI Roads has no objections to the proposal in terms of PPS 3 subject to compliance with attached conditions and RS1 form.
- 6.11. The application has been made the subject of a Habitats Regulation Assessment. Given the nature and the location of the proposed site with an adequate curtilage buffer separating it from any local watercourses, it's unlikely that there will be any significant impacts on the site features/conservation objectives of any European site, and further assessment is not required.

EIA screening carried out due to the size of the site. An Environmental Statement (ES) is not required.

6.12 Planning Policy Statement 8 (PPS 8) Open Space

Policy OS 1 Protection of open Space, notes that development will not be permitted that would result in the loss of existing open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. The site is considered as open space and meets the definition of 'woodland' in Annex A of the policy. The site could be classified as source of 'green lungs' in an otherwise densely developed area. Equally the character of the site as noted above makes an important contribution to the surrounding area and environment. The proposal does not meet any of the exceptions listed and therefore the removal of this portion of open space is considered contrary to policy OS 1 of PPS 8.

Recommendation:

- 6.13. The application is recommended as a refusal due to the issues outlined above and the refusal reasons below.

Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy QD 1 (Criteria (a) and (b) of the Departments Planning Policy Statement 7 (PPS 7) : Quality Residential Environments in that the character of the area and landscape features of importance would be compromised by the proposal.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy NH 5 of the Departments Planning Policy Statement 2 (PPS 2): Natural Heritage in that the development would, if permitted, adversely impact natural heritage features currently protected by existing Tree Preservation Orders under Article 122 of the Planning (Northern Ireland) Act 2011.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and policy OS 1 of the Departments Planning Policy Statement 8 (PPS 8): Open Space in that the development would, if permitted, result in the loss of existing open space and does not meet any of the exceptions listed.

Case Officer: Ashley Donaldson 11.12.2023

Authorised Officer: Maria Fitzpatrick 18.12.2023



Department for

Communities

An Roinn

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ADVANCE NOTICE OF LISTING

Chief Executive
 Newry Mourne and Down District Council
 Newry Office
 Monaghan Row
 Newry
 BT35 8DJ

Historic Environment Division
 Heritage Buildings Designation
 Branch
 Ground Floor
 9 Lanyon Place
 Town Parks
 Belfast
 BT1 3LP
 Direct Tel No: 0289056 9281
 Email:
 HED.secondsurvey@communities-
 ni.gov.uk

Our Ref: HB16 various

Date: 15th December 2023

Dear Sir/Madam,

RE: 17 STRUCTURES WITHIN NEWRY, MOURNE AND DOWN (as detailed in
 Appendix A)

LISTING OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

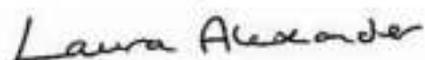
At present, the listing of the above-mentioned property is being considered under section 80(1) of the Planning Act (Northern Ireland) 2011.

I would welcome receipt of the views of your Council on the proposed Listings within 6 weeks of the date of this Letter. *If there is no reply to this correspondence within the stated timescale we shall assume that you agree to the listing of the above building. Where this letter refers to building(s), this term includes all types of structures.*

I enclose a copy of the Second Survey Report and location map of the building(s) for your information.

I would advise that there is no right of appeal against listing. However, an owner or occupier can write to the Department or their local Council at any time, if they consider that the building is not of special architectural or historic interest sufficient to justify its listing. Where the owner, or council acting on their behalf, is indicating that it will be supportive of any opposition to the proposed listing, then any such view must be supported by factual evidence relating only to the *special architectural or historic interest* ascribed to the building in the list description. The Department may then reassess the building's merit in light of the information supplied.

Yours faithfully



LAURA ALEXANDER

Encs: Second Survey DC Reports

Location Map

Appendix A – list under consideration

Appendix A. List of Structures under consideration

1. HB16/19/019 Ballykeel Bridge, Mill Road, Ballykeel, Mullaghbawn, Co. Armagh, BT35 9UA
2. HB16/21/053 Access bridge over former Armagh to Newry Railway at 11 Kilmonaghan Road, Goragh, Newry, BT35 6QF
3. HB16/23/026 Farm buildings at Derrymore House, Derrymore, Co. Armagh, BT35 7EF
4. HB16/25/036 Boundary post, near 37 Armagh Road, Newry, BT35 6DJ
5. HB16/25/037 Boundary post, near 28 and 30 Armagh Road, Newry, BT35 6DJ
6. HB16/26/068 Boundary post, near 69 Downshire Road, Newry, BT34 1EE
7. HB16/26/082 Boundary post, near 1 Windsor Court, Rathfriland Road, Newry, BT34 1JF
8. HB16/27/007 Boundary post, near 2 Upper Kiln Street, Newry, BT35 8TT
9. HB16/27/010 Boundary post, near 1 Hillside Terrace, Doran's Hill, Newry, BT35 8EL
10. HB16/28/108 Boundary post, near 4D Temple Hill Road, Newry, BT34 2LS
11. HB16/28/109 Boundary post, near 3 Temple Hill Road, Newry, BT34 2LR
12. HB16/28/110 Boundary post, near 9 The Manse, Windmill Road, Newry, BT34 2AT
13. HB16/29/014 Boundary post, near 1 Dublin Road, Newry, BT35 8DA
14. HB16/29/028 Boundary post, near 49-51 Drumalane Road, Newry, BT35 8AR
15. HB16/30/040 Boundary post, near St Mary's Cemetery, Warrenpoint Road, Newry, BT34 2PF
16. HB16/30/041 Boundary post, near 1 Hawthorn Villas, Barley Lane, Newry, BT34 2PF
17. HB16/30/042 Boundary post, near 12 Carnagh Park, Chapel Road, Newry, BT34 2QR

TRACKING ACTION SHEET ARISING FROM PLANNING COMMITTEE MEETINGS

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 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 Consultee response.	N
PLANNING COMMITTEE MEETING 09 MARCH 2022					
LA07/2020/1567/F	Proposed GAA training pitch, multi-use games area, ball wall along with associated lighting, fencing, ball stops and ground works (amended drawings) - Ballyholland Harps GAA grounds Bettys Hill Road Ballyholland Newry BT34 2PL	Removed from the schedule at the request of Planners – to be brought back to Committee	Patricia Manley	NIEA requested further information. Agent advised	N
LA07/2017/0978/F and LA07/2017/0983/LBC	Demolition of side and rear extension. New rear and side extensions and rear dormer 50 Hilltown Road Bryansford Newcastle	Defer back to officers to see if agreement on design can be reached and delegate decision to officers	Annette McAlarney	Amendments with Consultee	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
PLANNING COMMITTEE MEETING 06 APRIL 2022					
LA07/2021/1824/F	Replacement Dwelling House - 34 Ringdufferin Road Downpatrick	Removed from the schedule at the request of Planners	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 29 JUNE 2022					
LA07/2019/0868/F	Proposed commercial development comprising ground floor retail unit and first floor creche with associated site works - 107 Camlough Road, Newry, BT35 7EE.	Removed from the schedule at the request of Planners	Pat Rooney	On agenda for December 2022 meeting - deferred	N
LA07/2021/2010/O	Farm dwelling and garage - Approx 100m West of 42 Crawfordstown Road Downpatrick	Defer for further consideration by Planners and take back to Planning Committee	Annette McAlarney	Under consideration by Planning Office	N
PLANNING COMMITTEE MEETING 27 JULY 2022					
PLANNING COMMITTEE MEETING 16 NOVEMBER 2022					
LA07/2020/1651/F	Erection of dwelling (Change of house type from that previously approved under P/2006/2002/F) (Amended description) 75m north of 18 Ballinasack Road, Mullaghbawn, Newry.	Defer for a site visit at December Planning meeting	P Rooney	Site visit – 18-01-2023 – return to Planning Committee on 08-02-2023 Defer for clarification in	N

Minute Ref	Subject	Decision	Lead Officer	Actions taken/ Progress to date	Remove from Action Sheet Y/N
				relation to the points raised by Legal	
PLANNING COMMITTEE MEETING 08 FEBRUARY 2023					
LA07/2021/1995/F	Proposed 2no Detached Dwellings with associated Car Parking and Landscaping - Lands to North West of 26-34 Boulevard Park and South West of 59 Boulevard Park Newcastle.	Defer until the February Meeting as objector unable to attend		Tabled at Planning Committee 23.08.23	N
PLANNING COMMITTEE MEETING 08 MARCH 2023					
LA07/2022/0692/F	Proposed replacement dwelling and garage - 24 Carnivekeeny Road Newry Co. Down.	Defer	P Rooney/A Donaldson		N
PLANNING COMMITTEE MEETING 26 JULY 2023					
LA07/2022/0309/O	Approx. 30m south of No. 131 High Street, Bessbrook, Newry	Defer to allow applicant to provide further information for the Committee to consider	M Fitzpatrick		N
PLANNING COMMITTEE MEETING 23 AUGUST 2023					
LA07/2022/1261/F	Proposed side extension to dwelling and new vehicular access - 4 Majors Hill, Annalong	Defer determination to explore further options regarding the	M Keane	Revised proposals submitted for lay-by.	N

