



January 7th, 2026

Notice Of Meeting

You are requested to attend the meeting to be held on **Wednesday, 14th January 2026** at **10:00 am** in **Mourne Room, Downshire Civic Centre.**

Committee Membership 2025-26

Councillor M Larkin **Chairperson**

Councillor G Hanna **Deputy Chairperson**

Councillor W Clarke

Councillor L Devlin

Councillor C Enright

Councillor C King

Councillor D McAteer

Councillor D Murphy

Councillor S Murphy

Councillor A Quinn

Councillor M Rice

Councillor J Tinnelly

Agenda

1.0 Apologies and Chairperson's Remarks

2.0 Declarations of Interest

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

4.0 Minutes of Planning Committee Meeting of 10 December 2025.

📎 *Planning Committee Minutes 2025-12-10.pdf*

Page 1

5.0 Addendum List - planning applications with no representations received or request for speaking rights

📎 *Addendum list - 14-01-2026.pdf*

Page 15

Development Management - Planning Applications for determination

6.0 LA07/2024/0444/F - Annsborough WwTW Station Road, Station Road, BT31 9GD - Upgrade to the Annsborough WwTW Wastewater treatment facility on existing site. Proposal includes Inlet Works, Primary Settlement Tanks, Tertiary Treatment facilities and Sludge Tanks with the final effluent discharging in the same location.

APPROVAL

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

Speaking rights have been requested in support of the application by Ms Ellie McGarrity.

📎 *LA07-2024-0444-F - Case Officer Report.pdf*

Page 16

📎 *6. LA07-2024-0444-F.pdf*

Page 35

7.0 LA07/2024/1288/F - 3 Ballynahinch Road, Saintfield, BT24 7AE - Demolition of existing buildings and erection of 6 no. dwellings with associated landscaping, site works, car parking and access arrangements from Ballynahinch Road (amended proposal and plans)

APPROVAL

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

 [LA07-2024-1288-F.pdf](#)

Page 37

8.0 LA07/2023/3405/F - Adjacent to No.4 Edenmore Road, Mayobridge, Newry, BT34 2JH - Barn conversion and single storey extension to form dwelling.

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Hadleigh Jess.

 [LA07-2023-3405-F - Case Officer Report.pdf](#)

Page 60

 [8. LA07-2023-3405-F.pdf](#)

Page 73

9.0 LA07/2024/1315/F - Opposite and 42m SW of 41 Ballycoshone Road, Cabra, Newry, BT34 5XD - Erection of farm dwelling and garage.

For Decision

REFUSAL

On agenda as a result of the call in process.

 [LA07-2024-1315-F - Case Officer Report.pdf](#)

Page 75

10.0 LA07/2024/1557/F - 39 Seaview, Warrenpoint, Newry, BT34 3NJ - Proposed replacement dwelling with associated landscaping work.

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Tom Stokes, supported by Mr Ciaran Murdock and Mr Ciaran Shields.

 [LA07-2024-1557-F - Case Officer Report.pdf](#)

Page 85

 [10. LA07-2024-1557-F.pdf](#)

Page 106

**11.0 LA07/2025/0327/F - 92a Mill Road Annalong, Kilkeel, BT34 4RH
- Proposed garage, classic car and boat store, gym, and
games room.**

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Brendan Starkey.

 **LA07-2025-0327-F - Case Officer Report.pdf**

Page 108

 **11. LA07.2025.0327.F.pdf**

Page 127

**12.0 LA07/2023/2585/F - Nos. 59-61 and Nos. 63-65 Main Street, and
Nos. 2 and 4 Valentia Place, Newcastle - Demolition of existing
buildings and the erection of an apart hotel comprising of
14Nos. units, a restaurant, ancillary golf storage area, and all
associated site works.**

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in objection to the application by Mr Barry Hillen in objection to the application.

Speaking rights have been requested in support of the application by Ms Donna Lyle, supported by Mr Alan Mains, Mr Paul Flanagan and Mr Brian Madden.

 **LA07-2023-2585-F - Case Officer Report.pdf**

Page 129

 **LA07-2023-2585-F - Addendum Case Officer Report.pdf**

Page 157

 **12. LA07-2023-2585-F in objection.pdf**

Page 166

 **12. LA07-2023-2585-F. in support.pdf**

Page 168

**13.0 LA07/2022/0773/O - Lands at 2 to 10 Killyleagh Street,
Crossgar - Housing development comprising of 4 dwellings
and 8 apartments.**

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Gerry Tumelty.

 **LA07-2022-0773-O - Case Officer Report.pdf**

Page 170

 **13. LA07-2022-0773-O.pdf**

Page 190

14.0 LA07/2024/1036/F - 50m NE of 14 McCartans Road, Leitrim, Castlewellan, Down,BT31 9BE - Proposed dwelling on a farm

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Martin Bailie.

 **LA07-2024-1036-F.pdf**

Page 192

 **14. LA07-2024-1036-F.pdf**

Page 204

15.0 LA07/2023/2702/F - Land approximately 150m NW of No.55 Magheraknock Road, Ballynahinch, BT24 8TJ - Proposed replacement dwelling house, domestic workshop and associated site works

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by Mr William James McCormick.

 **LA07-2023-2702-F - Case Officer Report.pdf**

Page 206

 **15. LA07-2023-2702-F.pdf**

Page 220

16.0 LA07/2024/1379/O - Magheratimpany Road Land immediately NW of 66 Magheratimpany Road, Ballynahinch, BT24 8PA - Infill Dwelling between nos 66 and 72 Magheratimpany Road -

Site A

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by Mr James Davey

 **LA07-2024-1379-O Site A.pdf**

Page 222

 **16&17. LA07-2024-1379.O and LA07-2024-1380-O.pdf**

Page 236

17.0 LA07/2024/1380/O - Magheratimpany Road Land immediately SE of 72 Magheratimpany Road, Ballynahinch, BT24 8PA - Infill Dwelling between nos 66 and 72 Magheratimpany Road - Site B

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by Mr James Davey

 **LA07-2024-1380-O Site B.pdf**

Page 238

 **16&17. LA07-2024-1379.O and LA07-2024-1380-O.pdf**

Page 251

18.0 LA07/2024/1513/F - 20m NE of 65 Kilmegan Road, Castlewellan, BT31 9ET - Erection of a dwelling.

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Mr Declan Rooney, supported by Daniel and Martina Kelly

 **LA07-2024-1513-F.pdf**

Page 253

 **18. LA07-2024-1513-F.pdf**

Page 265

19.0 LA07/2024/1133/O - Lands to the rear of No. 1 Crew Road, Ardglass, BT30 7UJ - Dwelling and garage

For Decision

REFUSAL

On agenda as a result of the call in process.

Speaking rights have been requested in support of the application by Ms Clare McParland

 **LA07 2024 1133 Case officer report.pdf**

Page 267

 **19. LA07-2024-1133-O.pdf**

Page 281

For Discussion/Decision

20.0 LDP Revised Timetable

For Decision

 **PC Report re LDP Revised Timetable Jan 2026.pdf**

Page 282

 **Appendix A LDP Timetable Draft Revision January 2026.pdf**

Page 285

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

21.0 Report on Representations received to the draft Plan Strategy

For Information

This item is deemed to be exempt under paragraph 3 of Part 1 of Schedule 6 of the Local Government Act (NI) 2014 – information relating to the financial or business affairs of a particular person and the public may, by resolution, be excluded during this item of business

 **Planning Committee Report re dPS Reps Final.pdf**

Not included

 **Appendix 1 Overview of the dPS Representations.pdf**

Not included

For Noting

22.0 Historic Tracking Sheet

For Information

 **Planning Historic Tracking Sheet - 2025-12-10.pdf**

Page 298

Invitees

Cllr Terry Andrews

Cllr Callum Bowsie

Cllr Jim Brennan

Mr Gerard Byrne

Cllr Pete Byrne

Cllr Philip Campbell

Cllr William Clarke

Cllr Laura Devlin

Cllr Cadogan Enright

Cllr Killian Feehan

Cllr Doire Finn

Ms Joanne Fleming

Cllr Conor Galbraith

Cllr Mark Gibbons

Cllr Oonagh Hanlon

Cllr Glyn Hanna

Cllr Valerie Harte

Cllr Martin Hearty

Cllr Roisin Howell

Cllr Tierna Howie

Ms Catherine Hughes

Cllr Jonathan Jackson

Joanne/Noelle Johnston

Cllr Geraldine Kearns

Cllr Aurla King

Cllr Cathal King

Cllr Mickey Larkin

Cllr Niall Lawlor

Cllr David Lee-Surginor

Cllr Alan Lewis

Cllr Oonagh Magennis

Mr Conor Mallon

Cllr Aidan Mathers

Mrs Annette McAlarney

Cllr Declan McAteer

Jonathan McGilly

Mr Martin McKibbin

Cllr Kate Murphy

Cllr Selina Murphy

Sinead Murphy

Cllr Declan Murphy

Cllr Siobhan O'Hare

Cllr Áine Quinn
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Cllr Henry Reilly
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Cllr Michael Rice
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Mr Pat Rooney
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Mr Peter Rooney
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Cllr Michael Ruane
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Cllr David Taylor
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Cllr Jarlath Tinnelly
.....
Cllr Jill Truesdale
.....
Mrs Marie Ward
.....
Cllr Helena Young
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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 10 December 2025 at 10am in the Council Chamber, Downshire Civic Centre, Downpatrick.

Chairperson: Councillor M Larkin

Committee Members in attendance in Chamber:

Councillor W Clarke
Councillor G Hanna
Councillor D Murphy
Councillor A Quinn
Councillor J Tinnelly

Councillor L Devlin
Councillor D McAteer
Councillor S Murphy
Councillor M Rice

Committee Members in attendance on Teams:

Councillor C Enright

Officials in attendance:

Mr C Mallon, Director of Economy, Regeneration & Tourism
Mr J McGilly, Assistant Director: Regeneration
Mr Pat Rooney, Principal Planner
Mrs B Ferguson, Senior Planning Officer
Mr M Keane, Senior Planning Officer
Mr Peter Rooney, Head of Legal Administration
Ms S Taggart, Democratic Services Manager
Ms F Branagh, Democratic Services Officer
Mr C Smyth, Democratic Services Officer

P/120/2025: APOLOGIES AND CHAIRPERSON'S REMARKS

An apology was received from Councillor C King.

P/121/2025: DECLARATIONS OF INTEREST

There were no declarations of interest.

P/122/2025: DECLARATIONS OF INTEREST IN ACCORDANCE WITH PLANNING COMMITTEE PROTOCOL- PARAGRAPH 25

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

There were no declarations of interest.

MINUTES FOR CONFIRMATION

P/123/2025: MINUTES OF PLANNING COMMITTEE MEETING OF WEDNESDAY 12 NOVEMBER 2025

Read: Minutes of Planning Committee Meeting of Wednesday 12 November 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor Hanna, seconded by Councillor Devlin, it was agreed to adopt the Minutes of the Planning Committee Meeting of Wednesday 12 November 2025 as a true and accurate record.**

FOR DISCUSSION/DECISION

P/124/2025: ADDENDUM LIST

Read: Addendum List of Planning Applications with no representations received or requests for speaking rights – Wednesday 12 November 2025. **(Copy circulated)**

AGREED: **On the proposal of Councillor Devlin, seconded by Councillor D Murphy, it was agreed to approve the officer recommendations in respect of the following applications listed on the Addendum List for Wednesday 10 December 2025:**

- **LA07/2025/0426/F** - Land West of Bridge Technology Park, Carnagat Rd, (Carnagat lane), Carnagat, Newry BT35 8XF - Construction of a three-story light industrial factory, featuring associated office spaces, conference areas, quality control and precision testing facilities, and a testing laboratory. The proposed development also involves modifications to the existing vehicular and pedestrian access.

APPROVAL

- **LA07/2025/0530/F** - 21 Tipperary Lane Tullybranigan Newcastle BT33 0PN - Conversion of garage to ancillary accommodation

APPROVAL

- **LA07/2022/1405/O** - Between 244 Derryboy Road and 6 Killyleagh Road Crossgar - 2 infill dwellings and garages

APPROVAL

- **LA07/2024/0738/F** - 9, 11 & 13 Duke Street, Warrenpoint, BT34 3JY - Proposed demolition of 9,11 and 13 Duke Street and the construction of one ground floor commercial unit with storage and office at first and second floor to the rear and 6 apartments at first floor and second floor.

APPROVAL

DEVELOPMENT MANAGEMENT

P/125/2025: PLANNING APPLICATIONS FOR DETERMINATION

(1) LA07/2024/0642/F

On agenda as a result of the Call-In Process.

Location:

25 Upper Dromore Road, Warrenpoint, BT34 3PW

Proposal:

1 u1/2 storey extension to front, rear and side of existing dormer bungalow, internal remodelling and refurbishment

Conclusion and Recommendation from Planning Official:

Refusal

PowerPoint Presentation:

Mr Keane advised that the proposal included extensions to the front, side, and rear of the dwelling, an increase in roof height, and internal alterations and that while the Planning Department had no objection in principle to the alterations and extensions, it considered the specific proposals unacceptable for the reasons set out in the officer's report.

Mr Keane noted that two representations had been received, one in support and one in objection, with concerns raised regarding overlooking, loss of privacy, loss of light, and the intrusive nature of the development. Although the proposal had been amended during the application process, he confirmed that concerns remained. He acknowledged that the character of the area was varied, with a mix of house types, sizes, and designs, but stressed that each site had differing constraints. The application site was adjoined by three properties to the right-hand side, one to the rear, one to the left-hand side, and fronted the road.

Mr Keane concluded that the scale, massing, and design of the proposals were not sympathetic to the existing dwelling and would unduly affect the privacy and amenity of neighbouring residents at Nos. 1–3 Burren Road through overlooking and dominance. Accordingly, the application was recommended for refusal.

Speaking rights:

Mr O'Callaghan advised that the application sought to modernise and extend a single-storey dwelling in a residential area of no distinctive character within the AONB. He explained that the proposal involved raising the ridge height, adding traditional dormers, and a small front extension, and that these changes were consistent with planning policy and similar to nearby developments. He stated that the design had been carefully considered to avoid overlooking, loss of privacy, overshadowing, or dominance over neighbouring properties, with existing screening retained and sensitive materials proposed. He noted that the officer's report acknowledged the proposal would not be unduly unsympathetic to the AONB and that Policy NH 6 of PPS 2 was satisfied, undermining the refusal reasons related to scale, massing, and design.

Mr O'Callaghan concluded that the development would improve the dwelling's appearance, respect the street scene, and provide planning gain, and he noted that the applicant remained open to amendments or a site visit if the Committee considered it necessary.

Councillor Devlin requested clarification on the objector and the dwelling that the Planning Department had concerns over, to which Mr Keane confirmed that the objection had been received from No. 3, while the Planning Department had concerns of overlooking and dominance regarding No. 1.

Following a query from Councillor D Murphy regarding the same issue, Mr Keane confirmed that the proposal was within a constrained site, with other dwellings being angled away from the proposal and while No. 1 may not have objected to the proposal, the Planning Department still had to take the impact of the proposal on the dwelling into consideration.

Councillor D Murphy queried how unduly affected the dwelling would be with regard to privacy, to which Mr Keane confirmed that the Planning Department believed it was unacceptable given the constrained site. He advised that the forward projection would be as close as 2m from the common boundary and 0.6m higher than the adjoining property.

Councillor D Murphy queried how Mr O'Callaghan would deal with the concerns raised, to which Mr O'Callaghan confirmed that there was existing dilapidated wooden fence approx. 1.7m high that could be conditioned to be replaced and increased to 2m, which he believed would not result in the neighbour feeling hemmed in, nor would it require planning permission. Mr O'Callaghan noted that the objector was not present, stating that he believed the already made amendments to the proposal had satisfied their concerns, although they had not officially withdrawn their objection.

Councillor Clarke queried whether replacing the fence or adjusting the position or size of the windows would alleviate the Planning Department's concerns.

Mr Keane confirmed that the Planning Department would have conditioned the application, stating that there were further concerns other than the possibility of replacing the fence and confirmed that the Planning Department advised a reduction in the proposal. He further advised that the windows were overlooking the property and without getting into potential hypothetical discussions regarding window placement, he confirmed that the agent had been made aware of the Planning Department's concerns and had been afforded two opportunities to amend the proposal.

Councillor McAteer queried whether a replacement dwelling application would have been acceptable, to which Mr Keane confirmed that the policy requirement for extensions and replacements were different and therefore could not be compared.

Councillor McAteer queried what amount of amendments would be required to make the proposal acceptable to the Planning Department, to which Mr Keane reiterated that the agent had been afforded two opportunities to amend the application, although these amendments did not allow for a recommendation of approval. He confirmed that the Planning Department had no objection in principle to the extension, however the refusal recommendation was relating to the design and a reduced scale of design was recommended.

Following a further query from Councillor McAteer regarding the size of the reduction, Mr Keane confirmed that it was not for the Planning Department to design the proposal and reiterated the refusal reasons.

Councillor McAteer queried what further amendments Mr O'Callaghan could make to allow a recommendation of approval.

Mr O'Callaghan stated that the applicant had proposed to increase the dwelling height to avoid over developing the site, noting that extensions and increased ridge heights were typically how houses were altered, and an increase in ridge height did not necessarily constitute overdevelopment. He further stated that the proposal made use of materials that were recommended for use within an AONB, as the current dwelling was considered low quality in terms of its appearance and character for being located within an AONB.

Councillor Tinnelly queried how, as contained with the officer's report, the application could be considered compliant with PPS2 but contrary to PPS7, given they referred to the same issue with regard to the character of the area, and whether more weight had been given to one policy over another to refuse the application.

Mr Keane noted that there were different elements to the policy, and while the Department were generally content with the design and style, the concerns were regarding the scale and extent of the proposal and the impact on residential amenity. He advised that the requirements of PPS2 outlined requirements A, B and C, whereby PPS7 went further and outlined requirements A through to D, and mentioned the requirement of proposals being sympathetic to the built form and appearance of the property, so it was not a case of relying more on one policy than another, they had different detailed requirements to consider.

Councillor D Murphy stated that he had listened to both sides of the argument presented and confirmed that he was content to propose to overturn the application to an approval. He stated that the area did contain a variety of houses and the proposal would not be unduly out of place. He stated that with regard to the extension unduly impacting on the privacy of the neighbouring dwelling, he believed that the agent had done as much as they could with regard to the design of the proposal itself, nothing he believed that the fence should be a condition to offer some comfort to the neighbour, although they had not objected to the proposal.

This was seconded by Councillor Rice.

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

FOR:	9
AGAINST:	2
ABSTENTIONS:	0

The proposal was declared carried.

AGREED: **On the proposal of Councillor D Murphy, seconded by Councillor Rice, it was agreed to issue an approval in respect of planning application LA07/2024/0642/F contrary to officer recommendation as contained in the Case Officer Report.**

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

(2) **LA07/2024/0927/O**

On agenda as a result of the Call-In Process

Location:

145m SW of 30 Brackenagh East Road, Ballymartin BT34 4PT

Proposal:

Erection of dwelling and a garage on a farm

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane outlined the application, confirming that the site was located in the countryside, where the provisions of PPS 21 applied. He noted that two third-party objections had been received, and that the issues raised were addressed in the officer's report.

Mr Keane explained that the primary concern of the Planning Department related to the proposed siting, which was considered contrary to criterion C of Policy CTY 10, as the development did not visually link or cluster with the established group of farm buildings. The site was located further along Brackenagh Road, on the opposite side of the road from the holding, which the Planning Department believed would be viewed in total isolation and confirmed that other sites on the holding were available that would comply with policy, meaning the exceptionality clause was not engaged.

Mr Keane acknowledged that a Health and Safety statement had been submitted, identifying hazards including livestock movement, farm vehicle traffic, noise and dust, slippery surfaces, and chemical exposure, and stated that these were generic farm risks under the control of the applicants, and that mortgage or financial considerations were not material considerations.

Speaking rights:

Mr Cole spoke in support of the application, confirming that the applicant had farmed the land for over 30 years and was currently operating with 250 cattle and frequent agricultural machinery movements. He outlined that under CTY 21 of PPS 21, criteria such as active farming for over six years and no prior development opportunities sold off were satisfied, but visual linkage with existing buildings was required unless there were demonstrable health and safety reasons or plans to expand the farm business. He stated that the site chosen for the proposed dwelling was selected for health and safety reasons, as alternative sites behind existing farm buildings would require access through an active farmyard with livestock and machinery, posing significant hazards and that a Health and Safety risk assessment, confirmed that access through the farmyard would be unacceptable.

Mr Cole argued that the dwelling would integrate into the landscape in a manner consistent with surrounding properties, using Mourne granite stone walls and a design reflective of local character. He noted that the proposal was positioned within a cluster of existing buildings, would not create ribbon development, and would not adversely affect the AONB. He concluded that the proposal met the criteria for a dwelling on a farm, was justified on health and safety grounds, and was appropriately integrated into the landscape.

Councillor Hanna stated that he knew both the location and the applicant's family but did not feel it necessary to declare an interest. He queried the farm activities, including livestock and food supply to which Mr Rooney confirmed the farm operated as a beef cattle holding with approximately 250 animals and explained that refusal of the proposal would require him and his family to cross the active farmyard multiple times daily, highlighting the associated safety risks noted in the submitted Health & Safety Report.

Councillor Hanna questioned whether the report was site-specific or generic, which Mr Cole confirmed that a qualified officer had visited the farm and advised against access through the cattle. Mr Keane clarified that the Planning Department did not dispute the report but considered the issues raised as generic for a large farm under the applicant's control.

Councillor Hanna then queried the alternative sites suggested by the Department and the implications of crossing the active yard, with Mr Keane explaining that the Department's recommendation was policy driven and that alternative access lanes existed as confirmed by previous applications in 2008 and 2015.

Councillor Hanna stated that he believed the farm holding would remain visible from the proposal site and noted that land opposite or behind the site was unsuitable and not under the applicant's ownership. Mr Keane responded that visual linkage was assessed on a case-by-case basis, considering topography, layout, and character, and that the Department considered the proposal not visually linked. He further clarified that no mathematical formula was applied in assessing visual linkage.

Councillor D Murphy asked about the weight given to the Health & Safety Report, with Mr Keane confirming that it was considered alongside all other material planning considerations, but reminding Members that CTY10 health and safety only became determinative if no alternative sites existed.

Councillor Rice queried farm operations, and Mr Rooney explained that livestock were bought and sold weekly, with regular transport and deliveries.

Councillor Hanna asked Mr Cole about the ribbon development refusal reason, and Mr Cole stated that previous cases did not count foundations in determining a substantial and continuous frontage, rendering this refusal reason nullified.

Councillor Hanna then proposed overturning the recommendation to an approval, citing the following reasons:

- The farm holding was the largest in the Mournes and represented sustainable development in the countryside
- The proposal would integrate into the area due to tall stone walls
- CTY1 and CTY10 were satisfied as the proposal was visually linked and avoided unsafe access through the farmyard
- CTY13 was satisfied as the development was sustainable and visually linked
- The applicant's son intended to continue farming, thereby supporting the local farming community
- The ribbon development refusal reason should fall as stated by the agent
- NH6 should be set aside as a farm dwelling logically needed to be on the farm holding.

This was seconded by Councillor Rice.

Councillor Enright left the meeting at this stage – 11.21am

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 Rice, it was agreed to issue an approval in respect of planning application LA07/2024/0927/O contrary to officer recommendation as contained in the Case Officer Report.**

(3) LA07/2024/1303/F

On agenda as a result of the Call-In Process

Location:

39 Bridge Road, Burren, Warrenpoint and lands immediately adjacent to and north of No.39 Bridge Road, Burren, Warrenpoint

Proposal:

Erect a dwelling and detached garage in partial substitution to the extant approval granted under LA07/2023/2687/O with access from the public road via an existing & improved access. Construction of a new access to serve an existing dwelling.

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mr Keane advised that the full application sought to substitute a previously approved outline permission. The earlier outline approval was for two infill dwellings, whereas the current proposal sought permission for one dwelling in substitution of one of those approvals. He explained that the principal issue of concern related to the proposed access arrangements, noting that the house type itself was considered acceptable. He emphasised that access arrangements for new development in the countryside were a critical consideration and referred to recent appeal decisions that had been dismissed on access grounds.

Mr Keane stated that the proposed access was considered unacceptable as it involved an unnatural sweeping arrangement that encroached into a neighbouring property and would require a separate new access for that property. He noted that the previous approval for two infill dwellings had provided separate, straightforward access arrangements to the front of each property, which respected the rural character of the area and could still be achieved. He further advised that sweeping access arrangements were specifically identified in policy as unacceptable and that the current proposal was out of keeping with the character of the area. Accordingly, the application was recommended for refusal, as set out in the officer's

report, with reference to appeal decisions and the application of Policies CTY 13 and CTY 14, and CTY 8 in relation to infill development.

Speaking rights:

In Support:

Mr Brendan Quinn stated that the site already benefited from outline planning permission for an infill dwelling and that the application arose only because the neighbouring landowner no longer intended to proceed. He advised that DfI Roads were content with the proposed access arrangements, the Planning Department had no concerns with the dwelling design and that the proposal would improve road safety by providing upgraded visibility splays for Nos. 37 and 39 Bridge Road, representing a clear Planning gain.

Mr Quinn contended that refusal reasons citing Policies CTY 8, CTY 13 and CTY 14 were misapplied, as CTY 8 did not assess access arrangements, CTY 13 related only to buildings, and the proposed works would not harm rural character or the pattern of development.

Councillor McAteer requested clarity on why the proposal had been refused, noting that similar developments nearby had been approved.

Mr Keane explained that CTY8 was the relevant policy, which included ancillary works such as access, and that the proposed arrangement encroached on the curtilage of an existing property, which required that property to apply for a new access. Mr Quinn argued that the existing access would not be moved, rather a 12-meter curved railing would be added to achieve the required visibility splay.

Councillor Hanna queried whether DFI Roads had any objections, to which Mr Keane confirmed that DFI Roads had raised no concerns but emphasized that the Planning Department's refusal was based on policy, citing CTY8 and the access arrangement as being out of character with the area. He referenced previous appeals that had been dismissed on access grounds.

Mr Quinn argued that CTY8 did not specifically reference access and highlighted that he had authored several planning policies still in use, stressing that the Planning Department's interpretation of CTY8 in this case was unfair. He further stated that retaining 70 meters of hedge and improving sightlines justified approval.

Councillor McAteer proposed overturning the refusal recommendation, stating that the proposal would not contravene policy, particularly given the variety of existing access arrangements along the road. Councillor Hanna seconded this, adding that the rural character would be minimally affected.

Mr Pat Rooney noted that a lot of the discussion had centred on the retention of the hedge, and cautioned that the hedge may not be retained, as it was not under the applicant's ownership

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

FOR:	10
AGAINST:	0

ABSTENTIONS: 0

The proposal was declared carried.

AGREED: On the proposal of Councillor McAteer, seconded by Councillor Hanna, it was agreed to issue an approval in respect of planning application LA07/2024/1303/F contrary to officer recommendation as contained in the Case Officer Report.

The meeting did then recess – 12.02pm
The meeting did then resume – 12.11pm

(4) LA07/2024/1088/F

On agenda as a result of the Call-In Process.

Location:
 300m SE of 21 Cargabane Road, Newry, BT34 1SB

Proposal:
 Conversion of existing barn to form two-bedroom dwelling

Conclusion and Recommendation from Planning Official:
 Refusal

Power-point presentation:
 Mr Keane advised that the site was located in the countryside off the Cargabane Road, accessed via a private laneway approximately 1km from the public road, and that the provisions of the SPPS and PPS21 applied. He explained that the SPPS introduced a more stringent policy test for conversion proposals than PPS21 and CTY4, permitting only the sympathetic conversion of locally important buildings, noting that the key issue was that the subject building was not locally important, that it was not visible from the public domain, was of block construction, had been rebuilt in the 1940s with a new roof, and possessed no architectural or historic features of interest.

Mr Keane stated that while the term “locally important” was not defined in the SPPS, it implied a building of merit or special character within its local setting, which the Planning Department considered did not apply in this case. On that basis, he confirmed that the application was recommended for refusal.

Speaking rights:
In Support:

Mr Robin Parsons spoke in support of the application, stating that the site was historically a separate farmyard which later merged with the wider holding at 21 Cargabane Road in the 1960s. He explained that Ordnance Survey mapping from 1836 recorded a farmhouse with associated barns and outbuildings on the site, accessed from the east, and that this functioned as a complete farm settlement until the 1980s when the farmhouse and adjoining barn were demolished to expand the yard. He advised that the barn occupied the footprint

of a traditional structure rebuilt in the 1940s and incorporated a distinctive Nissen Hut-style barrel-vaulted roof on concrete construction. While unusual, he considered it to possess visual and historic interest.

Mr Parsons advised that the proposal was not assessed under CTY10 as it did not involve a new dwelling clustered with the main farmyard, but instead fell under Policy CTY4 relating to the conversion and reuse of existing buildings. He stated that all relevant CTY4 criteria were met and that SPPS policy supported the sympathetic conversion of locally important buildings. He argued that the barn qualified as locally important as the last remaining structure of a historic farmstead, with distinctive architectural features reflecting its early-20th-century origins.

Councillor Taylor also spoke in support of the application, stating that the application sought to secure the future of the farm by re-using and converting an existing building and advised that Policy CTY4 of PPS21 provided a detailed framework for assessing the reuse of existing buildings and that, in his view, the proposal met all relevant criteria. He indicated that the application raised matters which were open to interpretation under planning policy and referred to Policy 6.73 of the SPPS, which supported the sympathetic conversion and reuse of locally important buildings, and noted that while the term "locally important" was not defined, this judgement was best made by Members.

Councillor Taylor explained that the barn dated from the 1940s and represented the last remaining structure of a farmyard settlement predating 1836. He considered that, despite not being a traditional barn, it contributed to the historic character of the site and displayed distinctive architectural features reflective of its early-20th-century heritage. He further noted that paragraph 1.12 of the SPPS clarified that where the SPPS was less prescriptive than retained policies, this should not diminish the weight afforded to those policies. He considered this relevant to the relationship between SPPS Policy 6.73 and Policy CTY4 of PPS21, stating that the interpretation of Policies 6.73 of the SPPS and CTY4 and CTY10 of PPS21 had not been fully considered and that a balanced and informed judgement on the merits of the application should be made by the Committee.

Councillor Hanna queried what merited a building being labelled as "significant," asking whether this was a matter of the planning officer's opinion or if specific criteria applied, noting apparent conflicts within the policies.

Mr Keane explained that the SPPS was the prevailing policy, as set out in paragraph 1.12, which stated that where conflicts exist between retained CTY policies and the SPPS, the SPPS carried greater weight regarding the principle of development. He noted there was no exhaustive list of locally important buildings, as each application was assessed on a case-by-case basis. In this instance, the Planning Department considered the building not historically significant, as it was located 1 km down a private laneway, outside the public domain, and had been rebuilt with a new roof, so it did not meet the test of being locally important.

Councillor Hanna asked whether Mr Parsons disagreed, which he stated that older buildings often required reconstruction as they fell into disrepair, and their significance should not be discounted solely because of more modern construction.

Councillor D Murphy queried what remained of the original structure, to which Mr Parsons confirmed that the back, gable, and side stonework were intact.

Councillor McAteer asked why the applicant had not considered a dwelling on the farm, to which Mr Parsons explained that although farm buildings existed that could accommodate a new dwelling, the applicant wished to reuse the old building, which was unsuitable for modern farming, and that the farm business ID had not been active for the required six years under CTY10.

Following a further query from Councillor McAteer regarding the farm business ID, Councillor Larkin reminded Members to focus on the planning application and refusal reasons, noting that the farm business ID was not relevant.

Councillor Hanna proposed overturning the recommendation and grant approval, stating that Councillor Taylor had highlighted all relevant elements, that the barn contributed to the character of the area despite its location, and that its 80-to-90-year age made it significant. He emphasized that supporting the farming community through sustainable development of a building on the farm would benefit the area.

Councillor D Murphy seconded the proposal, highlighting his agreement with Councillor Taylor's assessment of the application.

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 D Murphy, it was agreed to issue an approval in respect of planning application LA07/2024/1088/F contrary to officer recommendation as contained in the Case Officer Report.**

(5) LA07/2024/1313/F

On agenda as a result of the Call-In Process.

Location:

Between 89 and 95 Drumnaconagher Road, Crossgar, Downpatrick, BT30 9JJ

Proposal:

Proposed 2 no. new detached dwellings and garages (under PPS21 Policy CTY 8)

Conclusion and Recommendation from Planning Official:

Refusal

Power-point presentation:

Mrs Ferguson outlined the application, confirming that all consultations responded with no objections and provided standing advice and noted that the site lay within the countryside as designated in the Ards and Down Area Plan 2015 and that the application was to be

assessed under the SPPS, Policies CTY 8, 13, and 14 of PPS21, and retained planning policies in PPS2 and PPS3.

Mrs Ferguson explained that an assessment of the substantial and continuous built-up frontage identified the adjoining buildings as Nos. 95, 89, and 87 Drumnaconagher Road and while the frontage was acknowledged as substantial and continuous, the gap between Nos. 95 and 89 measured approximately 113 metres. The proposed dwellings would have frontages of 56 metres and 44 metres, with plot sizes around 0.2 hectares, which was larger than the average plot widths either side.

Based on the average frontage width and the size of the gap, she concluded that the site could accommodate more than two dwellings and that the proposal would not be in keeping with the existing pattern of development. She further noted that under Policies CTY 13 and 14, the proposal would contribute to ribbon development along Drumnaconagher Road, resulting in a detrimental change to the character of the area. Consequently, she stated that the proposal failed to comply with Policies CTY 8 and CTY 14 and the SPPS, as detailed in the officers' report.

Speaking rights:

In Support:

Mr Brendan Starkey spoke in support of the application, noting that it was accepted the surrounding dwellings formed a substantial and continuously built-up frontage and that the only issue was whether the gap was small and the proposal respected the existing development pattern. He argued that the refusal recommendation relied incorrectly on a rigid mathematical assessment of average plot widths, contrary to PAC decisions, and that CTY8 required a qualitative assessment. He maintained that the proposed plot sizes and frontages reflected the range and variation already present along the frontage and were consistent with nearby development. Mr Starkey also highlighted a recent nearby approval for wider infill plots, stating that the current recommendation was inconsistent and concluded that the proposal complied with CTY8 and should be approved.

Councillor Clarke queried what weight had been given to the approval on the adjacent gap site referenced by Mr Starkey.

Mrs Ferguson confirmed that it had been considered but noted that the site context differed, particularly regarding the required substantial and continuous built-up frontage. She highlighted the book ends at the proposal site, the settlement pattern either side of the gap, and the smaller plots of Nos. 89 and 95, which were not referenced by the agent and were significantly smaller, making them not comparable to plots further south. She confirmed that the primary considerations were the width of the gap and the settlement pattern on either side, and whether the proposal was in keeping with the area's pattern of development.

Mr Starkey argued that the reasoning did not withstand mathematical scrutiny, noting that the previously approved gap site was 180m with frontages of 25m, 60m, and 55m, whereas the current proposal gap was 110m with proposed frontages of 58m and 44m.

Councillor Devlin queried the level at which the previous approval had been granted, and Mrs Ferguson stated she believed it had been at officer level but was uncertain.

Councillor Hanna proposed to overturn the refusal recommendation, stating that a precedent had been established by the approved permission to the south, that CTY8 was satisfied regarding the substantial and continuous built-up frontage, the gap could accommodate two dwellings, and that CTY14 was satisfied as the proposal would integrate with the area, with conditions delegated to officers to ensure integration.

Councillor D Murphy seconded the proposal, stating that more weight should have been given to the approved permission adjacent to the proposal site.

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 D Murphy it was agreed to issue an approval in respect of planning application LA07/2024/1313/O contrary to officer recommendation as contained in the Case Officer Report.

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

P/126/2025: HISTORIC ACTION SHEET

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

AGREED:

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

There being no further business the meeting ended at 12.51

Signed: _____ Chairperson

Signed: _____ Chief Executive

NB: 55% of decisions overturned

Item 5 – Addendum List

Addendum list - planning applications with no representations received or requests for speaking rights – Planning Committee Meeting on Wednesday 14 January 2026

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:

- **LA07/2024/1288/F** - 3 Ballynahinch Road, Saintfield, BT24 7AE - Demolition of existing buildings and erection of 6 no. dwellings with associated landscaping, site works, car parking and access arrangements from Ballynahinch Road (amended proposal and plans)
APPROVAL
- **LA07/2024/1315/F** - Opposite and 42m SW of 41 Ballycoshone Road, Cabra, Newry, BT34 5XD - Erection of farm dwelling and garage.
REFUSAL

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

Application

Development Management Officer Report	
Case Officer: Brenda Ferguson	
Application ID: LA07/2024/0444/F	Target Date:
Proposal: Upgrade to the Annsborough WwTW Wastewater treatment facility on the existing site. This proposal includes a Inlet Works, Primary Settlement Tanks, Tertiary Treatment facilities and Sludge Tanks with the final effluent discharging in the same location as it currently is.	Location: Annsborough WwTW Station Road, Station Road, BT31 9GD
Applicant Name and Address: Sean Milligan Westland House 40 Old Westland Road Belfast BT14 6TE	Agent Name and Address: Ryan Keltai 1C Montgomery House 478 Castlereagh Road Belfast
Date of last Neighbour Notification:	
Date of Press Advertisement:	15 May 2024
ES Requested: No	
Consultations: Shared Environmental Services DFI Rivers Environmental Health NIEA Natural Environment Division NIEA Regulation Unit NIEA Water Management Unit	
Representations: None received	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Summary of Issues: N/A

Site Visit Report

Site Location Plan:



Date of Site Visit:

Characteristics of the Site and Area

The site, c.0.72ha, is accessed via a laneway located off Station Road to the north of the site. The site is currently utilised as Annsborough Wastewater Treatment Facility. It consists of multiple structures located around the site. These buildings are all situated on areas of concrete hardstanding within the fenced boundary of the site. The site is bounded by metal fencing, with areas inside the site also being fenced. The northern section of the site is relatively flat with a tarmac access road and tarmac paths leading to the machinery present in this area of the site. The area also contains a standby generator at the front entrance of the site in the northwest, as well as a sludge holding tank, control building, sludge buffer tank and a final settlement tank along the northern boundary of the site. In the western portion of the site are trees and shrubbery which extend down to the southwestern corner of the site, to the boundary.

The wastewater treatment facility is located just outside and south of the settlement on Annsborough, which is a village as defined in the Ards and Down Area Plan 2015. The Ballybannon River runs along the east of the site and continues further to the north.

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning Application Number: R/2004/1174/CD Decision: Withdrawal Decision
Date: 07 July 2006

Proposal: Outline application for upgrading, refurbishment, replacement of treatment processing plant and ancillary buildings on the site.

Application Number: R/2005/1608/CD Decision: Permission Granted Decision
Date: 14 July 2006

Proposal: Upgrade and replacement of treatment process plant and ancillaries on existing site. Demolition of existing structures and construction of new SBR and associated structures.

Application Number: R/2007/0810/F Decision: Permission Granted Decision
Date: 02 December 2010

Proposal: Upgrade and replacement of treatment process plant and ancillaries on existing site. demolition of existing structures and construction of new Oxidation Ditch and associated structures (amended scheme)

Planning Policies and Material Considerations

This planning application has been assessed against the following policy:

- Strategic Planning Policy Statement (SPPS) for Northern Ireland – Edition 2 2025
- Ards and Down Area Plan 2015
- PPS 2- Natural Heritage
- PPS3- Access Movement and Parking
- PPS6- Planning Archaeology and the Built Heritage
- PPS16- Tourism
- PPS11- Planning and Waste Management
- PPS15- Planning and Flood Risk
- PPS 21 – Sustainable Development in the Countryside

Strategic Planning Policy Statement (SPPS) for Northern Ireland Edition 2 2025.

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

Paragraph 6.319 of the SPPS 2 states that Councils must assess the likely extent of future waste management facilities for the plan area. Specific sites for the development of waste management facilities should be identified in the LDP together with key site requirements

Sites and proposals for waste collection and treatment facilities must meet one or more of the following locational criteria:

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

A presumption in favour of waste collection and treatment facilities, and waste disposal (land filling and land raising) will apply where a need for such development is identified through the Waste Management Strategy and the relevant Waste Management Plan. In the case of Waste Water Treatment Works (WWTW's) need must be demonstrated to the satisfaction of the Department or relevant authority.

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

The Planning EIA Regulations (Northern Ireland) 2017

The proposal relates to the upgrade of an existing WWTW facility as opposed to the provision of a new WWTW, nonetheless for thoroughness and as there is potential for the proposal to have a significant impact on the environment and on the amenity of local communities, a screening determination has been carried out under Schedule 2 category 11 (c) of the Planning Environmental Impact Assessment Regulations (NI). Schedule 2, 11 (c) relates to Waster Water Treatment Plants where the area of development exceeds 1000 square metres. This site has an overall area of 0.72 hectares therefore exceeds the threshold for EIA development. The site also lies within a sensitive area as defined within Schedule 3 of the EIA regs. The screening determination has resulted in a negative screening and it is considered that an ES is not required.

Ards and Down Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Ards and Down Area Plan 2015 as the Council has not yet adopted a LDP. The site is located within the countryside and

the Mourne Area of Outstanding Natural Beauty. The Area Plan does not contain any policies relating to the proposal and refers to PPS11 as the prevailing policy.

PPS 21 – Sustainable Development in the Countryside

The site is located within the countryside and the Mourne Area of Outstanding Natural Beauty therefore the provisions of PPS 21 apply. Policy CTY 1 states that Planning permission will be granted for certain types of non-residential development in the Countryside. Whilst this does not fall under a particular type as referenced in CTY 1, the policy also continues to state that *“there are a range of other types of non-residential development that may be acceptable in principle in the countryside, e.g. certain utilities or telecommunications development. Proposals for such development will continue to be considered in accordance with existing published planning Policies”*.

Design, integration and impact on rural character will be assessed within the context of the criteria as contained within Policy WM2 of PPS 11 whilst taking into account the existing WWTW facility within the rural location and any works/new structures that are proposed within the boundaries of such.

Planning Policy Statement 11- Planning and Waste Management

The provisions of PPS11 have been noted. This application seeks to construct an upgrade to the existing wastewater treatment facility thus within the confines of the existing established WWTW site. However, the environmental effects of the proposals as alluded to in Policy WM1 have been fully considered as part of this assessment and through extensive consultation with a number of statutory bodies. The provisions of Policy WM 1 are said to be met in terms of the works required for the upgrade.

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

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

This application has been made by NI Water and the proposal seeks to upgrade the existing Waste Water Treatment Works which includes an Inlet Works, Primary Settlement Tanks, Tertiary Treatment facilities and Sludge Tanks. The Agent has provided supporting information with the application advising: *“It is proposed that the existing wastewater treatment facility is to be upgraded to meet new water quality targets. To address the needs of the WwTW the recommended proposed solution provides:*

- *Increased capacity to treat future flows up to the year 2046.*
- *Contribute to water quality improvements within Ballybannon River and Dundrum Bay.*

- *New inlet works c/w screenings (Coarse and Fine screens), flow balancing, FFT control and inlet pumping station.*
- *New primary settlement tanks (2Nr).*
- *Optimisation of the existing oxidation ditch and anoxic tank.*
- *Enhancement of existing assets including refurbishment of the existing final settlement tanks (2Nr).*
- *Associated MCC / standby generator / sludge treatment & storage works (as required)*

It is considered that the need for this upgrade (of an existing facility) has been suitably justified. The upgrade will help overcome existing issues with capacity deficiencies and meet a 25-year design horizon (2046), approx.8,522 Population Equivalent, that is compliant with the applicable NIEA discharge consent conditions.

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

The proposal seeks the upgrade of the existing facility and is essential for meeting water quality targets and providing increased capacity to treat future flows up to the year 2046.

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

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

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

(d) the following criteria are also met:

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

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

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

The works on the site predominately take place

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

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

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

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

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

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

The advice as provided by DFI Rivers will be discussed in detail in association with the issues raised by this consultee taking into account the SPPS and Policies FLD 1- FLD 5. Mitigating measures are to be put in place to ensure no adverse impact will arise in respect of flood risk to and from the site.

The proposal is to upgrade an existing facility and is therefore appropriate to the character of the area and adjacent land uses. The proposal is located within the countryside, it involves the replacement of existing buildings and structures within the confines of the existing site boundary. Any new buildings, of which there is only one

additional over and above that which is being replaced and upgraded on site, will not have an unacceptable visual and environmental impact.

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

The proposal seeks to use an existing unaltered access to the public road and it is not considered the proposal would attract additional vehicular traffic to the site, aside from the construction period of the project which will be for a temporary period of time. Given the nature of the proposal, there is no intensification of an existing use and consultation with DFI Roads was not necessary.

Environmental Health are content the proposal will not create nuisance to neighbouring residents by virtue of noise, dirt and dust. Various assessments have been completed including an odour and noise assessment.

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

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

The proposal has been considered under the policy provisions of PPS15 and the Planning Authority, taking on board advice provided by DFI Rivers, are content the proposal will not cause or exacerbate flooding.

The proposal does not involve agricultural land or involve landfilling.

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

Planning Policy Statement 15- Planning and Flood Risk

Policy FLD 1 states that Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

a) All sources of flood risk to and from the proposed development have been identified; and

b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

The Flood Maps (NI) indicates that a portion of the site lies within the 1 in 100 year fluvial flood plain. Rivers Directorate also advises the Planning Authority that, based on the most up to date modelling information on predicted flood risk available to the Department, the climate change flood maps, indicate that a portion of the site lies within the 1 in 100 year fluvial climate change flood plain (Q100CC).

The development is located within an existing operational site owned by Northern Ireland Water.

Paragraph 6.19 states that it is recognised that in certain cases, development or infrastructure has to be in such locations, as alternative lower flood risk sites would be neither practical nor available. Exceptions to the policy are therefore set out for a range of development types, including for example, agricultural development, minerals development and transport or utilities infrastructure.

The proposed works are essential upgrades to an existing wastewater treatment facility serving the surrounding population and it has been agreed in this instance that the sites location is operationally necessary. The proposed development qualifies as an exception to the policy and in this instance an FRA was sought from the developer.

DFI Rivers have been consulted on several occasions and Rivers Directorate has reviewed the Flood Risk Assessment and Hydraulic Modelling Report by MCL Consulting Ltd. In respect of Policy FLD 1 DFI Rivers Directorate, while not being responsible for the preparation of the Flood Risk Assessment, accepts its logic and has no reason to disagree with its conclusions. The provisions of Policy FLD 1 are met in this instance.

Policy FLD 2 relates to the Protection of Flood Defence and Drainage Infrastructure and states that *"The planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance"*.

This is not applicable to this site.

Policy FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains states that:

A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hardsurfacing exceeding 1000 square metres in area.

A drainage assessment is **not** required as it does not meet any of the above thresholds.

Policy FLD 4 relates to the artificial Modification of Watercourses – Not applicable to this site based on the information provided.

Policy FLD 5 relates specifically to development in proximity to reservoirs.

Rivers comments are as follows:

“Rivers Directorate reservoir inundation maps indicate that this site is in a potential area of inundation emanating from Ballylough Reservoir. It has not been demonstrated to Rivers Directorate that the condition, management and maintenance regime of Ballylough Reservoir is appropriate to provide sufficient assurance regarding reservoir safety so as to enable the development to proceed, as required under Policy FLD 5. Rivers Directorate has also carried out an assessment of flood risk to people at this site (based on the Defra/Environment Agency’s “Hazard to People Classification using Hazard Rating”) for an uncontrolled release of water emanating from Ballylough Reservoir should it occur. As a result of this analysis, the overall hazard rating at this site is considered high. This is therefore considered by Rivers Directorate to be an unacceptable combination of depth and velocity for this particular development proposal.

Policy FLD 5 of PPS 15 states that there will be a presumption against any development located in areas where it is indicated that there is the potential for an unacceptable combination of depth and velocity. Rivers Directorate has provided the above assessment of flood risk to people as a material consideration for the Planning Authority in its decision making process”.

Upon reviewing the information to date in respect of the above application. The Council acknowledge that this is essentially replacing existing infrastructure on site and the only additional (new) structure will be in relation to the demolition of the existing control building and sludge holding tank, and reconstruction of a larger building along the site’s northern boundary.

Notwithstanding the above, with the site being in a potential area of inundation emanating from Ballylough Reservoir, the Council needs to be satisfied that the policy requirements of FLD5 are met, where there is the potential for an unacceptable combination of depth and velocity arising from the development proposal.

Paragraph 6.63 of Policy FLD 5 states that any proposed development for essential infrastructure, such as for emergency services / depots, transport or utilities and also development for the storage of hazardous substances will need to demonstrate in the Flood Risk Assessment that no alternative viable sites or routes are available and that they can remain operational at times of flooding or can demonstrate appropriate contingency planning. The agent has provided justification for there being no alternative viable sites - the development is located within an existing operational site owned by

Northern Ireland Water. The proposed works are essential upgrades to an existing wastewater treatment facility serving the surrounding population. The site's location is functionally critical, and relocation is not viable due to the need to maintain continuity of service and integration with existing infrastructure.

It is also considered that although the FRA does not explicitly state that the site can remain operational during a flood event, it includes several key indicators of resilience:

- *** Elevation and Design:** Key infrastructure, including the control building and final settlement tanks, are located above predicted flood levels, preventing inundation.
- *** Structural Resilience:** Sealed concrete tanks and raised floor levels (minimum 600mm above flood level) are incorporated to ensure continued operation.
- *** Floodplain Storage:** The FRA concludes that no loss of floodplain storage is predicted, and the site layout is designed to remain functional during flood events.

The operational ability of the site will not differ from existing conditions. The proposed improvements, particularly to the control building located to the north of the site, offer enhanced protection without affecting or removing any potential floodplain storage. Historically, the site has operated without flood-related disruption, and the proposed development is expected to maintain this resilience.

Regarding reservoir inundation mapping by DfI Rivers, it is noted that the south eastern corner of the site is partially affected. However, this mapping assumes all structures are porous. In reality, the tanks in this area are elevated approximately 2m above existing ground level and constructed to prevent inflow or overtopping, mitigating any negative impact. Additionally, the mapped floodplain areas are outside zones required for operational personnel, ensuring safe and uninterrupted access during flood events.

The supporting information concludes that the proposal represents efficiency improvements to an existing facility and do not constitute a new development. The replacement building is located outside the reservoir inundation zone, and no other built development is proposed within the site.

In accordance with the requirements of PPS 15, based on the FRA, hydraulic modelling, and site-specific design measures, it is considered that:

- No alternative viable sites are available.
- The site can remain operational during flood events, with appropriate mitigation and contingency measures in place.

Having considered the existing use on site, the works required for the essential upgrade whilst taking into account there will be no new development within the reservoir inundation zone to the north of the site. It has also been sufficiently demonstrated that the site can remain operational during flood events, with appropriate

mitigation and contingency measures in place to ensure reservoir safety so as to enable the development to proceed.

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

Planning Policy Statement 2- Natural Heritage.

Policy NH 1 – European and Ramsar Sites – International

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- a listed or proposed Ramsar Site

The application site is hydrologically linked to Murlough Area of Special Scientific Interest and Murlough Special Area of Conservation which are of international and national importance and is protected by Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) and the Environment (Northern Ireland) Order 2002 (as amended). The proposal has potential to indirectly impact the designated site features.

A Habitats Regulations Assessment was undertaken and Shared Environmental Services consulted. A Construction Environmental Management Plan and Preliminary Risk Assessment was also submitted for consideration. Following a review of the supporting information and assessment of likely significant impacts on the designated sites, it was concluded that provided the construction phase mitigation is appended as a condition to any planning permission granted, there will be no adverse effects on the site integrity of any European site. During operation the proposed development will be required to operate under the terms of a Discharge Consent agreed between Water Management Unit and Northern Ireland Water. Therefore, subject to mitigation measures as laid out, there will be no likely conceivable adverse effects on any European Site.

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 31/01/2025. This found that the project would not have an adverse effect on the integrity of any European site.

Policy NH 2 - Species Protected by Law

European Protected Species

Policy NH 2 states that *“Planning permission will only be granted for a development proposal that is not likely to harm a European protected species”*.

A Preliminary Ecological Appraisal (PEA) was completed at the existing Annsborough WwTW site on the 7th of February 2024 in order to identify potential ecological constraints to the development. The PEA has confirmed the absence of badgers, common lizards, invasive species, otters, red squirrels and smooth newts on site.

With regards to bats, the existing blower building and highlighted tree, which is located at the south boundary of the site, were identified as high potential for Bat roosting, thus a Bat survey was to be completed between April and October 2024.

A Bat Survey was submitted in July 2024. The open canopy over the aeration plant, having been assigned Low BRP, was subjected to one dusk emergence survey. The two trees, T1 and T7, having been assigned Moderate BRP, were subjected to greater survey effort: three dusk emergence surveys. The surveys concluded a likely absence of bat roost. No further survey effort is recommended. The development is recommended to engage in 'soft-felling' as is recommended by BCT, for good practice. This will involve leaving felled trees and / or modified limbs grounded overnight as a final precaution to enable any opportunistically roosting bats time to escape.

The results therefore have concluded the absence of bat roost in buildings and trees on site. NED are content with the findings subject to conditions and informatives.

Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

Planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known:

- ☐ priority habitats;
- ☐ priority species;
- ☐ active peatland;
- ☐ ancient and long-established woodland;
- ☐ features of earth science conservation importance;
- ☐ features of the landscape which are of major importance for wild flora and fauna;
- ☐ rare or threatened native species;
- ☐ wetlands (includes river corridors); or
- ☐ other natural heritage features worthy of protection.

The site is an existing wastewater treatment works and contains buildings, grassland, hardstanding, trees, woodland and adjacent to the Ballybannon River. As a measure of protection for the adjacent River, a Construction Environmental Management Plan (CEMP) was submitted. NED have commented on the outline CEMP and recommend that there shall be no development activity until a final Construction and Environmental

Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority.

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

Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
 - ☐ local architectural styles and patterns;
 - ☐ traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - ☐ local materials, design and colour.

The application site is located within an Area of Outstanding Natural Beauty

The proposals represent efficiency improvements to an existing facility and do not constitute a new development as such. The only new building consists of the demolition of the existing control building and sludge holding tank, and reconstruction of a larger building along the site's northern boundary.

No other new build development is proposed within the site and all new infrastructure is to be constructed within existing structures and confines of the existing site boundary. It is not considered that the proposed upgrade would impact on the character of the AONB or the locality.

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

TSM 8 of PPS 16 – Safeguarding of Tourism Assets

Policy TSM 8 states that *“Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism*

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

The Area of Outstanding Natural Beauty is considered as an important tourist asset. The works as proposed are not considered individually or in combination with existing development to have an adverse impact on the locality and there will be no adverse impact on the tourism asset nor with the works compromise its tourism value. The Annsborough WWTW lies just outside the settlement of Annsborough and the works will not impact upon this settlement and are suitable for this location given the existing waste treatment facility.

Conclusion

As this is an upgrade to an existing facility and given the wider environmental benefits, i.e. it is currently operating at design capacity and failing to meet required discharge standards, it is considered that in weighing up all material considerations on balance approval should be recommended.

Neighbour Notification Checked	<u>Yes/No</u>
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Summary of Recommendation

Approval with conditions

Conditions:

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

All hard and soft landscape works shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise.

The works shall be carried out prior to development becoming operational.

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

No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- Pollution Prevention Plan: including details of the establishment of buffer zones to watercourses, 20 metres to streams and 20 metres to minor drains and details of watercourse crossings.

- Site Drainage Management Plan: including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures.
- Peat/Spoil Management Plan: including identification of peat/spoil storage areas and details of the reinstatement of excavated peat/spoil.
- Water Quality Monitoring Plan.
- Environmental Emergency Plan.
- Details of the appointment of an Ecological Clerk of Works and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Construction Environmental Management Plan and to prevent likely significant effects on Murlough Area of Special Scientific Interest and Murlough Special Area of Conservation.

Prior to and throughout construction, the appointed contractor must implement, and adhere to, the mitigation measures set out in the 'Contamination of land/water (via oil / substance spillage)' and 'Water (incl. adjacent watercourses)' sections of the Annsborough WWTW ECI Construction Environmental Mgmt Plan by BSG (Rev 03 dated 14/01/2025), to effectively prevent the egress of pollutants from the construction site. All works must conform with the proposed measures, unless otherwise agreed in writing by the Council.

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

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 available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

After completing any remediation works under Condition 1, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

Case Officer Signature: B.Ferguson

Date: 19/12/2025

Appointed Officer Signature: Annamarie Loughan

Date:22/12/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Request for Speaking Rights

To:	Newry Mourne and Down Council	Application Ref:	LA07/2024/0444/F
Applicant:	Northern Ireland Water	Application Name:	Annsborough WwTW
Meeting Date:	7th Jan 2026	Date:	07/01/26

1 Purpose of Request

I am requesting the opportunity to speak at the upcoming Planning Committee meeting to provide clarity on key technical matters raised during statutory consultation, specifically regarding flood risk and compliance with PPS15 policies. While the Planning Officer has recommended approval, DfI Rivers has expressed concerns under Policy FLD5 regarding reservoir inundation and operational resilience. It is important that the Committee fully understands the measures implemented to address these concerns before reaching a decision.

2 Background

The proposed development involves essential upgrades to the existing Annsborough Wastewater Treatment Works (WwTW), including inlet works, primary settlement tanks, tertiary treatment facilities, and sludge tanks. These improvements are critical to maintaining service for the surrounding population and ensuring compliance with environmental standards. The site is an existing operational facility owned by NI Water, and relocation is not viable due to the need for continuity of service and integration with existing infrastructure.

3 DfI Rivers Concerns

The Planning Officer has confirmed that the application qualifies as an exception under FLD1 of PPS15, which permits utilities infrastructure within floodplains where its location is operationally necessary. In this case, the section of the site within the floodplain contains only existing infrastructure, with no new development proposed in that area. While part of the site lies within the Q100CC climate change floodplain, updated hydraulic modelling (Scenario 2 by MCL Consulting)—which supersedes Flood Maps NI—demonstrates that the proposed works are outside the floodplain. This updated modelling has been reviewed and accepted by DfI Rivers.

DfI Rivers’ response dated 30 May 2025 acknowledged the Flood Risk Assessment and hydraulic modelling but raised a concern under Policy FLD5, noting that the site lies within a potential reservoir inundation zone (Ballylough Reservoir) and that hazard analysis indicates a high hazard rating in an uncontrolled release scenario.

MCL Consulting also assessed DfI Reservoir Inundation Mapping for Ballylough Reservoir. While inundation is shown over the Final Settlement Tanks, these structures are sealed and elevated approximately 2m above ground, meaning reservoir mapping (which assumes all structures are porous) does not reflect real-world conditions. Key infrastructure, including the control building and tanks, sits above predicted flood levels, with floor levels raised at least 600mm above modelled inundation depths, ensuring operational resilience.

The proposed works represent essential upgrades within an existing NI Water operational site, and relocation is not feasible. With the FRA and mitigation measures in place, the proposal meets the requirements of PPS15 and does not introduce unacceptable flood risk.

4 Conclusion

The proposed works represent essential operational improvements within an existing NI Water facility, not new development within the floodplain. As an established and fixed-location utilities site, the upgrades must occur within the current operational footprint, and no alternative sites are feasible.

The Flood Risk Assessment, updated hydraulic modelling, and reservoir inundation analysis provide a clear, evidence-based understanding of the site's flood context. The modelling—reviewed and accepted by DfI Rivers—confirms the proposed works lie outside the fluvial floodplain, while existing critical infrastructure is elevated, sealed, and resilient to both fluvial and reservoir-related flooding.

Given the technical importance of these matters to the Committee's decision, I respectfully request speaking rights to present this information and respond to any questions.

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2024/1288/F	Target Date:
Proposal: Demolition of existing buildings and erection of 6no. dwellings with associated landscaping, site works, car parking and access arrangements from Ballynahinch Road (amended proposal and plans)	Location: 3 Ballynahinch Road, Saintfield, BT24 7AE
Applicant Name and Address: Ballygood Homes Ltd The Diamond Centre Market Street Magherafelt BT45 6ED	Agent Name and Address: Eilis Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Date of last Neighbour Notification:	01.10.2025
Date of Neighbour Notification Expiry:	15.10.2025
Date of Press Advertisement:	15.10.2025
Date of Press Ad Expiry:	29.10.2025
EIA Determination: The site is not within any sensitive areas. The site is considered against The Planning (Development Management) Regulations (Northern Ireland) 2015 and given the proposal is for 6 houses on 0.5ha of a site it does not exceed the major development threshold criteria. EIA screening is not considered to be required in this instance.	
Consultations: DFI Roads was consulted on several occasions and upon final consultation responded with no objections subject to condition. NIEA was consulted and responded with no objections and provided informatives. Environmental Health was consulted and responded with no objections subject to their being a 2m high acoustic barrier along the eastern perimeter of the residential development site which has been included on the plans. DFI Rivers was consulted and responded with the following: FLD 1 – the site does not lie within the 1 in 100 year or Climate Change fluvial flood plain and therefore no further information was required. FLD 2 – not applicable	

FLD 3 – the Drainage Assessment has been considered and DFI Rivers have no reason to disagree with the conclusions of the DA.

FLD 4 and FLD 5 – not applicable

Shared Environmental Services was consulted and responded advising that there are no viable hydrological links or any other pathways for effect on European/Ramsar sites. NIEA NED raise concerns; however, these are not relevant to HRA. No conceivable effect to any European/Ramsar sites during construction and/or operation.

Historic Environment Division was consulted and consider the application proposal to satisfy the policy requirements of SPPS 6.12 and BH11 PPS 6 subject to conditions.

NI Water was consulted and responded with approval with standard planning conditions.

Representations:

Initial neighbour notification issued followed by re neighbour notification following the submission of amended plans and to date 17 objections have been received from the following addresses:

86 Lisburn Road, Saintfield
1, 2A The Meadows, Saintfield
3 The Meadows, Saintfield
5 The Meadows, Saintfield
5 Lexington Chase, Saintfield
42 Old Belfast Road, Saintfield
Cllr Callum Bowsie

Objections were on the following basis:

- Objectors question if the provision of new dwellings contravenes the embargo on any new connections to the sewage system on the grounds of overloading the sewerage system.
- Concerns are raised in relation to traffic and in particular to the entrance of the site and the number of dwellings and impact on surrounding dwellings. objection is raised in relation to the increase in traffic and movements. One objector raises objection to the position of the access. objectors do not consider the application to the meeting creating places and consider potential for overspill onto Ballynahinch Road unacceptable.
- Objectors note that trees have been removed from the site and this has had an impact on birds and wildlife.
- Noise and general pollution is considered likely to increase as a result of the development.

- One objector raises objection to the potential for the site to become social housing.
- No 3 The Meadows is concerned with a loss of privacy if the new houses were to be constructed again noting the removal of a band of trees that will allow the development to go closer to no 3 and have greater ability of overlook their property.
- The occupier of no 3 the Meadows is concerned about difficulty in accessing and exiting their property given the amount of verge side parking at the area and notes potential dangers in traffic movement with the provision of the access and amount of dwellings. The objector also objects to the loss of privacy as a result of the works and the loss of amenity due to car lights.
- The owner/occupier of 5 Lexington Chase is concerned about the development given the change in height of between their site and the proposed site and the potential impacts in terms of loss of amenity and light etc.
- The objector notes that Lexington chase is built on rock and also note that the provision of more dwellings and the loss of trees prior to the application being made there will be an impact on drainage and consider the loss of drainage to be likely to have a negative impact.
- Objections have been raised in relation to the potential for impact on listed buildings nearby with the development harming the setting of the listed building and will erode the historic character of the area. objectors don't consider the application to have been fully considered under PPS 6 BH 11.
- Objectors believe that the design of the buildings are inappropriate and out of keeping with the historic fabric found in the surrounding area.
- One objector objects to the building of more housing outpriced for local residents who can no longer afford to buy in their own village.

Councillor Bowsie notes that the building to be demolished is a circa 1854 and notes historically significant information which has not been referenced. Cllr Bowsie believes the building to be demolished and Saintfield Presbyterian Church forms a grouped ecclesiastical setting. The Councillor notes that the site has been suggested for local listing. Councillor Bowsie also considers the siting and position of the dwelling to be significant.

Letters of support:

One letter of support was submitted however no justification as to why the application was supported was included nor were any addresses added.

Letters of Support	1
Letters of Objection	17
Petitions	0
Signatures	0

Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 22.05.2025	
Characteristics of the Site and Area The site in question consists of a large single dwelling with outbuildings. The site extends from lands accessed via the Ballynahinch Road which is the sole access to the site and the site travels towards the Middle Road but does not abut Middle Road. The northern portion of the site is on lower grounds than the southern portion. A two storey dwelling sits on the site and it is open and exposed. The site currently operates as residential. The site accesses out onto a protected route. The site is located within the settlement development limits of Saintfield as defined in the Ards and Down Area Plan 2015. The site is within lands liable to surface water flooding. The site is within close proximity to Saintfield Conservation Area and in close proximity to listed buildings. The land use in the area is a mix of residential and retail with the site being directly adjacent to a retail store running the full extent of the eastern boundary of the site.	
Description of Proposal Demolition of existing buildings and erection of 6no. dwellings with associated landscaping, site works, car parking and access arrangements from Ballynahinch Road (amended proposal and plans)	

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

R/2012/0555/F - Erection of 9no, 6m high floodlights in car park - 1 Ballynahinch Road Saintfield, Co Down, BT24 7AE – approval – 19.12.2013

R/2011/0863/F -Proposed development of 1 and half storey retail unit with associated carparking (43 spaces). - 1 Ballynahinch Road, Saintfield, Ballynahinch – approval – 16.05.2012

R/2007/0717/F - Proposed erection of one and a half storey retail development (subdivision into 3no. units) with associated car parking (48 spaces) and ATM (Amended Description)- 1 Ballynahinch Road, Saintfield, Ballynahinch, BT24 7AE – approval – 04.02.2011

R/1994/0571/F - Conversion of Barn to Granny Flat - 3 Ballynahinch Road Saintfield – Approval

R/1975/0412 - Replacement Dwelling - Middle Road, Saintfield – approval – 03.05.1976

SUPPORTING DOCUMENTS

NI Biodiversity Checklist
Bat Survey and Impact Assessment
Drainage Assessment
Noise Impact Assessment

CONSIDERATION AND ASSESSMENT

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

- The Ards and Down Area Plan 2015
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS) 2nd Edition.
- Planning Policy Statement 2 Natural Heritage
- Planning Policy Statement 3 Access, Movement and Parking
- Planning Policy Statement 6 Planning, Archaeology and the Built Heritage.
- Planning Policy Statement 7:Quality Residential Environments.
- Addendum to Planning Policy Statement 7 Safeguarding the Character of Established Residential Areas.
- Planning Policy 15 (revised) Planning and Flood Risk
- Creating Places

It is noted that this assessment is based on the revised scheme of 6 dwellings rather than the initial scheme of 9 dwellings.

Consideration of PPS 7

Policy QD 1 Quality in New Residential Development is considered which states that Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. 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 context of the area has been considered including the land uses of surrounding lands, the architectural styles of development, plot sizes and overall character of the area. The site currently contains a single dwelling with ancillary buildings and a large garden area and is in close proximity to housing both off Middle Road and Ballynahinch Road where the majority of housing consists of detached dwellings. On this basis detached dwellings were a requirement of this development. The change in levels across the site was considered with consideration given to the potential for impact in terms of overlooking and loss of amenity etc as a result of the works and while this will be considered later within the report this consideration also dictated the site layout and design of the buildings.

Following consideration of the design of the buildings and the overall site layout etc it is considered that this element of policy has been adhered to. The overall layout of the site and road network is not dissimilar to the adjacent development known as Lexington Chase, it is noted however that it is not completely comparable.



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 proximity of the site to listed buildings has been considered with HED consulted due to the proximity of the development to listed buildings, the closest being the Second Presbyterian Church. HED consider the site is sufficiently separated from the listed building by the road so as to not be negatively impacted by the proposed development however this is subject to condition that the planting proposed is carried out within the first 6 months. There have been several objections raised in relation to the demolition of the building on this site and its significance in relation to the Church which is also listed however there is agreement with the conclusions of the HED response that the two buildings do not possess a clear and distinctive relationship whereby the loss of one will have a direct and negative impact on the other. The road network, the condition of the site along with the ancillary buildings to the rear of the existing house and the retail development adjacent to the site dilute the relationship between the two sites and on this basis and taking account of the HED response there is little justification to support any argument presented in relation this development and the loss of the existing building having a direct impact on listed buildings in the vicinity of the site. It is not considered that the development will adversely affect the setting of a listed building as per the requirements of PPS 6 as the development will have negligible impact upon the setting of a listed building.

Other than the built development noted being listed buildings there are no other archaeological or landscape features that require any further consideration in relation to this application. This aspect of policy has been met.

- 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.**

Creating Places sets out the requirements of private open space to be provided, noting that the private amenity for lower density developments all should have rear private amenity of around 60 SQM per house or greater and anything below 40 SQM is unacceptable. All garden areas proposed greatly exceed the required 70sqm with 212 SQM being the largest amenity area and 65SQM being the smallest amenity space provided. The level of amenity is considered to be acceptable and the plot sizes and overall site layout is considered to respect the character of the area whilst drawing on the design qualities of this period.

As this development is for 6 dwellings there is no requirement to provide an area of public amenity space to serve the dwellings and it is noted that no public amenity has been proposed and all areas of planting are privately owned and to be privately maintained with no public planting or shared planting proposed.

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

Taking account of the size of the site and the number of dwellings proposed this development is of such a size and scale that the existing neighbourhood facilities can be utilised without the requirement of providing any additional facilities.

- E) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures.**
F) adequate and appropriate provision is made for parking.

DFI Roads have been consulted on the proposal and has responded to final consultation with no objections subject to conditions. A satisfactory movement pattern has been provided in both accessing and exiting the site onto the Ballynahinch Road and also the movement patterns within the site, access to each dwelling and provision of private allocated parking to each dwelling. Each dwelling has been afforded 2 parking spaces within the curtilage of the dwelling with one visitor spaces afforded to each dwelling. Two additional visitor parking spaced have been allocated on street within the development. 5 of the proposed dwellings also have garages in addition to the parking provided. DFI Roads are content with the arrangement and the parking provided meets the policy requirements set out.

The objections in relation to the parking arrangements and dangerous access arrangements have been noted and DFI Roads were aware of the objections when considering the application. Given that the requirements of DFI Roads have been met and that the application is subject to conditions the application is considered to be acceptable and there are no grounds to refuse the application in terms of road safety. It is noted that in exiting the site on the day of the site inspection care had to be taken due to the frequency and speed of the traffic however the access will be improved upon to the satisfaction of DFI Roads and is considered acceptable.

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

Revisions were required in relation to the overall design and appearance of the dwellings and the following designs are considered.

House type A



HOUSE TYPE A - PROPOSED FRONT ELEVATION



HOUSE TYPE A - PROPOSED SIDE ELEVATION



HOUSE TYPE A - PROPOSED REAR ELEVATION



HOUSE TYPE A - PROPOSED SIDE ELEVATION

House type A is a two storey detached dwelling that sits on an entrance plot and on this basis has been designed with an element of double frontage to face onto the Ballynahinch Road and also onto the estate road.

The finishes include red brick walls, off white PVC windows and anthracite or coal concrete roof tiles. The design, materials and finishes if house type A are considered satisfactory. Objections have been raised in relation to the design and architectural techniques however it is considered that the design draws on different styles within the area noting a mix of styles found within the Saintfield Area.

House Type B



HOUSE TYPE B - PROPOSED FRONT ELEVATION



HOUSE TYPE B - PROPOSED SIDE ELEVATION



HOUSE TYPE B - PROPOSED REAR ELEVATION



HOUSE TYPE B - PROPOSED BACK ELEVATION

House type B is similar in style and appearance to A however there is no bay window to the side elevation rather a single storey element that serves as an extended kitchen/dining area. The finishes are the same as house type A however the side return or single storey element is to be an off white render rather than red brick providing a suitable contrast. House type B also forms a key plot being an entrance plot, this house has not been presented as successfully as a double fronted dwelling however given the proximity to the road and overall design it is considered acceptable.

House Type C



House type C is located to the rear of the development and has been amended to this house type from semi detached that was not considered acceptable. This dwelling is again detached and sufficiently separated from the existing development located to the rear being 8 Middle Road, the site backs onto a side garden of existing development and there is sufficient separation distance from the dwelling to the amenity area of almost 14m separation. It is also noted there is no direct back to back development and taking account of the angle of the development it is not considered there will be any demonstrable overlooking or loss of privacy as a result of the works with the rise in levels taken into account. The overall design of the dwelling is in keeping with styles found in the area noting the mix of styles and designs presented within the area and the ages of each associated development.

House Type D

House type D is not dissimilar to house type C and is located to the rear of the development adjacent to house type C. The design of the dwelling is in keeping with the remainder of the development proposed and will not impact on existing development. This dwelling sits directly adjacent to the adjacent local convenience store and ancillary elements associated with such, there being a limited outlook and little ability to cause any impact given the surrounding context. This however is buffered by the position of the detached garage and the garden to the rear.



House type D above

House type C and D rely on 2m close board timber fencing which should be avoided where possible however taking account of the position of the fencing and the visibility of it, it is considered to be acceptable in this instance being not directly along any exterior road networks and for the most part serving rear gardens and ensuring a level of privacy.

House Type E

Centrally within the development is house type E (2 dwellings) both face onto the access road. Again, the overall design and style of the dwelling is considered acceptable and respects the overall character of the area. House type E enjoy smaller areas of rear amenity as opposed to the other house types within the development however both are greater than the desired requirements set out in Creating Places.



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

The house types proposed have been set out above and consideration has been given to the potential for any conflict with adjacent land uses. The majority of surrounding land uses are residential uses with the eastern boundary of the site being adjacent to retail business being a convenience shop/grocery store with constant traffic movements.

In terms of the potential for impact on existing residential uses it is not considered there will be any demonstrable harm on any of the adjacent dwellings in terms of overlooking, overshadowing, loss of light and dominance. No properties directly back onto existing development in a back to back fashion.

No 8 Middle Road and 4 and 5 Lexington Chase have new development along their properties directly adjacent to their properties. Consideration is given to the potential for impact on the said properties.

Site no 1 backs onto 5 Lexington Chase and there is approx. 13m between the rear of each building however it is noted they are not directly back to back in relationship. There is a rear bedroom and a bathroom window at 1st floor level however it is considered that due to their positioning these will not impact on the main amenity space area to the rear of no. 5. The bedroom window is positioned so as to not have any direct ability to look onto any windows serving no 5. There is high planting associated with no 5 that screens a good portion of the dwelling at present which will remain. Given that there will be

development in closer proximity to the existing dwelling than what has existed up until now there will be an impact to a degree upon the adjacent dwellings however on balance it is not considered that the works will be so demonstrable so as to result in an unacceptable degree of overlooking and given the windows at 1st floor to the rear are kept to a minimum and serves bathroom and bedroom only.

In terms of potential for impact on 4 Lexington Chase, the retention of any existing planting serving no 4, the relationship of the properties and the topography of the site has been taken into account. It is also worth considering the existing development that is to be demolished which does already sit tight to the boundary of no 4 and is a substantial building as shown below with an ancillary element in close proximity to no 4. On balance it is not considered that there will be any adverse impact on this property in terms of loss of amenity.



No 8 Middle Road is also considered and again given that until now the site in question has been a garden area adjacent to no 8 the provision of two dwellings in close proximity to this site will have an impact however in considering the position and proximity of the proposed development in relation to the existing property it is not considered that there will be any demonstrable harm on no. 8 as a result of the works. It is not considered there will be any demonstrable overlooking, overshadowing or dominance as a result of the new dwellings.

The objections have been noted in relation to the development however it is not considered that the design and layout will create conflict with adjacent land uses and provisions have been put in place to ensure the surrounding land uses do not have an unacceptable impact on the proposed works namely the acoustic barrier to be positioned on the eastern boundary of the site between the proposed dwellings and the existing retail store. It is not considered that the works will result in unacceptable loss of light, overlooking, overshadowing, dominance, noise or any other disturbance. The impact in relation to traffic movements will be considered later in the report.

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

There is nothing to suggest that these works will result in additional ability for crime or that the design does not promote personal safety. Initial plans did include a rear

access along the sites to the rear of the development however there were fears this snicket could lead to crime, antisocial behaviour and reduce the level of personal safety in the area and this has since been removed from the plans with no public or shared accessible areas running to the back of the site or to the rear of any of the dwellings.

Consideration of Addendum to PPS 7 Safeguarding the character of established residential areas.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity is considered which 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), of which this is, to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

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

The density is taken as dwellings per hectare generally for the purposes of this policy. This site upon revision results in 6 dwellings on a 0.5 ha site. This compares to 5 dwellings on a 0.5ha site being Lexington Chase and 9 dwellings on a 0.4ha stretch being the row of development to include The Meadows on lands opposite the site itself on the far side of the Ballynahinch Road. This site is located further into Saintfield village as opposed to being on the edge of the settlement where the density tends to be greater than areas further out on the edge of settlement limits. Objections have been raised in relation to density however it is not considered that the level of density is significantly greater to what exists in the area at present. The density is in keeping with the sites adjacent and opposite and is comparable. The density is considered acceptable and any increase in density is minimal and does not result in town cramming.

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

The pattern of development is not at odds with the overall character and environmental quality of the established residential area. The development consists of all detached residential developments on adequate plots with the overall character and in terms of layout and design being respected, again noting a mix of styles and developments within the area and will not detract from the overall character of the area.

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

house type A is a 6 person 4 bed 2 storey dwelling with a floor area of approx. 135m²

house type B is a 6 person 4 bed 2 storey dwelling with a floor area of approx. 131m²

house type C is a 8 person 4 bed 2 storey dwelling with a floor area of approx. 166m²

house type D is a 8 person 4 bed 2 storey dwelling with a floor area of approx. 167m²

house type E is a 8 person 4 bed 2 storey dwelling with a floor area of approx. 146m²

All dwellings meet the space standards set out in Annex a and as set by design standards in DSDs Housing Association Guide. This aspect of policy has been met.

Consideration of PPS 6 Planning, Archaeology and the Built Heritage

As the development is in the proximity of listed buildings and objectors have raised the potential for impact on one of the listed buildings in particular namely the HB18/01/010 - Second Presbyterian Church, which is a grade B listed building. Consideration is given to PPS6 BH 11 Development Affecting the Setting of a Listed Building which notes that permission which would adversely affect the setting of a listed building will not normally be permitted. Development proposals will normally only be considered acceptable where the following criteria are met:

- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment.**

The comments from HED have been identified earlier within this report, having considered the application site and the proximity of the site to the listed building in question and also having account of the existing surrounding built context including the retail shop and the size and scale of all the existing development it is not considered that the development will have any detrimental impacts due to the scale, height, massing and alignment of the development in relation to the listed structure. There is substantial separation with the public road and pavements etc and proximity to each to ensure that the listed building is not directly impacted as a result of the development. Consideration of views when travelling along both the Ballynahinch Road and Lisburn Road have been considered along with travel through the village centre itself and a refusal in terms of BH11 A could not be sustained.

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

The materials used on the listed building have not been copied or replicated in the design of the dwellings proposed nor would it be considered advantageous for this to be the case given the specific scale and style of design associated with the public building. It is also noted that the existing building to be demolished on the site does not draw out the same scale and design attributes as the listed building. The large retail store located at

the bottom of the Ballynahinch Road is more closely visually associated with the listed building and again there has been no repetition of materials however that site, like the site in question here has used design and materials that are sympathetic to and will not detract from the listed building while respecting the overall design context found in the wider area.

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

Objectors have identified the use of this dwelling as having a clear association with the church in its use and also its presentation towards the church building. It is noted that until recently there was no visual connection of the two due to the amount of mature trees and planting on the site. Perhaps in times when there was less surrounding development there may have appeared to have been a more clear visual link or association between the two buildings however this has been lost with the development of the surrounding area over a long period of time and also the use of the dwelling as a private dwelling, it would be difficult to support the notion that the building on site at present was worthy of retention on this basis, the building is not listed and offered no form of protection. The use of the site through development will remain as residential albeit on a greater density than what currently exists and with the need for additional housing many spacious plots in desirable areas are redeveloped in similar fashion to this proposal. Given the level of residential development surrounding the application and taking account of the density of the surrounding developments and overall character it cannot be considered that this development poses any demonstrable harm to the listed structure.

Consideration of PPS 3 Access, Movement and Parking

Policy AMP 2 Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

A) such access will not prejudice road safety or significantly inconvenience the flow of traffic.

DFI Roads have been consulted on the application and following the submission of amendments and subject to conditions the application is considered acceptable by DFI Roads in that they consider the access will not prejudice road safety nor significantly inconvenience traffic therefore this aspect of the policy is not considered to have been offended. It is noted that there has been considerable

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

The development accesses out onto A21 Ballynahinch Road which is a protected route and in the consultation response DFI Roads noted that this was required to meet the exceptions set out in order to be considered acceptable. This application falls within other protected routes – within settlement limits which states that planning permission will be granted for a development proposal involving direct access or the intensification of the use of an existing access where:

(a) where access cannot reasonably be taken from an adjacent minor road.

There is no other alternative route that can be utilised in this instance to provide an access, the site is land locked between Middle Road which would be the only other potential road to access out onto. There is no reasonable access out onto any other road from this site and it is noted that while this is a new access it is replacing a single access point for a single access point.

(b) in the case of proposals involving residential development, it is demonstrated to the Department's satisfaction that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points.

while objection has been raised in relation to the safety of the access taking account the volume of existing traffic and other existing accesses within the area DFI Roads are content that the proposal is acceptable and will not result in an unacceptable proliferation of access points. The proposed access is acceptable and it is considered that the policy requirements are met.

Policy AMP 7 is also considered – car parking and servicing arrangements which notes that 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.

In terms of parking Parking Standards sets out the requirements and the parking provision of two in curtilage spaces each with one visitor space each and garage provision for 5 properties is considered to be a sufficient level of parking meeting the policy requirements.

In relation to the access the objections have been considered and it is noted that there is no evidence to suggest that the works will have an unacceptable detrimental impact on road safety and in terms of an acceptable access and position the proposal meets the requirements.

Consideration of PPS 15 Planning and Flood Risk

The constraints of the site identify the lands as being within lands liable to surface water flooding. DFI Rivers were consulted in relation to the proposal and note that in terms of FLD 1 the site does not lie within the 1 in 100 year climate change fluvial flood plain and on this basis cannot sustain an objection under FLD 1.

In terms of FLD 3 a Drainage Assessment has been submitted and the logic of the assessment has been accepted with DFI Rivers noting that 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)

DfI Flood Maps (NI) indicates that a small portion of the site adjacent to the Ballynahinch Road lies within an area of predicted pluvial flooding.

Where there is potential for surface water flooding as indicated by the surface water layer of the Strategic Flood Map, it is the developer's responsibility to obtain advice from competent, suitably qualified persons to assist them in assessing the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. This will involve acquiring consent to discharge storm water run-off from the site.

No specific conditions have been provided from DFI Rivers in relation to the application. It is also noted that the site does not lie within the 1 in 100 year climate change fluvial flood plan or 1 in 200 year coastal flood plain. No further information is required in relation to this application and while objections in relation to surface water flooding have been noted the responsibility lies with the developer to ensure there are no displacing consequences on surrounding properties or road networks as a result of drainage or run off.

PPS 2 Natural Heritage is considered

A bio diversity checklist was submitted as part of the application and the ecological statement has been submitted and due to the outcome of the ecological assessment a bat emergence survey was also provided.

NIEA was consulted in relation to the proposal and acknowledge the receipt of the Bio diversity checklist and ecological statement and also the bat emergence survey and on the basis of the report are content it is unlikely there are bats housed in the dwelling to be demolished however they do note if roosting bats are found during works then all works must stop and advice sought from NIEA wildlife team.

NED notes that some vegetation may need removed to accommodate the development and the works should be done outside of nesting season or checked by a suitably qualified ecologist with protective measures undertaken. NED note that this is a desk based response. A site inspection was carried out and on the day of the inspection the

site was clear of planting, objections have been raised in relation to the removal of planting and the implications. Looking over streetview images it is clear that mature trees, planting and a hedgerow within the site have been removed.

Given the current day situation on the ground it is difficult to assess if there have been any implications in terms of adverse impacts on protected species and habitats.

Notwithstanding the above, given the proposed development proposes mitigation measures in the form of compensatory planting this will ensure that any previous loss of planting is mitigated and replaced therefore minimising any impact on natural heritage features.

It is noted there were no tree protection orders on the site.

No further reports or consideration is required in relation to PPS 2, objections noted.

NI Water and Wastewater Treatment Works

NI Water was consulted in relation to the application and responded with no objections subject to conditions, the response was returned on 20.03.2025 with an 18 month validity. Sewerage disposal is proposed through mains sewer which NI Water has offered no objections to. This will be an increase of 5 units onto the network with an existing connection in place presently. There are no concerns therefore with regard to the impact of the proposal on the existing infrastructure.

Neighbour Notification Checked	Yes
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Summary of Recommendation

Having considered the proposal, the consultation responses and representations from neighbouring residents and elected representatives the application is considered to meet policy requirements and as such a recommendation of approval is made.

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) 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. C104 Rev M.

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.

- 3) The visibility splays as shown at the junction of the proposed access roads, shall be provided in accordance with Drawing No.C104 Rev M prior to the commencement of any other works or other development.

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

- 4) No dwellings 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.

- 5) 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

- 6) The gradient 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.

- 7) The Development hereby permitted shall not be commenced until a Street Lighting scheme design has been submitted and approved by the DFI Roads Street Lighting Section.

Reason: Road safety and convenience of traffic and pedestrians.

- 8) 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.)

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

- 9) No development shall be commenced until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with

the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

- 10) All hard and soft landscape works shall be carried out in accordance with drawing number 0524.13(D) (proposed site plan), 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 re-placed in the next planting season with others of a similar size and species un-less the Council gives written consent to any variation.

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

Case Officer Signature: Fionnuala Murray

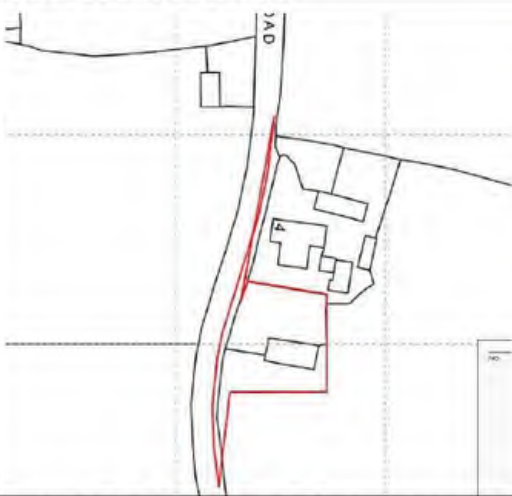
Date: 29 December 2025

Appointed Officer Signature: B. Ferguson

Date: 30/12/2025

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2023/3405/F	Target Date:
Proposal: Barn conversion and single storey extension to form dwelling	Location: Adjacent to No. 4 Edenmore Road, Mayobridge, Newry, BT34 2JH
Applicant Name and Address: Bridgeen Barry 4 Edenmore Road Mayobridge Newry BT34 2JH	Agent Name and Address: Hadleigh Jess 1 Jordanstown Road Newtownabbey BT37 0QD
Date of last Neighbour Notification:	9 March 2024
Date of Press Advertisement:	18 October 2023
EIA Determination:	
Consultations: DFI Roads – no objections, subject to conditions. (04/09/2024) NI Water – approve with standard conditions. (17/10/2025) NIEA – NED on the basis of the information provided, has no concerns subject to recommendations. (05/03/2024) Environmental Health – no objections subject to septic tank being positioned 7m away from dwelling and adjoining dwellings properties. (08/12/2025)	
Representations: None	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: 9 September 2025	
Characteristics of the Site and Area	
The application site consists of an existing agricultural barn, which sits gable on to the Edenmore Road, Mayobridge. The building is of stone construction with slate roof covering. The building sits slightly elevated above the road level and is positioned within an agricultural field. The site forms a roadside plot with frontage directly onto the Edenmore Road. To the north, is a two-storey dwelling identified as No. 4 Edenmore Road. The site lies in a predominantly rural area with development comprising mainly of single dwellings and their associated outbuildings. The application site is outside any settlement limits as designated within the Banbridge/ Newry and Mourne Area Plan 2015.	
Description of Proposal	
Barn conversion and single storey extension to form dwelling	
Planning Assessment of Policy and Other Material Considerations	
This application will be assessed under the following policy considerations: • Strategic Planning Policy Statement (SPPS) • Banbridge, Newry and Mourne Area Plan (2015) • Planning Policy Statement 2- Natural Heritage • Planning Policy Statement 3- Access, Movement and Parking Planning Policy Statement 21- Sustainable Development in the Countryside • Building on Tradition	

PLANNING HISTORY

No planning history associated with the subject buildings.

SUPPORTING DOCUMENTS

- Full Set of Plans
- Structural Report
- Archaeological Impact Assessment
- Preliminary Ecological Assessment and Bat Report

CONSULTATIONS

- DFI Roads - No objections to this proposal. (04/09/2024).
- NIEA - Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommendations. (05/04/2024)
- NI Water – approve with standard conditions. (17/10/2025)
- Environmental Health - no objections subject to septic tank being positioned 7m away from dwelling and adjoining dwellings properties. (08/12/2025)

REPRESENTATIONS

Neighbour notification and advertising of this application was undertaken in line with the statutory requirements. There were no representations received.

EVALUATION

Banbridge/Newry and Mourne Area Plan 2015

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.

The policy context is provided by the Strategic Planning Policy Statement for NI (SPPS) and Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

Strategic Planning Policy Statement (SPPS) and Planning Policy Statement 21: Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 states that there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Planning permission will be granted in the countryside for the conversion of a non-residential building to a dwelling in accordance with Policy CTY 4.

Policy CTY 4 states that planning permission will be granted to proposals for sympathetic conversion, with adaptation, if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling.

Section 6.73 of the SPPS is more prescriptive in recognising that provision should be made for the sympathetic conversion and re-use, with adaptation, if necessary, of a locally important building (such as former school houses, churches and older traditional barns and outbuildings), as a single dwelling where this would secure its upkeep and retention. While Policy CTY 4 of PPS 21 refers to a suitable building, the SPPS refers to a locally important building. 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. The weighting direction in the SPPS indicates that “locally important” building must take precedence over “suitable” building

The SPPS does not define “locally important” building but lists examples. The cited examples typically relate to buildings that generally have some design, architectural or historic merit.

On assessment of the subject building for conversion, it was considered contrary to Section 6.73 of the SPPS in that the proposal does not involve the sympathetic conversion of a locally important building. An email was issued to the agent in August 2024 advising that the application had been reviewed internally and that the Planning Department considered it was unacceptable and did not comply with policy. It was stated that the proposal would be contrary to the SPPS and CTY 4 of PPS 21 in that the subject building is not a locally important building. There is therefore no policy basis for this proposal. It was further stated that the proposed extended area to the barn was also not considered to be subordinate to the barn itself and therefore is not considered subordinate nor sympathetic in scale.

The agent, in response to this, provided amended plans in January 2024 in which the proposed extension was reduced in scale. In addition, it was stated that *“the existing stone outbuildings are longstanding and therefore established in the local landscape and immediate visual resource and they are of a style and form which, when combined, contribute to setting and rural character in this part of Edenmore Road. Moreover, their sympathetic renovation and integration into the overall new development proposal would retain and promote their continued use”*. An Archaeological Impact Assessment was also submitted in regards to the subject building for the Planning Department to consider.

The assessment below is of the amended plans received and uploaded on the 12th December 2024.

The extension proposed would be formed off the existing buildings southern and eastern elevations. It would measure approx. 11m in length and a maximum 9.4m

wide. The extension would be provided with a pitched roof covering standing at 4.1m in height from GFL. Within the new extension will be a sitting room, dining and kitchen area. The small extension to the rear (eastern) elevation will be provided with a flat roof covering standing at 2.9m in height from GFL and will incorporate a utility and porch. The existing building will be converted to include 2 x bedrooms, a hall and a bathroom. External finishes proposed for the extension will include natural slate roof covering to match the existing, smooth render to the walls, black pvc windows and doors and black aluminium rainwater goods. See below proposed plans.



Access will be provided from the Edenmore Road with a 5m wide formalised laneway and leading to an area for the parking and turning of vehicles to the rear of the building. New boundaries will be formed using timber post and wire fencing with Hawthorne hedging planted on the inside. See below proposed layout plan.



The subject building sits to the rear of a two-storey dwelling identified as No. 4 Edenmore Road, approx. 18m from the dwellings rear single storey return. At the time of inspection, No. 4 was unoccupied and appears to have been unoccupied for a number of years. This is confirmed by checking the imagery available on Google Street View.

The subject building is single storey of stone construction with a slate roof covering. There is a small 'lean too' extension along the buildings eastern (rear) gable wall with a tin roof covering. A large sliding door opening exists along the building's southern elevation, with a window opening along the southern elevating and pedestrian door along the northern elevation at the lean-to component. See below photographs of the subject building





Savage Associates undertook a structural inspection of the subject building on 25th October 2023 for the purposes of reporting on the condition of the barn. On assessment of the structure, it was concluded that the walls and roof structure are in reasonable condition and structurally stable. The repairs will probably require upgrading of the roof and some purlins could be added for additional strength. It was concluded that the building is suitable for reuse and refurbishment.

CTY 4 – The Conversion and Reuse of Existing Buildings

Planning permission will be granted to proposals for the sympathetic conversion, with adaptation, if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the seven following criteria:

- a) *The building is of permanent construction;*
The building is considered to be of permanent construction.
- b) *The reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;*
The amended plans received demonstrate how the existing building will be converted whilst maintaining the existing door and window openings. On checking the existing and proposed drawings, the overall height of the building will remain the same. The proposal would maintain the form of the existing building and would not have an adverse effect on the character or appearance of the locality
- c) *Any new extensions are sympathetic to the scale, massing and architectural style of the existing building;*
New extensions are to be formed along the buildings southern and eastern elevations to form a sitting room, dining room and kitchen area as well as a porch, utility and toilet. On measuring, the new extensions have a greater floor space area than that of the existing building which results in a substantial sized extension in comparison to the existing building. While the extensions ridge

height would remain below that of the existing buildings ridge height, overall, the size and scale of the extensions are not considered to be sympathetic to the scale of the existing building.

- d) *The reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of the adjoining land or buildings;*

As noted above, the building subject of this application sits to the rear of No. 4 Edenmore Road (indicated as the applicants address on the application form). New built form will not extend any closer to the dwelling at No.4, with new extensions to be formed to the south and east of the subject building and away from No. 4. The proposed block plan indicates access will be taken to serve the subject building from Edenmore Road where there appears to have been an old existing access, pillars and gates are evident. The setback distance, minimum 18m between windows on the facing elevations is considered sufficient to alleviate any resulting impact on the neighbouring amenity in terms of overlooking. The proposal is not considered to impact upon the amenity of neighbouring dwelling No. 4.

- e) *The nature and scale of any proposed non-residential use is appropriate to a countryside location;*

The proposal is for residential use.

- f) *All necessary services are available or can be provided without adverse impact on the environment or character of the locality; and*

All necessary services can be provided on site without adverse impact on the environment or character of the locality.

- g) *Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.*

DFI Roads have confirmed the proposal will not prejudice road safety or inconvenience the flow of traffic.

The proposal is contrary to part c) of CTY4 as contained within PPS21, for the reasons outlined above.

On considering the information submitted by the agent in regards to the subject building and whether it is locally important, the Planning Department acknowledge that the Para 6.73 of the SPPS refers to *older traditional barns and outbuildings* as being examples of locally important buildings. However, it is considered the building should be of some merit and importance to its local setting, making it worthy of retention and to warrant it being of 'special character or interest'.

Within the Archaeological Impact Assessment, Historical Mapping has been included which demonstrated that within the application site on the 1st edition OS map there are two small outbuildings associated with a farmstead located at 4 Edenmore Road

(figure 4). By the time of the 2nd edition map these buildings have been removed and replaced with a single structure which is evident on the site today

The author of the report, on inspection of the subject building stated:

"The barn is a single storey structure of random rubble stone construction bonded with a lime type mortar. The roof structure is not original and has been fully replaced at some point in relatively modern times. A single entrance to the main building is located on the northern side. This is sealed with a sliding steel door. A single window is located on the southern side of the building. Internally, the barn has a concrete floor with no other features discernible. A lean-to structure of similar construction and with a corrugated steel roof is located at its eastern end. This is entered via a door on its northern side." The assessment concluded with the following statement:

"The building represents an historic structure of local importance which contributes to the character of the immediate landscape. The retention and conversion of the building will maintain this contribution and represents an opportunity to continue the family association with the site which has existed here for generation". There has been no explanation within the report as to why this building is considered a locally important building.

The agent had noted in correspondence with the case officer that due to the road side location of the subject building he considered it to be both visually, and locally important given that the same family has owned the property for approx. 150 years. He further stated that the building is *"longstanding and therefore established in the local landscape and immediate visual resource and they are of a style and form which, when combined, contribute to setting and rural character in this part of Edenmore Road."*

While the subject building sits road side, it is only visible on passing the application site while travelling along the Edenmore Road. Due to the juxtaposition of buildings, the subject building is mainly screened by the two-storey building at No. 4 from views on approach from the north when travelling along the Edenmore Road. From the south, due to the winding nature of Edenmore Road, views of the subject building are limited to only on immediate approach. From the Newry Road to the north, only long distance, fleeting views of the subject building are available due to intervening vegetation. For this reason, the subject building is not considered to have a great visual presence in the landscape.

While it is acknowledged the building is longstanding, age alone does not necessarily constitute it being considered 'locally important'. The Planning Department do not consider the building has a visual presence in the local landscape to make it noteworthy from public vantage points and thus is not considered locally important and failing to accord with paragraph 6.73 of the SPSS

CTY 13 – Integration and Design of Buildings in the Countryside

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

Given that there is already a building in the landscape (with the use changing) and the positioning of the extensions proposed, it is considered that it will not have any greater visual impact than the existing barn to be converted. While the site does involve a more formalised access arrangement and a patio area to the front, this combined with additional planting it would deem it to be acceptable. New boundaries are to be formed to delineate the curtilage of the dwelling, however it is not considered the new works would rely on landscaping for integration. The new design in the form of the extensions is considered acceptable. It is considered that the proposal accords with policy requirements of CTY 13.

CTY 14 – Rural Character

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

The proposal will not be unduly prominent in the landscape. As it does not involve the creation of a new building, it does not result in a suburban style build-up of development or add to a ribbon of development. It respects the traditional patterns of settlement in the area. Ancillary works would not damage rural character.

CTY 16- Development Relying on Non-Mains Sewerage

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The application has outlined on the accompanying form and site layout plan that a septic tank is the proposed means of disposing sewage and soakaways are proposed for surface water.

It is considered that the application site is of a sufficient size to accommodate the proposed development whilst also achieving sufficient separation distances between the proposed septic tank. A condition could be attached to ensure that prior to commencement of development the applicant shall submit a copy of a consent to discharge for the proposed site. Environmental Health have offered no objections subject to the tank being positioned 7m from the dwelling and any surrounding dwelling.

PPS3- Access, Movement and Parking

DFI Roads have been consulted on the application and are content with the proposed access subject to conditions.

Planning Policy Statement 2- Natural Heritage

The proposal involves the conversion of an existing building in the countryside. The application was accompanied by a Preliminary Ecological Assessment and a Bat Roost emergence / Re-entry Survey Report. A bat roost was identified in within the site. Bats are a European protected species under the Habitats Regulations, and as such are subject to a strict level of protection.

NIEA were consulted on this application and advised that NED is content that the destruction of this roost is unlikely to have a significant impact on the local bat population, provided the recommended mitigation and compensation measures detailed in the Bat Roost Emergence Survey are implemented. NED would highlight that a wildlife licence must be obtained from NIEA prior to any works on this building to allow for the lawful destruction of the bat roost. A detailed bat mitigation plan will be required to be submitted with the licence application. NED recommends that the planning authority is notified when a NIEA wildlife licence has been obtained and before works commence, including the use of woodcrete bat boxes/

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

The condition as recommended by NED can be attached to any future approval on this site.

Vegetation removal will occur along the site frontage to achieve the required visibility splays. Replacements planting within the site will compensate for any lost vegetation.

The proposal will therefore not impact on any protected species or priority habitats as required by Policies NH2 and NH5.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement 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 SPPS Paragraph 6.73 in that it has not been demonstrated that the structure to be converted and adapted is locally important.
3. The proposal is contrary to The SPPS and CTY4 – The conversion and Re-Use of Existing buildings of Planning Policy Statement 21: Sustainable Development in the Countryside in that the new extensions proposed are not sympathetic to the scale and of the existing building.

Case Officer Signature: Laura O'Hare

Date: 08 December 2025
Appointed Officer Signature: M Keane
Date: 08-12-25

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

Group decision:

D.M. Group Signatures

Date _____

Planning Committee 'Call in' Request Form

73

Delegated Application List w/c: 8 th December 2025	Planning Application Number : RE: LA07/2023/3405/F	Requested by: HRJESS (AGENT)
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PLEASE NOTE THAT SUBMISSIONS SHOULD BE ON THIS FORM AND LIMITED TO TWO PAGES. ANY ADDITIONAL INFORMATION BEYOND TWO PAGES WILL BE DISREGARDED.

Description of the application – Barn conversion and single storey extension to form dwelling

At adj 4 Edenmore Road, Mayobridge

Proposed decision (including reasons if the decision is refusal) – Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement 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 SPPS Paragraph 6.73 in that it has not been demonstrated that the structure to be converted and adapted is locally important.
3. The proposal is contrary to The SPPS and CTY4 – The conversion and Re-Use of Existing buildings of Planning Policy Statement 21: Sustainable Development in the Countryside in that the new extensions proposed are not sympathetic to the scale and of the existing building.

Set out the valid and credible planning reasons why this application should be referred to Committee (including reference to relevant planning policies) –

1. See sub set reasons 2 & 3.
2. The council have failed to consult with HED on The submitted archaeological baseline report – why not?

The Gahan & Long report confirms: The building represents an historic structure of local importance which contributes to the character of the immediate landscape. The retention and conversion of the building will maintain this contribution and represents an opportunity to continue the family association with the site which has existed here for generations.

The Griffiths valuation books show that the property was leased by David Barry from Hugh and P.J. Murray between 1866 and 1900 and consisted of a house, offices and land. By 1901 ownership of the property had transferred to Briget Barry again for the house, offices and land and subsequently to John Barry from 1909- 1923.

Buildings of local importance can include those related to folklore/historical interest: association with a person or event in local tradition or legend.

A documentary about the renowned Sands family singers is due to air on BBC on 30th Dec. The documentary is filmed in this very barn which has been used as Ceili hall for generations. https://www.newry.ie/arts-and-entertainment/celebrating-60-years-of-musical-heritage-with-the-sands-family?fbclid=IwDGRjcAOdLoJleHRuA2FlbQlxMQBzcnRjBmFwcF9pZAwzNTA2ODU1MzE3MjgAAR7uqVwUC8CjzZ4ctzXQx5jHx_oxlsv1_kWI2_6KETYOt4NE1yJmG0h00zT6yg_aem_vtsbjmlc4zqm-KLDlue5EQ

See above link for a documentary that is going to be aired in December. This family band lived near the barn and asked if they could use the Barn to do some of the filming for this show as locals including this band would use the Barn as a Ceili/music house hence why they wanted to film there.

Set out why this application should be determined by Committee rather than officers -

We consider the building to be of local cultural interest and the submitted structural survey confirms the building is sound and suitable for conversion.

The members should be given the opportunity to scrutinise the council planning departments position that that the building is not locally important.

3. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

a) the building is of permanent construction **The existing building is entirely constructed from traditional local stone and a local clay brick. The building is shown on the 1st Edition Ordnance Survey Map – dated 1832, making the building nearly 200 years old.**

b) the conversion or reuse would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality. **The conversion and reuse of the building would facilitate the retention of this historic building. The simple form of the existing building is retained with the existing opening provided with windows & doors. The original form and purpose of the building will not be diluted by the reuse. It is located adjacent to the roadside. The removal of overgrowth/dead trees and vegetation will enhance the setting of the existing building. All architectural features are retained and enhanced with stonework proposed to be repaired – like for like, using the stone material found on site.**

c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building **The new extension is single storey, modest in scale (providing just 1 bedroom & bathroom), and is linked to the existing building via glass link. The roof of the extension sits lower than the existing building. The existing openings to the building are retained, with a single internal connecting door provided between the extension and the existing building. The extension has been designed to look like a simple agricultural barn, with sliding front door and plain rendered walls and roof so as not to draw attention away from the stone building.**

d) the conversion or reuse would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings **The former use as an industrial site would be more likely to affect the amenity than this proposal which is for a single dwelling comprising of 1 bedroom.**

e) the nature and scale of the use is demonstrated to be appropriate to a countryside location. **A single dwelling is appropriate in the countryside.**

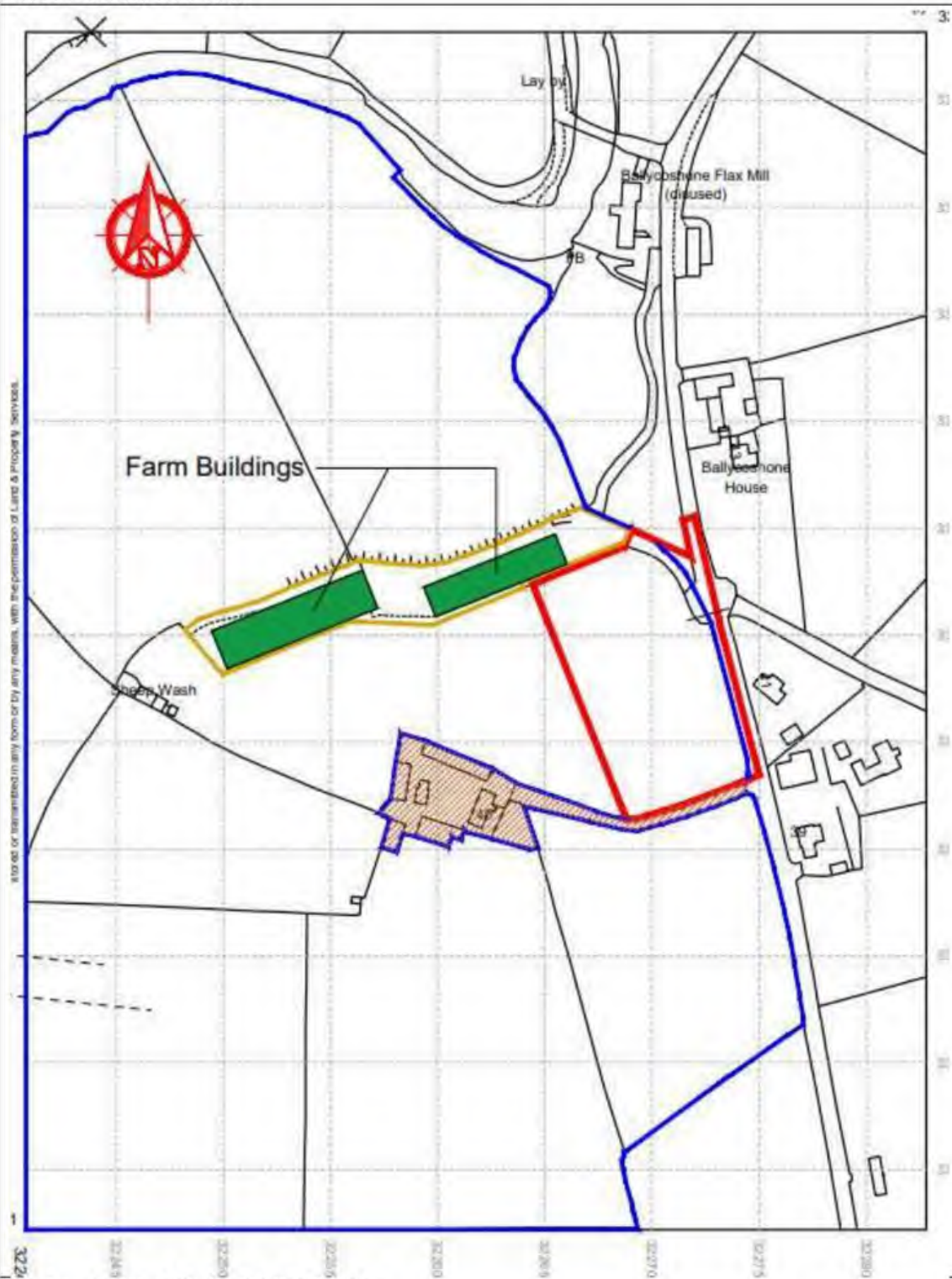
The members require to be given the opportunity to scrutinise the council planning departments position that that the extension to the building is not less dominant than the existing.

Delegated Application

Development Management Officer Report	
Case Officer: Elaine Eastwood	
Application ID: LA07/2024/1315/F	Target Date:
Proposal: Erection of Farm Dwelling and Garage	Location: Opposite and 42m South West of 41 Ballycoshone Road, Cabra, Newry BT34 5XD
Applicant Name and Address: Kevin McPolin 7 Ballyweely Road Cabra Newry BT34 5RQ	Agent Name and Address: Martin Byrne 20 School Road Jerrettspass Newry BT34 1SX
Date of last Neighbour Notification:	9 April 2025
Date of Press Advertisement:	13 November 2024
EIA Determination:	
Consultations: - NIEA- Refer to standing advice. - DAERA- Confirmed the farm business has been established more than 6 years, has claimed through the Basic Payment Scheme or Agri Environment Scheme in each of the last 6 years and the application site is land which is currently claimed. - NI Water- Approval - DFI Roads- No objections in principle. - Environmental Health: 26/08/2025- No objection in principle subject to the dwelling being associated with the adjoining farm. If this is not the case because of the proximity of animal housing, Environmental Health must be re consulted. 02/12/2025- The Agent submitted an Odour Impact Assessment and as such the Planning Department issued another consultation to Env Health. Environmental Health have reviewed the information and notes the proposed farm dwelling is situated over 75m from poultry sheds which are associated with the applicant. The Environmental Health Department has no objection in principle to the above proposed development subject to consent to discharge approval.	
Representations:	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: No objections or representations have been submitted.	

Site Visit Report

Site Location Plan:



Date of Site Visit: 25/06/2025

Characteristics of the Site and Area

The application site comprises part of a larger agricultural field with levels rising from the roadside towards rear of the site. The roadside boundary consists of wire and post fencing with some scattered hedgerow. The southern boundary adjoins the access leading to No 40 which is not associated with the farm business. The western and northern boundaries are undefined. The application site is located outside any defined settlement limits.

Description of Proposal

Erection of Farm Dwelling and Garage

Planning Assessment of Policy and Other Material Considerations

Planning History

LA07/2016/0346/O- Proposed erection of detached farm dwelling. Permission Refused 06 July 2016. Reasons of refusal:

- The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
- The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.



LA07/2019/0744/LDE- Erection of a boiler house and silo for a wood pellet boiler. Permission Refused 01 October 2019.



LA07/2021/0119/LDE- Plant shed, 2 no. biomass boilers and feed silo. Permission Granted 05 March 2021.



Planning Policies and Material Considerations

This planning application has been assessed against the following policy:

- Banbridge, Newry and Mourne Area Plan 2015
- Strategic Planning Policy Statement (SPPS) for Northern Ireland
- Building on Tradition Sustainable Design Guide

- PPS 2 Natural Heritage
- PPS3 Access Movement and Parking
- PPS21 Sustainable Development in the Countryside
- PPS15- Planning and Flood Risk
- DCAN 15 Vehicular Access Standards

Banbridge/ Newry and Mourne Area Plan 2015

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

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

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

Building on Tradition a Sustainable Design Guide for Northern Ireland

Paragraph 6.78 of the SPPS requires that the supplementary guidance contained within the 'Building on Tradition' a Design a Sustainable Design Guide for the NI countryside' is considered in assessing all development proposals in the countryside. Section 4.0 is relevant to the assessment of this application on visual integration. The document sets out how best to integrate a building into its surrounds further, Pg85 sets out that for farm dwellings to reduce the impact of a new building in the countryside, new buildings are required to be "visually linked", or sited to cluster with an established group of buildings on a farm. These should be positioned sensitively so as form an integral part of that building group, or when viewed from surrounding vantage points, the new building reads as being visually interlinked with those buildings.

PPS21 Sustainable Development in the Open Countryside

Policy CTY1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. This application seeks permission for a dwelling on a farm in accordance with Policy CTY10 of PPS21.

The Planning Department wrote to the Agent on 21st July 2025 seeking clarity on the lands outlined in blue and which buildings formed part of the farm holding/ the proposal sought to cluster with. Concerns were also raised regarding the proposals compliance with Policy CTY13 and CTY14. The proposed site is elevated and open to public views. There were concerns that within the initial submission the proposed dwelling would appear as prominent in the landscape and would be unable to provide a suitable degree of enclosure to allow the building to integrate. There were concerns with the level of cutting required on site and the design of the dwelling with a hipped roof and a ridge height of 9m was not considered appropriate for the rural site and the locality.

The Agent advised on 18th August 2025 that the proposed site is the best option with regards to poultry odour and the flood plain maps. Amended plans were also submitted revising the proposed dwelling design. The Agent stated that because of the nature of the farm activity, environmental health constrains and the flood maps there is no other location on the farm. The Agent further states the applicant is entitled to a house on the farm.

Planning advised the Agent on 2nd October 2025 that whilst the design changes are acceptable, the Planning Department do not consider that the new dwelling is visually linked or sited to cluster with an established group of buildings on the farm, contrary to criterion c of Policy CTY10. This is due to the separation distances between the dwelling and the nearest farm buildings and their set back from public views, comments were welcomed.

The Agent indicated an Odour Assessment was being undertaken to justify why the proposal could not be sited closer to farm buildings. Whilst this was not requested by Planning, a consultation with Environmental Health was issued. Environmental Health only commented on the proposed siting, and had no objection in principle as the proposed farm dwelling is situated over 75m from poultry sheds which are associated with the applicant. No details were provided on the minimum separation distances required for associated farm dwellings within the Odour Assessment or the consultation responses from Environmental Health.

The proposal will be assessed against the information and amended plans submitted to date. Policy CTY 10 states planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- a) *"the farm business is currently active and has been established for at least 6 years;*
- b) *no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and*
- c) *the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:*
 - *demonstrable health and safety reasons; or*
 - *verifiable plans to expand the farm business at the existing building group(s)."*

Assessing the application against these criteria:

- a) DAERA confirmed the farm business id was allocated in 2001 and payments have been claimed in each of the last 6 years. The application site is on lands which have been claimed. The proposal is considered to meet criterion a.
- b) A planning history search has been conducted and no dwellings or development opportunities which may have been sold off were identified.
- c) The application seeks to cluster with the poultry units to the north of the site c. 90m from the proposed dwelling. As detailed above, the Planning Department do not consider the new dwelling is visually linked or sited cluster with an established group of buildings on the farm. This is due to separation distances, the set back of the poultry units from the public road, the siting of the units behind each other and the topography of the adjoining field which further obscures views of the poultry units. Travelling both directions along Ballycoshone Road and from the junction with Ballyweely Road, the proposal will not visually link with the farm buildings as required by policy.

The farm is registered to 7 Ballyweely Road and submitted farm maps indicated 62.7ha of lands form part of the farm holding. No information has been submitted to detail why the proposal is unable to be sited with any other buildings on alternative sites elsewhere on the farm.

The Odour Assessment submitted has been considered. The Council refer to appeal decision 2015/A0124 which clarifies that risks or concerns identified with locations close to a working farm can be overcome by adherence to basic health and safety rules which should be applied on any working farm.

The Agent advised that the applicant is '*entitled to a house on the farm*'. PAC Decision 2019/A0184 notes that Policy CTY10 does not contain an absolute guarantee that a dwelling will be approved on a farm. The policy is permissively worded but it makes it clear that approval will be conditional upon certain criteria being met. Whilst there is some entitlement for a dwelling on a farm implied in CTY10, it is not absolute or overriding.

The proposal is considered to fail to meet criterion c of Policy CTY10.

Policies CTY13 & CTY14

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. Policy CTY14 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.

The proposed dwelling has been amended with the reduced scheme shown below.



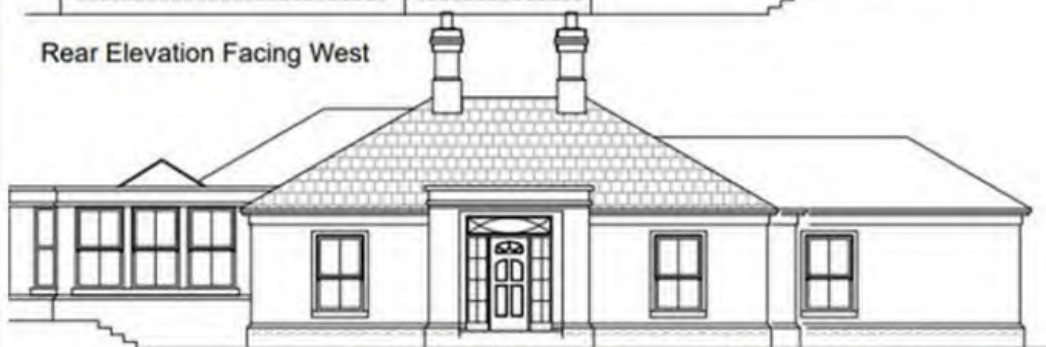
Front Elevation Facing North and Poultry Farm



Side Elevation Facing South



Rear Elevation Facing West



Side Elevation Facing East and Ballycoshone Road

The amendments and cross section provided help overcome concerns raised with prominence and the level of cut required. However, as outlined above, the proposal is not visually linked or sited to cluster with an established group of buildings on a farm, contrary to criterion g of Policy CTY13.

Policy CTY 16

Planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The application has outlined on the P1 form that a package treatment plant is the proposed means of disposing sewage. There appears to be sufficient lands within the control of the applicant to accommodate such plant and any associated works, having account the red and blue lands outlined.

PPS2

The application has been accompanied by a Biodiversity Checklist with Part 3 completed by an ecologist. This concluded that the habitat is considered to be of low biodiversity interest. No buildings or structures exist on site. No mammal paths were observed on site. No evidence of foraging badgers or sett excavations was identified within site boundary, and no evidence of foraging otters or otter holts was identified within the site boundary. The proposal is considered to be in accordance with the requirements of PPS2.

PPS3

The application proposes a new vehicular access onto Ballycoshone Road. DFI Roads have been consulted and have no objections subject to conditions.

Neighbour Notification Checked: Yes

Summary of Recommendation: Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked with an established group of buildings on the farm.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it is not visually linked or sited to cluster with an established group of buildings on a farm.

Case Officer Signature: E. Eastwood

Date: 5 December 2025

Appointed Officer Signature: M Keane

Date: 05-12-25

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: Fergal Connolly	
Application ID: LA07/2024/1557/F	Target Date:
Proposal: Proposed replacement dwelling with associated landscaping works.	Location: 39 Seaview, Warrenpoint, Newry, BT34 3NJ
Applicant Name and Address: Ciaran and Kate Murdock The Factory 184 Newry Road Banbridge BT32 3NB	Agent Name and Address: Lidia Ballocchi 20 May Street Belfast
Date of last Neighbour Notification:	21 May 2025
Date of Press Advertisement:	1 January 2025
EIA Determination: 2 nd December 2025	
Consultations: • DFI Roads • Historic Environment Division (HED) • NI Water • Shared Environmental Services • Northern Ireland Environment Agency (NIEA), Water Management Unit (WMU), Natural Environment Division (NED), Marine and Fisheries Division (MFD) • Loughs Agency	
Representations: No representations have been received in respect of this application.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: N/A	

Site Visit Report

Site Location Plan:

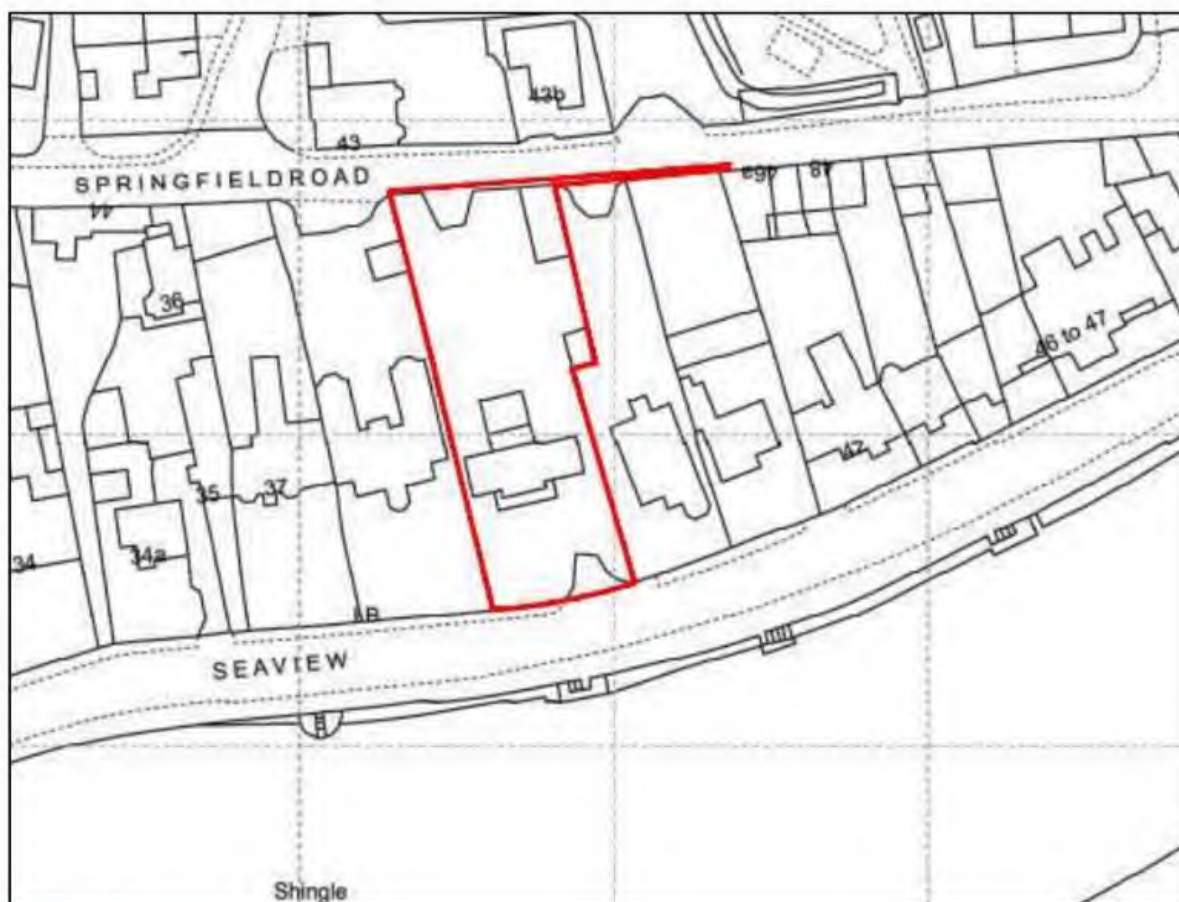


Figure 1- Site Location Plan

Date of Site Visit: 20/06/2025

Characteristics of the Site and Area

The application site is an existing two storey chalet style residential property and associated outbuildings located at No.39 Seaview Warrenpoint. The application site is located within the Settlement Development Limits of Warrenpoint as designated within the Banbridge, Newry and Mourne Area Plan and on map 3/06a within the same plan. The site is also within the boundary of the ATC and AONB. The lough/shore is located to the far side of the road.

The application site sits between No.38 and No.40 Seaview and is bounded to south along Seaview by a small wall topped with railings and a garden behind, there is also an existing vehicular access from Seaview. The northern boundary is bounded by a rendered wall which also has an existing access onto the Springfield Road. The eastern and western boundaries are defined by a block wall with hedging and vegetation mixed throughout. The application site rises gently from the southern boundary with Seaview to the dwelling and levels out towards the Springfield Road. The existing area consists of residential properties of varying styles and

mixes with 2 storey dwellings dominating the streetscape, all of which respect and contribute to the sensitive ATC and AONB setting. The below figure shows the application site from Seaview.



Figure 2- Application Site Looking From Seaview

Description of Proposal

The proposal seeks full planning permission for the demolition of the existing dwelling and construction of a replacement dwelling and associated landscaping works. As previously noted, the site currently contains an existing two-storey chalet-style dwelling, which is proposed to be demolished and replaced.

The proposed new development comprises a 2 storey building with 2 large single storey returns to the rear with central courtyard area. The proposed building will have an approximate ridge height of 8.0 metres from Finished Floor Level (FFL).

External materials include off-white/beige contemporary long brick for the walls, a dark brown pre-oxidised copper finish to the pitched roof, and a sedum flat roof with matching pre-oxidised copper parapet detailing. Canopies connecting the flat roof elements are also finished in dark brown pre-oxidised copper. The courtyard external walls are proposed to feature a mix of brickwork and hardwood timber cladding, with dark bronze aluminium framed glazing and concealed frames to the front elevation.

The proposal also seeks to close off the vehicular access from Seaview and move all access and parking to the rear of the proposed dwelling with an amended access from the Springfield Road.

The submitted proposed plans are illustrated below:

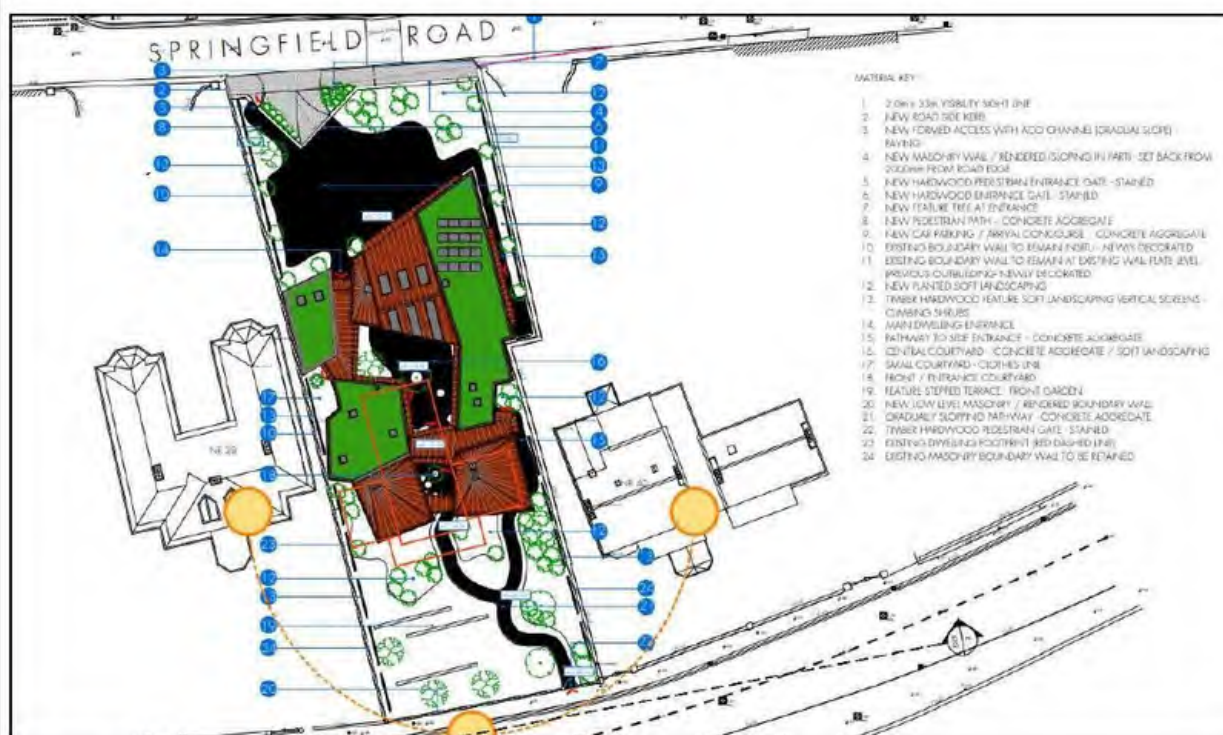


Figure 3- Proposed Site Layout Plan



Figure 4- Proposed Front Elevation



Figure 5- Proposed Side Elevation

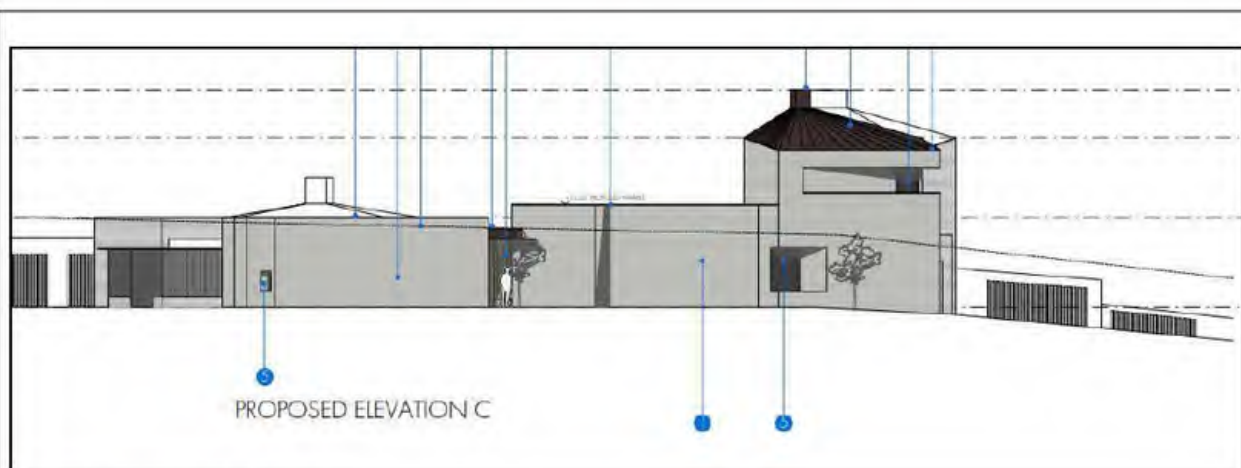


Figure 6- Proposed Side Elevation



Figure 7- Proposed Rear Elevation



Figure 8- Proposed Ground Floor Plan

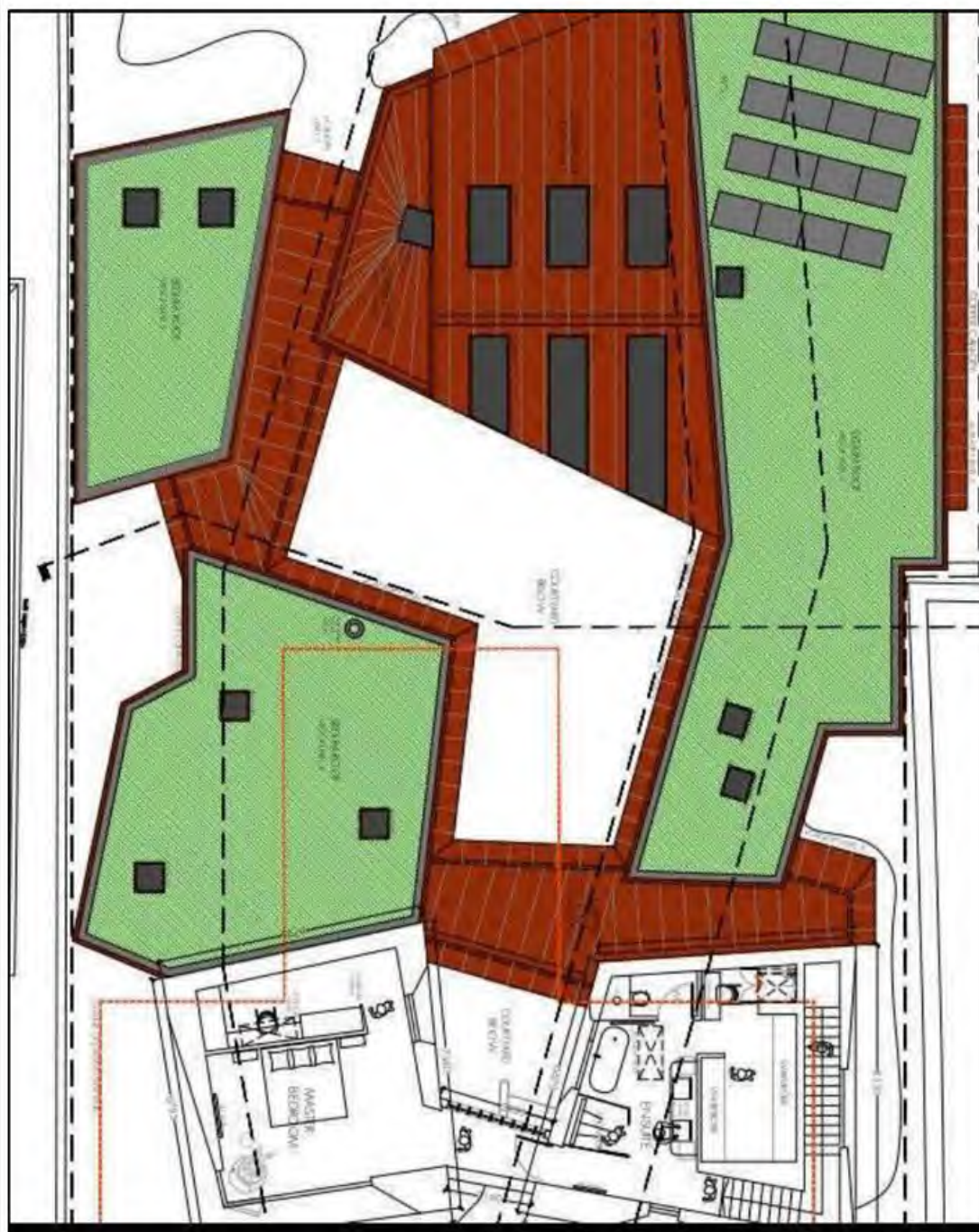


Figure 9- Proposed First Floor Plan

Information:

Following initial assessment, the Planning Department contacted the agent by email on 17th October 2025 to outline significant concerns with the proposal and the submitted plans. While confirming that there is no objection in principle to development on this site, the Department advised that the scheme in its current form was wholly unacceptable and would require a complete redesign. The design, scale and form of the proposed dwelling were considered

inappropriate for the established context and failed to respect or integrate with the character of the surrounding area. In particular, the proposal did not reflect the prevailing design features, proportions or building lines of the existing dwellings along this section of Seaview, rendering it unsuitable for the location and contrary to the requirements of PPS7 and PPS6 (ATC).

A four-week period was provided to allow the submission of amended plans (by 14th November 2025). However, the agent confirmed by email on 18th November 2025 that no revised plans would be submitted and requested that the application proceed on the basis of the original drawings. The assessment below is therefore based on the initially submitted plans.

Planning Assessment of Policy and Other Material Considerations

The following policy and guidance will be used to assess this application:

- Banbridge, Newry and Mourne Area Plan (2015)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- PPS 2- Natural Heritage
- PPS 3- Access, Movement and Parking
- PPS 6- Planning, Archaeology and Built Heritage
- PPS 7- Quality Residential Environments
- Addendum to PPS 7- Safeguarding the Character of Established Residential Areas
- Development Control Advice Note (DCAN) 8- Housing in Existing Urban Areas
- Development Control Advice Note (DCAN) 15- Vehicular Access Standards
- Creating Places

PLANNING HISTORY

There is currently an extant permission onsite for an additional dwelling to the rear of the site facing the Springfield Road. The details of this application are listed out below:

Application Number: LA07/2021/0834/F

Proposal: Dwelling house and detached garage with the demolition of an existing out building.

Decision: Permission Granted

Decision Date: 18 March 2022

A history search of the surrounding area is detailed out below:

Application Number: P/1978/0188

Proposal: Proposed site for house

Decision: Permission Granted

Decision Date: 11 April 1978

Application Number: P/1980/0794

Proposal: Proposed erection of two storey dwelling

Decision: Permission Granted

Decision Date: 23 April 1981

Application Number: LA07/2017/1822/F

Decision: Permission Granted

Decision Date: 09 February 2018

Proposal: Proposed conversion of existing integral store to a study

SUPPORTING DOCUMENTS

The application was supported by the following documents:

- Application Form
- Biodiversity Checklist and Ecological Statement
- Planning Statement
- Design and Access Statement
- Construction Environmental Management Plan
- Full Drawing Pack inc. Site Location, Site Layout, Floor Plans, Elevations and Sections.

CONSULTATIONS

The following consultations took place in order to assess the application.

- DFI Roads- following receipt of an amended PSD, no objection subject to conditions.
- HED- No objection subject to conditions.
- NI Water- No objections.
- SES- HRA completed which found that the project would not have an adverse effect on the integrity of any European site.
- Loughs Agency- No objection subject to conditions.
- NED/WMU/Marine and Fisheries- No objection subject to conditions.

REPRESENTATIONS

Seven neighbouring properties were notified and no representations have been received in respect of the application. The proposal was also advertised in the Newry Reporter on the 1st January 2025 with no wider representations received.

EVALUATION

Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended)

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 Habitats Regulations Assessment (HRA) report, and conclusions therein, prepared by Shared Environmental Service, dated 14/11/2025. This found that the project would not have an adverse effect on the integrity of any European site.

Environmental Impact Assessment

As the proposal is within a designated area (Mournes AONB) it falls under Schedule 2 category 10b of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The Council as determined through an EIA screening on 2nd December 2025 that an Environmental Statement was not required, a copy of the EIA screening determination is retained on file, with the agent was also notified of this.

The Planning Act (NI) 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 to and to any other material considerations. The relevant LDP is the Banbridge, Newry and Mourne Area Plan 2015 as the Council has not yet adopted a LDP.

Banbridge / Newry & Mourne Area Plan 2015

The application site is located within the Settlement Development Limit (SDL) of Warrenpoint / Burren (WB01) and the site is un zoned land however an existing dwelling is located on the site. The site is also located within an Area of Townscape Character. While Map 3/06a does not show the entirety of the ATC, the written text contained within the Area Plan includes specific reference to properties along Seaview, Slieve Foy Place, Springfield Rd, Great George Street North which are considered key features of the ATC zoning. This written text takes precedence over any map.

The Strategic Planning Policy Statement (SPPS)

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 SPPS sets out that the policy approach must be to facilitate an adequate and available supply of quality housing to meet the needs of everyone; promote more sustainable housing development within existing urban areas; and the provision of mixed housing development with homes in a range of sizes and tenures. The SPPS also addresses housing in settlements. It repeats the planning control principles set out within PPS12. These planning control principles are addressed in Policy QD 1 of PPS 7.

PPS 7 Quality Residential Environments

PPS 7 sets out planning policy for achieving quality in new residential development. Policy QD1 of PPS 7 states that residential development should draw on the positive aspects of the surrounding area's character and appearance. Proposal's 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 neighbourhoods are important matters to consider. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents.

Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

- 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 Planning Department acknowledges the site's location within the settlement development limit and notes the established planning history, including application reference LA07/2021/0834/F, which obtained permission for an additional dwelling in the rear portion of the site.

This current application seeks the demolition of the existing dwelling with construction of a replacement dwelling, utilising the entirety of the site.

While there is no objection in principle to redevelopment on this site, this is subject to the replacement scheme being acceptable.

Having assessed the proposal against the requirements of Policy QD1 of PPS7, the Department considers the scheme in its current form to be unacceptable and inconsistent with the existing character of the area.

The scale, form, and architectural approach of the proposed dwelling are considered to be inappropriate for the site context and fail to respect the established character, appearance, and pattern of development in the surrounding area. The proposal does not successfully respond to the prevailing built form along Seaview, including the established building lines, proportions, and traditional residential design features that contribute to local character.

Of particular concern is the presentation and appearance of the dwelling to the public street-scene. The proposed development, by virtue of its overall massing, contemporary design, and layout, appears visually dominant and incongruous when compared with neighbouring properties. As currently designed, it would result in a stark and discordant addition that neither integrates with nor complements the existing residential character. The development therefore fails to preserve or positively enhance the visual amenity of the area as required by QD1.

The proposal is currently considered to be entirely out of keeping with the character of this section of Seaview and would adversely impact the established streetscape. Figure 10 below illustrates the existing street scene, while it is accepted this varies along Seaview and is not uncommon in built up urban areas it is considered the proposal does not sympathetically reflect this and would harm the character of such.



Figure 10- Existing Streetscape Along Seaview

- 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;*

As outlined above, the Planning Department regards this part of Warrenpoint as lying within the existing ATC. The application site is situated close to a row of listed buildings on Seaview (Nos. 42–50). HED was consulted due to this proximity and concluded that the proposed development would not adversely affect the setting of these listed buildings. It is also relevant that the existing building on the site, although identified by HED as being of interest, was not listed. HED raised no objection to the proposal, subject to conditions.

However, as previously noted, the site lies within a sensitive area, and the proposal in its current form does not respect the distinctive character or sensitive setting of this location.

The site is also within the Mourne AONB and occupies a prominent position on the Warrenpoint seafront, with the intertidal foreshore of Carlingford Lough directly adjacent. The potential impact of the proposal on the surrounding ecological environment will be considered later in this report under the relevant policies.

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

The proposal does not exceed the thresholds listed in Policy OS 2 of PPS 8 to be required to provide open space and as such the provision of public open space is not applicable to this application. The proposal does however exceed the recommendation of 40sqm of private open space as contained within para 5.19 of Creating Places. A landscaping plan has also been provided in support of the proposal. It is considered that Criterion C is met.

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

Given the nature and scale of the proposal, the developer is not required to make provision for local neighbourhood facilities and as such this criterion does not apply here.

- 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 nature and scale of the proposal this criterion does not apply here.

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

The proposed site layout plan shows adequate space for at least 3 car parking spaces which is deemed acceptable. DFI Roads have been consulted and have no objections subject to conditions.

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

As noted above, the surrounding area comprises a mix of detached dwellings with varying house types and style. However, the proposed design does not successfully integrate with this established context. As outlined above with regards the scale, form and massing and how this fails to respect the sensitive setting of the application site the overall form, architectural approach and response to the site are not considered to be in keeping with the prevailing character. The current design would result in a stark and discordant addition that neither integrates with nor complements the existing residential character. This failure to reflect local distinctiveness and to provide a high-quality, contextually sensitive design means the proposal does not meet the requirements of this criterion. The development therefore fails to preserve or positively enhance the visual amenity of the area and is not regarded as appropriate within this established residential setting.

- 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;*

It is noted that the site adjoins residential properties on both sides, and the relative ground levels have been taken into account. The proposed layout, siting and house type are not considered to give rise to any unacceptable impact on neighbouring residential amenity in terms of overlooking, loss of light, overshadowing, noise or other forms of disturbance.

The majority of the building's form is single storey, with only the front elevation addressing Seaview presenting as two storeys. The side gable facing No. 40 Seaview contains a single window which serves a landing rather than a habitable room, and therefore does not raise any overlooking concerns. On the opposite side, the gable facing No. 38 Seaview includes a small section of the wrap-around window from the front elevation; however, given the position of the proposed dwelling forward of No. 38, this is not considered to give rise to any unacceptable overlooking.

The staggered nature of the footprints of the adjoining properties, existing footprints and built development, including layout with upper floor decked area have also been noted. While the frontage of the new dwelling will be 2 storey, extending closer to each side boundary, it is considered the separation distances, layout including window orientation, ground levels, boundary treatment and spacing are such that no unacceptable impacts will result in terms of residential amenity.

- i) The development is designed to deter crime and promote personal safety.*

The proposal has been designed to promote personal safety and deter crime whereby the rear of the dwelling is enclosed and overlooked. The Planning Department are content this criterion has been met.

Having considered the above with respect of QD1 the proposal fails to meet a, b and g of this policy and is therefore contrary to the requirements of PPS7.

Addendum to PPS 7- Safeguarding the Character of Established Residential Areas

Policy LC1 of the Addendum to PPS 7 states that 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 within Policy LC1 are met. As noted above the proposal fails to meet all of the criteria set out within Policy QD1 however in the interests of clarity the proposal will still be assessed against the criteria of Policy LC1.

- 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."*

As the proposal seeks to replace an existing building on the site, it is not considered that the resulting density would be materially greater than that already present within the established residential area. The site is of sufficient size to accommodate a dwelling with a footprint larger than the existing building, provided that it reflects and reinforces the established pattern of development. However, as outlined above, the proposal in its current form fails to do so. The design, scale and overall approach do not respect the character of the locality and therefore

conflict with the requirements of Policy LC1. The proposed dwelling exceeds space standards set out within Annex A.

PPS 6- Planning, Archaeology and the Built Heritage

PPS6 sets out the Northern Ireland planning policies for the conservation, protection, and enhancement of the built heritage. It provides the framework for identifying, protecting, and managing historic buildings, monuments, and areas of architectural or historic interest to ensure that these valuable assets are preserved for future generations. Section 6.0 focuses on Listed Buildings, which are structures officially designated as being of special architectural or historic interest. The section outlines the importance of safeguarding these buildings through careful management and sympathetic development. The policies applicable to this application will be assessed below:

Policy BH 11 Development affecting the Setting of a Listed Building

The application site is located in proximity to a row of listed buildings along Seaview, Nos. 42-50 Seaview (HB16/12/006 A-I), which are all Grade B2 listed buildings of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. HED Historic Buildings were consulted, and were content that the proposal satisfied the policy requirements of the SPPS 6.12 and Policy BH11 in that the proposal would not result in demonstrable harm to the setting of the existing listed buildings. Conditions to form any grant of approval were also offered by HED in this regard.

As noted above the building subject to replacement was surveyed by HED however it was considered of interest but was not listed. They provided the following comments on the building:

"This striking post WW2 house, prominently located on Seaview, is the work of Henry Lynch Robinson and remains substantially intact. Its planform reflects the informal approach to internal layouts, with kitchen to front of the house. Internal features of interest include, stone feature walls, glazed screens, original fixtures and fittings and a pressed aluminium fitted kitchen".

As the building has been identified as a local listing, HED deferred assessment of the impact of its removal to the Planning Department. As previously outlined, the Planning Department has no objection in principle to its replacement, provided that the new scheme complies with the relevant policy requirements. In this case, the proposal does not meet those policy standards. Nevertheless, taking the above into account, the proposal is not considered to be contrary to the requirements of Policy BH11.

Addendum to PPS 6- Areas of Townscape Character

The Addendum to PPS6 relates to Areas of Townscape Character (ATC).

Policy ATC1 relates to demolition in an ATC and states that there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

As stated previously HED consider the building of interest, and although not listed, is protected from demolition by virtue of being located in an ATC.

The demolition of buildings in an ATC has the potential to erode the character, appearance and integrity of this setting. There is a general presumption in favour of retaining buildings which make a positive contribution to the character of the area.

While the building is of its age and is of some merit, the Planning Dept consider its contribution to the overall character of the ATC to be limited, due to its design, appearance and finishes. Accordingly, the Planning Dept would consider its demolition subject to achieving an acceptable replacement scheme.

However, for the reasons outlined in detail above and repeated below, it is considered the replacement scheme currently proposed is fundamentally unacceptable. Accordingly, it is considered the proposals fail the provisions of ATC1.

Policy ATC2 relates to new development in an ATC and states that proposals will be permitted where they maintain or enhance the area's overall character and respect the built form of the area. As noted, The Planning Dept consider this site is located within an ATC. While Map 3/06a does not show the entirety of the ATC, the written text contained within the Area Plan includes specific reference to properties along Seaview, Slieve Foy Place, Springfield Rd, Great George Street North which are considered key features of the ATC zoning. This written text takes precedence over any map, which excludes these areas. The text noted on Pg 82 of the Area Plan is outlined below:

The seafront terraced houses along Seaview are a mixture of two and three storey houses, some with dormer and half dormer windows and slate roofs. Some facades have plaster banding around the windows, quoins, varying ridge heights, balconies, sliding sash windows and other plaster detailing. The quality of this grandeur is underscored by the fact that upwards of fifty of these buildings are listed, many in cohesive groups of five to ten houses;

With this in mind, the Planning Department considers the design, scale and massing of the proposed building to be unacceptable and clearly out of keeping with the adjacent development along the established streetscape of Seaview. The proposal would detract from and materially harm the character of the area, failing to respect the existing built form. This is contrary to the policy requirement that new development should maintain or enhance the overall character of the ATC. Accordingly, the Planning Department considers the proposal to be contrary to the requirements of Policy ATC 2.

PPS3 Access, Movement and Parking

PPS 3 sets out the policy requirements for access, movement and parking, while DCAN 15 provides guidance on vehicular access standards. The proposal includes amendments to the existing access arrangements on the site, specifically by closing the current vehicular access from Seaview and altering the access from Springfield Road, with Springfield Rd proposed to be the sole means of vehicular access to the site, with a pedestrian access gate onto Seaview, which includes an existing footpath along the site frontage.

DFI Roads was consulted, and a Private Streets Determination (PSD) drawing was requested from the applicant to demonstrate the achievable visibility splays previously established under application LA07/2021/0834/F. The drawing was also required to show the area proposed for adoption, coloured in solid red, to be surfaced in bitmac, and to confirm that the access would be perpendicular to the public road for the first 5 metres from its edge. A PSD drawing was submitted and, in DFI Roads' most recent response dated 22nd September 2025, was accepted subject to conditions.

On this basis, the Planning Department is satisfied that the proposal complies with the requirements of PPS 3. While it is noted the property includes a vehicular entrance onto Seaview at present, it is considered the removal of this feature and aspect is not unduly out of keeping with the character of the area.

PPS2 Natural Heritage

PPS2 sets out the planning policies for the conservation, protection, and enhancement of Northern Ireland's natural environment. The policy aims to safeguard biodiversity, geological features, and natural landscapes from inappropriate development, while promoting sustainable use and enjoyment of the natural environment. PPS2 provides the framework for assessing potential impacts on designated sites, habitats, and species, ensuring that development proposals respect and enhance natural heritage values. The site is in close proximity to designated sites namely Carlingford Lough Area of Special Scientific Interest (ASSI) immediately adjacent the application site.

The domestic nature of the proposal is also noted whereby airborne pollutants resulting from the development is not considered to be an issue. The Construction Environmental Management Plan (CEMP) completed by Redvale Consultancy is noted along with the proposed mitigation measures. 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). It is not considered that the proposal will have a likely significant effect on this site or any other European Sites, a HRA has been carried out by SES confirming this.

Policies NH 2 and 5 of PPS 2 states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to habitats, species or features of natural heritage importance. This includes species protected by law. A Biodiversity Checklist was submitted alongside the application with an ecological statement, the ecological statement noted the location of the application site in relation to Carlingford Lough. A Preliminary Roosting Assessment (PRA) was carried out at the application site to identify potential bat roosting features, this assessment found that the application site including trees and existing buildings had a negligible suitability for roosting bats. The ecological statement goes on to note that no priority habitats are present on site and therefore no impact on these habitats will result from the proposed development. It also notes that no other priority species were present onsite. NED and Loughs Agency were consulted and offered no objections subject to conditions. It is therefore considered that the proposal is not contrary to the provisions of Policy NH2 & NH5.

In considering Policy NH6 of PPS2, which seeks to ensure that development within an AONB conserves or enhances the area's natural beauty and distinctive character, the proposal is deemed unacceptable. The Planning Department considers the design, scale and massing of the proposed building to be inappropriate and clearly out of keeping with the adjacent development along the established streetscape of Seaview. Its form and appearance would detract from and materially harm the character and visual integrity of this sensitive coastal setting, failing to respect the established built form. As such, the proposal is considered contrary to the requirements of Policy NH6.

The drawings considered as part of this assessment are listed below:

A001, A010, A100, A101, A102, A200, A201, A202, A013P01, A012P02, A013P02, A300, A301, A302

Neighbour Notification Checked

Yes

Summary of Recommendation

Having considered the above assessment, it is recommended to refuse this application for the following reasons.

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy QD1 of Planning Policy Statement 7, Quality Residential Environments in that:
 - the development does not respect the surrounding context and is not 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;
 - features of the archaeological and built heritage, and landscape features are identified and, where appropriate, are not protected and integrated in a suitable manner into the overall design and layout of the development;
 - the design of the development does not draw upon the best local traditions of form, materials and detailing;
2. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy LC1 of Planning Policy Statement 7 Addendum, Safeguarding the Character of Established Residential Areas in that:
 - the pattern of development is not in keeping with the overall character and environmental quality of the established residential area.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy ATC1 of Planning Policy Statement 6 Addendum, Areas of Townscape Character in that the building makes a contribution to the character of the area and the proposed redevelopment scheme is unacceptable.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland and Policy ATC2 of Planning Policy Statement 6 Addendum, Areas of Townscape Character in that:
 - It does not maintain or enhance the overall character and respect the built form of the area.
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 scale is unsympathetic to the special character of the AONB,
 - It does not respect or conserve the character, appearance and heritage of the area, and
 - the proposals do not respect the local architectural style and pattern, and design of the area.

Case Officer Signature: Fergal Connolly
Date: 4 December 2025
Appointed Officer Signature: M Keane
Date: 04-12-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

Speaking Note January 2026– Planning Application Ref: LA07/2024/1557/F

Proposed replacement dwelling, 39 Seaview, Warrenpoint, Newry, BT43 3NJ

The officer report and presentation from your officers recommends 5 reasons for refusal, related to criteria A, B & G of QD 1 PPS 7, LC1 of the addendum to PPS 7, ATC 1 & 2 of the SPPS; and NH6 of PPS 2. However, fundamentally, the refusal reasons against each of the policies boils down to design. Officers talk about building lines, proportions, massing and the contemporary design and layout of the dwelling.

Before taking each of these points and setting out our position, I would like to take a minute to reflect on the character of this stretch of the Seafront. The officers themselves acknowledge on page 78 of your packs that the Fig 10 they included, which is only a very small stretch of Seaview, that the existing street scene varies. We would agree. Infact we would go further to say that it includes an electric mix of modern and traditional dwellings.

Slide 1 shows the existing house to be demolished and replaced. It was a modern dwelling of its era and again the officers have confirmed within their report (page 83) that they consider its contribution to the overall character of the ATC to be limited, due to its design, appearance and finishes. The planning department have no objection to its demolition. So this site already has a modern dwelling located on it.

In terms of the character of the wider area. I would like to draw your attention to 2 other specific dwellings. **Slide 2** shows the dwelling at No 34 Seaview, a few doors down from the subject site. This dwelling was approved and built in 2022 as a modern replacement.

Slide 3 shows the most recently approved dwelling at No 10 Rostrevor Road, a few hundred meters closer to the Rostrevor side of the subject site. This dwelling is in the side garden of the existing property. This committee overturned to approve this application in 2022.

We strongly believe these 2 modern dwellings have positively added to the character of the Seafront and I will now go on to expand why we feel the modern dwelling that Ciaran and his wife our proposing will continue to compliment the high quality eclectic mix of properties along the Seafront. Bearing in mind that the house Ciaran wishes to replace is already a modern house of its time. Before going on to elaborate on design matters, it is also worth reminding this committee that the subject site actually has a live planning approval on it to build a dwelling in the back garden as per the slide on your screen (**slide 4**). That would retain the existing house and create a second house to the rear. We strongly say, this high quality modern replacement is betterment over the fall back of ending up with 2 properties on this site. To re-iterate, as confirmed multiple times within the officers report, there is no objection in principle to redevelopment on this site.

In terms of Refusal reason 1, QD 1, refusal reason 2 Policy LC1 and refusal reason 5 NH 6 of PPS 2, these all relate to design characteristics and the officers assertion that it is out of context.

As matters related to design can be subjective, it is our view that members of this committee can take a contrary view to that of the officers recommendation.

The design respects the existing topography of the site as the new proposal is located on and behind the existing building line while also matching the current finished floor level of the existing house. The proposal also removes the vehicular access along the seafront allowing for an increased level of landscaping to help integrate the new dwelling into its context. The

vast majority of the project is single storey and thus we disagree with the suggestion that the scale is inappropriate.

Slide 5 shows a view of the proposed house travelling west towards Warrenpoint, as you can see these are extremely limited. **Slide 6** is as you travel eastwards, there is a prominent view of large gable ends with chimneys due to the staggered stepping of building lines along the seafront. Our proposal respects this nature of architectural form and pattern of a solid gable along with a pitched roof form and feature chimneys.

The slide on screen (**slide 7**) is a visual of what the house will look like, it is a contemporary design, we are not shying away from that fact. However, we strongly believe that along with the other modern houses which have or are being built, it will provide architectural interest to the streetscape. The design has been generated to suit the local constraints such as the strong off shore winds and potential for internal overheating with south facing glazing. The application site has the ability to absorb the proposed development and is entirely appropriate in scale, mass & form with the surrounding context.

As I have already said, the subject house which we seek to replace was a very modern dwelling of its time. Demonstrated by there being 28sqm of horizontal glazing at ground floor level within the existing dwelling, the new property has less, at 18sqm. The shape and form of the proposed building is modern with an internal courtyard at the heart of the layout. This courtyard cannot be seen from the main public viewpoint along Seaview.

The proposed dwelling has considered the following scale/form and design cues taken from the surrounding context:

- The eaves height is 7m and the ridge height is 8m from FFL. The adjacent properties ridge heights are higher and range from 8.7m to 9.5m.
- Prevailing design features include; two storey buildings, informal building line and architectural features along Seaview to include *Two storey solid masonry facades, large chimneys & pitched roofs.*, which our proposal also includes.
- The other modern houses within the street scene, i.e No 10 Rostrevor Rd and No 63 Seaview have higher solid to void ratios of 1.6 and 0.63 respectfully. Our proposal is 0.33.

HED do not have any objections to the scheme. The proposed dwelling is located on a similar building line as the existing house which ultimately sits 12m back from the adjacent house and 17m back from the continuous row of terrace house noted by the case officer.

Refusal Reasons 3 & 4 Policies ATC1 & ATC2 Response

Slide 8 shows an extract from the Area Plan. It is our belief that this site does not fall within an Area of Townscape Character. You can see clearly the boundary of the ATC's outlined in blue and purple. The site is definitely not within either area. I understand the officers believe that the text within the plan would indicate that this stretch of Seaview is within the ATC, our reading of this text is that it is referring to the 'Terraced Houses' along Seaview. A further reason we believe that the site is not within the ATC is from a review of 5 recent planning applications and an appeal. There is no mention of the ATC designation in any of these reports. Indeed, the assessment for the dwelling which was passed within the back garden of this site does not mention the ATC. But we are happy for members to make their own minds up on that point.

However, whether the proposal is in or out of the ATC, it all comes back to the same point.

Do you believe this dwelling, which would be the 3rd contemporary house along the Seafront is in keeping with its context and will enhance this stretch of the waterfront. **Slide 9** clearly demonstrates this when you compare the existing street scene with the proposed.

Application

Development Management Officer Report	
Case Officer: Aoife McAteer	
Application ID: LA07/2025/0327/F	Target Date:
Proposal: Proposed Garage, Classic Car and Boat Store, Gym, and Games Room (Amended plans)	Location: 92a Mill Road Annalong, Kilkeel, BT34 4RH
Applicant Name and Address: Conor Raftery 92a Mill Road Annalong	Agent Name and Address: Glyn Mitchell 19 The Square Kilkeel
Date of last Neighbour Notification:	11 July 2025
Date of Press Advertisement:	30 April 2025
EIA Determination:	
Consultations: It was not necessary to issue any consultations on this application due to its minor domestic nature and having account the site constraints.	
Representations: Seven neighbours were notified of the proposal on the 9 th of October 2025. The proposal was also advertised in the local press on the 30 th of April 2025. One representation was received objecting to the proposed plans and are as summarised below: • Inaccurate plans • Outbuilding would be built within 2m of shared boundary and would not comply with policy. • Dispute regarding ownership of retaining wall along shared boundary	
Note: The policy referenced within the objection refers to Permitted Development Rights. This application is not applying for a certificate of lawfulness and therefore is not required to meet PDR regulations.	

A boundary dispute was raised and has been clarified with the agent who confirmed that the retaining wall is located along the shared boundary and therefore is a party wall. Regardless, ownership disputes are a civil matter which should be dealt with outside the remits of Planning and are therefore not a material planning consideration. Following the submission of amended plans neighbours were notified on the 9th of October. No further representations were received.	
Letters of Support	0.0
Letters of Objection	1
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues: Design and amenity	

Site Visit Report

Site Location Plan:



Figure 1 Location Plan

Date of Site Visit: 20/06/2025

Characteristics of the Site and Area

The application site is located at number 92A Mill Road, a rural area situated north of the Annalong settlement area, as defined within the Banbridge, Newry and Mourne Area Plan 2015. The site is also located within the AONB.

The site contains a detached two storey dwelling which is situated on the western side of Mill Road. The site is set down from the road and is adjoined by properties to either side. Dwellings along this road are diverse in design, form and material, although are well proportioned. The site benefits from off road parking which could accommodate five+ parking spaces. The external façade displays render with tiles. The dwelling benefits from amenity space to the front, sides and rear of the site.



Figure 2 View of application site from Mill Road



Figure 3 View of application site from Mill Road



Figure 4 View of proposed garage location from within site

Description of Proposal

Proposed Garage, Classic Car and Boat Store, Gym, and Games Room (Amended plans)

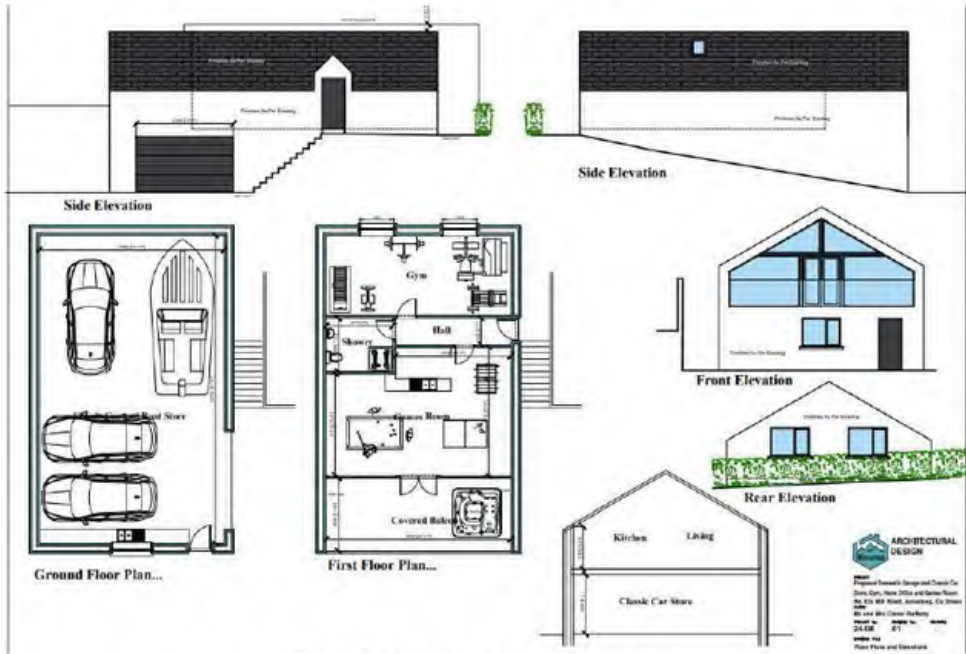


Figure 5 Proposed plans and elevations



Figure 6 Proposed site plan and fence elevation

Planning Assessment of Policy and Other Material Considerations

- Banbridge Newry and Mourne Area Plan 2015
- Strategic Planning Policies Statement (SPPS)
- Addendum to Planning Policy Statement 7 (aPPS7)
- PPS2

PLANNING HISTORY

Appeals

Application Number: 2005/A623 Decision: Appeal Dismissed Decision Date: 29 November 2006

Proposal: Site for dwelling

Enforcement

Application Number: P/2012/0080/CA Decision: Decision Date:

Proposal: Unauthorised change of use from domestic garage to dwelling and unauthorised business operating from premises

Application Number: P/2012/0104/CA Decision: Decision Date:

Proposal: Two sheds constructed behind blockwork wall

Application Number: LA07/2023/0600/CA Decision: Decision Date:

Proposal: Change of use of domestic garage to dwelling

Planning

Application Number: P/1974/0460 Decision: Permission Granted Decision Date: 13 August 1974

Proposal: PROPOSED M.V. OVERHEAD LINE (DRAWING NO. C.4559)

Application Number: P/1983/1052	Decision: Permission Granted	Decision Date: 05 April 1984
Proposal: PROPOSED SAND AND GRAVEL EXTRACTIONS		
Application Number: P/1984/0787	Decision: Permission Granted	Decision Date: 13 December 1984
Proposal: SITE FOR DWELLING		
Application Number: P/1987/0169	Decision: Permission Granted	Decision Date: 14 April 1987
Proposal: Site for replacement dwelling		
Application Number: P/1988/0292	Decision: Withdrawal	Decision Date: 28 November 1988
Proposal: Erection of bungalow and detached garage		
Application Number: P/1990/0434	Decision: Permission Granted	Decision Date: 09 September 1990
Proposal: Erection of replacement dwelling		
Application Number: P/1998/0834	Decision: Permission Granted	Decision Date: 27 August 1998
Proposal: Site for dwelling		
Application Number: P/1998/0835	Decision: Permission Granted	Decision Date: 27 August 1998
Proposal: Site for dwelling		
Application Number: P/1999/0985	Decision: Permission Granted	Decision Date: 09 September 1999
Proposal: Extension to dwelling		
Application Number: P/1999/1385/O	Decision: Permission Granted	Decision Date: 23 March 2000
Proposal: Site for dwelling		
Application Number: P/1999/1822/O	Decision: Permission Granted	Decision Date: 02 May 2000
Proposal: Site for dwelling.		
Application Number: P/1999/1769/F	Decision: Permission Granted	Decision Date: 28 June 2000
Proposal: Erection of replacement dwelling		
Application Number: P/2000/1026/F	Decision: Permission Granted	Decision Date: 11 August 2000
Proposal: Erection of replacement dwelling		
Application Number: P/1999/0685	Decision: Permission Granted	Decision Date: 30 April 2001
Proposal: Erection of dwelling		
Application Number: P/2001/1355/O	Decision: Withdrawal	Decision Date: 02 November 2001
Proposal: Site for dwelling.		
Application Number: P/2002/0611/O	Decision: Permission Granted	Decision Date: 05 November 2002
Proposal: Site for dwelling		

Application Number: P/2003/1498/F Date: 10 October 2003 Proposal: Erection of dwelling	Decision: Permission Granted	Decision
Application Number: P/2003/1645/O Date: 13 October 2003 Proposal: Site for dwelling	Decision: Permission Granted	Decision
Application Number: P/2004/0045/F Date: 06 July 2004 Proposal: Erection of dwelling and detached garage	Decision: Permission Granted	Decision
Application Number: P/2004/0705/O Date: 22 November 2004 Proposal: Site for dwelling and detached garage	Decision: Permission Refused	Decision
Application Number: P/2004/0706/O Date: 22 November 2004 Proposal: Site for dwelling and detached garage	Decision: Permission Refused	Decision
Application Number: P/2004/2088/O Date: 05 July 2005 Proposal: Site for dwelling	Decision: Appeal Dismissed	Decision
Application Number: P/2007/1052/F Date: 15 November 2007 Proposal: Alterations/extension to dwelling and detached garage.	Decision: Permission Granted	Decision
Application Number: P/2007/0309/F Date: 22 November 2007 Proposal: Erection of garage (alterations to previously approved application)	Decision: Permission Granted	Decision
Application Number: P/2006/1762/RM Date: 18 April 2008 Proposal: Erection of dwelling (Re-advertisement)	Decision: Permission Granted	Decision
Application Number: P/2005/0606/O Date: 16 March 2009 Proposal: Site for dwelling and garage	Decision: Permission Refused	Decision
Application Number: P/2014/0102/F Date: 09 May 2014 Proposal: Proposed domestic garage, store, gym and games room.	Decision: Permission Granted	Decision
Application Number: LA07/2016/1153/LDE Decision Date: 18 November 2016 Proposal: Use as a single dwelling	Decision: Permission Refused	
Application Number: LA07/2017/1708/F Date: 12 June 2018 Proposal: Proposed rear and side extension to existing house and domestic garage	Decision: Permission Granted	Decision
Application Number: LA07/2020/0306/O Date: 28 July 2020 Proposal: 2 infill dwellings	Decision: Permission Granted	Decision
Application Number: LA07/2021/0900/RM Decision Date: 31 August 2021 Proposal: Single storey detached dwelling and garage	Decision: Permission Granted	

Application Number: LA07/2021/2146/F	Decision: Permission Granted	Decision
Date: 08 April 2022		
Proposal: Proposed domestic garage, store, gym and games room		
Application Number: LA07/2024/0640/O	Decision: Permission Granted	Decision
Date: 14 November 2025		
Proposal: Infill dwelling and garage.		

SUPPORTING DOCUMENTS

The required documents have been submitted with the application form.

CONSULTATIONS

It was not necessary to issue any consultations for this application.

REPRESENTATIONS

Seven neighbours were notified of the proposal on the 9th of October 2025. The proposal was also advertised in the local press on the 30th of April 2025.

One representation was received objecting to the proposed plans and are as summarised below:

- Inaccurate plans
- Outbuilding would be built within 2m of shared boundary and would not comply with policy.
- Dispute regarding ownership of retaining wall along shared boundary

Note:

The policy referenced within the objection refers to Permitted Development Rights. This application is not applying for a certificate of lawfulness and therefore is not required to meet PDR regulations.

A boundary dispute was raised and has been clarified with the agent who confirmed that the retaining wall is located along the shared boundary and therefore is a party wall. Regardless, ownership disputes are a civil matter which should be dealt with outside the remits of Planning and are therefore not a material planning consideration. The determination of a planning application is not certification of ownership.

Following the submission of amended plans neighbours were notified on the 9th of October. No further representations were received.

EVALUATION

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations indicate otherwise. The application site is located to the north of Annalong and lies beyond its settlement limits. The Banbridge/Newry and Mourne Area Plan contains no policies relating specifically to the application site or the proposal for an extension to a dwelling.

The policy context is provided by the first Addendum to the Planning Policy Statement 7- Quality Residential Environments (PPS7), entitled 'Residential Extensions and Alterations' (The Addendum). Policy EXT 1 of the Addendum to the Planning Policy Statement 7 is applicable for all residential extensions. Policy states that any extension should be subordinate in scale and similar in style to the existing property, taking account of materials and the local character of the area.

Following initial assessment and internal discussion, correspondence was issued to the nominated agent (24th July) advising existing and proposed sections which showed the neighbours outbuilding and house and more levels were required. No response was received. Further correspondence was issued to the agent (20th August) advising that the PL Dept had concerns regarding the garages first floor which could cause overlooking and a loss of privacy to the neighbouring dwellings site.

Amended plans were received on the 22nd of August showing a site section, levels and an amendment to the site boundary to show a low-lying fence to be fixed to the retaining wall along the shared boundary.

The PL Dept responded on the 3rd of Sept and advised that they still had concerns with the proposed garage. The PL Dept indicated that the neighbours outbuilding is located on top of the wall which indicates that it may be within the neighbour's ownership and requested that the agent confirm in writing that the applicant has shared ownership of the retaining wall. Additionally, the PL Dept advised that they still had concerns regarding potential harm to the neighbour's amenity as well as concerns regarding the size and scale of the garage which should be reduced.

The agent responded on the 18th of Sept and provided written confirmation that the applicant had shared ownership of the retaining wall. As above, to the best of the council's knowledge this information is correct however, boundary disputes are a civil matter which should be dealt with outside the remits of planning. Furthermore, determination of a planning application is not confirmation of land ownership. The agent did not provide amended plans however, advised that the applicant would be willing to increase the size of the proposed fence and potentially reduce the garage.

As no amended plans were received the council has proceeded towards determination based on the plans submitted on the 3rd of March and 22nd of August 2025.

Scale, Massing and Design

(A) 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.

The application proposes an outbuilding to the front north western corner of the site which would comprise a classic car/boat store on the ground floor and a gym/toilet/games room and balcony on the first floor.

The proposed garage would be situated to the front of the site, approx. 9.4m away from the host dwelling. The garages rear elevation would align with the host dwellings front elevation and would project towards the roadside. It is a common for garages along Mill Road to be situated forward of the host dwellings principal elevation however, detached garages within the local vicinity generally have a close relationship with the host dwelling and are situated closer to their side elevation and visually maintain a close relationship. The proposed garage would be set away from the dwelling by approx. 9.4m and alongside the proposed location to the front of the host dwelling, would not visually integrate well into the site. It is acknowledged that the neighbouring dwelling no. 102 Mill Road has a similar distance between its dwelling and outbuilding however, the application sites topography slopes towards the road side which visually exasperates the separation between the host dwelling and the proposed garage, as opposed to no. 102 site which is relatively flat. Additionally, the proposed garage due to its size and height would be out of keeping with development within the local vicinity and would be disproportionate to the host dwelling.



Figure 7 102 Mill Road



Figure 8 Photo of 92 Mill Road and garage



Figure 9 Photo of 90a and garage



Figure 10 Photo of 90 Mill Road and garage

Garages along Mill Road are significantly smaller in scale and are located in less prominent positions within their sites. As above due to the separation distance between the host dwelling and the garage and the topography of the site the proposed would appear disproportionate to the host dwelling and would be visually prominent when approaching from the south of Mill Road, especially due to the openness of the site. This would represent an incongruous addition to the local vicinity and is therefore considered unacceptable.



Figure 11 Photo of application site from south of Mill Road

Paragraphs A11 and A12 of the Addendum to PPS7 set out important design considerations for outbuildings. The guidance stipulates that; Buildings within the residential curtilage, such as, garages can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The use of false pitches should be avoided as these often detract from the appearance of these buildings, particularly when viewed from the Garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted.

The proposal due to its, positioning and scale would dominate the host dwelling and would be disproportionate and out of keeping with the host dwelling and the surrounding street scene. The PI Dept acknowledge the need to provide additional accommodation in rural areas however, the scale of the scale of the outbuilding would not respect that of outbuildings within the local vicinity. The site is modest and there are alternative solutions to creating additional accommodation on this site. Therefore, the proposal in this context, due to its size, scale, massing, position and topography of the site would be considered inappropriate and contrary to the provisions of EXT1 of aPPS7.

The proposed materials of the garage are listed as to match the existing. No existing materials have been provided for the dwelling and there are no outbuildings on the existing site and therefore, materials would need to be clarified.

Impact on Privacy and Amenity

(B) The proposal does not unduly affect the privacy or amenity of neighbouring residents

The dwelling is adjoined by residential properties to either side (No.102 and 92 Mill Road), whereby consideration is required to be given to the residential amenity of the adjoining properties.

The outbuilding would be set back from the shared boundary with no. 92 by 32m. Owing to the separation distance and the shared boundary with no. 92, the proposed would not result in any adverse harm to residential amenity and would not result in any unacceptable overshadowing, loss of light or dominant impact on no. 92.

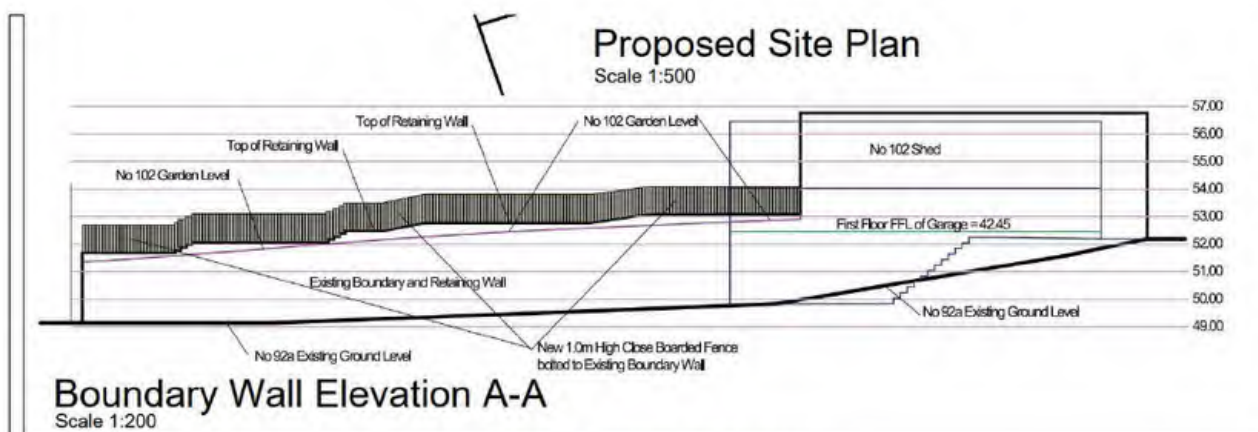


Figure 12 Proposed section plan

The garage would be set in from the shared boundary with no.102 by approx. 1.3m. There is a large retaining wall structure along the shared boundary which separates the application site from no. 102 Mill Road. The relationship between the sites is significantly staggered with no. 102 situated at a higher topography to the application site. Due to the staggered relationship between the sites levels, there is a large degree of overlooking from no. 102 on to the host site.



Figure 13 Photo taken from application site looking on to no. 102



Figure 14 Photo taken from no. 102 looking on to application site

The proposed outbuilding would be slightly set down from no. 102's incomplete outbuilding. The proposal incorporates a balcony to the rear elevation which would face on to the rear of the site. Due to the proposed height of the garage, its footprint and the adjacent retaining wall the proposal would have resulted in overlooking from the host site on to the neighbour no. 102 when sitting and standing on the upper floor proposed balcony. The agent submitted amended plans which proposed a 1m high close boarded timber fence along the top of the retaining wall which has been identified as a party wall. The proposed would result in the FFL of the first floor of the garage sitting 1.6m below the top of the proposed fence. The PL Dept consider that this could still cause overlooking and result in a loss of privacy to the adjacent dwelling no. 102. Additionally, due to the scale of the proposal and the proximity of the garage to the shared boundary with no. 102, the garage could create a perception of being overlooked. Having account the separation distances, scale of the proposal, and proposed boundary treatment, the proposed would result in an unacceptable level of harm to the adjacent neighbour no. 102 and therefore would be considered unacceptable.

Landscaping

(C)The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality;

The proposal will not cause loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

Private Amenity Space / Access and Parking

Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles

PPS 2 NH6: Areas of Outstanding Natural Beauty

NH6- Areas of Outstanding Natural Beauty Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
 - local architectural styles and patterns;
 - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - local materials, design and colour.

Having regard for the above policy however, the scale and design of the outbuilding is unsympathetic to the host property, and special character of this AONB setting and locality, and are considered contrary to the provisions of NH6 of PPS2 for the reasons previously stated. As above the materials have not been explicitly listed for this application.

Neighbour Notification Checked

Yes/No

Summary of Recommendation: Refusal

Conditions/Reasons for Refusal:

1. The proposal is contrary to the SPPS and the Addendum to Planning Policy Statement 7: Policy EXT 1 Residential Extensions and Alterations, in that the height, scale, massing and design of the proposed outbuilding is unsympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the area.
2. The proposal is contrary to the SPPS and the Addendum to Planning Policy Statement 7: Policy EXT 1 Residential Extensions and Alterations, in that the layout of the proposed outbuilding would cause an unacceptable level of harm to the residential amenity of the adjoining neighbour at no.102 by reason of overlooking and loss of privacy.

3. The proposal is contrary to policy NH6 of PPS2 Natural Heritage, in that the scale and design of the outbuilding is unsympathetic to the host property, and special character of this AONB setting and locality.
Case Officer Signature: A. McAteer
Date: 21 November 2025
Appointed Officer Signature: M Keane
Date: 28-11-25

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

WRITTEN SUBMISSION

Reference No: LA07/2025/0327/F

Proposal: Garage, Classic Car and Boat Store, Gym, and Games Room

Location: 92a Mill Road, Annalong, Kilkeel, BT34 4RH

Context of the Proposal

1. This application seeks planning permission for a domestic ancillary outbuilding within the curtilage of 92a Mill Road, Annalong. The proposal comprises a ground-floor garage / classic car and boat store with ancillary gym / games room above, together with an external balcony. The existing dwelling is a large detached two-storey property, set down from Mill Road.
2. The planning department recommends refusal on the basis of (1) the height, scale, massing and design of the proposal is unsympathetic to the host dwelling and will detract from the character of the area; (2) alleged harm to neighbouring residential amenity by reason of overlooking / loss of privacy; and (3) harmful impact upon the Mournes AONB.
3. The Committee should be aware that the recommendation is founded on an assessment of outdated drawings depicting a 1.0m fence along the top of the existing party wall present along the site's northern boundary. Revised drawings were submitted on 09 Dec 2025 providing a 1.8m close-boarded fence on the retaining wall, which materially changes the assessment of the proposal in terms of perceived overlooking of No. 102. The revised drawings are provided at **Appendix 1**. The Committee is invited to determine the application on the basis of the current proposal and its mitigation.

Issue/Refusal 1: Design, Scale, Siting and Character (PPS7 Policy EXT 1)

4. The proposal is a domestic, ancillary outbuilding within an established residential curtilage. The host dwelling is set down from Mill Road, and the locality contains a variety of dwelling forms and ancillary buildings. The proposal is sited adjacent to a large, partially constructed structure located along the common boundary within the curtilage of the neighbouring property (No. 102). This existing structure is large, partially complete and is presently a blight on the landscape. Far from detracting from the character of the area, the proposal has been carefully and specifically positioned to screen this unsightly structure.
5. The PPS7 Addendum directs outbuildings to be subordinate and sympathetic, taking account of materials, local character and visibility. The submitted design adopts a simple domestic form with pitched roof and is intended to match the host dwelling in terms of materials and external finishes. The ridge of the proposal will also be approximately 0.85m below the height of the house. The proposal is therefore both subordinate and suitably designed to respect the built form and appearance of the existing property.
6. Regarding its siting and impact upon local character, the Officer highlights the forward siting and separation from the host dwelling as a concern. However, the Officer acknowledges that it is common for garages along Mill Road to be situated forward of the principal elevation, and that No.102 to the immediate north has a similar separation between its dwelling and outbuilding. The proposal clearly therefore follows an established local pattern of development and is in keeping with the prevailing character of the area.

7. The site is entirely screened from Mill Rd, so views are very localised and apparent only from shared laneway, as such, there are no lasting medium to long range views of the site. In terms of the limited short range views, the site is set below the level of the laneway, which reduces its visual impact. Importantly, it will enhance the visual amenity of the immediate locality by concealing an unsightly long-standing, unfinished block-work structure. For these reasons, the proposal will not detract from the appearance and character of the surrounding area, rather, it will enhance it.

Issue/Refusal 2: Residential Amenity & Privacy at No.102 (PPS7 Policy EXT 1)

8. The refusal reason on amenity relates to alleged overlooking from the first-floor balcony towards No.102 to the north. The relationship between these plots is significantly staggered, with No.102 positioned at a much higher topography, resulting in a substantial degree of existing overlooking from No.102 down into the application site.
9. The Officer's conclusion of 'unacceptable harm' was reached on the basis of a 1.0m close-boarded fence to the top of the retaining wall. The applicant offered to increase the fence height to 1.8m and revised drawings have been lodged. The balcony floor level sits below the neighbour's garden level; with the proposed 1.8m close-boarded fence atop the boundary wall, the total screening height is 2.4m above the floor level of the balcony. This breaks the line of sight and removes any realistic potential for overlooking of the neighbour's private amenity area.
10. Even without the fence, the Officer's concern regarding overlooking is overstated. The balcony is oriented to face towards the rear of the applicant's own site. There is no direct line of sight into any habitable room, nor does it directly overlook the most private area of the garden (the first 3-4 metres of the rear garden, closest to the residential property). Rather, the interaction is oblique and directed towards the rear garden boundary rather than the private amenity space immediately adjacent to the neighbour's dwelling. When combined with the fact that the applicant's property is currently the one being overlooked by the neighbour (due to the neighbour's elevated position), the proposal actually corrects an existing imbalance in privacy.
11. The boundary treatment also delivers an important safety benefit given the significant level change and retaining wall.

Issue 3: AONB Considerations (Policy NH6 of PPS2)

12. Policy NH6 requires development within the AONB to be of appropriate design, size and scale for the locality and to respect local styles, boundary details and materials. This is a domestic proposal within an established curtilage adjacent to existing unsightly development. With matching external finishes and the proposed boundary treatment, the outbuilding will integrate into the built context and will not erode the special qualities of the AONB.
13. Also, as stated above, the proposed outbuilding is positioned so that it will screen the large unfinished and unsightly structure adjacent to the site's northern boundary from local views, thereby improving visual amenity and the immediate AONB setting rather than harming it.

Conclusion

14. For the reasons set out above, the proposal aligns with the objectives of Policy EXT 1 and NH6 and the SPPS: it is an appropriate, well-sited domestic outbuilding; it safeguards residential amenity; and it will enhance the AONB setting by helping to screen an existing visually intrusive structure. On the basis of the above, the Committee is respectfully requested to overturn the recommendation for refusal and to grant planning permission.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2023/2585/F	Target Date:
Proposal: Demolition of existing buildings and the erection of an apart hotel comprising of 14No. units, a restaurant, ancillary golf storage area, and all associated site works.	Location: Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle
Applicant Name and Address: Arlington Hotel (NI) Limited 14 Forest Park View Castlewellan BT31 9SP	Agent Name and Address: Donna Lyle Hamilton House 3 Joy Street Belfast BT2 8LE
Date of last Neighbour Notification:	30 th May 2024
Date of Press Advertisement:	14th June 2023
ES Requested: No	
Consultations: see report	
Representations: See report	
Letters of Support	1
Letters of Objection	3
Petitions	
Signatures	
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The site is located Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle.



Date of Site Visit: 19th February 2024 & 10th October 2024

Characteristics of the Site and Area

The development site is located at Nos. 59/61 and 63/65 Main Street, Newcastle and extends to the rear to include properties at Nos. 2 and 4 Valentia Place. The site is located within a terrace row and is comprised of two, two and a half storey terraced buildings with retail uses on the ground floor and residential uses on the first & second floors. Nos 59/61 is occupied by Gallaghers Public House which is three storeys in height with slate roof, first floor bay window design and second floor dormer window projection. Nos 63/65 is currently occupied by Pure Chic, a clothing retailer, which is slightly lower in height than Gallaghers building, slightly different bay window projection and smaller dormer to the upper floor. Both front onto Main street which accesses directly onto the public footpath. The rear of the site extends to properties No's 2 & 4 along Valentia Place. Valentia Place comprises a terrace of two storey residential properties and runs parallel to main Street.

Main street operates a one-way system through Newcastle and would be the main through road through Newcastle. The area is characterised by town centre uses, with retail units on the ground floor, with other town centre service and commercial uses on the ground floor and residential units on the upper floors. St Mary's Hall and cemetery

is located opposite the site. Newcastle Presbyterian Church is a Grade B2 listed building and its associated grounds is located to the north of the site.

Description of Proposal

Demolition of existing buildings and the erection of an apart hotel comprising of 14No. units, a restaurant, ancillary golf storage area, and all associated site works.

Planning Assessment of Policy and Other Material Considerations

The application site is located within the settlement of Newcastle within the town centre.

Ards and Down Area Plan 2015

Regional Planning Policy Regional Development Strategy 2035 (RDS)

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 – Access, Movement and Parking

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

Planning Policy Statement 15 – (Revised) Planning and Flood Risk

Planning Policy Statement 16 – Tourism

Planning Strategy for Rural Northern Ireland – Policy DES 2

Guidance

Parking standards

DCAN 4 - Restaurants, cafes and fast food outlets

DCAN 15 -Vehicular Access Standards

PLANNING HISTORY

Planning – on site

Application Number: LA07/2022/0621/PAD

Proposal: Demolition of existing building and erection of 4 storey building comprising of a restaurant and 17 Apartments, binstore/plant area and all associated site works

Application Number: R/1988/0245

Decision: Permission Granted

Decision Date: 28 June 1988

Proposal: Extension and Alterations to Hotel

Application Number: R/1989/0587

Decision: Permission Granted

Decision Date: 24 August 1989
Proposal: Double sided projecting sign

Application Number: R/2003/0757/F

Decision: Permission Granted

Decision Date: 04 December 2003

Proposal: Proposed alterations and extension of existing hotel incorporating adjoining property and to include new shop frontage (amended scheme).

Consultations:

NI Water – No objections, WWtW – available capacity- connection to sewer should be on Valentina Place, to avoid constrained network.

DFI Roads – No objections, on the basis that the accommodation is for tourist/ holiday use only - service management plan to be conditioned

NIEA Water management – No objections subject to NIW agreement

Rivers Agency – No objections

Environmental Health – No objections subject to conditions

Shared Environmental Services – informal consultation – No consultation required

Historic Environment Division – objects – see report

Objections & Representations

In line with statutory requirements neighbours have been notified on 04.07.2023 and again with amended plans on 30.05.2024 The application was advertised in the Mourne Observer on 14.06.2023

Three letters of objection have been received in relation to the application, one in support. This is a brief summary of the issues raised by objectors, however, full letters are available for view on the planning portal

- Concerns regarding parking
- already stretched for parking spaces and the erection of such building bringing guests and more cars would further prevent residents from parking outside their houses. This is a very busy street, with shop workers using their spaces 9-5pm.
- What provision have the architects made for car parking for the hotel guests? This is a very congested area with residents having trouble parking at times and the forecourt of the Fire Station has to be kept clear at all times.
- Party boundary between the site and No 57 – south facing window – this is located into the main hallway of the first floor apartment in No 57 on the first floor landing of the rear return. Proposal intends to build directly in front of this window and

along the party wall. This is unacceptable and objector would ask for a more considered response to the existing site constraints.

- First floor flat roof to the rear of No 57 is accessible via the rear apartment bedroom and is used as amenity space for the occupants of No 57 accessed via the rear bedroom door. The proposal for a 4-storey building will significantly overshadow both the amenity space and the rear facing bedroom – both of which avail of a significant amount of southern and western light for a high percentage of the day. The proposal would feel overbearing and dominant in scale, in comparison to all the buildings in the immediate and greater surrounding area. This development is grossly out of character and the proposal should be significantly reduced, to pay greater consideration to those around it.

Letter from Colin McGrath

- This application is for development right in the heart of our town and ties in with the Council's ambition to be the premier tourist destination in Ireland.
- It will create jobs and make a significant impact to the local economy of the District.
- Northern Ireland is short of hotel bed space.

The letters of objection will be considered as part of the overall assessment of the application.

Consideration and 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). In it the site lies within the settlement limit and town centre of Newcastle. The site also lies within the Primary Retail Core (PRC).

The Strategic Planning Policy Statement for NI (SPPS)

The SPPS is material to all decisions on individual planning applications and appeals and sets out the prevailing regional planning policy for town centres. The SPPS recognises at Paragraphs 4.11 and 4.12 that there are a wide range of environment and amenity considerations, including noise, visual intrusion, general nuisance and waste management, which should be taken into account by planning authorities when managing development. Supporting good design and positive place making is one of the core planning principles of the SPPS (Paragraphs 4.23 - 4.36).

Tourism

The Regional Development Strategy 2035 (RDS) recognises tourism as a key element underpinning sustainable economic growth in Northern Ireland and Regional Guideline 4 (RG 4) seeks to promote a sustainable approach to the provision of tourism infrastructure.

The SPPS in relation to Tourism aims to manage the provision of sustainable and high quality tourism developments in appropriate locations within the built and natural environment. Paragraph 6.251 of the SPPS states that Tourism makes a vital contribution to the Northern Ireland economy in terms of the revenue it generates, the employment opportunities it provides and the potential it creates for economic growth.

A positive approach should be adopted in determining applications for tourism development so long as proposals are sustainable, are in accordance with the LDP, and will result in high quality forms of development. Important considerations will include whether the nature, scale and design of the specific proposal is appropriate to the site context.

The SPPS requires that applications for Tourism development be assessed in accordance with normal planning criteria such as access arrangements, design, environmental and amenity impacts to ensure high quality safe and otherwise satisfactory forms of development. With this in mind all necessary consultees have been consulted regarding the proposal.

Ards and Down Area Plan 2015

The site is located in the town centre and within the Primary Retail Core as designated in the plan (Map No 3/004d – Newcastle Town Centre). Within this area, which contains the traditional concentration of retailing and other town centre uses, Main Street is defined as the Retail Primary Core. The ADAP NE 23 refers to the Primary Retail Core, which is dispersed along main Street into two pockets of independent shops and commercial uses. It states that the PRC is drawn to consolidate those areas considered to be the core retail activity. It goes on to state that it is important to facilitate a strong retail presence in order to provide a focus for retail activity in main Street.

The following policies within the ADAP are relevant to the application: -

- Policy SETT 1 Settlement Limits;
- Policy NE 22 Town Centre;
- Policy NE 23 Primary Retail Core; and
- Policy HOU 3 Protected Housing Areas

Local Development Plan (LDP)

Newry, Mourne and Down District Council are responsible for the preparation of a development plan for the District and has commenced work on the Newry Mourne and Down Local Development Plan. This new Plan will (when adopted) replace the ADAP 2015. A Preferred Options Paper (POP) was published on 29 May 2018. The POP is a consultation paper designed to stimulate debate and encourage feedback on key issues of significance which are likely to influence the direction of the Council's new Local Development Plan.

Key Issue 13 of the POP relates to Tourism Development. Tourism is recognised as a significant contributor to the local economy and its positive contribution to the urban regeneration of towns in the district is noted. One of the Council's key objectives is for the district to become one of the premier tourism destinations on the island of Ireland. This will be through ensuring that there is a cultural and tourism infrastructure that will attract and serve the expectations of a growing number of visitors, a key action of which is reviewing the tourism infrastructure of Newcastle.

Proposal

The application seeks full planning permission for the demolition of existing buildings at Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle and the erection of an aparthotel comprising of 14No. units, a restaurant, ancillary golf storage area, and all associated site works. The building is 4 storeys in height. The ground floor accommodates restaurant facilities (accessed off main Street) with golf store and amenity spaces to the rear of the ground floor. The serviced apartments are located on the first (5 -two bedroom (double bed) apartments) second (5 -two bedroom (double bed) apartments) and third floors (3 -one bedroom (double bed) apartments and 1 – two bedroom (double bed) apartment). There are external flat roofs that can be utilised on the third floor both facing main street and also Valentia Place.

Area/Accommodation	Location	Floorspace (sqm)
Restaurant	Ground Floor	267
Golf Store	Ground Floor	36
Other ancillary areas (BOH, Stores, lobby's)	Ground Floor	169
13No. 4-person 2-bedroom apartments	First/Second/Third Floor	68-96
1No. 2-person 1 bedroom apartment	Third Floor	44sqm

Schedule of accommodation

Concerns were raised with the agent with regard to scale, massing and design of the proposal and therefore the agent was given the opportunity to amend the scheme. This assessment is based on the amended scheme.



Proposed Elevations



Proposed Roof plan



Ground floor proposed site layout

The main issues to be considered in this case are;

- The principle of an aparthotel at this location;
- Scale, Massing and Design;
- Impact on Natural and Built Heritage;
- Traffic and road safety;
- Residential amenity;
- Flooding and Drainage;
- Economic Considerations

Principle of Development

The principle of the development should be considered in relation to the loss of a GF retail unit and a sui generis unit within the primary retail core (PRC) of the ADAP and two dwellings located at Nos. 2 and 4 Valentia Place (a Protected Housing Area), and whether in principle the proposal meets the tests set out under Policy TSM 1 Tourism Development in Settlements of PPS 16.

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

Policy SETT 1 of ADAP states that favourable consideration will be given to development proposals within settlement limits including zoned sites, provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and

use of materials. This policy therefore provides broad support for the principle of the proposal.

SPPS

Paragraph 6.267 of the SPPS states that town centres are important hubs for a range of land uses and activities and notes that they provide a wide variety of retailing and related facilities including employment, leisure and cultural uses. This is an acknowledgment that town centres are places with a mix of uses and activities which has also been advanced in the ADAP and in the POP (Preferred Options Paper). Paragraph 6.271 of the SPPS goes on to set out regional objectives for town centres and retailing. These include to secure a town centres first approach for the location of future retailing and other main town centre uses and protect and enhance diversity in the range of town centre uses appropriate to their role and function. Such 'town centre uses' are notated as including cultural and community facilities, retail, leisure, entertainment and businesses.

Policy NE23 of the ADAP (2015) states that the function of the PRC within Newcastle is to provide a strong retail presence to provide a focus for retail activity.

There are a variety of other sui generis uses in the immediate vicinity. It is considered that the loss of this GF unit (one a public house and one a retail unit) and its change of use to restaurant on the ground floor would not displace significant amounts of retail floorspace nor would it result in a proliferation or clustering of non-retail uses at street level.

ADAP 2015 Policy HOU3 – Protected Housing Areas highlights the benefits that town centre housing can bring, in particular “..... *continued life, activity and surveillance in the centre outside normal commercial hours.*” and it can “*contribute to the variety and vitality in the Town Centre.*” Policy NE25 of the ADAP advises that a number of houses within Valentia Place are in need of rehabilitation or redevelopment, and that these areas provide an opportunity for those wishing to live close to Main Street and the Seafront. Policy NE 25 states that planning policy will resist the spread of commercial uses into these housing area on the periphery of the town centre which have a useful longer term life.

The proposal involves the demolition of Nos. 2 and 4 Valentia Place. It is recognised that Valentia Place currently comprises of a mix of residential properties and a few other commercial businesses. The loss of these properties to accommodate the proposal needs to be considered in conjunction with the social, economic and tourism benefits that the proposed development will bring to Newcastle Town Centre long term. Given that the properties back onto the public house and given there are other commercial

uses within the row, it is deemed that the loss of these two properties would not be detrimental to the remaining protected housing along Valentia Place.

Tourism

Tourism can be beneficial for urban areas and help to deliver development that is sustainable. It can support existing services and facilities such as retail, catering, entertainment, leisure, and transport as well as promoting a sense of urban vitality. In specific locations tourism can provide a focus for regeneration schemes or may be a key component of mixed use development.

Policies TSM 1 and 7 of PPS 16 – Tourism are the relevant policy contexts. PPS 16 states that the objectives are

- facilitate sustainable tourism development in an environmentally sensitive manner;
- utilise and develop the tourism potential of settlements by facilitating tourism development of an appropriate nature, location and scale;
- ensure a high standard of quality and design for all tourism development.

This sets out the objectives to emphasis that tourism development of an appropriate nature and location will be encouraged.

Policy TSM 1 - Tourism Development in Settlements

Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.

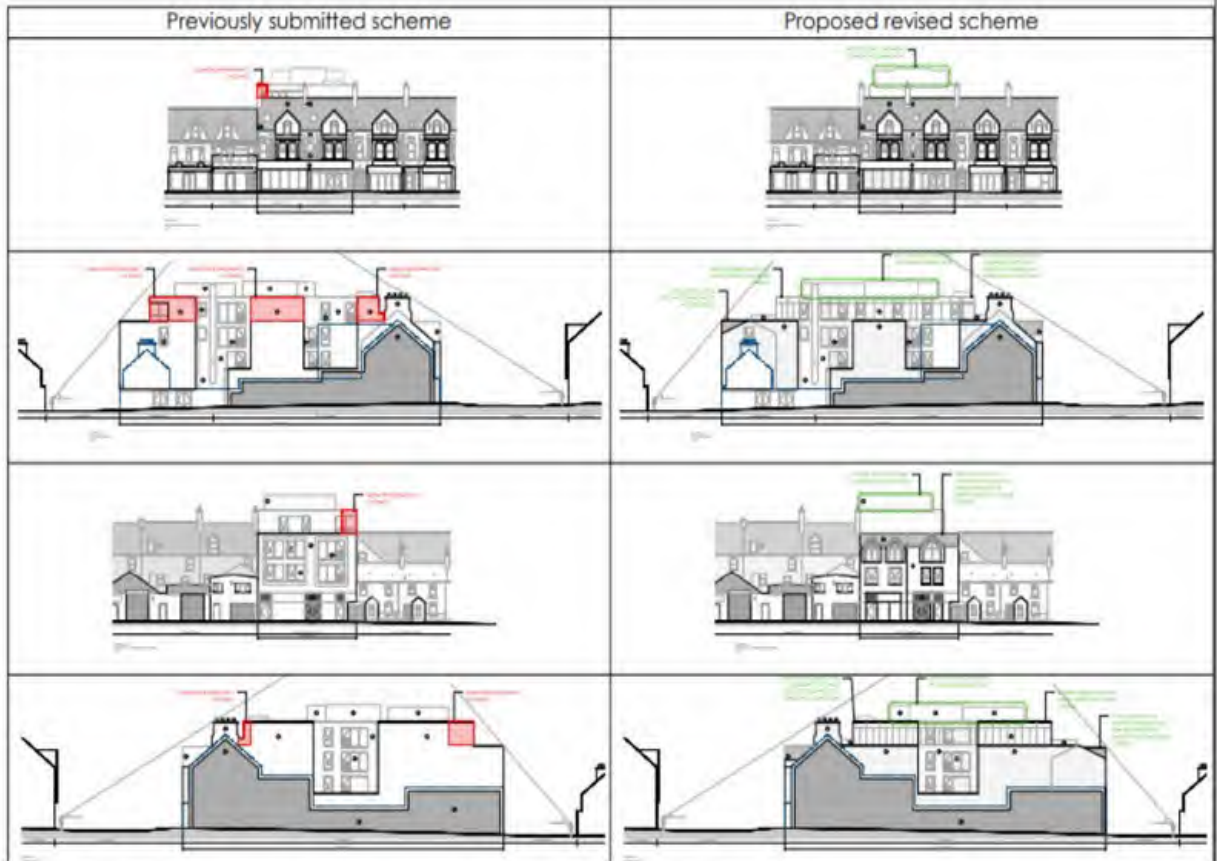
The justification and amplification text at paragraph 7.4 states that account will be taken of the nature, size, scale and design of the development and its impact on the appearance and character of the surrounding area and neighbouring residential amenity.

In principle the proposal would be acceptable subject to the following consideration.

Scale Massing and Design

Main Street, in particular along this part of main street is characterised by a row of terraced buildings of a similar height and design which all front onto Main street. The buildings are characterised by repetition of projected bay windows and dormer windows, tall chimneys, with similar eaves and ridge heights, with a visual harmony established along with the established rhythm. The proposal seeks to relate to the higher of the two terraced buildings along the frontage which are mainly 2 to 2.5 storey high buildings. The proposal then steps up towards the middle of the site to a height of 4 storeys with additional roof top plant, with a set back to the rear elevation at Valentia Place.

As previously mentioned concerns were raised with the agent with regard to scale, massing and design of the proposal and therefore the agent was given the opportunity to amend the scheme. This assessment is based on the amended scheme.



While the proposal would see the demolition of two dwellings within this prominent row of terraces along main street, the Planning Authority has to work within the parameters of planning policy and in this respect, the building is not listed, in addition it does not lie within any designations that would strengthen its protection, i.e. it is not within a Conservation area nor Area of townscape Character. Therefore, while demolition of these buildings is regrettable, the Planning Authority must consider the redevelopment scheme. The continuity of the street elevation is a key consideration in the design development of the scheme's principal elevation onto Main Street. In this respect the inclusion of the repetition of projected bays, tall chimneys, provision of dormer windows, a ridgeline and eaves that match the adjacent building at Nos. 45-57 Main Street will help ensure there is cohesion in the appearance of the development within the wider frontage onto Main Street.

The issue lies with the step up towards the middle of the site to a height of 4 storeys with additional roof top plant, with a set back to the rear elevation at Valentia Place. While

the amended plans do show the set back pushed further back into the site, the building steps up considerably and will be seen from views along main Street in both directions, this would be incongruous in the street scene, contrary to the photomontages and the elevational drawings which have an ethereal effect on the montages and would, if permitted, set an unwelcome precedent along the remainder of the terrace.

When the proposal is viewed from Valentia Place, it is difficult to determine where the context is taken from in terms of the scale, massing and bulk from this viewpoint being completely incongruous with the street scene and would be deemed to be unacceptable in its current form. While it is accepted that there are no consistent eaves height along Valentia Place, the street is predominantly residential and domestic in scale and any proposal would need to be respectful of its context. The middle section of the proposal and the rear section onto Valentia Place take a block form of design. There is nothing of this scale mid terrace along this street and the proposal would be out of character for Newcastle. While amendments have included a monopitch roof and dormers in an attempt to reduce the bulk and massing from this view point, the form is still very similar and is still 3 storey in height. The photo montages show that it aligned with development along that part of Valentia Places, however Planning have to deal with what is currently on the ground, not any future development of adjoining sites and the buildings along this part of Valentia Place are currently domestic in scale.

The roof plan includes a dashed line labelled as an acoustic screen, with spacing around heat pumps. This enclosure extends to 23.42m A.O.D., which is 5m (approx. 2 stories) higher than the ridge of the adjoining building along Main St. (HED also have concerns about this in relation to the views to the listed building – discussed later in the report). While this would be set deeper within the plot, this enclosure will still be visible. It is also indicated as a dashed line on the elevations, which should be corrected and shown as solid, with material specified. This has not been done to date.

While the amendments have attempted to reduce the overall massing, these are deemed to be insufficient and do not go far enough to overcome the scale, massing and bulk issues that have been relayed to the agent.

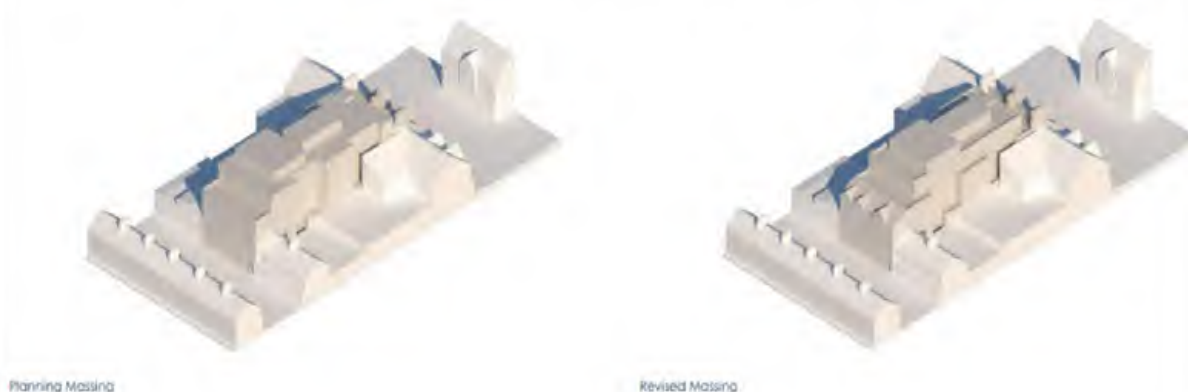
Planning Strategy for Rural Northern Ireland Policy DES 2 - Townscape

This policy has not been superseded by the SPSPS and remains to be considered. DES 2 requires proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area in terms of design scale and overall materials. For the reasons given above, given that the redevelopment scheme has found to be unacceptable in its current form then the proposal would also fail the provisions of DES 2 of the PSRNI.

Impact on residential amenity

In terms of the impact of the building on privacy and residential amenity, an objection has been received in relation to the application. The neighbouring buildings along Main Street are mixed use developments with residential accommodation incorporated in the 1st and 2nd floors. An objection has been received from the owner of the adjacent building at No 57. With regard to the party boundary between the application site and No 57, there is a south facing window. This is located into the main hallway of the first floor apartment, in the rear return. The proposal intends to build in front of this window along the party wall. There is also a first floor flat roof to the rear of no 57 accessible via the rear bedroom door. The building for this 4 storey building would in the objectors opinion, significantly overshadow both the amenity space and the rear bedroom window, both of which avail of a significant amount of southern and western light for a high percentage of the day. The objector states that the proposal would feel overbearing and extremely dominant in scale, in comparison to all of the buildings in the immediate and greater surrounding area. The objector feels that a development of this scale is grossly out of character and the proposal should be significantly reduced to pay greater attention to the buildings around it. Their objection they feel is contrary to the SPPS in that it does not safeguard the existing residential environ.

In consideration of this, it is acknowledged that there are some setbacks introduced to the upper floor levels to provide relief to the development at the most sensitive locations, and to reduce any overlooking and privacy implications. However, due to the scale, massing and bulk of the proposal in its totality, the amenity of the adjoining neighbour would be impacted. The revised massing shows the impact of the overshadowing given the scale of the proposal. The proposal would have an overbearing impact and would be dominant when viewed from the adjoining building.



TSM7 - Criteria for Tourism Development is also applicable to the application. The following design and general criteria must be met:

"Design Criteria

- (a). a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;
- (b). the site layout, building design, associated infrastructure and landscaping arrangements (including flood lighting) are of high quality in accordance with the Department's published guidance and assist the promotion of sustainability and biodiversity;
- (c). appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are screened from public view;
- (d). utilisation of sustainable drainage systems where feasible and practicable to ensure that surface water run-off is managed in a sustainable way;
- (e). is designed to deter crime and promote personal safety;
- (f). development involving public art, where it is linked to a tourism development, needs to be of high quality, to complement the design of associated buildings and to respect the surrounding site context.

In addition to the above design criteria, a proposal will also be subject to the following general criteria (g – o).

General Criteria

- (g). it is compatible with surrounding land uses and neither the use or built form will detract from the landscape quality and character of the surrounding area;
- (h). it does not harm the amenities of nearby residents;
- (i). it does not adversely affect features of the natural or built heritage;
- (j). it is capable of dealing with any emission or effluent in accordance with legislative requirements. The safeguarding of water quality through adequate means of sewage disposal is of particular importance and accordingly mains sewerage and water supply services must be utilised where available and practicable;
- (k). access arrangements must be in accordance with the Department's published guidance;
- (l). access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic;
- (m). the existing road network can safely handle any extra vehicular traffic the proposal will generate;
- (n). access onto a protected route for a tourism development in the countryside is in accordance with the amendment to Policy AMP 3 of PPS 3, as set out in Annex 1 of PPS 21.
- (o). it does not extinguish or significantly constrain an existing or planned public access to the coastline or a tourism asset, unless a suitable alternative is provided".

It is considered regarding the proposal that there are no issues with points (a), (c), (d), (e), (f-n/a) and (j) (k), (l), (m) (n-n/a) and (o-n/a). There are however issues with (b),(g), (h) and (i).

While the proposal is compatible with the surrounding land uses, the proposed development as described above will result in an unacceptable impact on this area due to its size, scale and massing and will impact on neighbours (No 57) through overshadowing, and having overbearing nature.

TSM 8Safeguarding of Tourism Assets

Planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset (as defined in paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms) such as to significantly compromise its tourism value. This policy provides for the safeguarding of all tourism assets, including those which are subject to protection for other reasons under various legislative or policy instruments and those which are not subject to such protection.

The purpose of this policy is to safeguard tourism assets from unnecessary, inappropriate or excessive development which is a vital element in securing a viable and sustainable tourism industry. The policy is applicable to all forms of development which may impact adversely upon a tourism asset, this may include Areas of Outstanding Natural Beauty, Conservation Areas and historical and archaeological sites, however this is not an exhaustive list. Adverse impact will include visual impact, for example within an area of high landscape quality or in a Conservation Area, either of which could be important for attracting tourists.

It has already been demonstrated that this proposal is inappropriate development with this AONB. The development would detract from the streetscape, be detrimental to the visual amenity and as a consequence would have an adverse impact on this local tourism asset within the Mourne AONB and would impact on its tourism value.

Noise Assessment

In relation to the ground floor restaurant, DCAN 4 recognises that restaurants, cafés and fast-food outlets complement the primary shopping function of town centres by contributing to the range and choice of facilities available to residents and visitors, and they also support tourism. Considerations include noise disturbance, smells, fumes, litter, refuse, traffic considerations and car parking issues.

DCAN 4 indicates that preferable locations for this general category of businesses include district centres and local centres and confirms that the likely impact of such proposals on the character and amenity of the adjoining or surrounding area will be an important consideration in determining planning applications. "Preventative measures

can be taken through the development control process for by example restricting opening hours and dealing with the technical aspects of noise and fume attenuation" Reference is made to the fact that local councils also have an important reactive role to play and have extensive regulatory control especially in relation to food and hygiene aspects. Matters such as the form and siting of filtering and extraction equipment can be controlled by way of standard planning conditions, which mitigate the impact of developments that would otherwise be rejected.

Environmental Health were consulted with regard to the proposal and a noise assessment by Irwin Carr Consulting was submitted with the application. Environmental Health have no objections subject to conditions relating to the installation of a Mechanical Ventilation and Heat Recovery System (MVHR), appropriate window glazing for the apartments, sound reduction measures between separating floors, 2.2m high acoustic barrier enclosing the air source heat pumps. A 2.4m high acoustic barrier enclosing the VRF and multi split condensers and the submission of a dust and noise management plan prior to construction. The report concludes that the noise associated with the development would not be deemed unacceptable. These conditions will help to alleviate any concerns of nearby occupants including the concerns from residents.

Built Heritage

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage, states that sustainable development is at the heart of all government policy and is one of the key themes underlying the Department's approach to planning. In the pursuit of sustainable development is recognised that our archaeological and built heritage is a finite resource which requires effective stewardship.

Policy BH 11 - Development affecting the Setting of a Listed Building

The application is in close proximity to and impacts upon the setting of HB18/15/002A Newcastle Presbyterian Church (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) were consulted with regard to the proposal. HED indicate that the proposal was preceded by a Pre-Application Discussion, ref: LA07/2022/0621/PAD for 17No. Apartments on the application site. HED state that although the current scheme has taken on board some of the concerns raised by HED at that time, other comments have not been satisfactorily addressed.

Newcastle Presbyterian Church is a focal point along the northern end of Main Street. It's square tower sits prominently at the corner of Bryansford Gardens and the adjacent terrace is comprised of a 2 ½ storey row of buildings with canted bays and gabled attic

windows creating a unified rhythm set against the backdrop of the Mourne mountains. The application site is located within this terrace. HED would acknowledge that while outside of policy remit, in and of itself, the demolition and replacement of these terrace buildings of local value contributes to an erosion of the setting of the listed building. In addition, the bell tower of Newcastle Presbyterian Church is considered a prominent feature in the town, designed as a beacon, the same on all four sides, to attract attention from every direction and as such, it is visible above the rooftops on Valentia Place.

On the opposite side of the street sits HB18/15/003, the former St. Mary's RC Church, which is another key focal point in Newcastle town centre. Although not listed, there is a dialogue between the towers of these two churches along Main Street; they are landmarks and provide a source of local identity and pride.

HED found the initial proposal unacceptable. While the Design Statement identifies several buildings in the surrounding area, which are of a similar scale to the proposal, however, they are all located at prominent junctions, at nodal points, or have been intended as civic landmarks and not mid-terrace.

HED asked for photomontages illustrating the proposal in context three from the following locations are required: From traffic lights, south of the former St Mary's RC Church, towards Newcastle Presbyterian Church, From the fire station, No.25 Valentia Place, towards Newcastle Presbyterian Church, From east side of Main St, slightly further North than Newcastle Presbyterian Church, towards application site.

Following a meeting with the agent on 11th Jan 2024, HED Historic Buildings marked up a section drawing in green to indicate what might be considered reasonably sympathetic to the setting of the listed building and therefore favourable under policy requirements.



HED had also requested technical methodology for the photomontages, to provide assurance in terms of accuracy. That has not been provided. In order to fully assess the current proposal, given the considerable height increase in comparison to the adjoining buildings, HED request Visualisations to be in accordance with the Landscape Institute's Technical Guidance Note 06/19, Appendix 10, Type 4 (survey/ scale verifiable) TGN-06-19-Visual_Representation (landscapeinstitute.org) . This is required given the sensitivity of the site, in particular the established rhythm and character in the existing setting. It is fundamental that visualisations provide an accurate representation at pedestrian eye level. Despite asking the agent to provide the verification for the visualisations, this has not been forthcoming.

Detailed explanation can be found within the consultation responses on the character of the setting along Main Street, particularly the visual harmony of the existing terraced row set against the backdrop of the Mournes, which HED consider would be disrupted by the height and massing of the upper levels. In terms of alignment, the evidence provided in the amended scheme in relation to rooftop set-backs, to ensure the upper levels will not be visible from the street, is not sufficient.

On this basis, HED consider the proposal, in its current form, does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Although set deep within the plot, requested technical methodology for the 3D Views has not been provided.

Natural Heritage

Planning Policy Statement 2 – Natural Heritage, sets out the policy requirements to protect habitats and wildlife and furthers the Northern Ireland Executive's commitment to preserve and improve the built and natural environment and halt the loss of biodiversity.

Policy NH 1 - European and Ramsar Sites - International

The application site is in close proximity to national and European designated sites:

- Murlough ASSI which are declared under the Environment Order (Northern Ireland) 2002; and
- Murlough SAC which is designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora).

Shared Environmental Services (SES) were informally consulted. Given where it is located in town a sufficient distance from any surface water receptor, no HRA (Habitat

Regulation assessment) was required. SES advise that the only reason that may mean a HRA is required is if NI Water have no capacity for connection to sewer infrastructure or the local waste water treatment works. NI Water were consulted and have recommended approval, there is available capacity for the proposal and the WWTW is available. The proposal is compliant with NH 1 of PPS 2.

Policy NH 2 - Species Protected by Law European

Protected Species Planning permission will only be granted for a development proposal that is not likely to harm a European protected species.

European Protected Species Planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In exceptional circumstances a development proposal that is likely to harm these species may only be permitted where:-

- there are no alternative solutions; and
- it is required for imperative reasons of overriding public interest; and
 - there is no detriment to the maintenance of the population of the species at a favourable conservation status; and
- compensatory measures are agreed and fully secured.

National Protected Species Planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places. Seasonal factors will also be taken into account.

Both policies are relevant to the proposal. The application was not front loaded with a biodiversity checklist (BDC). On review of the checklist and given the condition of the buildings and that the building is pre- 1914 with a slate roof, the BDC should be completed in the first instance to determine if further surveys are required. The agent has consulted with the applicant and has confirmed that the applicant wishes to progress in the absence of a biodiversity checklist.

The proposal is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 2, in that development would, if permitted, have the potential to harm a protected species and no evidence has been put forward to determine otherwise.

Policy NH 6 - Areas of Outstanding Natural Beauty

Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
 - local architectural styles and patterns;
 - traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
 - local materials, design and colour.

While the choice of materials and finishes, which include a mix of painted render, aluminium windows, a stone clad front and black PVC rainwater goods are considered acceptable in the AONB, the overall scale, massing and design of the development in its totality is not sympathetic to the AONB. The proposal would fail to conserve or enhance the character and features of the AONB.

Traffic, Movement and Parking

Planning Policy Statement 3 – Access, Movement and Parking/DCAN 15 Vehicular Access Standards, sets out the Department's 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.

DFI Roads have been consulted on the proposal and offer no objection on the basis that this is accommodation is for tourist/ holiday use only and subject to the Service Management plan being conditioned.

A Travel Plan has been submitted along with a Transport Assessment Form (TAF) and Service Management Plan (SMP) prepared by Kevin McShane Ltd. The objective of the Travel Plan is to set out a long-term strategy to maximise the opportunity for staff and visitors to avail of sustainable transport modes and to reduce the dependency on travel by private car. The existing site from Main Street is currently occupied on the ground floor by a non-food retail unit and a neighbouring bar. The upper floors of 59/61 and 63/65 Main Street previously operated as a 12-bedroom hotel. No. 2 & 4 Valentia Place are extant 2-bedroom residential dwellings. Refuse collection and servicing for the proposed development will occur on-street via Valentia Place. Valentia Place presently accommodates service and industry vehicles associated with the extant site use and adjacent developments. An internal bin store is available within the development. On

bin collection days this will be brought to the road edge for collection by the buildings maintenance team. The servicing of the proposed development will occur outside of peak hours via Valentia Place. Loading outside of peak hours will allow the site to be serviced without causing any obstruction and delay to the surrounding road network. The pedestrian access to the proposed development will be located on Main Street and sign posted. The existing pedestrian footways on Main Street and surrounding areas allow for pedestrian access to the public transport hub at Newcastle Bus Station and the bus stops on Main Street and the surrounding roads.

According to the travel plan the proposed site benefits from 9 bus-stops located within a 400m walking distance of the site, in-line with the 400m walking catchment available to bus stops as recommended by 'Transport Assessment: Guidelines for Development Proposals in Northern Ireland'. The travel plan promotes sustainable transport modes of transport such as the promotion of public transport, walking and cycling to and from the site. Measures to reduce reliance on private car usage and promote pedestrian and cyclists to the site have also been considered.

The travel plan indicates that as the site is located within Newcastle town centre, with various sustainable transport options readily available and various amenities within walking distance, there is likely to be a significant shift away from the use of the private car. The Travel Co-ordinator will be responsible for alerting staff and visitors of the benefits of various sustainable transport schemes. The Travel Co-ordinator will be responsible for the promotion of cycling, walking and public transport amongst staff and visitors.

Table 10 - PPS3 & Creating Places Car Parking Requirements - Existing

Unit Type	Parking Standards Use Class	Parking Requirements	Site Parameter	Total Parking Spaces Required
		(non-operational)		
Existing Retail	Class A1: Non-Food retail	1 space per 20m ² GFA	150m ² GFA	8
Existing Bar	Sui generis: Bars (Inside Development Limit)	1 space per 5m ² NFA	154m ² NFA	31
Existing Hotel	Sui generis: Hotels	1 Space per Bedroom	12 Bedrooms	12
Existing Residential	Terraced Houses (Two-Bedroom)	1.5 Spaces Per Dwelling (unassigned)	2 units	3
Total				54

The above table is an extract from the submitted Transport Assessment which presents the car parking requirements associated with the exiting site.

Table 11: PPS3 & Creating Places Car Parking Requirements - Proposed

Parking Standards Use Class	Parking Requirements	Site Parameter	Total Parking Spaces Required
	(non-operational)		
Sui generis: Hotels	1 space per Bedroom	27 bedrooms	27
	Restaurant/ Bar at 1 space per 5m ² GFA Resident Staff at 1 space per 3 on duty	266m ² GFA Restaurant 2 Resident Staff	53 + 1
	Total		81

The above table presents the parking spaces required for the proposed site in accordance with Planning Policy Statement 3 (PPS3) and Creating Places.

It is noted that the car parking requirements under DOE Parking standards Parking guidelines specifically apply to greenfield, out of town developments where no previous land use is demonstrated. The above car parking standards car parking standards within the urban setting of development.

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

Policy AMP7 goes on to state *"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"*.

The agent has made the above case for no parking for the proposal. The obvious deficiency in terms of parking provision has been addressed by attaching significant weighting to the town centre location and the relative accessibility to Public Transport. The agent has also referred to the provision of a Travel Plan which should be conditioned as part of any approval for subsequent adherence to. Given that the proposal is for tourist accommodation only, the service management plan should also be conditioned. The proposal is promoting sustainable use of public transport, which relies on policy changes to approve town centre development in car free developments. The objectors concerns with regard to parking at Valentia Place are not determining in this case.

It is also worth noting that as the proposal has not been assessed against relevant policies for residential accommodation (in terms of space standards), nor parking

associated with a residential use. Therefore, again if the Council are minded to approve the proposal a condition would ensure that a maximum stay was 30 days with no return within a further 30 days by the same occupant, this would ensure that the aparthotel cannot be used as a long-term residential accommodation.

Site Drainage/Flood Risk

Planning Policy Statement 15 -Flood Risk, sets out planning policies to minimise and manage flood risk to people, property and the environment.

Dfl Rivers were consulted regarding the proposal. The proposal was assessed against Policies FLD 1-5 of PPS 15. The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. DFI Rivers have reviewed the Drainage Assessment by Kevin McShane Ltd., dated August 2023, while DFI Rivers are not responsible for the preparation of this Drainage Assessment they accept its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for the accuracy of the Drainage Assessment and implementation of the proposed flood risk and drainage measures rests with the developer and their professional advisors.

On this basis Dfl Rivers offer no objection to the proposal.

A Pre-development Enquiry (PDE) was received from NI Water, dated 05 October 2022, which confirms that there is adequate capacity at the local waste water treatment works and in the foul sewerage network to adequately serve this proposed development. The PDE response also confirms that there is an existing 300mm diameter Combined Sewer located within Valentia Place however no storm drain available. An application for a storm water connection was made to Dfl Rivers, dated 31 October 2022, confirming two designated local watercourses, the Burren River and the Shimna River. An application then was submitted to Dfl Rivers for an off-site storm water connection from the site to the Shimna River located to the south of the development. A Schedule 6 consent, dated 18 January 2023 was subsequently received from Dfl Rivers.

Following consultation with NI Water they have confirmed that there is available capacity at the Waste Water Treatment Works to adequately serve the proposal and therefore they have no objections. The response also confirmed that the connection to sewer should be on Valentina Place, to avoid constrained network.

Water Management Unit were also consulted would therefore recommend that Northern Ireland Water (NIW) are consulted to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded. Water Management Unit response states that if NIW indicate that the WWTW

and associated sewer network is able to accept 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 would have no objection to this aspect of the proposal.

As per above NIW are content with the proposal. Therefore, no further consultation with Water Management Unit was necessary.

Economic Consideration

Paragraph 3.3 of the SPPS states that in making planning decisions there is a need to ensure economic considerations are accorded appropriate weight. Paragraph 4.18 continues that a modern, efficient and effective planning system is essential to supporting the Executive and wider government policy, in its efforts to promote long term economic growth in the interests of all the people in this region. Planning authorities should take a positive approach to appropriate economic development proposals and proactively support and enable growth generating activities. Large scale investment proposals with job creation potential should be given particular priority.

The agent states that the provision of an Aparthotel and restaurant at this location is considered to be vital to Newcastle's attraction as a tourist destination, and will assist in the providing additional footfall and the retention of persons within the town centre for longer periods of time; the latter which will benefit the Town Centre from an economic and social perspective.

The development represents an investment of c.£5m from the private sector, with jobs during the construction phase (with the intention to be to source as much of the construction work as possible from the local building trade). The agent also states it will create up to 50 new jobs during operation, as many as possible of whom will be recruited from the surrounding areas.

Newry Mourne and Down Tourism Strategy 2017-2021, is five year Strategy which sets out the strategic direction of the tourism industry within the district, with the goal of ensuring that the development of tourism is undertaken sustainably and contributes to the enhancement of social cultural and environmental values. Newcastle does require future investment and job creation, and economic development is supported in all aspects of planning. However, a balancing exercise must be carried out in relation to the competing issues. It is recognised that the proposal would bring benefits to the area, but this must be weighed against the extent of the development and its effect on this area.

Conclusion

The agent has put forward an economic argument which maintains the development will create both construction and up to 50 operational positions. The economic benefits of the development are not disputed and are a material planning consideration to be given appropriate weight.

It is acknowledged that the current proposal will involve the loss of retailing at this town centre location, previous use included for retail at ground floor. However, given the changes generally in retailing in many of our town centres, it is clear that there is a need to respond to the evolving nature of our town centres with a degree of flexibility. The proposal is compliant with the SPPS in this regard. The loss of the 'protected housing' in Valentia Place has also been considered and has deemed to be acceptable given the scale of removal and the site-specific context of the housing involved.

It is considered that in principle an aparthotel development on this site could inject a level of vibrancy to the town centre which is of benefit to both the vitality and viability of the town centre and to the tourist offer in the town, however, this this cannot be at the expense or to the detriment of the area by approving an inappropriate scheme.

While the proposal has no detrimental impact on any designation or designated site. The various competent authorities have been consulted regarding the proposal and offer no objections to it.

In terms of the impact on protected species, given that no biodiversity checklist has been submitted, it therefore cannot be ruled out that the proposal may harm a protected species. The policy incorporates consideration of the three legal tests necessary for European Protected Species when harm may occur and there are legal judgements that these legal tests need to be met. Planning would need to know what if any mitigation/licence would be required etc, hence Planning need this information before the grant of planning permission.

The obvious deficiency in terms of parking provision has been addressed by attaching significant weighting to the town centre location, the relative accessibility to public transport and that this is a tourist accommodation proposal. The agent has also referred to the provision of a Travel Plan and a Service Management Plan which should be both be conditioned as part of any approval for subsequent adherence to.

The aparthotel is a significant building in terms of size, scale and massing in the context of the size of the site, and for the reasons given within the report it is deemed to be inappropriate to the site amounting to overdevelopment of the site and would be out of character with the surrounding area. This is reinforced by the response from built heritage in relation to the impact on the listed building.

While taking the above into account, and even within this town centre setting, the arguments put forward by the agent would not be enough to overcome the scale, massing and design, the residential amenity issues and natural & built heritage issues of the proposal. Appropriate weight has therefore been attached to the economic considerations as set out in the SPPS but on balance they do not outweigh the other planning concerns mentioned in this report.

Recommendation: Refusal

The plans used to assess this proposal include:

Site location plan - MSN-ZZ-DR-A-10-000 (uploaded 06/04/2023)
 Proposed site layout - MSN-ZZ-DR-A-10-000 (uploaded 25/05/2024)
 Proposed ground Floorplan - MSN-GF-DR-A-20-000 (uploaded 25/05/2024)
 Proposed Upper floor Plan - MSN-ZZ-DR-A-20-001 (uploaded 25/05/2024)
 Proposed roof plan MSN-RF-DR-A-20-002 (uploaded 25/05/2024)
 Proposed Elevations (west & north) - MSN-ZZ-DR-A-20-0021 (uploaded 25/05/2024)
 Proposed Elevations (east & south) - MSN-ZZ-DR-A-20-022 (uploaded 25/05/2024)
 Proposed revised scheme comparisons and Massing view 1-4 (uploaded 25/05/2024)

Refusal Reasons:

1. The proposed development, by virtue of its overall scale, massing, design and overdevelopment of the site, would have unacceptably harmful effect on the character and appearance of the local area, which is a recognised tourism asset and designated AONB. In addition, the proposal would harm the amenities of nearby residents, having an overbearing impact and resulting in unacceptable overshadowing. As such, it conflicts with the SPPS and policies TSM7 and TSM 8 of PPS16, Policy DES 2 of PSRNI and Policy NH6 of PPS2.
2. The proposal does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Although set deep within the plot, requested technical methodology for the 3D Views has not been provided.
3. The proposal is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 2 and Policy NH 5, in that it has not been demonstrated that the development would not have a detrimental impact on a protected species.

Informative:	
This refusal relates to:	
The plans to which this approval relate include:	
Site location plan - MSN-ZZ-DR-A-10-000	
Proposed site layout - MSN-ZZ-DR-A-10-000 (uploaded 25/05/2024)	
Proposed ground Floorplan - MSN-GF-DR-A-20-000 (uploaded 25/05/2024)	
Proposed Upper floor Plan - MSN-ZZ-DR-A-20-001 (uploaded 25/05/2024)	
Proposed roof plan MSN-RF-DR-A-20-002 (uploaded 25/05/2024)	
Proposed Elevations (west & north) - MSN-ZZ-DR-A-20-0021 (uploaded 25/05/2024)	
Proposed Elevations (east & south) - MSN-ZZ-DR-A-20-022 (uploaded 25/05/2024)	
Neighbour Notification Checked	Yes
Summary of Recommendation – refusal as per reasons above	
Case Officer Signature: C Moane	Date: 16 October 2024
Appointed Officer: A.McAlarney	Date: 16 October 2024



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

ADDENDUM TO REPORT

Application Reference: LA07/2023/2585/F

Date Received: 06.04.2023

Proposal: Demolition of existing buildings and the erection of an apart hotel comprising of 14No. units, a restaurant, ancillary golf storage area, and all associated site works.

Location: Nos. 59-61 and Nos. 63-65 Main Street, and Nos. 2 and 4 Valentia Place, Newcastle.

Background

The application was presented on the delegated list of W/C Delegated List of 21st October 2024, with a recommendation for refusal, based on overdevelopment.

Refusal Reasons:

1. The proposed development, by virtue of its overall scale, massing, design and overdevelopment of the site, would have unacceptably harmful effect on the character and appearance of the local area, which is a recognised tourism asset and designated AONB. In addition, the proposal would harm the amenities of nearby residents, having an overbearing impact and resulting in unacceptable overshadowing. As such, it conflicts with the SPPS and policies TSM7 and TSM 8 of PPS16, Policy DES 2 of PSRNI and Policy NH6 of PPS2.
2. The proposal does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an

adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Although set deep within the plot, requested technical methodology for the 3D Views has not been provided.

3. The proposal is contrary to Planning Policy Statement 2: Natural Heritage, Policy NH 2 and Policy NH 5, in that it has not been demonstrated that the development would not have a detrimental impact on a protected species.

The agent instigated the “call in” procedure and the application was presented to the call in panel on 19th November 2024. The panel members were unanimous in their decision to defer the application to allow the applicant to address the concerns already requested by the Planning Department in relation to scaling, mass and design of the application, and also a biodiversity checklist to address the need for a bat survey. It was advised that the item should then be brought back to a future call-in panel with any engagement, or otherwise, of the applicant.

Further information submitted

A biodiversity checklist (by Starling Ecology) was submitted on 11th February 2025. NIEA Natural Heritage Division were then consulted and advised that as the Ecologist had assessed the buildings within the site to have bat roosting potential then further surveys would be required. A bat emergence survey was then submitted on 16th May 2025. NED responded on 15th September 2025 and while the application site contains potential roosting factors (PRF's), no roosting bats were identified during the “Bat Emergence Report,” dated 11th May 2025. The surrounding areas also contain low levels of bat foraging and commuting activity. NED are content that the demolition of the existing structure is unlikely to have a significant impact on the conservation status of the local bat population provided appropriate mitigation is put in place. NED therefore have no objections. On this basis refusal reason 3 can now be removed.

Amended Plans

Amended plans of the scheme were received 13th March 2025 which forms the basis of this reconsideration. This consideration is based on revised plans;

Proposed Ground Floor Plan - MSN-GF-DR-A-20-000

Proposed Roof Plan - MSN-RF-DR-A-20-002 – RevA

Proposed Elevations (West & North) - MSN-RF-DR-A-20-021 – RevA

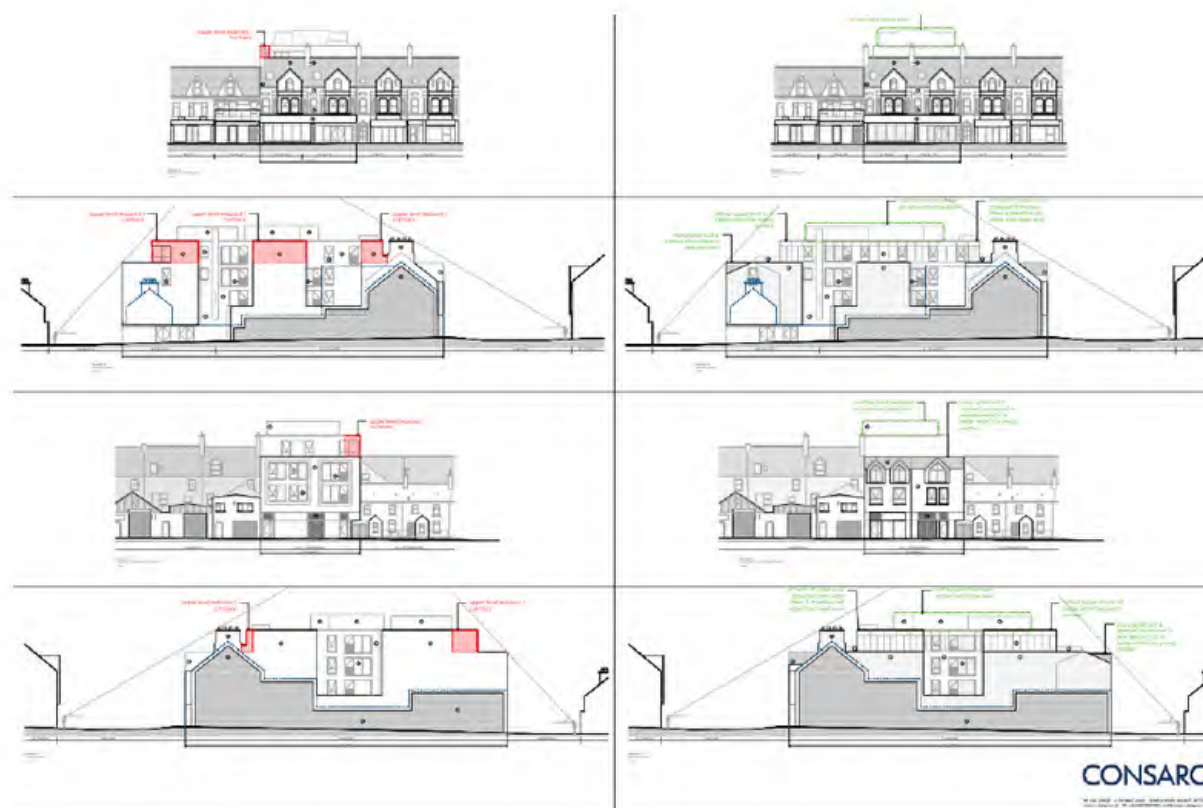
Proposed Elevations (East & South) - MSN-RF-DR-A-20-022 – RevA

Proposed Site - Block Plan - MSN-ZZ-DR-A-10-002 – RevA

Proposed Upper Floor Plans - MSN-ZZ-DR-A-20-001 – RevA

Existing & Proposed Elevations (East & West) - MSN-ZZ-DR-A-20-020 - RevA

Previous schemes



Amended plans





Neighbours were re-notified on 19th March 2025 and a further objection was received from the neighbour at 57 Main Street, who owns the building adjacent to the development. He has confirmed that the revised proposal still fails to address the

concerns outlined in his original objection. He indicates that the updated drawings continue to show construction directly in front of his existing window. In addition, the scale of the proposed building in comparison to the surrounding properties remains overbearing, and results in overshadowing and overlooking of the amenity space serving the first floor apartment.

Further consultations – Environmental Health

It is noted that the mechanical plant is relocated from the rooftop to a room within the building. An updated letter from Irwin Carr was also submitted which includes mitigation in terms of any impact on plant noise. Environmental Health were reconsulted and responded on 16th April 2025. EH notes additional information provided including amended plans and letter from Agent Irwin Carr and the initial acoustic report submitted and have no objections, subject to conditions;

1. As per the agent email dated 10th March 2025 the separating walls and floor between the plant room and adjacent habitable rooms should be at least 160mm in depth concrete to deliver adequate sound reduction.
2. Window glazing for the apartments as stated 6.4.1 Glazing on page 13 of the Noise report.
3. The installation of a Mechanical Ventilation and Heat Recovery System (MVHR) with acoustic trickle vents for all apartments.
4. As per the noise report the separating floor between the ground floor and the first floor should be at least 120mm in depth to deliver adequate sound reduction.
5. As per the 6.1.2 in the noise report and Appendix E there should be, 2.2m high acoustic barrier enclosing the air source heat pumps. A 2.4m high acoustic barrier enclosing the VRF and multi split condensers and all fences should have no gaps and should have a mass of at least 15kg/m²
6. Prior to construction occurring a dust and noise management plan needs to be submitted to Planning to clearly demonstrate how works will be carried out so not to cause annoyance to neighbouring residential and commercial buildings. This will include hours of operation.

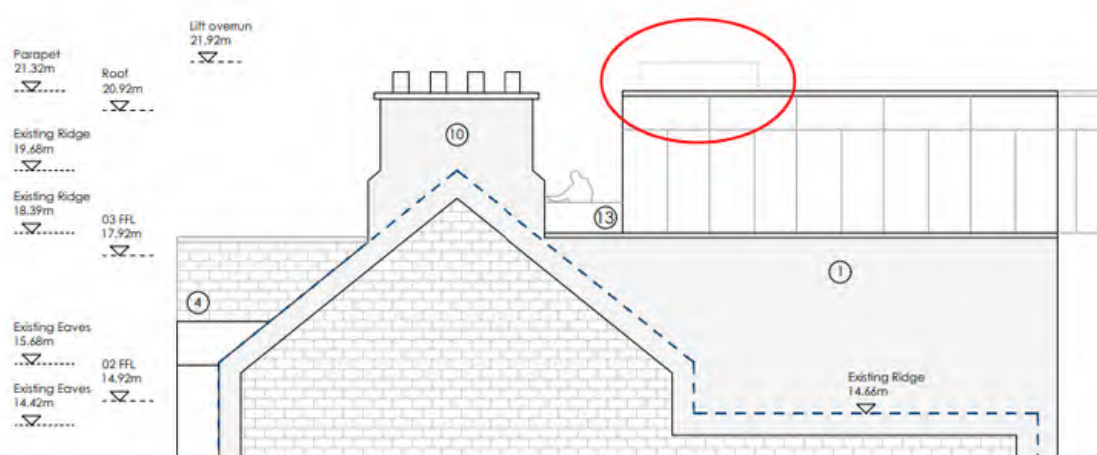
Planning Consideration



Planning Massing

Revised Massing

It is acknowledged that there has been some set back on the upper levels, the plant has been removed from the 5th level and a small area of the 4th level has been designated for plant. Only the lift overrun remains at the 5th level. This appears as a dotted/shadow weight line on MSN-ZZ-DR-A-20-022 Rev A, and as previously pointed out these higher elements should be shown as solid linetypes. The amended plans do show the set back pushed further back into the site, the building still steps up in line with the chimney and not the actual roofline and will be seen from views along main Street in both directions, this would be incongruous in the street scene, contrary to the photomontages which again have an ethereal effect on the montages and would, if permitted, set an unwelcome precedent along the remainder of the terrace.



Lift overrun (circled) indicated by a dotted line

When the proposal is viewed from Valentia Place, again as previously discussed it is difficult to determine where the context is taken from in terms of the scale, massing and bulk from this viewpoint. The rear elevation has also been amended which now features a pitched roof and dormer windows, and while this type of elevation is an improvement to the previous block form, it is still not of an appropriate scale along Valentia Place and is deemed inappropriate in terms of the scale and the impact it would have on the existing streetscape. While it is accepted that there are no consistent eaves height along Valentia Place, the street is predominantly residential and domestic in scale and any proposal would need to be respectful of its context. The proposed eaves heights have been increased from 16.72m to 17.02m, and the ridge from 18.39m to 20.11m. The current eaves and ridge at this portion of the street is shown as 12.21m and 14.75m respectively.

The middle section of the proposal and the rear section onto Valentia Place still take a block form of design. There is nothing of this scale mid terrace along this street and the proposal would be out of character for Newcastle. There has been no attempt to reduce the middle portion of the site in terms of bulk and massing from this view point and it will still have an overbearing impact resulting in unacceptable overshadowing of neighbouring properties. The form is still very similar and is still 3 storey in height and the number of apartments still remains at 14, so no reduction in numbers. The photo

montages within the massing studies document state “We submit that it would not be unreasonable to assume that this building line may continue along the full length of the street and have prepared an image to support this”. The images show that it aligned with development along that part of Valentia Places, however, this is not what is on the ground at present. Planning have to assess the proposal based on the current built environment, not any future development of adjoining sites and the buildings along this part of Valentia Place are currently domestic in scale.

Built Heritage

HED were reconsulted with the amended plans and responded on 12th June 2025, requesting revised massing studies, raised concerns about the plant on the 5th floor and raised concerns about the eaves heights of the buildings on Valentia Place and references that the application is assessed based on the current built environment and not a notional future. They remain of the view that the wider setting is impacted by the poorly scaled and poor design choice to insert a large-scale development (in relative terms) into the terrace and terrace backs. While each case is considered on its own merits, such a proposal would be an undesirable precedent for the town.

The agent responded on 21st August 2025 by providing an updated massing study and a letter from Consarc Conservation Architects rebutting the points made by HED in relation to Technical Matters – Photomontage and Methodology, Application of Policy BH11 - Assessment of ‘Setting’, Valentia Place Key Heights, Scope of HED’s Statutory Role, Weight Given to Townscape Commentary. The agent also submitted a method statement in relation to the setting up of the photomontages for the proposed scheme on 8th September 2025.

HED were reconsulted and responded

1. We note the refinements and methodology submitted. Note, the methodology is entitled for an alternative project.

2. Setting: we refer the agent to our setting guidance for wider definition of setting which is the surrounds in which a building is appreciated. Guidance on Setting and the Historic Environment | Department for Communities The request for information to date has been to enable a clear assessment on this setting.

3. An additional view was requested but not provided. The following google views of the proposal are required:

“Further examination of the site and the scale of the proposal should be included in any updated photomontages – see also below Google maps view from the junction of Valentia Place and Bryansford Gardens. (See also 3 below). A listed building will be appreciated ‘in the round’ and while this may not be a key view of the building, the lower domestic terrace forms part of the setting within the town.”



4. The agent has referred to the HED role and remit and the weight of HED comment on townscape in their summary letter. HED would respond by reference to point 2 above.

5. From our previous response "Regarding the removal of the plant from the 5th level, and an area designated on the 4th level, HED questions how this has been reduced to a large degree while servicing the same building size, and why the plant no longer requires free air circulation (as it is now fully contained). See also 'Other informatives' below." We welcome clarification on this point.

Upon receipt of further visuals, HED anticipate they will be in a position to respond definitively.

HED remain of the view that such a proposal would be an undesirable precedent for the town. On this basis the second refusal reason still stands. HED would also like to have it noted that the church AND rear hall are included under this listing, so the rear Valentia Place view is material to the setting of the listed building.

Taking all of the above into account, including the amended plans and further information from the agent, along with the continued objection from the neighbour, the amended plans put forward by the agent would not be enough to overcome the scale, massing and design, the residential amenity issues and natural & built heritage issues of the proposal. Appropriate weight had previously been attached to the economic

considerations as set out in the SPPS in the initial case officers report, but on balance they do not outweigh the other planning concerns mentioned in this addendum report.

Recommendation: Refusal

Refusal Reasons:

1. The proposed development, by virtue of its overall scale, massing, design and overdevelopment of the site, would have unacceptably harmful effect on the character and appearance of the local area, which is a recognised tourism asset and designated AONB. In addition, the proposal would harm the amenities of nearby residents, having an overbearing impact and resulting in unacceptable overshadowing. As such, it conflicts with the SPPS and policies TSM7 and TSM 8 of PPS16, Policy DES 2 of PSRNI and Policy NH6 of PPS2.
2. The proposal does not satisfy the policy requirements of PPS6 BH11 (a) 'the detailed design respects the listed building in terms of scale, height, massing and alignment' as the height and massing of upper levels are considered to have an adverse impact on the quality and character of the setting to Newcastle Presbyterian Church. Requested 3D Views have not been provided.

Informative

The plans to which this refusal relate include:

Site location plan - MSN-ZZ-DR-A-10-000

Proposed Ground Floor Plan - MSN-GF-DR-A-20-000

Proposed Roof Plan - MSN-RF-DR-A-20-002 – RevA

Proposed Elevations (West & North) - MSN-RF-DR-A-20-021 – RevA

Proposed Elevations (East & South) - MSN-RF-DR-A-20-022 – RevA

Proposed Site - Block Plan - MSN-ZZ-DR-A-10-002 – RevA

Proposed Upper Floor Plans - MSN-ZZ-DR-A-20-001 – RevA

Existing & Proposed Elevations (East & West) - MSN-ZZ-DR-A-20-020 - RevA

Case Officer Signature: C Moane

Date: 28 November 2024

Appointed Officer: B.Ferguson

Date: 11/12/2025

The above application has been scheduled for approval at the committee meeting on 14th January 2026.

We feel that our concerns raised throughout the application process have not been addressed and we would ask the Committee to hear these once again and ask the applicant to readress their proposal.

Having studied the plans available on the planning portal, we feel that we must formally come on record with our concerns.

Initially, with regard to the party boundary between the application site and no.57, there currently exists a south facing window. This is located into the main hallway of the first floor apartment in no. 57, on the first floor landing of the rear return. The proposal intends to build directly in front of this window and along the party wall. Illustrations and photographs have been included at the end of this representation. We find this completely unacceptable, and would ask that a more considered response to existing site restraints is tabled.

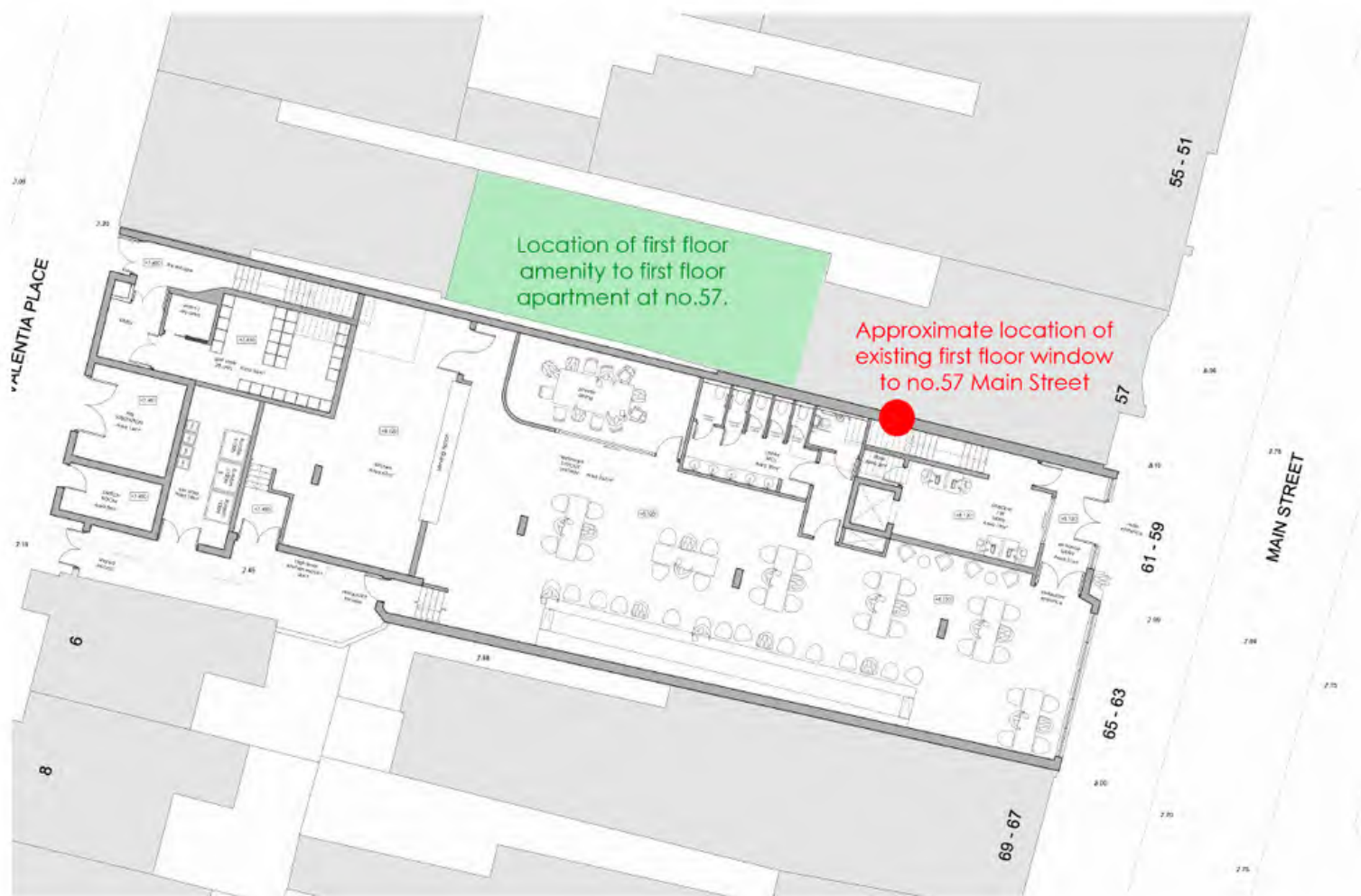
Additionally, the first floor flat roof to the rear of no.57 is accessible via the rear apartment bedroom and is used as an amenity space for the occupants of no.57, accessed via the rear bedroom door. The proposal for this 4 storey building will significantly overshadow both the amenity space and the rear facing bedroom, both of which avail of a significant amount of southern and western light for a high percentage of the day. The proposal would feel overbearing and extremely dominant in scale, in comparison to all of the buildings in the immediate and greater surrounding area. We feel that a development of this scale is grossly out of character, and the proposal should be significantly reduced to pay greater consideration to those buildings around it.

Our objection, in general terms, is to this application in its current form. It is contrary to SPPS in that it does not safeguard the existing residential environment and we would appreciate if you could consider these concerns when assessing the application.

We would appreciate if the committee would consider these objections and and ask the planning department to take another look at this proposal which we believe is completely out of character in the area. We are not in objection to the development to the site at all, but feel the scale of the proposal is not in keeping for a two storey dwelling in this location.



Approximate location of existing neighbours window along boundary condition, and existing amenity space.



Window at first floor located on boundary wall to application site.

Speaking Note

168

Main Street, Newcastle – LA07/2023/2585/F

January 2026

Thank you Chair and members for the opportunity to address you today. With me is Brian Madden from Consarc, the project architect.

Newcastle is a key tourist asset in the Council area, and the applicant embraced the opportunity the site offers for tourism and regeneration in the town.

We started this application process with a PAD with the Council in April 2022. HED were consulted during this process.

The site is 82m from Newcastle Presbyterian church within an existing terrace of buildings in the town centre that run from the church and past the application site along Main Street. The church has sat within this context for a number of years. The site is not located in a Conservation Area or Area of Townscape Character.

During the PAD HED recommended that the elevation onto Main Street be reduced from 4 storeys to the current height, and the rhythm of the frontage on Main Street maintained to reduce impact on the setting of the Church and maintain the character of Main Street.

The design was carefully considered to ensure the proposal was sympathetic within the streetscene. HED indicated if this was done this would protect the setting of the church under Policy BH11 of PPS6. Care was therefore taken to ensure that the principal façade of the proposal reflected the key architectural features evident along Main Street to result in a coherent, legible and contextually responsive scheme.

The external design drew inspiration from the architectural styles of Main Street. This includes repetition of projected bays, bonding, tall chimneys and provision of dormer windows. The ridgeline and eaves of the building also replicated those on the Main Street frontage to ensure visual coherence. Setbacks were introduced at key points to address potential impact on neighbouring properties.

In support of the submission 3D views and contextual elevations were provided to demonstrate how the development would appear in context. No specific viewpoints were requested by HED at PAD stage on the basis that the only changes required to comply with PPS6 were the amendments to the Main Street elevation.

The applicant has made further design changes to address officer feedback during the application. This has included reduced upper floor levels, relocation of roof top plant

internally at third floor level, increased setbacks at upper levels; and the introduction of roof dormers to the rear elevation along Valentia Place along with height reductions at this part of the site. This has resulted in a development that fits more sympathetically within the streetscene and responds to the changing scale between Main Street and Valentia Place.

Despite addressing the HED comments in the original submission, they have continued to request information to come to a determination on the application. To date, no substantiated evidence has been provided to demonstrate that the proposed development would materially harm the setting of the listed Newcastle Presbyterian Church. References have been made by HED regarding visibility and streetscape, but without a clear link to how the proposal would affect the church's architectural or historic significance.

We consider that the information within the application package clearly demonstrates that in addition to the separation distance and intervening built form between the application site and the church, the proposal will not visually dominate the streetscene or how the church is experienced within the streetscene.

The further information requested by HED is not considered necessary and is being sought in order to find a viewpoint that makes their case for the development harming the setting of the Church. The viewpoints provided already demonstrate the acceptability of the development in relation to the church setting; and the HED concerns from the PAD, which were fundamental in determining the applicant's decision to proceed with the submission of an application.

In addition to the design changes and reductions to the proposal, there are key considerations for members to take into account in the determination of this application. The additional tourism accommodation and offer will improve the mix of accommodation available in the town centre along with the investment potential and the job creation.

It will also support the Council's recently launched programme to expand tourism accommodation across the Borough and address the recognised a shortage of hotel accommodation. These benefits align directly with the policy objectives set out in Policy TSM 1 of PPS 16.

The development has been amended to address concerns across the application process and the benefits identified support a grant of permission under PPS16. Members are therefore invited to overturn the officer recommendation and grant planning permission.

Thank you for your time.

Delegated Application

Development Management Officer Report	
Case Officer: Catherine Moane	
Application ID: LA07/2022/0773/O	Target Date:
Proposal: Housing development comprising of 4 dwellings and 8 apartments (amended proposal)	Location: Lands at 2 to 10 Killyleagh Street Crossgar
Applicant Name and Address: Desmond Orr 21 Killyleagh Street Crossgar BT30 9DQ	Agent Name and Address: 24 Templeburn Road Crossgar BT30N 9NG
Date of last Neighbour Notification:	06 January 2025
Date of Press Advertisement:	25 May 2022
EIA Determination: N/A The proposal is classified as an urban development project for the purposes of Category 10 (b) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. It does not fall within Schedule 1 nor does it exceed the thresholds within column 2 of Schedule 2 (site area 0.07ha) of the Regulations, being a development on lands less than 0.5 hectares. The development is not located within a sensitive area, therefore an EIA determination is not required by Schedule 2 of the EIA Regulations.	
Consultations: See report	
Representations: Ms Sheila McCombe - 12 Lislea Drive	
Letters of Support	0.0
Letters of Objection	3
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	

Site Visit Report

Site Location Plan: The proposal is located at lands at 2 to 10 Killyleagh Street Crossgar



Date of Site Visit: 22nd June 2022

Characteristics of the Site and Area

The site is located along Killyleagh Street and comprises an irregular shaped plot which fronts directly onto Killyleagh Street. The plot comprises an area of hardstanding tarmac which is level with the road and is defined partially by a white rendered wall. A portion of the land to the west comprises some overgrown grassed area and is lower than the tarmacked area and is defined partly by a close boarded fence and small dwarf wall and metal railings closing the site off. There is a single storey building to the west which is a chip shop and a two storey dwelling to the east which forms part of a row of terraces which vary in height and roof form. To the rear (north of the site) are the two storey dwellings at Lislea Drive and to the west by single storey dwellings along Lislea Drive (all set on slightly lower ground than the site). These dwellings have flat roof side/rear extending elements and have small rear gardens. Opposite the site is a Mazda car dealership and beside it is a petrol filling station with shop. The immediate area is a mixed use with both residential properties and commercial businesses.

Description of Proposal

Housing development comprising of 4 dwellings and 8 apartments.

Planning Assessment of Policy and Other Material Considerations

The application site is located within the village of Crossgar settlement as per the Ards and Down Area Plan 2015.

The following documents have been taken into account:

- Regional Development Strategy
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Strategy for Rural Northern Ireland (PSRNI) – DES 2 – Townscape
- Planning Policy Statement 2 – Natural Heritage
- Planning Policy Statement 3 Access Movement and Parking
- Planning policy Statement 7 Quality Residential Environments
- Planning Policy Statement 7 Addendum Safeguarding the Character of Established Residential Areas
- Planning policy Statement 12 Housing in Settlements
- Planning Policy Statement 15 Planning and Flood Risk
- Ards and Down Area Plan 2015

Associated Guidance –

DCAN 8 Housing In Existing Urban Areas

DCAN 15 Vehicular Access Standards

Parking Standards

PLANNING HISTORY

Enforcement

Application Number: R/2007/0056CA

Decision Date: closed

Proposal: Operational Devt

Planning

Application Number: R/1973/0118
 Decision: Permission Granted
 Decision Date: 07 February 1974
 Proposal: Rebuilding of Shop Premises.

Application Number: R/1974/0742
 Decision: Permission Granted
 Decision Date: 20 January 1975
 Proposal: Erection of temporary unit

Application Number: R/1989/0084
 Decision: Permission Granted
 Decision Date: 24 August 1989
 Proposal: Change of use of lock up garages to shop

Application Number: R/1989/0377
 Decision: Permission Granted
 Decision Date: 06 March 1990
 Proposal: Conversion of lock-up garage to hot food bar

Application Number: R/1991/4007
 Decision: Permitted Development
 Decision Date: 01 March 1991
 Proposal: Velux windows for W Thompson

Application Number: R/1992/0260
 Decision: Permission Granted
 Decision Date: 29 April 1992
 Proposal: Alterations and extension to dwelling

Application Number: R/1994/0519
 Decision: Permission Granted
 Decision Date: 17 October 1994
 Proposal: Change of use from Drapery Shop to sit in restaurant

Application Number: R/1995/0857
 Decision: Permission Granted
 Decision Date: 20 September 1996
 Proposal: Change of use from existing factory shop premises to car showroom with store area in basement

Application Number: R/1998/4042
 Decision: Permitted Development
 Decision Date: 07 May 1998
 Proposal: Alterations to rear of dwelling to include addition of new boiler house (finishes to match existing dwelling)

Application Number: R/1998/4044
 Decision: Permitted Development
 Decision Date: 07 May 1998
 Proposal: New window and door openings to rear elevation and addition of boiler house (finishes to match existing dwelling)

Application Number: R/2009/0474/F
 Decision: Permission Granted
 Decision Date: 03 December 2009
 Proposal: Change of use from dwelling to restaurant including increase in ridge height and extension to rear.

PUBLICITY & CONSULTATIONS

Objections & Representations

In line with statutory requirements neighbours have been notified on 06-01-2025. The application was advertised in the Down Recorder on 01-06-2022.

REPRESENTATIONS

Ms Sheila McCombe 12 LISLEA DRIVE

Two letters of objection have been received by the occupant of No 12 Lislea Drive, with Cllr Andrews also submitting an email to support Ms McCombe. The main point of her objection are:

- She is at a lower level – building will cause overshadowing and loss of light and block sunlight
- Proposal is in close proximity to her property
- She will be looking at the gable end and this will severely impact on her
- Her sunroom is not shown on the plans and this was the whole purpose of having a sunroom
- Impacts on sewerage in Crossgar
- Impact of flooding
- Devalue her home and it would impact on her health and well being

The applications have been read in full and will be addressed through this report either through the consultation process or assessment.

Consultations

NI Water – No objections final response 28-11-2025

DFI Roads – No objections providing Planning are content that there will be no intensification of the access and are content with the off street parking provision.

NIEA – Water Management Unit – No objections subject to NI Water response

Environmental Health – No objections (taken the objection into account)

DFI Rivers – PDE Response required – NI Water now offering no objections to the proposal.

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

- Policy Context and Principle of Development
- Layout and Quality of Development
- Open Space and Residential Amenity
- Access Movement and Parking
- Other Matters

Policy Context and Principle of Development

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

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

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

This policy therefore provides broad support for the principle of this residential development subject to operational policies.

Proposal

The application was initially submitted for 6 dwellings and 6 apartments. The agent was advised that the scheme was

- Over development of the site – contrary to QD1 of PPS 7,
- Overshadowing and loss of light for the resident of 12 Lislea Drive – (who has objected)
- Apartment 6 potential to block light from apt 2 and dwelling 2
- No amenity space for any of the apartments
- Design along the frontage – narrow frontages with design of underpass and rhythm of roofline inappropriate to the streetscene.
- Loss of No 10 to 2 dwellings seems inappropriate
- Lack of Parking

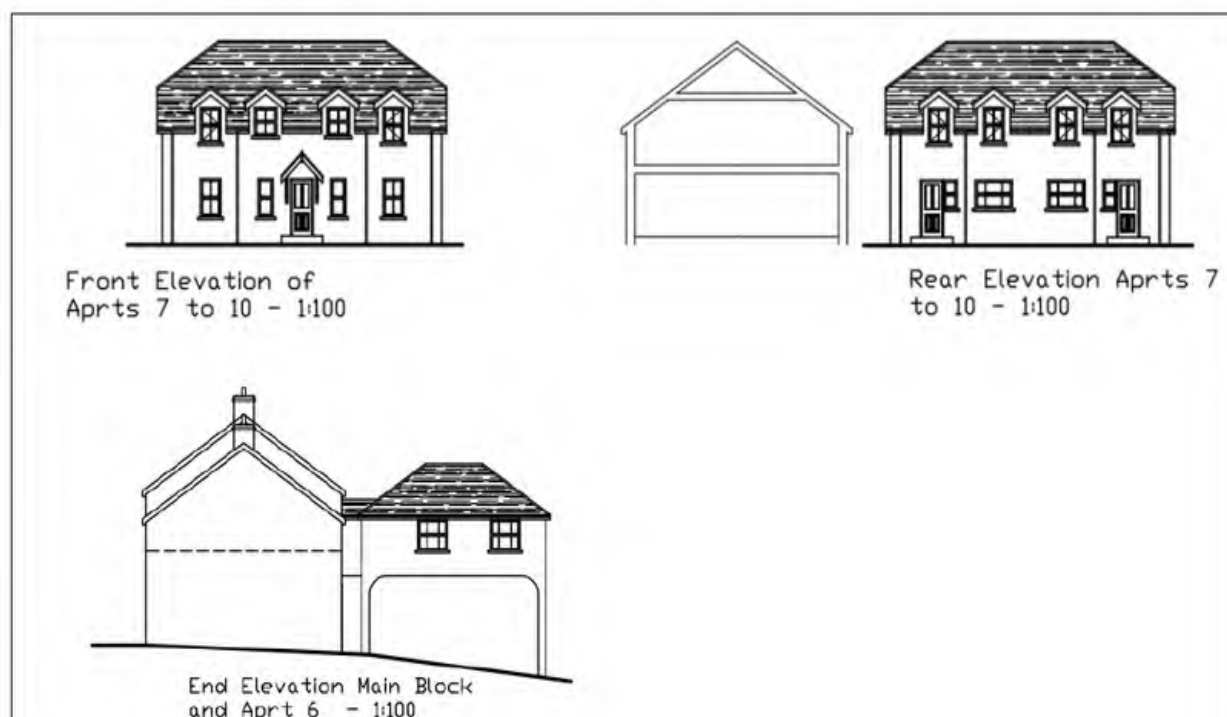


Initial submission

A further amendment and set of plans was received in April 2024, which still had the underpass and was still deemed to be inappropriate. However, while the third set of plans were not formally requested, they were submitted in the interim of sorting out information regarding consultee input. These plans were formally submitted and form the basis of this consideration.

Proposal plans





Planning policy Statement 7

Planning Policy Statement 7 Quality Residential Environments (PPS7) sets out planning policies for achieving quality in new residential development. Policy QD1 of PPS7 states that in established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas. Notwithstanding the strategic objective of promoting more housing in urban areas, paragraph 1.4 of PPS7 states that this must not result in town cramming. It adds that in established residential areas the overriding objective will be to avoid any significant erosion of the local character and the environmental quality, amenity and privacy enjoyed by existing residents. Policy QD1 thereof states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable environment.

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 current proposal seeks permission for the erection of 2 dwellings and a block of 2 apartments along the frontage of the site separated by the access with a further 2 dwellings to the east of the site (replacement of No 10 with two dwellings). To the rear is an

upper floor of apartment with parking on the ground floor and a further block of 4 apartments to the rear. The ridge heights of the buildings along the front vary in height from 8.3m to 9.4m, with gable depths of 8.9m, with the block to the rear approx. 7.3m ridge height.

As part of the proposal access to the site is gained via a singular access point which has a turning head with parking below apartment 3 and in front of the 4-apartment block to the rear and more parking to the rear of dwellings 3 & 4.

DCAN 8 indicates that for a site to be successful backland development it must have appropriate plot depth and configuration. DCAN 8 states 'Backland development on plot depths of less than 80m is unlikely to be acceptable, except where the existing urban grain is very urban in character, and where careful design can overcome concerns of overlooking and daylighting. The overall plot depth is less than half of the recommended 80m at 33m. It is recognised that the two storey dwellings with single storey rear returns already existing at Lislea Drive have very limited rear gardens, however, prior to the submission of the application, there was over 28m separation distance with No 10 Killyleagh Street to these dwellings, so no issues of overlooking. These dwellings have existed for quite some time and while every application should be assessed on its individual merits, there would be no reason to replicate such low standards again. While the urban grain is tighter at Lislea Dive, it would not be sufficiently tight to overcome concerns regarding residential amenity and character and to allow for a lesser plot depth. There is a 6m separation distance between the property of No 12 Lislea Drive and apartment block 6 & 8, with approx. 1.2m to the common boundary.

The acceptability of the overall proposal is dependent on the site layout and development concept with particular regard to the proposed amenity space and in-curtilage parking provision.

On the basis of the above, the proposal does not respect the surrounding context as the layout fails to present a quality residential environment and will result in unacceptable damage to the local character through over development and inappropriate scale, massing and design. The proposal is contrary to criterion (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;

There are no issues with regard to features of archaeological interest and built heritage or landscaping 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;

Criterion (c) 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 supplements policy on this issue and explicitly mentions '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. The dwellings are all three bedrooms and propose 74sqm, 56sqm, 55sqm, 54sqm, so while less than the 70sqm all four are greater than the 40sqm and given this more higher urban grain, this level would be deemed to be acceptable.

In terms of the apartment development 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. Approx. 138sqm of communal amenity space has been provided and while it is slightly removed from apartments 1 & 3, it is considered communal and would meet the guidance. Consideration is also given that the apartment buildings are in close proximity a green space and playpark. In consideration of the urban context including village location, it is considered the proposal would comply with criteria c in terms of private amenity.

There are presently no landscape features on the site. The scheme itself is dominated by building, carpark spaces and the access road with turning head, and fences to try to make the amenity space for dwellings 4 & 5 private. There is no landscaping to help soften the overall development.

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

This is a small scale proposal.

(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 is located within the settlement limit of Crossgar, there are no issues with regard to walking and cycling and provision of public transport is already in place within close proximity.

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

The requirement for adequate provision for parking is also set out in Policy AMP7 of PPS3. Policy AMP7 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The policy goes on to state that the precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to published standards or any reduction provided for in an area of parking restraint designated in a development plan. There would be a total of 14 parking spaces accommodated within the development site to the rear and an additional 5 spaces are indicated immediately along the front of the site, this land is within the red line and no other interested landowners have been served notice. However, as this would form part of the existing street parking anyone could park along these spaces. Based on DoE parking standards the figure should be 17spaces - 10@1.25spaces (1 bed/bedsit) and 4@1.75 (3 bed terrace house)). This quantum of parking would not meet the normal car parking standards espoused in Creating Places.

Specific factors, which go beyond those in planning policy AMP7 (listed above), are set out in DCAN 8 to determine the appropriateness of reducing the level of car parking provision in existing urban areas. These are whether:

A reduced level of car parking provision may be appropriate where:

- a site enjoys a high level of pedestrian accessibility to local facilities and the public transport network. This is likely to include sites within 10 minutes walking distance (c. 800 metres) of a town centre or significant district centre which is well served by buses or local rail stations;
- the townscape character of the area surrounding the site would be undermined by in-curtilage parking; or
- car ownership among future residents is likely to be below average. This could be the case in respect of social housing or housing for elderly people. The agent has not submitted anything further to justify this reduction in parking, no surveys have been carried out.

The agent has not provided any form of justification for the lower level of parking, no parking survey has been done to date. On this basis there is inadequate parking for the proposal and is contrary to criteria (f).

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

This is an outline application, however, the agent has formally submitted floorplans and elevations to be considered. The development has narrow frontages with the building going to 3 storeys in height while there has been some improvement in the variation of the roofline from the initial submission, this higher building is out of place along this part of the street and impacts negatively on the rhythm of the roofline and is inappropriate in the streetscene. No details of the material and finishes have been provided, however, to continue the street scene there would need to be buildings with slate roof finish with removal of dormers (nothing like this along this part of Killyleagh Street. The materials and finishes could be dealt with by way of a negative condition if the Council were minded to approve, but the design would need to be improved.

(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 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.

Guidance contained in paragraph 7.16 of Creating Places which states "Where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary".

While the apartment block (apartments 5-8) would not have a back to back relationship with the two storey properties from 10-16 Lislea Drive, the proposal would create an unacceptable outlook for the neighbouring properties. Given that these properties currently enjoy a south facing garden and given the proximities to the northern (of site) party boundary, the proposed apartment block (5-8) would overshadow, cause a loss of light and would be visually intrusive where the design and layout will detrimentally effect the living conditions currently enjoyed by adjoining neighbours in particular Nos 12 Lislea Gardens. In this regard weight is also attached to the objectors concerns. Apartments 7 & 8 would have habitable living accommodation on the first floor, this would also impact and overlook on the neighbours at 14 Lislea Drive (and a lesser extent 16 Lislea Drive) given the close proximity to ground floor windows and their private gardens. Similarly because of the close proximity to the party boundary, the upper floor bedroom windows

of apartments 7 & 8 would overlook into No 10 Lislea drive and the single storey properties 2- 6 along the western side of the site which are on lower ground, and less than the 20m recommended by Creating Places. The proposal is contrary to criteria (h).

(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

Consideration must also be given to the Policy LC1 of Addendum to PPS 7 which states that 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 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 dwellings units and apartments are built to a size not less than those set out in Annex A.

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.

The established residential area comprises mainly terraced dwellings in blocks of 4 as part of Lislea Drive and along Killyleagh Street both two storey and single storey, set in a range of plot sizes. The site would have a density of 70 dwellings per hectare (including apartments). Lislea Drive to the rear would have a lower density of 44 houses per hectare, and the dwellings along Killyleagh Street would have a density of 44 dwelling. The proposed density would be significantly higher than that found in the established residential area when taken as a whole.

In consideration of the above the proposal, the proposal would not be in keeping with the overall character and environmental quality of the established residential area. It would fail to comply with criteria B.

In consideration of criteria C of APPS, proposed (1 bedroom apartment 2) has a floorspace of 33.2m² which would not comply with Annex A of APPS 7 which indicates all 1-person/ 1-bedroom units should have space standards meeting between 35/40m². Apartment 7 & 8 have a floorspace of 38m² which just meets the standard. Dwelling 4 has a floorspace of 73.3m² the standard for a 3 bed dwelling two storey dwelling should be 80/85m².

The proposal would not meet this in its entirety.

Annex A: Space Standards

Space Standards ³			
Type	Single Storey / Flat (m ²)	Two Storey (m ²)	Three Storey (m ²)
1-Person / Bedsit	30/35	-	-
1-Person / 1-Bedroom	35/40	-	-
2-Person / 1-Bedroom	50/55	-	-
3-Person / 2-Bedroom	60/65	70/75	-
4-Person / 2-Bedroom	70/75	75/80	-
4-Person / 3-Bedroom	75/80	80/85	-
5-Person / 3-Bedroom	80/85	90/95	95/100
6-Person / 3-Bedroom	85/90	95/100	100/105
6-Person / 4-Bedroom	90/95	100/105	105/110
7-Person / 4-Bedroom	105/110	115/120	115/120

(Extract from DSD's Housing Association Guide 2009: Design Standards)

The scheme as a whole would, in the context of its immediate surroundings would appear incongruous in the street scene, in terms of the narrow frontages of buildings. Thus, the resulting pattern of development would not be in keeping with the overall character and environmental quality of the established residential area and that consequently, the proposal would offend criterion (b) of Policy LC 1. The proposal would not meet part c of LC 1 in its entirety.

Policy DES 2 of the PSRNI

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. For the reasons given above, the proposal would be contrary to DES 2.

Planning Policy Statement 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's biodiversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the checklist. Therefore the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) has been considered. Informal consultation took place with SES on the basis that NI Water can serve the proposal and connection to foul sewer is possible, there can be no conceivable effects on any European sites.

In consideration of protected and priority species, given the level of hardstanding on the site and the site being void of any landscape features, no issues were identified that would reasonably require additional survey information. It is considered therefore that the proposal comply with policies NH 1-5 of PPS 2.

PPS 3 – Access, Movement and Parking – Policy AMP 2

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 Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development;
- the character of existing development;
- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;
- the location and number of 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.

DFI Roads have been consulted and have no objections to the proposal, this is on the basis that there is no intensification of the access and planning are content with the use of on street parking. They also note that the development will not be adopted by the Department and will remain private.

On the existing site layout, the agent has indicated that this is an existing car sales lot with space for 18 spaces, however, google streetview does not show any cars parked here Sept 2025. April 2023 nor April 2022, in Oct 2010 there was a building on this site which appears to have sold cars – 'Prestige cars'. No further information has been submitted to indicate that this is not an intensification of the existing access and in the absence of further information or evidence of the last established use, the proposal would be contrary to AMP 2.

While AMP 7 allows for a reduced level of parking in certain circumstances. On this basis there is inadequate parking for the proposal and an inadequate access provided to serve the proposal. The proposal is contrary to AMP 2 and AMP 7.

PPS 15 Planning and Flood Risk

PPS 15 (Revised) – Planning and Flood Risk adopts a precautionary approach to development in areas susceptible to flooding. DFI in their consultation responses dated 17/06/2022, 08/01/2025, and 14/04/2025 have considered proposals under policies FLD 1 – FLD5, policies FLD 4 and 5 are not relevant to the site.

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

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record, in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply

FLD 3 states that the Drainage Assessment demonstrates that adequate measures will effectively mitigate flood risk. In carrying out the drainage assessment (refer to Annex D of the Revised PPS 15: Assessing Flood Risk and Drainage Impact) the applicant should acquire from the relevant authority evidence that the proposed storm water run-off from the site can be safely discharged. A drainage assessment was submitted on 16/10/2025. DFI Rivers had requested a PDE from NI Water. A response from NI Water was returned to planning 01/12/2025 from NI water who have now approved the scheme and have no objections.

The proposal complies with FLD 1-5 of PPS 15.

Conclusion

Based on careful consideration of all the relevant material planning considerations including the objection from No 12 Lislea Drive, it is contended that the application does not meet the planning policies as outlined above and permission should be refused based on the refusal reasons below.

Refusal Reasons:

1. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Policy QD1 (a) and (h) of Planning Policy Statement 7 (PPS7): Quality Residential Environments, and Policy LC1 (a) (b) and (c) of the Addendum to Planning Policy Statement 7; Safeguarding the Character of Established Residential Areas, and

DES 2 of A Planning Strategy for Rural Northern Ireland, in that development does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of design, layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surface areas and as it is considered overdevelopment of the site and an unacceptable form of backland development.

- 2. The proposal is contrary to the Strategic Planning Policy Statement (SPPS) and Criterion F of Policy QD 1 of PPS 7: Quality Residential Environments, and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 7, in that there is inadequate and inappropriate provision for parking within the scheme.
- 3. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the existing access is unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Informative

The plans to which this refusal relate include:

Site location and site plan – D01

Floorplans – D02

Elevations – D03

Neighbour Notification Checked	Yes
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Summary of Recommendation - *Refusal*

Case Officer Signature: C. Moane	Date: 04 December 2025
Appointed Officer Signature: B.Ferguson	Date: 04/12/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Planning Committee Schedule of 14th January 2026

Planning reference: **LA07/2022/0773/O**

Proposal: **Proposed Housing Development comprising 4 Dwellings and 8 Apartments**

Applicant: **Mr Desmond Orr**

Recommendation: Refusal

Refusal Reasons:

No1 The proposal is contrary to the SPPS and Policy QD1 (a) and (h) PPS7: Quality Residential Environments, and Policy LC1 (a) (b) and (c) of the Addendum to PPS 7; Safeguarding the Character of Established Residential Areas, and DES 2 of A Planning Strategy for Rural Northern Ireland, in that development does not respect the surrounding context and is considered inappropriate to the character and topography of the site in terms of design, layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surface areas and as it is considered overdevelopment of the site and an unacceptable form of backland development.

No2. The proposal is contrary to the SPPS and Criterion F of Policy QD 1 of PPS 7: Quality Residential Environments, and PPS 3, Access, Movement and Parking, Policy AMP 7, in that there is inadequate and inappropriate provision for parking within the scheme.

No3. The proposal is contrary to PPS 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the existing access is unacceptable for intensification of use and is not in accordance with the standards contained in the Department's Development Control Advice Note 15.

Refusal Reason 1. QD1 (a, respects the surrounding context) and (h, creates conflict with adjacent land uses) Policy LC1 (a, density) (b, pattern of development) and (c, size not less than those set out in Annex A) (DES 2, positive contribution and sensitive to character) Backland development.

The site lies within the Crossgar settlement and its last use was for housing and commercial, these land uses have not changed. This is an OUTLINE APPLICATION only and the layout provided was for illustrative purposes only. However, we believe the proposal complies with these policies, the density of 8 plots on plan on 1700 sq m (212sq m per plot) is a lower density to blocks 17 to 25 and 31 to 43 in Lislea Dr which have 7 or 8 plots on 1200 sq m (150sq m per plot). Even at 12 units the density is 141sq m per plot, similar to block 17 to 25 in Lislea Dr. Adjustments have been made to ensure all apartments are now greater than 35 sq metres, whilst ensuring the dwellings are also over 80sq metres.

Killyleagh St has a wide variety of mixed residential and commercial properties consisting of single storey, two storey and 3 storey buildings. This development mirrors the architectural style and size of building in the local area extending along Killyleagh St and Downpatrick St. The buildings immediately to the north, south and east of the development are two storey in height. The development will blend in with the local pattern of development and will improve this vacant site whilst providing much needed accommodation. We believe this does not represent backland development but continues the style of development in place at many parts of Killyleagh St. The site is shown in green on the attached map below, red indicates other developments in the areas behind the main properties on Killyleagh St. The separation distance of 10m from the boundary complies with creating spaces. Only one objection was received and in response the building at that location was reduced in height and has no window towards that boundary.



Refusal Reason 2 Criterion F of Policy QD 1 of PPS 7: and PPS 3, Policy AMP 7, inadequate and inappropriate provision for parking. DFI Roads have no objection in principle to this application. Access and parking layout is to be constructed as per drawing no. Site Plan D01 published on 30/10/24. The development is located within walking distance of buses to Downpatrick, Saintfield, Ballynahinch, Annacloy and Killvleagh, reliance on transport by cars is low. We believe that the application complies with these policies. We believe the parking is adequate, the original development consisted of 3 dwellings and a car lot. There were 18 spaces within the car lot and 2 on street spaces for each of the original dwellings, totalling 24, the proposed development requires 17 (10 for the apartments and 7 for the dwellings). The proposed parking within the development is 14 so the number of off-street spaces are reduced by 4, from 18 for the car lot to 14. Only 3 street parking spaces are required though 5 are available across the frontage. One of the spaces has been changed to a disabled parking bay; a ratio of 1:18 is within recommended guidance.

Refusal Reason 3 PPS 3, Policy AMP 2, in that it would, prejudice the safety and convenience of road users since the existing access is unacceptable for intensification of use and adequate and appropriate provision is made for parking. The case officer's report states that there **may be** intensification of the entrance. In the same way we described for adequate parking above we believe there is no intensification. There were 18 spaces within the car lot and the proposed parking within the development is 14 so the number of off-street spaces are reduced by 4, from 18 for the car lot to 14. When used as a car sales and car storage, cars were continuously moved through sales, servicing, test drives, cleaning and transfers to other areas, many more movements than the proposed development.

Other Agencies

The proposed site meets with other considerations by other consultees and agencies -

NI Water – No objections final response 28-11-2025

DFI Roads – No objections providing Planning are content that there will be no intensification of the access and are content with the off street parking provision.

NIEA – Water Management Unit – No objections subject to NI Water response

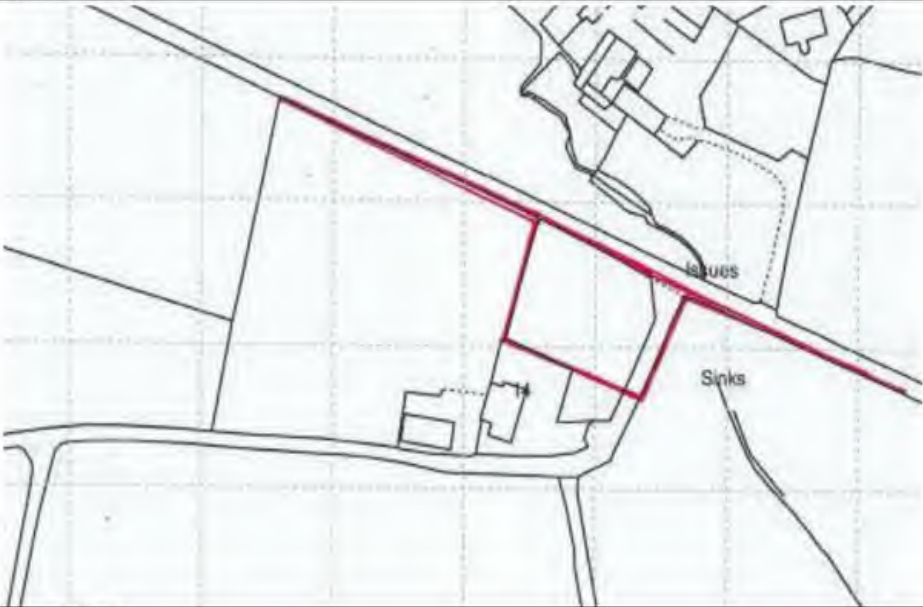
Environmental Health – No objections.

DFI Rivers – PDE Response required – NI Water now offering no objections to the proposal.

Conclusion The applicant would respectfully ask the Committee to overturn the Officer's recommendation and to grant **OUTLINE PLANNING APPROVAL** for the applied development as the site is capable of housing the development as submitted in accordance the policy and no objections have been raised by consultees and agencies.

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/1036/F	Target Date:
Proposal: Proposed dwelling on a farm	Location: 50m Northeast of 14 McCartans Road, Leitrim, Castlewellan, Down BT31 9BE
Applicant Name and Address: MARK McCARTAN 14 McCARTANS ROAD LEITRIM CASTLEWELLAN BT31 9BE	Agent Name and Address: MARTIN BAILIE 44 Bavan Road Mayobridge Newry BT342HS
Date of last Neighbour Notification:	19 March 2025
Date of Press Advertisement:	2 October 2024
EIA Determination:	
Consultations: • NIEA • NIW • DfI Roads • HED • DAERA • DFI Rivers • Environmental Health	
Representations: NONE	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report														
Site Location Plan:														
														
Date of Site Visit:														
Characteristics of the Site and Area The site is located along the minor McCartans Road Leitrim. The site is comprised of a roadside portion of land approximately 0.25 hectares in size. The site is defined on all sides by hedgerows. It sits slightly above road level and clearly visible on approach along McCartans Road from the south. The site lies immediately adjacent a farm dwelling and shed at No 14 McCartans Road. The site is located within the rural area outside any settlement and within the Mourne AONB as designated in the Ards and Down Area Plan 2015.														
Description of Proposal Proposed dwelling on a farm														
Planning Assessment of Policy and Other Material Considerations <u>PLANNING HISTORY</u> <table><tr><td>Planning</td><td></td><td></td></tr><tr><td>Application Number: Q/1981/0161</td><td>Decision: Permission Granted</td><td>Decision</td></tr><tr><td>Date: 23 March 1982</td><td></td><td></td></tr><tr><td>Proposal: ERECTION OF BUNGALOW</td><td></td><td></td></tr></table>			Planning			Application Number: Q/1981/0161	Decision: Permission Granted	Decision	Date: 23 March 1982			Proposal: ERECTION OF BUNGALOW		
Planning														
Application Number: Q/1981/0161	Decision: Permission Granted	Decision												
Date: 23 March 1982														
Proposal: ERECTION OF BUNGALOW														

Application Number: Q/1985/0385	Decision: Permission Granted	Decision
Date: 22 November 1985		
Proposal: RETENTION OF EXISTING BUNGALOW AND GARAGE		
Application Number: Q/1990/0517	Decision: Permission Granted	Decision
Date: 17 December 1990		
Proposal: 11 kv overhead electricity line		
Application Number: Q/2002/0244/F	Decision: Permission Granted	Decision
Date: 29 July 2002		
Proposal: Erection of replacement dwelling		
Application Number: Q/2003/0477/O	Decision: Permission Refused	Decision
Date: 03 September 2003		
Proposal: Site for single storey dwelling and detached garage		
Application Number: Q/2010/0460/RM	Decision: Permission Granted	Decision
Date: 31 January 2011		
Proposal: Erection of dwelling on a farm		
Application Number: Q/2010/0373/F	Decision: Permission Granted	Decision
Date: 05 May 2011		
Proposal: Proposed change of use of existing non listed vernacular barn to dwelling.		
Application Number: Q/2011/0469/F	Decision: Permission Granted	Decision
Date: 20 July 2012		
Proposal: Temporary retention of mobile home.		
Application Number: LA07/2021/0170/RM	Decision: Permission Granted	
Decision Date: 06 August 2021		
Proposal: Farm dwelling		

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Concept Statement
- Design & Access Statement
- Site Location plan 2729
- Site plan SPL01
- Elevations / Floor Plans PL01

CONSULTATIONS

- NIEA Water Management Unit – No Objection
- NIW No Objections
- DfI Roads No Objections
- HED No Objections
- DAERA Farm is active & established
- DFI Rivers No objections

- Environmental Health No objections

REPRESENTATIONS

NONE

Environmental Impact Assessment

The proposal is classified as an urban development project for the purposes of Category 10 (b) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. It does not fall within Schedule 1 or does it exceed the thresholds within column 2 of Schedule 2 (site area 0.25ha) of the Regulations, being a development on lands less than 0.5 hectares. The development is however within the Mourne AONB, a sensitive area, therefore an EIA determination is required by Schedule 2 of the EIA Regs.

EVALUATION

The proposed development is seeking full planning permission for a farm dwelling.

Section 45 of the Planning Act (Northern Ireland) 2011 requires the Council to have regard to the local development plan, so far as material to the application, and to any other material considerations.

The site is currently within the remit of the Ards and Down Area Plan 2015 as the new council has not yet adopted a local development plan. The site is located outside settlement limits on the above plan in open countryside. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and PPS21.

Strategic Planning Policy Statement (SPPS)

The SPPS states in paragraph 1.10 that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the retained policies together with the SPPS, along with an relevant supplementary and best practice guidance.

Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

The proposal seeks full planning permission for the erection of a farm dwelling within the countryside.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS 21) is therefore applicable. Policy CTY 1 of PPS 21 states that there are a range of types of developments which in principle are considered to be acceptable in the countryside and that will

contribute to the aims of sustainable development. The applicant has submitted the application on the basis that he considers the proposal to comply with CTY 10 of PPS 21.

There is no conflict between the SPPS and Policy CTY 10 of PPS 21, therefore it provides the policy context for the proposal.

Policy CTY 10 of PPS 21 – Dwellings on Farms Policy

CTY 10 states that Planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

- (a) the farm business is currently active and has been established for at least 6 years;
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

In assessment of these criterion it is noted that the applicant has provided a DARD business ID. DAERA have been consulted and have confirmed that the farm business has been in existence for more than 6 years and that single farm payments or other allowances have been claimed in the last 6 years. It is considered, therefore, that criteria (a) have been met.

The applicant has stated on the P1C forms that no development opportunities or dwellings have been sold off since November 2008. The farmland has been checked for any development opportunities. After an inspection of the farm maps, which provide full details of land owned by the farm which accompanied the application, the Council are content there has been no development opportunities have been sold off from the farm holding within 10 years of this application. The application therefore meets policy requirements of CTY10(b).

Criterion CTY10(c) requires that new building is visually linked or sites to cluster with an established group of buildings on the farm and where practical, and access should be obtained through existing lane.

Exceptionally, consideration may be given to an alternative site elsewhere on the farm provided there are no other sites available at another group of buildings on the farm, or out-farm, and where there are either;

- Demonstrable health and safety reasons; or
- Verifiable plans to expand the farm business at the existing building group(s).

The site outlined for the dwelling is sited to the immediate north-east of No 14 McCartans Road and a farm shed. The main farm yard is noted to be further south of the site.

Having considered the red line and its relationship with the existing buildings on the farm, case officers are content that the proposed dwelling would visually link and cluster with a group of buildings on the farm. Current access to the farm is via an existing farm lane which the new dwelling proposes to use.

The application therefore meets policy requirements of CTY10.

CTY13

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

- (A) It is a prominent feature in the landscape
- (B) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (C) It relies on primarily on the use of new landscaping for integration;
- (D) The ancillary works do not integrate with their surroundings
- (E) The design of the dwelling is inappropriate for the site and its locality
- (F) It fails to blend with the landform, existing trees, buildings, slopes or other natural features which provide a backdrop or
- (G) In the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.



The site is located at the roadside as shown above. While McCartans Road falls below the Leitrim Road from which it is accessed the site nevertheless sits slightly above the roadside verge. The proposed site is visually linked and sited to cluster with No14 and the immediately adjacent farm shed. It is not considered however to be prominent in the landscape given the landscape context.

The site does benefit from existing boundary vegetation and a backdrop of undulating farm land to the rear when viewed on approach from Leitrim Road in the south as shown below.



In consideration of the design of the dwelling proposed, the applicant has stated that a 'Pod' type dwelling is preferred, given the low level of accommodation required.



Officers consider that the design of the dwelling proposed is more in keeping with that proposed for holiday accommodation and not a dwelling in the countryside. For this reason the design is not considered to be appropriate for the site and its locality and will be recommended for refusal on this basis.

CTY 14 – Rural Character

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

A new building will be unacceptable where:

- (a) it is unduly prominent in the landscape; or
- (b) it results in a suburban style build-up of development when viewed with existing and approved buildings; or
- (c) it does not respect the traditional pattern of settlement exhibited in that area; or
- (d) it creates or adds to a ribbon of development (see Policy CTY 8); or
- (e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

In assessment of the above, officers consider that the proposed dwelling would if permitted create a ribbon of development, when it is viewed with No 14 McCartans Road and the associated farm shed adjacent. As is evident in the image above.

The justification and amplification section of CTY 8 states that A 'ribbon' does not necessarily have to be served by individual accesses nor have a continuous or uniform building line. Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

Ribbon development is detrimental to the character, appearance and amenity of the countryside and has consistently been opposed and will continue to be unacceptable. A recommendation to refuse this application on this basis will be put forward.

PPS 3 – Access Movement and Parking

The proposal seeks to use the existing access onto McCartans Road. Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where;

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable.

The access and necessary visibility splays can be provided within the site and the land adjacent is controlled by the applicant. Following a consultation with DfI Roads, they have advised, there are no objections to the proposal. It is considered that PPS 3 has therefore been complied with.

PPS 2 – Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the Checklist.

Therefore, the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). In consideration of protected and priority species, no scenario was identified that would reasonably require additional survey information.

The proposal does not involve the removal of boundary vegetation for visibility splays, it would not, therefore, trigger any of the scenarios listed in the checklist which may require survey information regarding bats or other protected species / habitat. It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

Given the sites location within the AONB, Policy NH 6 of PPS 2 is applicable which states that ; Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality 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.

Based on the assessment above, considering the context, siting, design and landscaping of the proposal, it is considered that as the proposal would contribute to ribbon development within AONB it fails to comply satisfactorily with the requirements of Policy NH 6.

TSM 8 Safeguarding of Tourism Assets

As the site is located within the Mourne AONB it is considered that this policy is applicable in that it relates to the impact of development on tourism assets.

Paragraph 7.39 of the J&A and in Appendix 1 Glossary of Terms defines a tourism asset as any feature associated with the built or natural environment which is of intrinsic interest to tourists.

TSM8 states that planning permission will not be granted for development that would in itself or in combination with existing and approved development in the locality have an adverse impact on a tourism asset as to significantly compromise its tourism value.

Given it is has been considered that the proposal would create ribbon development, is not designed appropriately for the site, locality and AONB, it follows that, permitting such a scheme would impact detrimentally on the tourism asset of the AONB. As such the proposal will be recommended for refusal on this basis also.

PPS 15 – Planning and Flood risk

The constraints of the site indicate that it is affected by surface water flooding, consequently officers carried out a consultation with Dr I Rivers who have advised the following

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

FLD2 - Protection of Flood Defence and Drainage Infrastructure – There are no watercourses which are designated under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The site may be affected by undesignated watercourses of which we have no record.

FLD3 - Development and Surface Water – A Drainage Assessment is not required by the policy, but the developer should still be advised to carry out their own assessment of flood risk and

construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

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

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

PPS 6 – Planning, Archaeology and the Built Heritage

The constraints of the site indicate that it is affected by a historic Enclosure. As such officers have carried out a consultation with DfC Historic Environment Division: Historic Monuments to ascertain whether the proposal would have a detrimental impact of these historic features.

DfC HED:HM have advised the Planning Authority that they have 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.

Neighbour Notification Checked

Yes

Summary of Recommendation

REFUSAL

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement 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 (SPPS) and Policies CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development along McCartans Road.
3. The proposal is contrary to the SPPS (NI) and criteria (e) of Policy CTY 13 of PPS 21, Sustainable Development in the Countryside in that the design is inappropriate for the site and locality.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Criteria D of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, create a ribbon

of Development and would therefore further erode the rural character of the countryside.

- 5. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH 6 of PPS 2 Natural Heritage in that it would if permitted have a detrimental impact on the Area of Outstanding Beauty.
- 6. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy TSM 8 of PPS 16 Tourism in that it would if permitted have an adverse impact on a tourism asset (Mourne AONB).

Case Officer Signature: C COONEY

Date: 10 November 2025

Appointed Officer Signature: B.Ferguson

Date: 14/11/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

REQUEST FOR SPEAKING RIGHTS.

Description of the application -

PROPOSED DWELLING ON A FARM 50M NORTH EAST OF 14 McCARTANS ROAD, LEITRIM, CASTLEWELLAN

Proposed decision (including reasons if the decision is refusal) –

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 the development is essential in this rural location and could be located within a settlement.
2. The proposal is contrary to the SPPS for Northern Ireland and Policies CTY8 of PPS 21, Sustainable Development in the Countryside in that it would, if permitted, result in the creation of ribbon development along McCartans Road.
3. The proposal is contrary to the SPPS (NI) and criteria (e) of Policy CTY13 of PPS21, Sustainable Development in the Countryside in that the design is inappropriate for the site and locality.
4. The proposal is contrary to the SPPS for Northern Ireland and Criteria D of Policy CTY14 of PPS 21, Sustainable Development in the Countryside in that the dwelling, if permitted, create a ribbon of development and would therefore erode the rural character of the countryside.
5. The proposal is contrary to the SPPS for Northern Ireland and Policy NH6 of PPS 2 Natural Heritage in that it would if permitted have a detrimental effect on the Area of Outstanding Beauty.
6. The proposal is contrary to the SPPS for Northern Ireland and Policy TSM 8 of PPS 16 Tourism in that it would if permitted have an adverse impact on tourism asset (Mourne AONB)

Set out the valid and credible planning reasons why this application should be referred to Committee (including reference to relevant planning policies) –

Comment on each reason for refusal.

Reason 1. This reason is a general reason for refusal and would be removed if the other reasons were found to be unsustainable.

Reason 2. From the Case Officers report the interpretation of ribbon development is fundamentally flawed. There is reference to ribbon development along McCartans Road but the photograph shows the site from a viewpoint to south east of the site and not to the site frontage. Clarification is sought as to how a building between 14 McCartans Road and the road frontage can be deemed part of a ribbon. This reason for refusal is not sustainable.

Reason 3. The comments on the design are not Policy based but an opinion. The proposed dwelling is small in size but it is appropriate for the locality as many of these types of building are located in the countryside, irrespective of their use. This is not a refusal reason based on Policy but a personal opinion and cannot be sustained.

Reason 4. There is clearly **not a ribbon** of development as stated in my comments on Reason 2.

REQUEST FOR SPEAKING RIGHTS.

Reason 5. With regard to Policy HH6 of PPS2 I am unsure why this Policy is relevant to this particular application. The building is to be used as a dwelling and numerous similar structures have been approved with the AONB. Why is this structure not acceptable irrespective of the end use of the building.

Reason 6. The application under consideration is for a "dwelling on a farm" so why have Tourism policies been introduced. This reason for refusal is not sustainable as it is not relevant to the application.

Set out why this application should be determined by the Committee rather than officers

This application needs to be considered at Committee for the following reasons;

1. Within the Case Officers report it states the application **meets the requirements of Policy CTY10** so the applicant is **entitled to a site**.
2. The Case Officers report then proceeds to state the following "The proposed site is visually linked and sited to cluster with No14 and immediately adjacent farm shed. It is not considered however to be prominent in the landscape given the landscape context" **This clearly states that the site is acceptable.**
3. After these observations which were positive for the application ribbon development is introduced. From my observations of the photograph provided and having visited the site **the interpretation of ribboning is incorrect and needs to be examined by committee.** - IS THE RIBBON ON THE LAINE OR PUBLIC ROAD?
4. After this the design is questioned by the case Officer. As this type of accommodation has been approved in the Mourne as holiday accommodation **then why should an applicant be discriminated against if they wish to reside in such a building as a home. The Committee needs to cross examine Planning as to why this type of structure is acceptable as holiday accommodation and not as a dwelling.**
5. The Case Officer has introduced Policies relevant to holiday accommodation. The Committee must have an opportunity to address **why this is relevant for this application.**

6. DESIGN ISSUES ?

Delegated Application

Development Management Officer Report	
Case Officer: Fionnuala Murray	
Application ID: LA07/2023/2702/F	Target Date:
Proposal: Proposed replacement dwelling house, domestic workshop and associated site works	Location: Land approximately 150m north-west of No.55 Magheraknock Road, Ballynahinch, BT24 8TJ
Applicant Name and Address: William James McCormick 86 Moss Road Ballynahinch BT24 8XZ	Agent Name and Address: Eoin Morgan 29A Central Promenade Newcastle BT33 0AA
Date of last Neighbour Notification:	27.06.2023
Date of Neighbour Note Expiry:	11.07.2023
Date of Press Advertisement:	11.07.2023
Date of Press Expiry:	25.07.2023
ES Requested: No	
Consultations: NI Water was consulted and responded with no objections to the proposal. DFI Roads was consulted and responded to final consultation with no objections. DFI Roads do however note that the A49 Magheraknock Road is a Protected Route outside settlement limits and as such this would need to be an exception to the policy. DFI Rivers was consulted and responded with no objections. NIEA was consulted and responded with no objections.	
Representations: The application was advertised and neighbours notified as detailed above and to date there have been no representations received in relation to the application.	
Letters of Support	0
Letters of Objection	0
Petitions	0
Signatures	0
Number of Petitions of Objection and signatures	
Summary of Issues: There are no outstanding issues as a result of the publicity and consultation process.	

Site Visit Report
Site Location Plan:

Date of Site Visit: 11.11.2024
Characteristics of the Site and Area The site in question is located off the Magheraknock Road and consists of a couple of buildings located within an area of trees and planting. The buildings are located to the south of a rock outcrop and the lands surrounding are all agricultural. The building in question is a stone linear single storey building. The site is accessed through an agricultural field gate and while there is not a lane a stoned track has been made along the boundary to the north of the agricultural field. The buildings are screened by trees and planting at present however the site is at an elevated position. The site is not located within any settlement development limits as defined in the Ards and Down Area Plan 2015. The site is constrained by an area liable in terms of surface water flooding and the site accesses out onto a protected route. The site is in open countryside of predominately agricultural lands and single dwellings and farm steads.
Description of Proposal Proposed replacement dwelling house, domestic workshop and associated site works

Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

R/2002/0756/O - 140M North of 58 Magheraknock Road, Ballynahinch - Replacement dwelling withdrawn – 24.09.2002

R/1997/0140/O - Between 55 & 65 Magheraknock Road Ballynahinch – Dwelling – withdrawn – 08.04.1997

Consideration and Assessment

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

- The Ards and Down Area Plan 2015.
- Regional Development Strategy (RDS)
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Building on Tradition – A Sustainable Design Guide for the Northern Ireland Countryside.
- Planning Policy Statement 2 Natural Heritage
- Planning Policy Statement 3: Access Movement and Parking
- Planning Policy Statement 15 Planning and Flood Risk
- Planning Policy Statement 21: Sustainable Development in the Countryside
 - Policy CTY 1 Development in the Countryside
 - Policy CTY 8 Ribbon Development
 - Policy CTY 13 Integration and Design of Buildings in the Countryside
 - Policy CTY 14 Rural Character

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 Banbridge/Newry and Mourne Area Plan 2015)

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.

Paragraph 6.73 of the SPPS provides strategic policy for residential and non-residential development in the countryside.

There is no conflict between the SPPS and the provisions set out in PPS 21 CTY 3 with the exception that the SPPS states that a replacement dwelling must be located within the curtilage of the original dwelling.

CTY 3 is considered hereafter which states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

Consideration is given to the type of building seeking replacement and in this instance a building that exhibits the essential characteristics of a dwelling has been presented taking account of the overall form of the building, materials used, openings and room layout and general characteristics to include evidence of a fireplace opening and chimney. The walls of the building are all intact and while it appears there has been some repair work carried out on the building.

The building presented, while clearly of age is not considered to offer key vernacular properties and does not make a contribution visually therefore it is not considered that it necessarily requires retention and on this basis is considered under all replacement cases.



Image above shows the dwelling to be replaced.

The criteria set out in all replacement cases is as follows:

- **the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.**

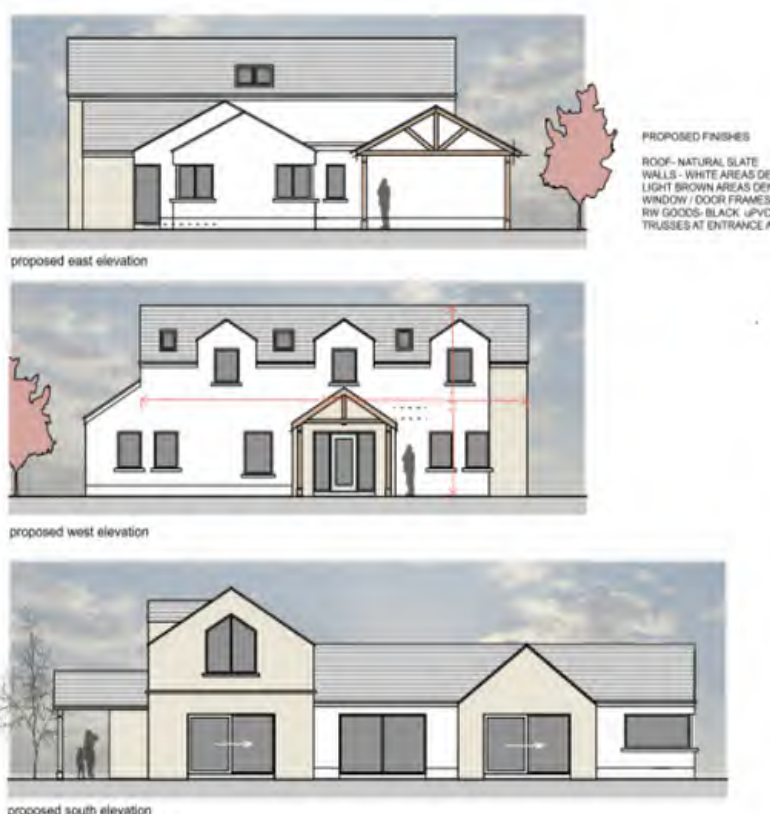


As the above existing and proposed site plan shows the dwelling has been largely placed on the existing footprint of the existing dwelling with an acceptable overlap however the overall curtilage of the site has been increased with the front boundary being moved forward some 7.5m and includes the alteration of a planted boundary losing existing screening and relying on new planting for integration. The curtilage has also been increased to the northern portion of the site to include a parking area for 5 cars and a large grassed area, this is all outside what is perceived to be what would have been the existing curtilage of the dwelling and this large increase in curtilage is not acceptable as it will result in a greater visual impact when all the associated development with an overly excessive domestic curtilage is considered.

In terms of the requirement of this policy the dwelling has been sited within the existing curtilage however the curtilage has been greatly expanded from that of what can be perceived as the original curtilage.

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.

The design presented is not appropriate for the site and does not respect the existing character of dwellings found in the area and will result in a visual impact significantly greater than what exists at present. At present there is an insignificant, modest single storey building on the site that is low set and is for the most part inconspicuous from the road and the dwelling presented will have a visual impact significantly greater than the existing building due to the increase in height with the height being 6.6m from ground with a span of approx.14.8m and in addition to this there is a single storey element to the design with a height from ground being 4.6m and spans 24.5m in length leaving every elevation of the dwelling considerable and excessive.



The extension to curtilage will also increase the visual impact of the dwelling, especially given the front boundary of the site is to be moved forward of the existing boundary and while it is demonstrated that the majority of the existing trees are to be retained the front boundary of the site will require to be redefined, thus increasing the visual impact. Building on Tradition requires the replacement building and make sure it fits comfortably on the original site with the established mature features, the overall design and layout fails to meet these requirements.

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness

The design is shown above and is not considered appropriate for the site or the locality. The design does not meet the design requirements set out in Building on Tradition nor does it replicate or respect any of the existing design elements visible in the local area.

Building on Tradition states that the replacement dwellings should not be of an excessive size in comparison to the original building, given the size of the existing dwelling and taking account of today's living standards the replacement would be accepted to be greater in size and scale and this could be achieved respecting the site and the surrounding context of the area however the scale and design presented is not acceptable, the design is complicated in appearance by way of a mix of design techniques, variations of openings and roof form and taking account of the overall depth of the design the design does not respect the rural context of the area or draw on key design requirements as set out on building on tradition. The design as presented is not of a high quality and is not appropriate to the rural setting.

- **all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.**

At present there does not appear to be services on site to include electric or sewage disposal arrangements. The site is accessed via an existing agricultural field gate. A stoned path has been created to access the replacement. The building does not appear to have been lived in for a considerable length of time. Any formal access has long since disappeared.

- **access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.**

DFI Roads responded on three occasions to consultation, DFI Roads advised in final consultation that they have no objections on the condition that the existing sight splays are retained in perpetuity. DFI Roads also advise that the A49 Magheraknock Road is a protected route and outside settlement limits this would need to be an exception to policy, this will be dealt with later in the report. For the purposes of this policy the access provided is considered satisfactory in terms of AMP 2 in that it will not prejudice road safety or significantly inconvenience the flow of traffic.

This is a new access onto a protected route and therefore is not acceptable against AMP3.

Consideration of CTY 13

Consideration is given to CTY 13 Integration and Design of Buildings in the Countryside and it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. A new building will be unacceptable where:

- (a) **it is a prominent feature in the landscape.**

Taking account of the surrounding lands and the siting of the dwelling within the lands and the additional lands on higher ground to the rear of the site it is not considered that the dwelling design is not acceptable however it is not considered that a replacement dwelling on this site would result in it being prominent in the landscape.

- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape**
- (c) it relies primarily on the use of new landscaping for integration.**

There is existing planting at the site including some more mature trees and a mature hedge row along the field boundary the access is proposed to be taken from. It is considered that there are sufficient natural boundaries at the site at present and planting that could accommodate a dwelling without the reliance of new planting to allow it to integrate however there is concern with regards the change in site curtilage facing the road and the impact this will have in terms of visual impact by opening up the site. It is noted that the proposed boundary will be at a lower level of ground than the boundary that exists at present therefore naturally will not be able to provide the same degree of enclosure as to what exists when taking account of the levels proposed for the dwelling and grounds, the site cannot rely on this planting for screening as is questionable how much screening it will provide to the dwelling.

- (d) ancillary works do not integrate with their surroundings.**

The ancillary works are given consideration and elements of the ancillary works are considered to be acceptable however the level of hard standing and parking areas are considered excessive and unnecessary. The access lane runs along the field boundary which is noted, however, upon approach to the dwelling there is a large hardcore area to the front that leads onto a parking area laid out for formal parking (outside of the existing curtilage) and the lane and area of hardstanding continues to the rear of the property to access garages, along with a further area for parking. The lane also appears to continue on into the lands to the rear of the site, all of which is considered to be excessive and unjustified in terms of extending the existing curtilage. A much smaller area of hardstanding for turning and parking could serve this dwelling thus reducing the overall visual impact resulting from excessive and unnecessary ancillary works which do not integrate with the surroundings.



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

As discussed previously the design is not considered appropriate for the site or the locality, the scale, form and massing of the building are not acceptable at this rural location which will be visible from the public road easily. The design does not respect that of designs found in the rural area and the long facades throughout the building and complicated roof pitches and changes along with a mix of openings and styles throughout the building result in an unacceptable design as discussed previously within the report.

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

The site could in theory accommodate a replacement dwelling however the overall building presented along with the clear and substantial extension to the residential curtilage and the change in levels and cutting into the site will result in works that fail to blend with the existing landform having a much greater impact that what is required to achieve the replacement. The dwelling can and will make use of a backdrop and some existing planting but cannot be considered to blend with the landform.

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

This application is not considered under CTY 10 therefore this aspect of policy is not applicable.

Consideration of CTY 16 Development Relying on Non Mains Sewerage

CTY 16 advises that permission will only be granted for development relying on non mains sewerage where the applicant can demonstrate that this will not create or add to a pollution problem. This area has not been identified as having a pollution risk. The agent has demonstrated the location of a bio disc system within the proposed curtilage of the dwelling and some 19m from the dwelling house with a soakaway contained in lands in blue (owned/controlled). Subject to separate consents the application appears compliant with CTY 16.

Consideration of CTY 14 Rural Character

CTY 14 Rural Character is considered and it 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:

(a) it is unduly prominent in the landscape.

As discussed previously within the report taking account of the context of the land it is not considered that the development of the site would result in undue prominence.

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

Given the location of the site in the rural area, there being a building in existence to be replaced alongside a smaller out building and taking account of the proximity of the site to other development within the surrounding area it is not considered that the character of the area will be altered or result in a suburban style setting when viewed with existing and approved dwellings.

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

It is not considered that the provision of a dwelling on this site, if appropriately designed, would have a detrimental impact on the pattern of settlement exhibited within the area, this stretch of road is characterised by single dwellings or farmsteads being set off the road on single accesses. The essence of this development represents the same.

(d) it creates or adds to a ribbon of development (see Policy CTY 8).

Taking account of development proposed and also the surrounding context it is noted there is not a ribbon of development in existence at this location nor will it result in a ribbon of development should this development take place. This aspect of policy has not been offended.

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

As previously stated within the report the areas of hard standing and overall site layout are not considered acceptable, due to the excessive areas of hard standing and impact on the rural character. The excessive areas of hard standing and built development as opposed to softening with landscaping impacts negatively on the overall character of the area, the overall design of the dwelling is not considered acceptable as previously stated and the areas of hard standing is considered to add to the potential adverse impacts resulting from the works given the elevated and somewhat exposed nature of the site.

Consideration of PPS 2 Natural Heritage

Taking account of the type of application required and the characteristics of the site the consideration of PPS 2 is required. As part of the application a Bio Diversity Checklist was completed by Mr Kerry Leonard of Sterna Environmental and the outcome of the Bio Diversity checklist was that there was potential for bats to roost at the site and a Preliminary Bat Roost Assessment would be required, which was also submitted, the outcome of this survey was that a Bat Emergence Survey would be required, this was completed and submitted and NIEA was consulted in relation to the information with particular questions raised with NIEA to ensure the methodology was acceptable, NIEA has responded to consultation with no objections. The application is considered to meet the requirements set out in PPS 2.

Consideration of PPS 3 Access, Movement and Parking

Policy AMP3 Access to Protected Routes (Consequential Revision) sets out the exceptions outside of settlement limits with (A) being for a replacement dwelling, the policy goes onto state that where the building to be replaced would meet the criteria set out in Policy CTY 3 of PPS 21 and there is an existing vehicular access onto the protected route it can be deemed an exception. As commented upon previously within the report there is not an existing vehicular access at this location, the lands are accessed through an agricultural gate that leads into an agricultural field directly therefore this aspect of policy has not been met and this cannot be deemed an exception. While not directly comparable similarities can be drawn from the similar situation the in the dismissed appeal 2022/A0124 for a new access at a point of an agricultural field gate out onto the Ballynahinch Road, the appeal was dismissed.

PPS 3 AMP 3 justification states that there is a long-established policy of restricting access onto the main roads that facilitate the efficient movement of traffic over long distances with the roads making a significant contribution to economic prosperity and providing efficient links between main towns etc.

5.28 of Justification states that in all cases where accesses to a protected route is acceptable in principle it will also be required to be safe in accordance with Policy AMP 2, thus reinforcing the fact this is a two-fold test and the provision of an access that meets the requirements of AMP 2 is not sufficient if not deemed an exception.

The proposal has not met the requirements of policy AMP 3.



The above images show the field gate and the field boundary and overgrow stoned area that is not an existing vehicular access.

The concerns in relation to design were brought to the attention of the agent along with the issues surrounding the access and AMP 3, the agent was afforded an opportunity to address the design concerns in an attempt to overcome concerns held in relation to CTY 3, CTY 13 and CTY 14 however the agent declined this opportunity to address the concerns and advised to proceed to recommendation.

Neighbour Notification Checked

Yes

Summary of Recommendation

For the reasoning contained within the report and for the reasons set out below a recommendation of refusal is made.

Reasons for Refusal:

This refusal relates to submitted drawing No's P101 and P102

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 3 of PPS 21, Sustainable Development in the Countryside in that:
 - The overall size of the new dwelling and surrounding curtilage does not allow the development to integrate into the surrounding landscape and will result in a visual impact significantly greater than the existing building.
 - The design of the proposal is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.

2. 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 design of the building is inappropriate for the site and its locality.
 - The proposal fails to blend with the landform, and other natural features which provide a backdrop.
 - ancillary works do not integrate with their surroundings.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character.
4. The proposal is contrary to Policy AMP 2 of Planning Policy Statement 3, Access, Movement and Parking in that the proposal involves direct access onto a public road and conflicts with Policy AMP 3 - Access to Protected Routes.
5. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would not meet the criteria for development within the countryside and does not merit being treated as an exception to the policy as the A49 Magheraknock Road is a protected route.

Case Officer Signature: Fionnuala Murray **Date: 11.11.2025**

Appointed Officer: B.Ferguson **Date: 13/11/2025**

Members of the Committee, thank you for the opportunity to speak.

This application relates to a replacement dwelling under PPS21 Policy CTY 3. I wish to address the refusal reasons relating curtilage, visual impact and design, and access. I hope to explain why we believe the proposal complies with policy and warrants determination by Committee.

Existing and Proposed Curtilage

The first issue relates to the proposed curtilage, which officers consider excessive and harmful to landscape integration. We respectfully disagree.

Contrary to the case officer report, the curtilage of the property appears to always have incorporated the land immediately north west of the site. It is only in the past number of years this part of the property has become overgrown. Historical google earth images show that this part of the property was defined by mature trees, similar to those immediately south of the dwelling. As a result, the extension of the curtilage is not considered significantly greater than what exists.

Notwithstanding this, the proposed curtilage is consistent with the established development pattern along Magheraknock Road. This section of road is characterised by generous plots, with curtilage rising to 1.2 acres, whereas the application site proposed a curtilage of 0.6 acres.

This clearly demonstrates that the proposal is reasonable by local standards and does not represent an excessive or uncharacteristic curtilage when viewed in its proper context

Visual Impact

In terms of the visual impact, Officers have applied a strict interpretation of CTY 3, focusing on whether the proposal would have a significantly greater visual impact than the existing dwelling. We accept that the existing building is a small, historic rural structure and that an increase in scale and visual impact is inevitable to accommodate modern living standards. Policy allows for this, provided the visual impact is not significantly greater.

In this case, the visual impact is substantially mitigated by site-specific characteristics.

The majority of the proposed dwelling is single storey, with only a limited 1.5-storey element positioned to the south-west. Both the single-storey and 1.5-storey elements will be largely obscured by existing mature trees approximately 8 metres in height, which fully screen views of the dwelling from the south and south-west.

In addition, the dwelling benefits from:

- A significant setback from the public road
- Rising landform to the north, providing a strong natural backdrop
- The alignment and curvature of Magheraknock Road, which limits long-distance views
- A visit to the site will demonstrate that there will actually be no significantly greater visual impact than the existing building.

Design



In terms of the design quality, the proposal has been informed by the “Building on Tradition” guidance and local examples. The design incorporates a simple linear form, narrow gables, walled dormers, traditional proportions and simple rendered finishes. These are characters of rural dwellings.

In terms of the departments comments relating to span of the dwelling, no 52 Magheraknock Road comprises of a span of 25m, greater than the proposed. This is also two storey in height, compared to the proposal storey and a half. IN addition, this is on a more exposed roadside location, thus more susceptible to public views. As a result, the height and width of the proposed dwelling is not out of character for the area.

Notwithstanding this, from the limited public viewpoints, the dwelling will read as a traditional 1.5-storey rural house, a form widely accepted in the countryside. The remaining, more contemporary elements are positioned to the rear and will be fully screened by existing mature trees, ensuring no adverse impact on the rural landscape or streetscape.

Ancillary works

In relation to ancillary works, it is notable that when this application was previously assessed by officers in **February 2025**, the officer’s report concluded that: *“The ancillary works will integrate with the surroundings; this aspect of policy is not offended.”*

There has been no material change to the application since that assessment. Notwithstanding this inconsistency, the upgrading of the access lane along field boundaries accords with published rural guidance, and the level of hardstanding proposed is not uncharacteristic for this area. These works are further mitigated by mature tree screening, setback from the road and surrounding topography, and therefore comply with Policies CTY 13 and CTY 14.

Access

The final refusal reasons relate to the conclusion that the site does not benefit from an existing vehicular access onto a protected route. We respectfully disagree.

The access runs along the north-western boundary of the site, and the case officer’s own report acknowledges that this route is stoned, indicating historic vehicular use. In addition, there is a tarmac entrance directly abutting Magheraknock Road, which has not been referenced in the report.

During road widening works in the 1990s, DFI removed the original gate pillars and installed a field gate as part of those works.

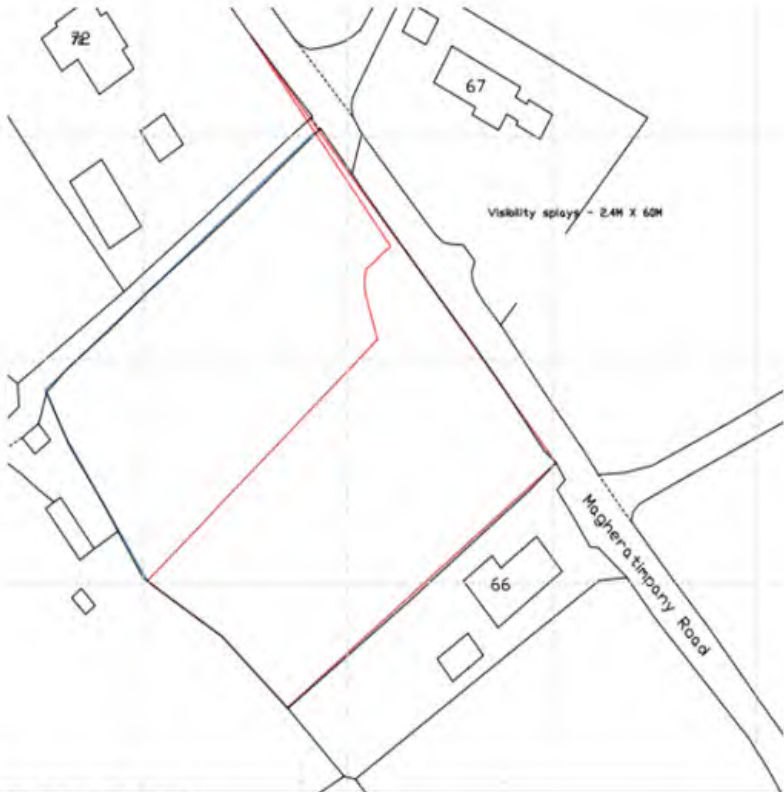
The fact that the access has become overgrown over time does not extinguish its lawful existence. An overgrown access does not equate to the removal or abandonment of an access for the purposes of PPS3.

In conclusion, the assessment applies an overly strict interpretation of Policy CTY 3 and fails to give sufficient weight to the site-specific characteristics of the proposal. The dwelling will be largely screened by retained mature boundaries and, when combined with the significant setback from the road, rising landform, road curvature and the presence of similarly scaled dwellings in the area, it will integrate comfortably into the surrounding landscape. When assessed in this context, the proposal will not result in a visual impact that is significantly greater than the existing dwelling. We therefore respectfully ask the Committee to take a balanced view of the visual impact and design and to determine the application accordingly.

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/1379/O	Target Date:
Proposal: Infill Dwelling between Nos 66 and 72 Magheratimpany Road - Site A	Location: Magheratimpany Road Land immediately north west of 66 Magheratimpany Road, Ballynahinch, BT24 8PA
Applicant Name and Address: James Davey 40 Glenlough Ballynahinch BT24 8TG	Agent Name and Address: Niall Forde 32a Bryansford Avenue Newcastle BT330LG
Date of last Neighbour Notification: Nos 66, 67 and 72 Magheratimpany Road were notified of the proposal.	27 May 2025
Date of Press Advertisement:	20 November 2024
EIA Determination:	
Consultations:	
DFI Consult 27/05/2025 HED Consult 13/05/2025	
Representations:	
Monica McMahon 67 Magheratimpany Road Comment:	
Letters of Support	0.0
Letters of Objection	1
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	
The issues raised in the objection relate to the following issues	
• Character of the area	

- Visual impact on area and objectors' property
- Road Safety
- Potential to set precedent for future development along road
- Proposal not in the interests of the local environment

Site Visit Report
Site Location Plan:

Date of Site Visit: October 2025
Characteristics of the Site and Area The site is located within the rural countryside outside any settlement limits designated under the Ards and Down Area Plan (ADAP) 2015. The site is located approximately 0.7 miles immediately east of the Spa village. The proposed development site is located to the west of the Magheratimpany Road, Ballynahinch. The site is defined to the south and west by dispersed mature trees. The frontage is defined by a hedge, whilst the northern boundary is currently undefined. The surrounding area is typically comprised of dispersed detached single/two storey dwellings, farm buildings and open agricultural fields. The site is currently an agricultural field.
Description of Proposal Infill Dwelling between Nos 66 and 72 Magheratimpany Road - Site A
Planning Assessment of Policy and Other Material Considerations

None

None

PLANNING HISTORY

Planning

LA07/2024/1380/O :

Proposal: Infill Dwelling between Nos 66 and 72 Magheratimpany Road - Site B

Decision: Pending

Decision Date

R/2004/1489/O

Proposal: New build domestic rural style dwelling (Single storey or dormer with garage).

Location NW and adjacent No 72 Magheratimpany Road

Decision: Permission Refused

Decision Date: 22 January 2006

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Design and Access Statement
- Site Location Plan

CONSULTATIONS

DFI Consult 27/05/2025 – No objections subject to conditions

HED Consult 13/05/2025 – No objections feature sufficiently removed from the proposed development.

REPRESENTATIONS

Monica McMahon 67 Magheratimpany Road Comment:

EVALUATION

EIA

The proposal is classified as an urban development project for the purposes of Category 10 (b) of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. It does not fall within Schedule 1 or does it exceed the thresholds within column 2 of Schedule 2 (site area 0.1ha) of the Regulations, being a development on lands less than 0.5 hectares. The development is not located within a sensitive area, therefore an EIA determination is not required by Schedule 2 of the EIA Regs.

Consideration & Assessment

Section 45(1) of the Planning (Northern Ireland) Act 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. 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 Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area where the application site lies. In it, the site is within the countryside, outside of any settlement limit or designated / sensitive area. The plan policies relevant to the countryside are now outdated and have been overtaken by regional policies for rural development. No determining weight can be attached to them. No other provisions in the plan are material to the determination of the application.

The Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals.

The SPPS retains policies within existing planning policy documents until such times as Plan Strategies for all Council areas in NI have been adopted. As no Plan Strategy has been adopted for this Council area, the transitional arrangements set out in the SPPS are engaged. They prescribe that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) is a retained policy. No conflict arises between the provisions of the SPPS and PPS 21 insofar as they relate to this application proposal. The retained PPS 21, therefore, provides the policy context for assessing the proposal. Supplementary planning guidance for buildings in the countryside is set out in the document 'Building on Tradition' – A Sustainable Design Guide for Northern Ireland Countryside (BoT).

Policy CTY 1 of PPS 21 is titled 'Development in the Countryside'. It states that there are a range of development types considered acceptable in principle in the countryside, and that will contribute to the aims of sustainable development. One of these is for the

development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8.

Policy CTY 8 of PPS 21 is titled 'Ribbon Development'. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. It continues to say that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and, provided these respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements. For the purpose of this policy, the definition of a substantial and continuously built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The first step in determining whether the proposal constitutes an exception in accordance with Policy CTY 8 is to determine whether there is a substantial and continuously built-up frontage (SCBUF). Officers consider that the dwelling at No 66 Maghertimpany Road and the detached garage and dwelling at No 72, share a frontage with the proposed site, and therefore, it qualifies on the simplest terms for a SCBUF.

The second element of the infill policy is that there is a small gap site, sufficient only to accommodate up to a maximum of two houses. Paragraph 5.34 of Policy CTY 8 states it is the gap between buildings that should be considered, as such officers consider that the gap between No 66 and the garage of No 72 measures 120m as shown below.



To be suitable for infilling under the policy, a gap site must not only be physically sufficient to accommodate no more than one or two houses but must also be able to do so in a manner that respects the existing development pattern and meets other planning and environmental requirements.

Officers used Spatial NI to measure the relevant frontages within the SCBUF – see below .

No 66 – 27.3m

No 72 – 68.3m

Proposed site for 2 infills 94.8m



Officers have measured the proposed frontage of Site A and note that it will be approx. 48.9m (not including the proposed shared access area associated with Site B).



If the proposal were to be permitted the plot frontages along this section of Magheratimpany Road would range from 27.3m to 68.3m, with proposed sites A and B having frontages of 48.9m and 44.8m respectively.

The assessment of whether a site is suitable for infill development is not simply a mathematical exercise. Whether or not a gap site is suitable for infill development is a matter of planning judgment, taking into account what is ascertained on the ground. As can be seen from the street view image below, the gap between No 66 and 72 is substantial.



At 120m, the gap between No 66 and 72 Magheratimpany Road could accommodate more than two dwellings within the range of plot sizes identified. Consequently, the application site would not qualify as a small gap site within an otherwise substantial and continuously built-up frontage. Further to this officers are mindful that in the wider context of the site, Magheratimpany Road, is not overly developed and its rural character is clearly visible. The proposal relies heavily on two bookends within a relatively undeveloped stretch of countryside and officers consider the site represents an important visual break. The proposal therefore, if permitted would create ribbon development and does not therefore fall within the exceptions of CTY 8. Officers are also mindful of the Court of Appeal judgement - Gordon Duff's Application (Re. Glasdrumman Road, Ballynahinch) [2024] NICA 42 in support of its position emphasising the restrictive nature of Policy CTY 8 and its intention to prevent ribbon development and preserve visual breaks.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must integrate into its setting, respect rural character and be appropriately designed." These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

CTY 13 - 'Integration and Design of Buildings in the Countryside'

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. It specifies several instances where a new building will be unacceptable.

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

In assessment of the above, the site sits slightly above road level as can be seen in the street view image below. The land within rises steadily in a south-westerly direction to the rear boundary. The surrounding topography is typically undulating, therefore views of the site are limited to short distances and along the site frontage. In this regard therefore the site is not considered to be prominent.



However, the site is a large greenfield with sparse, box trimmed hedgerows to the site frontage and the NW boundary the site shares with No 72, with hedging and a few trees along the rear boundary to the south-west and along the south-eastern boundary the site shares with No 66.

In order to develop the site, the applicant would be required to remove the roadside vegetation to make provision for the necessary visibility splays of 2m x 60m as indicated by DfI Roads. The removal of this hedgerow, despite its scrappy nature, would open up the site. The opening of the roadside boundary and the lack boundary definition between the proposed site adjacent – Site B, would result in dwellings that lack enclosure and the long-established natural boundaries necessary to integrate the respective dwellings into

the landscape. Consequently the dwellings proposed in Site A and B would rely on a substantial level of new landscaping to achieve a satisfactory degree of integration within the countryside, which would take time to mature. The proposal is therefore considered contrary to Criteria B and C of CTY 13.

CTY 14 – Rural Character

This policy 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:

- a) It is unduly prominent in the landscape; or
- b) It results in a suburban style build- up of development when viewed with existing and approved buildings; or
- c) It does not respect the traditional pattern of settlement exhibited in that area; or
- d) It creates or adds to a ribbon of development
- e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

As discussed above the proposal is not considered to be an exception to CTY 8 and would therefore result in creation of ribbon development. Further to this while this current application and LA07/2024/1380/O (Site B) adjacent are separate applications they intend to share an access point. Provision of this would be at odds with that present in the immediate area and represent an arrangement typical of an urban setting, not appropriate within this rural context. The proposal therefore fails to comply with Criteria B, C and D of CTY 14 and will be recommended for refusal on these grounds.

PPS 3 – Access, Movement and Parking

The application seeks to create a new access onto magheratimpany Road. Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable.

DfI Roads have indicated in their consultation response they have no objections to the proposal provided a scale plan and accurate site survey is submitted in any subsequent application complying with the RS1 form which requires splays of 2m x 60m and access to be positioned 60m from the SE boundary.

PPS 2 Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

The application has not been accompanied by any ecological information, therefore officers in assessment of the above policy have used NIEA's Bio-Diversity checklist as a guide to identify any potential adverse impacts on designated sites.

The proposal, if permitted, will result in the removal of a substantial amount of roadside hedging, however, following inspection, this hedging is noted to be heavily trimmed and sparse in places and is therefore unlikely to afford habitat to any protected species. Officers consider that the site would not reasonably require additional survey information.

It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

On the basis of the above assessment, it is considered that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

The site is not located within a sensitive area, such as an AONB.

PPS 6 Planning, Archaeology and Built Heritage

The site is affected by a historic monument, an enclosure (DOW 029:034). In consideration of how the proposed will impact this feature, officers consulted with DfC Historic Environment Division: Historic Monuments. HED:HM have advised that on the basis of the information provided they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. They consider the archaeological site DOW 029:034 to be sufficiently removed from the proposed development.

Consideration of Objection

A robust objection to the proposal has been received from a neighbour of the site. The issues raised relate to

- Character of the area
- Visual impact on area and objectors' property
- Road Safety
- Potential to set precedent for future development along road
- Proposal not in the interests of the local environment

Officers have considered in detail the content of this letter and consider that the character of the area will be detrimentally affected, should this application be approved.

In terms of road safety, the concerns of the objector are noted, however, DfI Roads have advised that provided adequate splays are in place, the development would comply with policies relating to road safety.

Officers acknowledge the concerns of the objector relating to their property and the impact two new dwellings would have on the character of the area within which they reside.

Officers agree with the objector, in their assessment of the proposal as discussed above.

Drawings

The Drawings considered as part of this assessment are as follows

- 001 (Site Location Plan)

Conclusion

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

Neighbour Notification Checked	Yes
Summary of Recommendation	
REFUSAL	
Reasons for Refusal:	
1. The proposal is contrary to The Strategic Planning Policy Statement 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 (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Magheratimpany Road and the proposal does not respect the existing pattern of development along the frontage.
3. The proposal is contrary to criteria B and C of Policy CTY 13 of PPS 21, Sustainable Development in the Countryside, in that 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 and relies primarily on the use of new landscaping for integration.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Criteria B, C and D of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the proposed access arrangement does not respect the traditional pattern of settlement exhibited in the area;
 - the dwelling would, if permitted create a ribbon of development

and would therefore further erode the rural character of the countryside.

Case Officer Signature: C COONEY

Date: 13 November 2025

Appointed Officer Signature: B. Ferguson

Date: 14/11/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Members of the Committee,

This is an application for an infill dwelling and garage within a gap site between 72 and 66 Magheratimpany Road. This application is for one half of the gap site, and the other half is being assessed today as well.

The Planning Department has accepted that there is a line of three buildings forming a substantial and continuously built-up frontage. Accordingly, the first requirement of Policy CTY 8 of PPS 21 is satisfied. The sole matter in dispute is whether the gap site is capable of accommodating up to two dwellings in a manner that respects the established development pattern along the frontage.

Plot widths

The building-to-building distance between No. 72 and the garage associated with No. 66 measures approximately 118 metres. The Department's position is that this gap could accommodate more than two dwellings, having relied on the range of plot widths along the frontage, particularly the narrower plot which measures 31 metres (27m according to the report), affording very limited weight to the other plot along the road frontage which measures 68m.

The PAC have previously adopted an approach which does not necessitate duplication of plot widths, only that they are broadly reflective of the development pattern of the area. Therefore, a building to building gap of 118m could adequately accommodate two dwellings, while remaining broadly reflective of and respecting the development pattern of the area – which measure up to 68m.

Along this section of road frontage, No. 72 has a frontage width of approximately 31 metres, while No. 66 measures approximately 68 metres. This results in an average frontage width of around 49 metres. The proposed gap site measures approximately 94 metres in total, which would provide two plots with an average frontage width of approximately 47 metres. This closely mirrors the established average along the frontage and is clearly broadly reflective of the development pattern accepted by the Department.

Development pattern along the frontage (no.66 and 72 Magheratimpany Road)

Further to this, if the existing plots at Nos. 66 and 72 were placed onto the application site, they would sit comfortably within the gap without any increase in scale or intensity. This illustrates that the gap is not excessive in size and is capable of accommodating two dwellings that directly reflect the established plot pattern along the frontage. The proposal therefore mirrors what already exists and accepted along this section of road.

On that basis, the conclusion that the gap could accommodate more than two dwellings depends on a reliance on the narrowest plot width along the frontage and does not fairly represent the overall development pattern. Policy CTY 8 requires that infill respects the established pattern, not that it replicates the smallest plot.

Views of the site and visual break

In terms of visual break, the justification of Policy CTY 8 recognises that while many frontages contain gaps that provide visual relief, infilling may be acceptable where a small gap exists within an otherwise substantial and continuously built-up frontage. As the proposal satisfies the requirements of Policy CTY 8 and constitutes a small gap for the purposes of the policy, issues relating to visual breaks do not warrant refusal.

With regard to the third reason for refusal, the Officer's Report acknowledges that the site is visible only across its immediate frontage and will not have a prominent impact on the wider landscape. While a limited section of roadside hedgerow will require removal to accommodate visibility splays, this would only be apparent at close range. Paragraph 5.73 of PPS 21 recognises that some hedgerow removal is often necessary in the interests of road safety and that boundaries should be reinstated following access works. The proposal therefore complies with Policy CTY 13.

Shared Access

In relation to the fourth reason for refusal, concerns regarding suburban-style build-up and ribbon development are addressed through compliance with Policy CTY 8. The proposed shared access is not exclusively urban in character. DCAN 15, paragraph 9.1, specifically addresses access arrangements for single or paired dwellings on rural roads, confirming that such arrangements are acceptable. A paired access can result in a similar extent of hardstanding to a single access and does not give rise to additional visual impact. The proposal therefore complies with Policy CTY 14. Notwithstanding this, the access arrangement could be amended if Members consider it appropriate.

Conclusion

In conclusion, the issue before Members is a matter of principle under Policy CTY 8.

The Planning Department has accepted that this site sits within a substantial and continuously built-up frontage. The remaining question is whether the gap is capable of accommodating limited infill that respects the established development pattern.

Along this frontage, plot widths range from approximately 31 metres to over 68 metres, producing an **average frontage of around 49 metres**. The **proposed plots widths would average 47 metres**, which closely reflects that established average and is therefore broadly reflective of the development pattern accepted by the Department.

On that basis, **the gap site can reasonably accommodate two dwellings only**. The conclusion that the gap could accommodate more than two dwellings depends on a reliance on the narrowest plot width and does not represent the established pattern along the frontage.

Policy CTY 8 requires the plots to respect the development pattern along the frontage, not duplication of the smallest plot. This proposal meets that test.

We therefore respectfully ask Members to conclude that the proposal represents acceptable infill development under Policy CTY 8 and to grant planning permission.

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/1380/O	Target Date:
Proposal: Infill Dwelling between nos 66 and 72 Magheratimpany Road - Site B	Location: Magheratimpany Road Land immediately south east of 72 Magheratimpany Road, Ballynahinch, BT24 8PA
Applicant Name and Address: James Davey 40 Glenlough Ballynahinch BT24 8TG	Agent Name and Address: Niall Forde 32a Bryansford Avenue Newcastle
Date of last Neighbour Notification: Nos 66, 67 and 72 Magheratimpany Road were notified of the proposal.	19 September 2025
Date of Press Advertisement:	20 November 2024
EIA Determination:	
Consultations:	
DFI	Consult 10/09/2025
Historic Environment Division	Consult 05/09/2025
Environmental Health	Consult 17/09/2025
Representations:	
An objection has been received against LA07/2024/1379/O which relates to this proposal. The issues raised will be discussed below.	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report
Site Location Plan: 
Date of Site Visit: October 2025 Characteristics of the Site and Area The site is located within the rural countryside outside any settlement limits designated under the Ards and Down Area Plan (ADAP) 2015. The site is located approximately 0.5 miles immediately east of the Spa village. The proposed development site is located to the west of the Magheratimpany Road, Ballynahinch. The site is defined to the south and west by dispersed mature trees. The frontage is defined by a hedge, whilst the northern boundary is currently undefined. The surrounding area is typically comprised of dispersed detached single/two storey dwellings, farm buildings and open agricultural fields. The site is currently an agricultural field.
Description of Proposal Infill Dwelling between nos 66 and 72 Magheratimpany Road - Site B
Planning Assessment of Policy and Other Material Considerations

PLANNING HISTORY

Planning

LA07/2024/1379/O :

Proposal: Infill Dwelling between Nos 66 and 72 Magheratimpany Road - Site A

Decision: Pending

Decision Date

R/2004/1489/O

Proposal: New build domestic rural style dwelling (Single storey or dormer with garage).

Location NW and adjacent No 72 Magheratimpany Road

Decision: Permission Refused

Decision Date: 22 January 2006

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Design and Access Statement
- Site Location Plan

CONSULTATIONS

DFI Consult 27/05/2025 – No objections subject to conditions

HED Consult 13/05/2025 – No objections feature sufficiently removed from the proposed development.

Environmental Health – No objections

REPRESENTATIONS

See that submitted under LA07/2024/1379/O and discussed below.

EVALUATION

EIA

The proposal is classified as an urban development project for the purposes of Category 10 (b) of The Planning (Environmental Impact Assessment) Regulations

(Northern Ireland) 2017. It does not fall within Schedule 1 or does it exceed the thresholds within column 2 of Schedule 2 (site area 0.5ha) of the Regulations, being a development on lands that do not exceed 0.5 hectares. The development is not located within a sensitive area, therefore an EIA determination is not required by Schedule 2 of the EIA Regs

Consideration & Assessment

Section 45(1) of the Planning (Northern Ireland) Act 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. 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 Ards and Down Area Plan 2015 (ADAP) operates as the LDP for the area where the application site lies. In it, the site is within the countryside, outside of any settlement limit or designated / sensitive area. The plan policies relevant to the countryside are now outdated and have been overtaken by regional policies for rural development. No determining weight can be attached to them. No other provisions in the plan are material to the determination of the application.

The Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals.

The SPPS retains policies within existing planning policy documents until such times as Plan Strategies for all Council areas in NI have been adopted. As no Plan Strategy has been adopted for this Council area, the transitional arrangements set out in the SPPS are engaged. They prescribe that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) is a retained policy. No conflict arises between the provisions of the SPPS and PPS 21 insofar as they relate to this application proposal. The retained PPS 21, therefore, provides the policy context for assessing the proposal. Supplementary planning guidance for buildings in the countryside is set out in the document 'Building on Tradition' – A Sustainable Design Guide for Northern Ireland Countryside (BoT).

Policy CTY 1 of PPS 21 is titled 'Development in the Countryside'. It states that there are a range of development types considered acceptable in principle in the countryside, and that will contribute to the aims of sustainable development. One of these is for the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with Policy CTY 8.

Policy CTY 8 of PPS 21 is titled 'Ribbon Development'. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. It

continues to say that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and, provided these respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements. For the purpose of this policy, the definition of a substantial and continuously built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The first step in determining whether the proposal constitutes an exception in accordance with Policy CTY 8 is to determine whether there is a substantial and continuously built-up frontage (SCBUF). Officers consider that the dwelling at No 66 Magherimpany Road and the detached garage and dwelling at No 72, share a frontage with the proposed site, and therefore, it qualifies on the simplest terms for a SCBUF.

The second element of the infill policy is that there is a small gap site, sufficient only to accommodate up to a maximum of two houses. Paragraph 5.34 of Policy CTY 8 states it is the gap between buildings that should be considered, as such officers consider that the gap between No 66 and the garage of No 72 measures 120m as shown below.



To be suitable for infilling under the policy, a gap site must not only be physically sufficient to accommodate no more than one or two houses but must also be able to do so in a manner that respects the existing development pattern and meets other planning and environmental requirements.

Officers used Spatial NI to measure the relevant frontages within the SCBUF – see below .

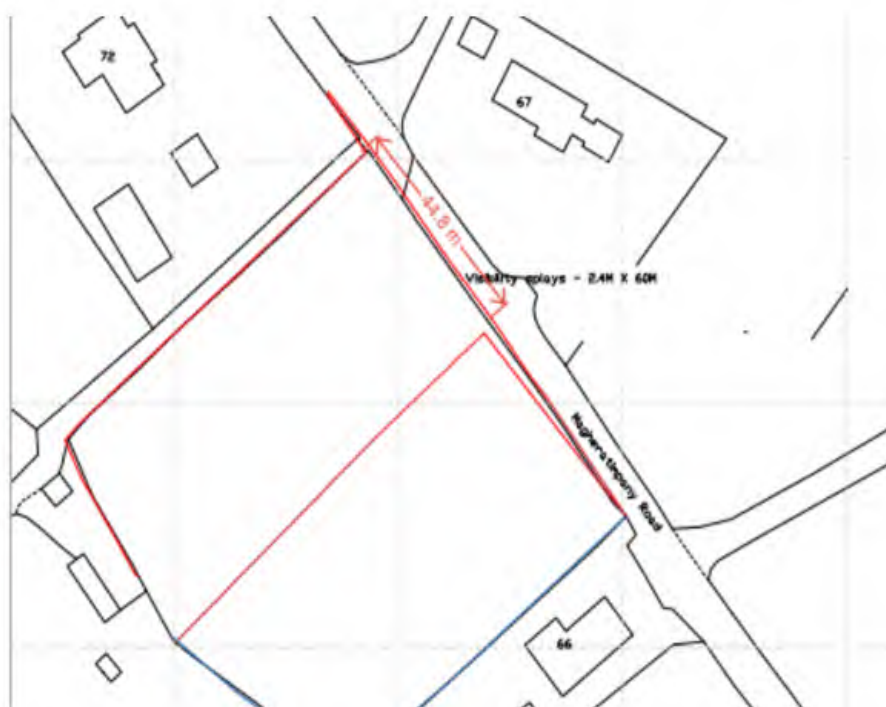
No 66 – 27.3m

No 72 – 68.3m

Proposed site for 2 infills 94.8m



Officers have measured the proposed frontage of Site A and note that it will be approx. 44.8m.



If the proposal were to be permitted the plot frontages along this section of Magheratimpany Road would range from 27.3m to 68.3m, with proposed sites A and B having frontages of 48.9m and 44.8m respectively.

The assessment of whether a site is suitable for infill development is not simply a mathematical exercise. Whether or not a gap site is suitable for infill development is a matter of planning judgment, taking into account what is ascertained on the ground. As can be seen from the street view image below, the gap between No 66 and 72 is substantial.



At 120m, the gap between No 66 and 72 Magheratimpany Road could accommodate more than two dwellings within the range of plot sizes identified. Consequently, the application site would not qualify as a small gap site within an otherwise substantial and continuously built-up frontage. Further to this officers are mindful that in the wider context of the site, Magheratimpany Road, is not overly developed and its rural character is clearly visible. The proposal relies heavily on two bookends within a relatively undeveloped stretch of countryside and officers consider the site represents an important visual break. The proposal therefore, if permitted would create ribbon development and does not therefore fall within the exceptions of CTY 8. Officers are also mindful of the Court of Appeal judgement - Gordon Duff's Application (Re. Glassdrumman Road, Ballynahinch) [2024] NICA 42 in support of its position emphasising the restrictive nature of Policy CTY 8 and its intention to prevent ribbon development and preserve visual breaks.

Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside must integrate into its setting, respect rural character and be appropriately designed." These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

CTY 13 - 'Integration and Design of Buildings in the Countryside'

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. It specifies several instances where a new building will be unacceptable.

(a) it is a prominent feature in the landscape; or

- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

In assessment of the above, the site sits slightly above road level as can be seen in the street view image below. The land within rises steadily in a south-westerly direction to the rear boundary. The surrounding topography is typically undulating, therefore views of the site are limited to short distances and along the site frontage. In this regard therefore the site is not considered to be prominent.



However, the site is a large greenfield with sparse, box trimmed hedgerows to the site frontage and the NW boundary the site shares with No 72, with hedging and a few trees along the rear boundary to the south-west and along the south-eastern boundary the site shares with No 66.

In order to develop the site, the applicant would be required to remove the roadside vegetation to make provision for the necessary visibility splays of 2m x 60m as indicated by DfI Roads. The removal of this hedgerow, despite its scrappy nature, would open up the site. The opening of the roadside boundary and the lack boundary definition between the proposed site adjacent – Site A, would result in dwellings that lack enclosure and the long-established natural boundaries necessary to integrate the respective dwellings into the landscape. Consequently the dwellings proposed in Site A and B would rely on a substantial level of new landscaping to achieve a satisfactory degree of integration within the countryside, which would take time to mature. The proposal is therefore considered contrary to Criteria B and C of CTY 13.

Policy CTY 14 – Rural Character

This policy 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:

- a) It is unduly prominent in the landscape; or
- b) It results in a suburban style build- up of development when viewed with existing and approved buildings; or
- c) It does not respect the traditional pattern of settlement exhibited in that area; or
- d) It creates or adds to a ribbon of development
- e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

As discussed above the proposal is not considered to be an exception to CTY 8 and would therefore result in creation of ribbon development. Further to this while this current application and LA07/2024/1379/O (Site A) adjacent are separate applications they intend to share an access point. Provision of this would be at odds with that present in the immediate area and represent an arrangement typical of an urban setting, not appropriate within this rural context. The proposal therefore fails to comply with Criteria B, C and D of CTY 14 and will be recommended for refusal on these grounds.

PPS 3 – Access, Movement and Parking

The application seeks to create a new access onto magheratimpany Road. Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable.

DfI Roads have indicated in their consultation response they have no objections to the proposal provided a scale plan and accurate site survey is submitted in any subsequent application complying with the RS1 form which requires splays of 2m x 60m.

PPS 2 Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local

importance, priority and protected species and to biodiversity and geological interests with the wider environment.

The application has not been accompanied by any ecological information, therefore officers in assessment of the above policy have used NIEA's Bio-Diversity checklist as a guide to identify any potential adverse impacts on designated sites.

The proposal, if permitted, will result in the removal of a substantial amount of roadside hedging, however, following inspection, this hedging is noted to be heavily trimmed and sparse in places and is therefore unlikely to afford habitat to any protected species. Officers consider that the site would not reasonably require additional survey information.

It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

On the basis of the above assessment, it is considered that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

The site is not located within a sensitive area, such as an AONB.

PPS 6 Planning, Archaeology and Built Heritage

The site is affected by a historic monument, an enclosure (DOW 029:034). In consideration of how the proposed will impact this feature, officers consulted with DfC Historic Environment Division: Historic Monuments. HED:HM have advised that on the basis of the information provided they are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. They consider the archaeological site DOW 029:034 to be sufficiently removed from the proposed development.

Consideration of Objection

A robust objection to the proposal has been received from a neighbour of the site in relation to LA07/2024/1379/O, however, it also relates to this proposal. The issues raised relate to

- Character of the area
- Visual impact on area and objectors' property
- Road Safety
- Potential to set precedent for future development along road
- Proposal not in the interests of the local environment

Officers have considered in detail the content of this letter and consider that the character of the area will be detrimentally affected, should this application be approved.

In terms of road safety, the concerns of the objector are noted, however, DfI Roads have advised that provided adequate splays are in place, the development would comply with policies relating to road safety.

Officers acknowledge the concerns of the objector relating to their property and the impact two new dwellings would have on the character of the area within which they reside.

Officers agree with the objector, in their assessment of the proposal as discussed above

Drawings

The Drawings considered as part of this assessment are as follows

- 001 (Site Location Plan)

Conclusion

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

Neighbour Notification Checked
Yes

Summary of Recommendation

REFUSAL

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement 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 (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Magheratimpany

Road and the proposal does not respect the existing pattern of development along the frontage.

3. The proposal is contrary to criteria B and C of Policy CTY 13 of PPS 21, Sustainable Development in the Countryside, in that 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 and relies primarily on the use of new landscaping for integration.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Criteria B, C and D of Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that:
 - the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;
 - the proposed access arrangement does not respect the traditional pattern of settlement exhibited in the area;
 - the dwelling would, if permitted create a ribbon of development

and would therefore further erode the rural character of the countryside.

Case Officer Signature: C COONEY

Date: 13 November 2025

Appointed Officer Signature: B.Ferguson

Date: 14/11/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures

Date

Members of the Committee,

This is an application for an infill dwelling and garage within a gap site between 72 and 66 Magheratimpany Road. This application is for one half of the gap site, and the other half is being assessed today as well.

The Planning Department has accepted that there is a line of three buildings forming a substantial and continuously built-up frontage. Accordingly, the first requirement of Policy CTY 8 of PPS 21 is satisfied. The sole matter in dispute is whether the gap site is capable of accommodating up to two dwellings in a manner that respects the established development pattern along the frontage.

Plot widths

The building-to-building distance between No. 72 and the garage associated with No. 66 measures approximately 118 metres. The Department's position is that this gap could accommodate more than two dwellings, having relied on the range of plot widths along the frontage, particularly the narrower plot which measures 31 metres (27m according to the report), affording very limited weight to the other plot along the road frontage which measures 68m.

The PAC have previously adopted an approach which does not necessitate duplication of plot widths, only that they are broadly reflective of the development pattern of the area. Therefore, a building to building gap of 118m could adequately accommodate two dwellings, while remaining broadly reflective of and respecting the development pattern of the area – which measure up to 68m.

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Development pattern along the frontage (no.66 and 72 Magheratimpany Road)

Further to this, if the existing plots at Nos. 66 and 72 were placed onto the application site, they would sit comfortably within the gap without any increase in scale or intensity. This illustrates that the gap is not excessive in size and is capable of accommodating two dwellings that directly reflect the established plot pattern along the frontage. The proposal therefore mirrors what already exists and accepted along this section of road.

On that basis, the conclusion that the gap could accommodate more than two dwellings depends on a reliance on the narrowest plot width along the frontage and does not fairly represent the overall development pattern. Policy CTY 8 requires that infill respects the established pattern, not that it replicates the smallest plot.

Views of the site and visual break

In terms of visual break, the justification of Policy CTY 8 recognises that while many frontages contain gaps that provide visual relief, infilling may be acceptable where a small gap exists within an otherwise substantial and continuously built-up frontage. As the proposal satisfies the requirements of Policy CTY 8 and constitutes a small gap for the purposes of the policy, issues relating to visual breaks do not warrant refusal.

With regard to the third reason for refusal, the Officer's Report acknowledges that the site is visible only across its immediate frontage and will not have a prominent impact on the wider landscape. While a limited section of roadside hedgerow will require removal to accommodate visibility splays, this would only be apparent at close range. Paragraph 5.73 of PPS 21 recognises that some hedgerow removal is often necessary in the interests of road safety and that boundaries should be reinstated following access works. The proposal therefore complies with Policy CTY 13.

Shared Access

In relation to the fourth reason for refusal, concerns regarding suburban-style build-up and ribbon development are addressed through compliance with Policy CTY 8. The proposed shared access is not exclusively urban in character. DCAN 15, paragraph 9.1, specifically addresses access arrangements for single or paired dwellings on rural roads, confirming that such arrangements are acceptable. A paired access can result in a similar extent of hardstanding to a single access and does not give rise to additional visual impact. The proposal therefore complies with Policy CTY 14. Notwithstanding this, the access arrangement could be amended if Members consider it appropriate.

Conclusion

In conclusion, the issue before Members is a matter of principle under Policy CTY 8.

The Planning Department has accepted that this site sits within a substantial and continuously built-up frontage. The remaining question is whether the gap is capable of accommodating limited infill that respects the established development pattern.

Along this frontage, plot widths range from approximately 31 metres to over 68 metres, producing an **average frontage of around 49 metres**. The **proposed plots widths would average 47 metres**, which closely reflects that established average and is therefore broadly reflective of the development pattern accepted by the Department.

On that basis, **the gap site can reasonably accommodate two dwellings only**. The conclusion that the gap could accommodate more than two dwellings depends on a reliance on the narrowest plot width and does not represent the established pattern along the frontage.

Policy CTY 8 requires the plots to respect the development pattern along the frontage, not duplication of the smallest plot. This proposal meets that test.

We therefore respectfully ask Members to conclude that the proposal represents acceptable infill development under Policy CTY 8 and to grant planning permission.

Delegated Application

Development Management Officer Report	
Case Officer: Claire Cooney	
Application ID: LA07/2024/1513/F	Target Date:
Proposal: Erection of a dwelling	Location: 20m NE of 65 Kilmegan Road, Castlewellan, BT31 9ET
Applicant Name and Address: Daniel & Martina Kelly 63a Kilmegan Road Castlewellan BT31 9ET	Agent Name and Address: Eoin Morgan 32A Bryansford Avenue Newcastle BT33 0LG
Date of last Neighbour Notification:	18 September 2025
Date of Press Advertisement:	18 December 2024
EIA Determination:	
Consultations: - Dfl Roads - Environmental Health - NIEA	
Representations: NONE	
Letters of Support	0.0
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0
Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report
Site Location Plan:

Date of Site Visit: 14.11.2025
Characteristics of the Site and Area The site is located off the minor Kilmegan Road Castlewellan and is accessed via a private lane which currently serves two dwellings (Nos 63 & 63a). The site is comprised of a small 0.1 hectare portion of ground which is enclosed to the east and north by a close board timber fence, while to the west the boundary of No 65 provides the definition of the site to this side. The character of Kilmegan Road is typically single storey / 1½ storey detached dwellings in mature plots. The site is located within the rural area as designated in the Ards and Down Area Plan 2015. The site is located outside the designated Area of Outstanding Natural Beauty.
Description of Proposal Erection of a dwelling
Planning Assessment of Policy and Other Material Considerations PLANNING HISTORY Planning R/1991/0977 Decision: Proposal: Dwelling

Permission Granted Decision

Date: 03 March 1992

R/2011/0379/O

Proposal: Replacement dwelling with retention of existing building as store

Decision: Permission Granted

Decision Date: 19 December 2011

R/2013/0065/RM

Proposal: Dwelling and garage.

Decision: Permission Granted

Decision Date: 02 July 2013

R/2014/0324/F

Proposal: Replacement dwelling in substitution of previous approval R/2011/0379/O and retention of existing building as storage

Decision: Permission Granted

Decision Date: 15 August 2014

LA07/2016/1683/F

Proposal: Proposed amended access previously approved under R/2014/0324/F

Decision: Permission Granted

Decision Date: 23 February 2017

LA07/2018/0660/O

Proposal: Farm Dwelling

Decision: Withdrawal

Decision Date: 11 December 2018

LA07/2018/1948/O

Proposal: Farm dwelling and garage

Decision: Permission Granted

Decision Date: 05 April 2019

LA07/2019/1316/RM

Proposal: Dwelling

Decision: Permission Granted

Decision Date: 06 December 2019

SUPPORTING DOCUMENTS

The application has been supported with the following

- Application Form
- Planning Statement
- Location Map

- Block Plan
- Proposed Elevations
- Proposed Floor Plans

CONSULTATIONS

Consultations have been carried out with the following bodies – no objections have been received

- NIEA
- Environmental Health
- DfI Roads

REPRESENTATIONS

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, no representations have been received.

EVALUATION

Section 45(1) of the Planning (Northern Ireland) Act 2011 states that regard must be had to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. 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 Ards and Down Area Plan 2015 (NMDAP) operates as the LDP for the area where the application site lies. In it, the appeal site is within the countryside, outside of any settlement limit but within the Mourne Area of Outstanding Natural Beauty. The plan policies relevant to the countryside are now outdated and have been overtaken by regional policies for rural development. No determining weight can be attached to them. No other provisions in the plan are material to the determination of the application.

The Strategic Planning Policy Statement for Northern Ireland (NI) 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as Plan Strategies for all Council areas in NI have been adopted. As no Plan Strategy has been adopted for this Council area, the transitional arrangements set out in the SPPS are engaged. They prescribe that any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in favour of the provisions of the SPPS.

Planning Policy Statement 21 'Sustainable Development in the Countryside' (PPS21) is a retained policy. No conflict arises between the provisions of the SPPS and PPS 21 insofar as they relate to this application proposal. The retained PPS 21, therefore, provides the policy context for assessing the proposal. Supplementary planning guidance for buildings in the countryside is set out in the document 'Building on Tradition' – A Sustainable Design Guide for Northern Ireland Countryside (BoT).

Policy CTY 1 of PPS 21 is titled 'Development in the Countryside'. It states that there are a range of development types considered acceptable in principle in the countryside, and that will contribute to the aims of sustainable development.

The applicant / agent considers that the proposal meets Policies CTY 2a and CTY 8 of PPS 21.

Policy CTY2a of PPS21 states that planning permission will be granted for a dwelling at an existing cluster of development provided all of six of the following criteria are met

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

In assessment of these, officers consider that the site is positioned within a cluster of development which lies outside a farm and consists of four or more buildings, three of which are dwellings.

Kilmegan Road, has been heavily developed in recent years therefore the existing development particularly those dwellings at 63, 63a, 65 and 69 can be viewed from the public road as a visual entity in the local landscape.

This cluster however is **not** located at a focal point or cross roads. The plan below shows that the site is located some 184m from the staggered cross road where the Kilmegan Road meets the Ardnabannon / Castlewellan Roads. At such a distance, the site is considered to be too far removed from the cross roads to meet this aspect of the policy and will be recommended for refusal on this basis.



Notwithstanding the above, a dwelling on the site would be suitably enclosed given the immediately surrounding development. A dwelling could be absorbed into the existing development and would not visually intrude into the open countryside. In addition officers do not consider, given the siting and orientation of the adjacent dwellings that the proposal would adversely impact on the residential amenity of the neighbouring properties.

As stated above ALL listed criteria must be met for a proposal under Policy CTY 2a to be successful. This is stance is routinely observed when considering applications of this kind and one that is also supported by the PAC. As the proposal fails to meet all of the listed criteria it is not considered to be compliant with CTY 2a and therefore not acceptable in principle as per CTY 1. The proposal will be recommended for refusal on these grounds.

Policy CTY 8 of PPS 21 is titled 'Ribbon Development'. It states that planning permission will be refused for a building which creates or adds to a ribbon of development. It continues to say that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and, provided these respects the existing development pattern along the frontage in terms of size, scale, siting, and plot size and meets other planning and environmental requirements. For the purpose of this policy, the definition of a substantial and continuously built-up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The first step in determining whether the proposal constitutes an exception in accordance with Policy CTY 8 is to determine whether there is a substantial and continuously built-up frontage (SCBUF).

The applicant / agent considers the following buildings form a SCBUF as shown in their map below

- Outbuilding at No. 65 Kilmegan Road
- Dwelling approved under LA07/2019/1316/RM adjoining the north-western boundary of the site
- Agricultural Shed



Officers consider the farm shed, while accessed via the same lane which will serve the site, does not however share a frontage with the site and is located on a different portion of the lane.

Further to this, there does not appear to be any planning history for this shed. It is considered therefore that this shed is unauthorised and cannot be given any material weight in this assessment.

A substantial and continuously built up frontage is not therefore present. The first test of CTY 8 has not been met and the proposal will be recommended for refusal on this basis.

CTY 8 also requires proposals to respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. In assessment of this Officers note that the proposed plot is visually much smaller than those surrounding and therefore not in keeping with the character of the settlement pattern in the immediate vicinity.



Policy CTY8 also requires that infill dwellings meet other planning and environmental requirements. Paragraph 6.70 of the SPPS confirms that "All development in the countryside

must integrate into its setting, respect rural character and be appropriately designed." These considerations must be assessed under policies CTY13 and CTY14 of PPS21.

CTY 13 - 'Integration and Design of Buildings in the Countryside'

This policy states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. It specifies several instances where a new building will be unacceptable.

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or
- (f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;

In assessment of the above, officers consider that the site is not prominent in the landscape, the boundaries are defined with fencing and would give enclosure to a dwelling, additional landscaping while welcomed in this rural setting is not necessary in this case for integration.

In assessment of the design proposed, a modest dwelling has been presented as shown below. The dwelling will have a frontage of 16.1m, a ridge height of 6.4m above finished floor level and a gable depth of 9.4m. It will be finished with a tiled roof, rendered walls, uPVC windows and rainwater goods, with composite doors. All of which is considered acceptable.



PROPOSED FRONT ELEVATION

Officers consider the proposal complies satisfactorily with the requirements of CTY 13.

CTY 14 – Rural Character

This policy 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:

- a) It is unduly prominent in the landscape; or
- b) It results in a suburban style build- up of development when viewed with existing and approved buildings; or
- c) It does not respect the traditional pattern of settlement exhibited in that area; or
- d) It creates or adds to a ribbon of development
- e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

As discussed above the proposal is not considered to be an exception to CTY 8 and would therefore result in creation of ribbon development. Further to this officers consider, for the reasons set out above, that the proposal does not respect the pattern of settlement exhibited in the area.

The proposal therefore fails to comply with Criteria C and D of CTY 8 and will be recommended for refusal on these grounds.

PPS 3 – Access, Movement and Parking

The application seeks to use and existing unaltered access onto Kilmegan Road.

Policy AMP 2: Access to Public Roads is applicable which states that planning permission will only be granted for development involving direct access, or the intensification of the use of an existing access, onto a public where

- (A) Such access will not prejudice road safety or significantly inconvenience the flow of traffic
- (B) The proposal does not conflict with Policy AMP3 Access to Protected Routes

Category A is applicable.

DfI Roads have indicated in their consultation response they have no objections in principle to the scheme subject to conditions.

PPS 2 Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's Bio-Diversity checklist was used as a guide to identify any potential adverse impacts on designated sites. It is considered that the development would not trigger any of the scenarios listed in the Checklist. Therefore the potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar Sites has been assessed in accordance with the requirement of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended).

In consideration of protected and priority species, no scenario was identified that would

reasonably require additional survey information.

It is considered therefore that the proposal would not have a negative impact on any natural heritage and therefore complies with policies NH 1-5 of PPS 2.

Drawings

The drawings considered as part of this assessment are as follows

- Site Location Plan 001
- Block Planning Plan 002
- Proposed Floor Plans 003
- Proposed Elevations 004

Neighbour Notification Checked

Yes

Summary of Recommendation

REFUSAL

While the proposed dwelling may exist within a cluster of development and be designed to 'fit' into the site and not appear prominent in the landscape, it is not located at a cross roads or focal point as required by Policy CTY 2a. In addition, the site is not positioned within a substantial and continuously built up frontage as required by Policy CTY 8. There is therefore no policy basis in principle for a dwelling at this location and it must be refused for this reason.

Reasons for Refusal:

1. The proposal is contrary to The Strategic Planning Policy Statement 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 and Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that it is not located at a cross roads or focal point.
3. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside as it is considered there is no gap within a substantial and continuous built-up frontage, and the proposal would, if permitted, result in the creation of ribbon development along Kilmegan Road and does not respect the existing pattern of development along the frontage.
4. The proposal is contrary to The Strategic Planning Policy Statement for Northern Ireland (SPPS) and Criteria C and D of Policy CTY14 of Planning Policy Statement

21, Sustainable Development in the Countryside in that: • the proposal does not respect the traditional pattern of settlement exhibited in the area; • the dwelling would, if permitted create a ribbon of development and would therefore further erode the rural character of the countryside.
Case Officer Signature: C COONEY
Date: 4 December 2025
Appointed Officer Signature: B.Ferguson
Date: 04/12/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

Members of the Committee, thank you for the opportunity to speak.

This application relates to a proposed dwelling on Kilmegan Road, which officers recommend for refusal. However, we respectfully submit that the proposal complies with the relevant countryside policies and that the refusal arises from an overly narrow interpretation of Policy CTY2a, rather than from any identified planning harm.

1. Policy CTY2a – Cluster Requirements (What Officers have accepted)

Before turning to the point of dispute, it is important to note what officers have already accepted.

Officers confirm that:

- the site forms part of an existing cluster of development, lying outside a farm and comprising at least four buildings, three of which are dwellings;
- the cluster appears as a visual entity in the landscape;
- the site is suitably enclosed by surrounding development;
- the proposal represents rounding-off and consolidation and would not intrude into the open countryside; and
- the development would not adversely affect residential amenity.

Accordingly, Members, there is no identified harm to landscape character, residential amenity, or the open countryside.

2. The issue of dispute- association with crossroads

The refusal under Policy CTY2a centres solely on the interpretation of whether the development is associated with a focal point or located at a crossroads.

Page 5 of the Case Officer Report accepts that the application site forms part of an existing cluster of development, but then states that the cluster is not located at a focal point or crossroads. The report subsequently identifies a staggered crossroads at the junction of Kilmegan Road, Ardnabannon Road and Castlewellan Road and refuses the application on the basis that the site, at approximately 184 metres away, is too far removed to satisfy this element of the policy.

By identifying and measuring the distance to a specific crossroads, officers are implicitly acknowledging that a crossroads exists, but are then applying a distance-based test to the site which does not form part of Policy CTY2a.

On the basis of the officer assessment, it is therefore reasonable to conclude that officers accept that:

- the application site forms part of the established cluster of development along Kilmegan Road.
- there is an existing crossroads at the junction of Kilmegan Road, Ardnabannon Road and Castlewellan Road; and

Policy CTY2a requires that the cluster of development is associated with a focal point or crossroads. It does not require an individual site to be immediately adjacent to that junction, nor does it set any minimum

distance or proximity threshold. In this case, as officers have accepted that there is a crossroads and have included the site within the cluster of development, this element of Policy CTY2a is satisfied.

4. Guidance and precedent (*BoT example, Manse Road example, Ardnabannon Road example*)

This interpretation is supported by published guidance. The Department's guidance document Building on Tradition illustrates acceptable cluster sites that are some distance from a focal point, yet still fully compliant with Policy CTY2a.

This Committee has previously adopted that same interpretation, including in the Manse Road, Raffrey case, where distance from a focal point did not prevent approval once a site was accepted as part of a cluster.

Further precedent exists within this same cluster, through the approval of application LA07/2022/1066/O, which this Committee has already accepted as a compliant cluster opportunity under Policy CTY2a. We respectfully request that the same policy approach be applied consistently in this case.

5. CTY8 and CTY14

In relation to Policy CTY8, the lane continues along the site boundary beyond the agricultural shed to the south, and the shed therefore has frontage onto the lane. The suggestion that it lies on a different part of the lane is not material, as the lane is continuous and a bend does not break a built-up frontage.

In any event, even if the shed were excluded, there remains a minimum of three buildings with frontage onto the lane. The site therefore lies within an otherwise substantial and continuously built-up frontage and is acceptable as infill development under Policy CTY8.

As the proposal represents an acceptable cluster opportunity and no design concerns have been raised, it also complies with Policy CTY14 and would not create ribbon development or harm the traditional settlement pattern.

6. Conclusion

In conclusion, Members, this proposal represents exactly the type of development that Policy CTY2a is intended to facilitate.

Officers accept that this is an established cluster of development; that the site is contained within that cluster; and, that the proposal would result in sustainable rounding-off with no identified planning harm. Officers have also accepted that there is a cross roads, however the refusal relies on the application of a distance based test from the site to the cross roads- which does not exist in the policy.

The proposal complies with Policies CTY2a, CTY8 and CTY14, and to support the application.

As a result, we respectfully ask member to afford these material considerations there appropriate weight in the assessment of this application.

Thank you, Members.

Delegated Application

Development Management Officer Report	
Case Officer: Laura O'Hare	
Application ID: LA07/2024/1133/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Lands to the rear of No. 1 Crew Road, Ardglass BT30 7UJ
Applicant Name and Address: Michael Branniff 75A Killough Road Ardglass BT30 7UH	Agent Name and Address: Clare McParland The Corner House, 183-185 Ballyclare Road, Newtownabbey, BT36 5JP
Date of last Neighbour Notification:	13 May 2025
Date of Press Advertisement:	9 October 2024
EIA Determination: No. The site in question is below 0.5ha in size but falls within a sensitive area (AONB) and therefore regardless of the size, the works proposed fall under 10B urban development projects of The Planning (Environmental Impact Assessment) Regulations (NI) 2017. For the reasons outlined in the determination report, the environmental effects of this proposal are not likely to be significant and an Environmental Statement is not required.	
Consultations: • DFI Roads - No objections in principle subject to compliance with RS1. (29/07/2025) • NIEA - Water Management Unit refer the Planning Authority to DAERA Standing Advice - Single Dwellings. Natural Environment Division (NED) has considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal, subject to conditions. (28/04/2025) • SES - There is no viable environmental or pollution pathway for effects from the proposed development works on any European Site or mobile features. (29/07/2025) • NI Water – Approval with standard conditions. (24/04/2025)	
Representations: Michele Hamilton 1 CREW ROAD, Comment: No objection	
Letters of Support	1
Letters of Objection	0.0
Petitions	0.0
Signatures	0.0

Number of Petitions of Objection and signatures	
Summary of Issues:	

Site Visit Report	
Site Location Plan:	
	
Date of Site Visit: October 2025	
Characteristics of the Site and Area	
The application site is irregular in shape and sits to the rear of No 1 and 3 Crew Road. The site incorporates part of a larger agricultural field, part of a farm yard, an agricultural building and laneway. As the site is cut out of a larger field there is no north eastern boundary. The site is bounded to the south west and north by dwellings. To the south the site abuts Coney Island Caravan Park. Access to the site is afforded via an existing laneway from the Killough Road that runs along the side (SE) elevation of No. 1 Crew Road. The application site is outside designated settlement limits as demonstrated by the Ards and Down Area Plan 2015. The site is included within the designated Strangford and Lecale Area of Outstanding Natural Beauty (AONB).	
Description of Proposal	
Proposed dwelling and garage	
Planning Assessment of Policy and Other Material Considerations	
This application will be assessed under the following planning policies: • Strategic Planning Policy Statement for Northern Ireland • Ards and Down Area Plan 2015 • Planning Policy Statement 2- Natural Heritage • Planning Policy Statement 3- Access, Movement and Parking	

- Planning Policy Statement 21- Sustainable Development in the Countryside
- Building on Tradition

PLANNING HISTORY

Planning

Application Number: R/1985/0062 Decision: Permission Refused Decision
Date:

Proposal: ERECTION OF DWELLING

Application Number: R/1974/0767 Decision: Permission Granted Decision
Date: 07 February 1975

Proposal: MV O/H LINE

Application Number: R/1975/0223 Decision: Permission Granted Decision
Date: 17 July 1975

Proposal: IMPROVEMENTS TO DWELLING

Application Number: R/1974/0739 Decision: Permission Granted Decision
Date: 12 October 1976

Proposal: FARM DWELLING

Application Number: R/1976/0635 Decision: Permission Granted Decision
Date: 15 February 1978

Proposal: BUNGALOW

Application Number: R/1986/0728 Decision: Permission Granted Decision
Date: 22 January 1987

Proposal: FARM OUTBUILDING

Application Number: R/1988/0256 Decision: Permission Granted Decision
Date: 08 June 1988

Proposal: Roof Space Conversion and Dormer Windows

Application Number: R/2004/1747/O Decision: Permission Granted Decision
Date: 08 October 2005

Proposal: Business Managers Dwelling for Coney Island Caravan Park.(Amended Proposal)

Application Number: R/2006/0144/F Decision: Permission Granted Decision
Date: 07 June 2006

Proposal: 2 storey business managers dwelling.

Application Number: LA07/2016/0669/PAN Decision: PAN Concluded Decision
Date: 10 October 2019

Proposal: Extension of caravan park for static and touring pitches, new shower/amenity building and associated landscaping/amenity areas

SUPPORTING DOCUMENTS

- Design and Access Statement
- Biodiversity Checklist
- Supporting Statement
- Site Location Plan, Access Plan and Site Context Plan.

CONSULTATIONS

- DFI Roads - No objections in principle subject to compliance with RS1. (29/07/2025)
- NIEA - Water Management Unit refer the Planning Authority to DAERA Standing Advice - Single Dwellings. Natural Environment Division (NED) has considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal, subject to conditions. (28/04/2025)
- SES - There is no viable environmental or pollution pathway for effects from the proposed development works on any European Site or mobile features. (29/07/2025)
- NI Water – Approval with standard conditions. (24/04/2025)

REPRESENTATIONS

Michele Hamilton 1 CREW ROAD, Comment: No objection

EVALUATION

Ards and Down Area Plan 2015

Section 45 of the Planning Act (NI) 2011 requires the Council to have regard to the Local Development Plan (LDP), so far as material to the application and to any other material considerations. The relevant LDP is the Ards and Down Area Plan 2015 as the Council has not yet adopted a LDP. The site is located outside the settlement limits. There are no specific policies in the Plan that are relevant to the determination of the application and it directs the decision-maker to the operational policies of the SPPS and the retained PPS21.

Strategic Planning Policy Statement (SPPS) for Northern Ireland

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

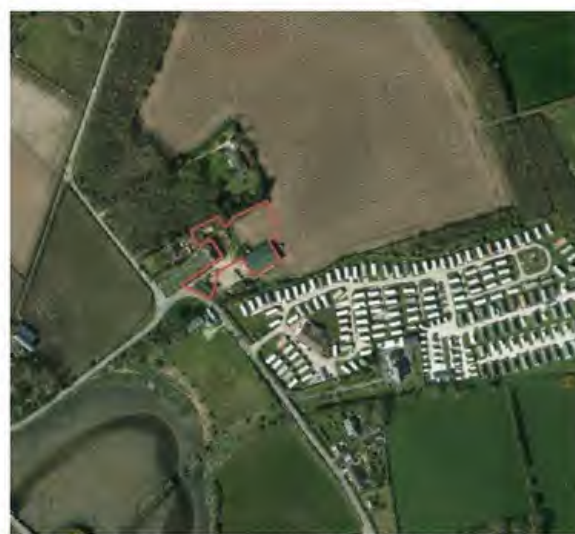
Policy CTY 1 sets out the range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

Within the supporting statement the agent refers to cluster development and as such, the applicable policy is Policy CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters

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

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



The application site is irregular in shape and takes in part of a larger agricultural field, an agricultural building, an agricultural yard and a laneway leading from the Killough Road. As demonstrated by the OS maps above, the site sits to the rear of No's. 1 and 3 Crew Road and to the south of No. 5 Crew Road. A large agricultural shed has been included within the application site and is positioned south of where the new dwelling is indicated on the plans submitted. To the south west, is the dwelling and its associated outbuildings identified as No. 78 Killough Road and further south is the Coney Island Caravan Park.

There is no justification or amplification text in Policy CTY2a to define what constitutes a cluster of development. However, the first three criteria give an indication of its meaning. The agent submitted the below concept plan to indicate the site specifics which are believed to be in compliance with the requirements of Policy CTY2a.



Within their covering letter, the agent states that a cluster is present that lies outside of a farm as there is no associated farm business ID. The cluster comprises three dwellings Nos. 1, 3 and 5 Crew Road (excluding ancillary buildings) and a large agricultural building. Immediately south is Coney Island Caravan Park which contains a large social/amenity building and a site manager's dwelling. On the opposite side of the road there is a further roadside dwelling, No. 78 Killough Road with associated outbuilding. A number of dwellings are located further south of the caravan park. It is further stated that a ribbon of development is evident along the Killough/Crew Road. The proposed dwelling will consolidate/round off the existing cluster and does not result in any intrusion into the countryside.

On review of the site and surrounds there are three dwellings closely positioned on the eastern side of the Crew/Killough Road, No. 5 (dwelling and outbuilding), No. 3 (dwelling and outbuilding) and No. 1 (dwelling), however the dwelling at No. 5, due to dense mature vegetation surrounding it, has no visual presence and cannot be viewed in the context of any other building identified within this "*cluster*". On the opposite side of the road is No. 78 Killough Road (dwelling and outbuilding). Further along the

Killough Road and on its eastern side is the caravan park with services building, No. 77 (dwelling), No. 73 (dwelling and outbuildings) and No. 71 (dwelling and outbuilding).

Regardless of whether or not there is an associated farm business ID, the Planning Department considers the application site lies within a farm, it sits adjacent to and includes part of an agricultural field, a farm yard and an agricultural building. At the time of inspection there were silage bales and other farming implements within the adjacent farm yard indicative of active farming.

On approach to the application site from the south when travelling along the Killough Road, No. 78 reads only with the large green shed within the application site due to the roadside vegetation on the eastern side of Killough Road. The larger building within the caravan park is visible in the context of No. 78, however as a result of the separation distance between the buildings (82m) this is not considered to cluster. A small building is positioned along the road frontage within the caravan site, the lawful status of this building is unknown and on review of desk top imagery available it hasn't been in position for 5 years or more and so it is discounted from this assessment.

From Killough Bridge looking back towards the application site, due to the vegetation to the rear of No. 78, the buildings here read only with the green shed within the application site. From this perspective, the separation distance between No. 78 and the building within the caravan site appears the greatest. On approach to the application site from the Station Road, only when you reach the junction with Crew Road do you become aware of the buildings at No. 78 because of the planting to the rear. The dwellings further south along the Killough Road and the building within the caravan park do not read as a cluster, they read as continuous dispersed development.

On considering the first two bullet points of CTY2a, the Planning Department through the assessment above do not consider there to be a cluster of development here that lies outside a farm and which includes four or more building of which three are dwellings. The ordinary meaning of 'cluster' is a bunch or a close grouping of something. Given the configuration of the existing dwellings and buildings in the vicinity there is no sense of arriving at a cluster. Instead, the development pattern reads as dispersed, linear development along the Killough Road and does not read as a visual entity in the local landscape.

Should it be accepted that a cluster exists, in accordance with bullet point 3, it must be associated with a focal point such as a social / community building/facility, or is located at a cross-roads. The agent has indicated Cooney Island Caravan Park is considered to be the focal point spatially associated with this cluster and more specifically the large building situated within the caravan park that is open to the public with a function room available. Planning permission under planning ref no. R/2013/0288/F was granted permission for the use of this building as a registered social club incorporating a function room, shop, laundry and games room. On checking social media posts in relation to this building there have been numerous events advertised for this 'social club' including bingo, music events and Christmas party nights.

While the Planning Department consider this to be a community building / facility, it's position however, relative to the application site and its immediate surrounds renders it too far removed to be considered a comprehensive cluster of development. This building sits at approx. 78m from the closest building to the north. The physical separation distance and positioning of buildings creates linear development stretched along the Killough as opposed to cluster type development.

Bullet point 4 requires the application site to provide a suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. On considering the site and surrounds, the site is bounded on three sides by development. Regardless of the red line which includes the green shed, the context plan submitted and shown below indicates the position of the new dwelling and garage on the agricultural field and enclosed by the green shed to the south, the dwellings at No's. 1 and 3 to the south west and the dwelling at No. 5 to the north, although as highlighted above this is not visible on the ground.



Bullet points 5 and 6 require that the development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and that development would not adversely impact on residential amenity.

Given the size of the application site, its setback from the road and its positioning relative to other built development, the Planning Department is satisfied a modest residential proposal could be located as indicated on the submitted context plan without adversely impacting on the existing character or visually intruding into the countryside. Given the juxtaposition of buildings surrounding it, a new dwelling as indicated will be mainly screened from views along the Crew Road, Killough Road and Station Road. Long distance views from the north would only be available and when viewed from this position a new dwelling suitably conditioned would not cause harm. It would be positioned sensitively between built development, however as no cluster is existing as per the assessment above, the new dwelling is not considered to round off and consolidate an existing cluster.

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

As the proposal would not be sited at an existing cluster of development, there is no support for the proposal in terms of Policy CTY2a and refusal of this application will be recommended by the Planning Department.

Policies CTY 13 and CTY14

CTY 13 assesses the impact this proposal will have on the rural area by reason of design, siting, integration and landscaping. Policy CTY 13 of PPS 21 requires that buildings be visually integrated into the surrounding landscape. Within the field on which the dwelling is proposed, land levels are higher than the yard area to the west and adjacent buildings. A new building of low elevation should be conditioned in response to the higher land levels so as not to be visually prominent in the landscape.

Existing built development and matured landscaping that surrounds the application site would allow for a new dwelling to successfully integrate here by providing both a backdrop for new development and screening. Given the sites setback, a new dwelling would be not be greatly visible if low level.

Works to the front of the site along the Killough Road to construct a new access would require some vegetation removal, however vegetation will be retained along the southern boundary as indicated on the Site Access Drawing. The existing laneway is to be shut up. The new access proposed is not consider visually harmful and could successfully integrate.

Policy CTY 14 of PPS 21 'Rural Character' states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It sets out five circumstances where a new building would be unacceptable. Approval of the dwelling is not considered to result in a suburban style build-up of development when viewed with existing and approved buildings in the landscape as it would be nestled to the rear and side of existing buildings. The positioning of the new dwelling would not create or add to a ribbon of development along given its positioning. The impact of ancillary works would not damage rural character.

CTY 16: Development Relying on Non-Mains Sewerage

Planning permission will only be granted for development relying on non mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. The application has outlined on the P1 form that a septic tank is the proposed means of disposing sewage.

There would be sufficient room within the land in red for septic tank and soakaways. The granting of planning permission does not negate the need for other consents outside of the planning process. A consent to discharge will be required from DAERA (NIEA).

PPS3 Access, Movement and Parking

The Site Access Drawing as submitted indicated how a new access is proposed to serve the dwelling from the Killough Road. The existing laneway will be closed up and a new accessway formed to the south of the existing. This will require removal of vegetating and an existing wall. The new access allows for a separate access to branch off for the farm yard.

DFI Roads have been consulted and offer no objections to the scheme as proposed subject to standard planning conditions. No issues of concern regarding road safety and/or the movement of traffic shall arise. There is considered adequate space within the red line to allow for manoeuvring and parking of vehicles within the curtilage of the dwelling.

The development is therefore seen to be in keeping with the requirements of PPS 3 Policy AMP 2 Access to Public Roads.

PPS2 Natural Heritage

PPS 2 sets out the planning policies for the conservation, protection and enhancement of our natural heritage. In safeguarding Biodiversity and protected habitats, the Council recognises its role in enhancing and conserving our natural heritage and should ensure appropriate weight is attached to designated site of international, national and local importance, priority and protected species and to biodiversity and geological interests with the wider environment.

In assessment of the above, NIEA's Biodiversity checklist was used as a guide to identify any potential adverse impacts on designated sites and on sensitive areas. Formal, consultation was also undertaken with the Shared Environment Services (SES) given the sites proximity to Killough Bay SPA and Ramsar Site.

As the application site is included within a sensitive area (AONB), a Biodiversity Checklist filled out by an ecologist has been provided. No evidence of protected species was discovered on site. The proposed site is bound by hedgerows (and trees) which are N.I. Priority habitat. Consultation was undertaken with the Natural Environment Division (NED). NED considered the impacts of the proposal on the site and, on the basis of the information provided, is content with the proposal, subject to conditions. NED recommended at reserved matters stage a detailed landscape plan be submitted and Plans should indicate which trees/hedgerows are to be retained and which trees/hedgerows are to be removed (if any). Any hedgerow removal should be adequately compensated with native species planting.

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 SES on behalf of Newry, Mourne and Down District Council. On undertaking their assessment, SES concluded that having considered the nature, scale, timing, duration and location of the project it is eliminated from further assessment because it could not have any conceivable effect on a European site. There is no viable environmental or pollution pathway for effects from the proposed development works on any European Site or mobile features.

While this is an outline application and no particular details have been provided on the dwelling type proposed, it is considered on the basis of the information provided and further to specific conditions, the siting and scale of the proposal could be considered sympathetic to the AONB and the proposal will not compromise features of importance to the character, appearance or heritage of the landscape.

Following consideration of the scheme proposed, it is determined to comply with the provisions set out within the SPPS (PPS2 NH1-6). The Planning Department are therefore content that no issues of concern shall arise no issues of concern shall arise with regard to any features of natural heritage importance either within the site or remote from it.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refusal

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:
 - the proposed dwelling is not located within an existing cluster of development that lies outside of a farm and consists of 4 or more buildings of which at least three are dwellings;
 - the cluster does not appear as a visual entity in the local landscape and
 - the cluster is not associated with a focal point or located at a cross-roads.

Case Officer Signature: Laura O'Hare

Date: 21 November 2025

Appointed Officer Signature: B.Ferguson

Date: 21/11/2025

Development Management Consideration

Details of Discussion:

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

Group decision:

D.M. Group Signatures _____

Date _____

07 January 2025

Written Submission / Request for Speaking Rights

Item 19.0 LA07/2024/1133/O – Lands to the rear of No. 1 Crew Road, Ardglass, BT30 7UJ, Dwelling and Garage

Clare McParland (Agent – bell | rolston) on behalf of Mr and Mrs Branniff (Applicant)

1. Thank you Chair for the opportunity to address the Committee today.
2. The applicant has acquired the site for a dwelling given that their existing home within the caravan park is conditioned for use as a business managers dwelling. The sale of the caravan park/retirement requires them to vacate.
3. There is no definition contained within the policy as to what constitutes a cluster of development.
4. Contrary to the officer report:
 - a cluster of development outside of a farm comprising of four or more buildings exists.
 - a cluster, or clachan style development, can be “random” and/or linear in layout.
5. Council are accepting of the caravan park as a focal point.
6. The caravan park is located centrally within the cluster.
7. Council accept that a dwelling will not result in visual intrusion into the countryside.
8. No consultee or third-party objections have been received with the closest neighbour in support of the proposal.
9. Respectfully request the committee reconsider the recommendation in light of the analysis provided.

Report to:	Planning Committee
Date of Meeting:	14 January 2026
Subject:	LDP: Revised Timetable
Reporting Officer (Including Job Title):	Jonathan McGilly (Assistant Director: Regeneration)
Contact Officer (Including job Title:	Lois Jackson (Development Plan Manager and Planning Enforcement)

Confirm how this Report should be treated by placing an x in either:-

For decision	x	For noting only	
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1.0	Purpose and Background
1.1	The purpose of this report is to provide an update on, and to agree a revised Timetable in respect of the Local Development Plan (LDP).
1.2	The Timetable details the key stages and indicative timings for the preparation and adoption of the LDP. The Timetable is required to be formally revised as necessary to reflect progress and changes to the projected timeframe.
1.3	Legislation requires the Council to keep the timetable under review to ensure that the preparation of the LDP is proceeding in accordance with the timetable.
1.4	The current Timetable, as revised in September 2023, was approved by the Council in August 2023 and agreed by the Department for Infrastructure in September 2023.
1.5	There is now a need to further revise the Timetable to reflect progress and changes to the projected timeframe. A revised Timetable has now been drafted for Members consideration and agreement.
2.0	Key issues
2.1	The Timetable is a public statement of the Council's programme for the production of the LDP. It helps to ensure that the plan process is efficiently managed and that the key stakeholders such as the statutory consultation bodies and the Planning Appeals Commission (PAC) are kept informed and can manage their own resources to facilitate their involvement in the LDP process.
2.2	The current Timetable, as revised in September 2023, indicated the draft Plan Strategy would be published in the 2 nd quarter of 2024/2025 ¹ with public consultation, to include 8 weeks for representations and 8 weeks for counter representations, scheduled for the 2 nd and 3 rd quarters 2024/2025.
2.3	Members will be aware the draft Plan Strategy was published for public consultation on 27 th June 2025. The period for public consultation closed on 22 nd September 2025. The LDP team have undertaken a review of the representations received in response to this public consultation and the counter representations consultation period is scheduled to commence on 30 th January 2026 to 30 th March 2026.

¹ Timetable quarters referred to financial year.

2.4	Members will also be aware that the Timetable is agreed by DfI and takes account of DfI guidance ² .
2.5	The timetable has now been reviewed and a revised Timetable has been drafted for Members consideration and agreement (Appendix A). The revisions to the current stage of the Plan process (Stage 2 Plan Strategy) include time for the consideration of representations and any proposed changes and a further 8-week period for public consultation on any changes.
2.6	Subject to the agreement of the Planning Committee and approval by the Council, the LDP team will liaise with the PAC and other key stakeholders prior to submitting the revised Timetable to DfI for its agreement.
2.7	Progress against the timetable will continue to be monitored and Members will be kept advised of further developments and the need for any further revision should this be considered necessary.
3.0	Recommendations
3.1	It is recommended that the Planning Committee note the content of this report, and agree: • The draft revised Timetable (Appendix A); • That following approval by resolution of the Council, the Planning Department liaises with the PAC prior to submitting the revised Timetable to the Department for Infrastructure (DfI) for its agreement; • That following agreement of the revised Timetable by the DfI, that it be made available and published in accordance with Regulation 8 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
4.0	Resource implications
4.1	N/A
5.0	Due regard to equality of opportunity and regard to good relations (complete the relevant sections)
5.1	<i>General proposal with no clearly defined impact upon, or connection to, specific equality and good relations outcomes</i> It is not anticipated the proposal will have an adverse impact upon equality of opportunity or good relations ☒
5.2	<i>Proposal relates to the introduction of a strategy, policy initiative or practice and / or sensitive or contentious decision</i> Yes ☐ No ☒ If yes, please complete the following: The policy (strategy, policy initiative or practice and / or decision) has been equality screened ☐ The policy (strategy, policy initiative or practice and / or decision) will be subject to equality screening prior to implementation ☐

² DfI's Development Plan Practice Note 03 Timetable

5.3	Proposal initiating consultation Consultation will seek the views of those directly affected by the proposal, address barriers for particular Section 75 equality categories to participate and allow adequate time for groups to consult amongst themselves ☐ Consultation period will be 12 weeks ☐ Consultation period will be less than 12 weeks (rationale to be provided) ☐ <i>Rationale:</i>
6.0	Due regard to Rural Needs (please tick all that apply)
6.1	Proposal relates to developing, adopting, implementing or revising a policy / strategy / plan / designing and/or delivering a public service Yes ☐ No ☒ If yes, please complete the following: Rural Needs Impact Assessment completed ☐
7.0	Appendices
	Appendix A: LDP Timetable (Draft Revision January 2026)
8.0	Background Documents
	N/A

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

285

Local Development Plan

Timetable

Revised January 2026

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

Local Development Plan: Timetable

The Council's Timetable for the Newry, Mourne, and Down Local Development Plan has been prepared in accordance with the legislative requirements of the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. In accordance with Section 7 (2) of the Planning Act (Northern Ireland) 2011 and Regulation 7 the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Local Development Plan: Timetable was first approved by the Council on 3 July 2017, and agreed by the Department for Infrastructure on 20 October 2017.

Since 2017 and in monitoring progress the Timetable has been revised to take account of delays in preparation of the draft Plan Strategy. The Council approved this revision to the Timetable on xx January 2026 which was agreed by the Department for Infrastructure on XX XXX 2026.

Getting in Touch

Should you have a Development Plan query, you can contact the Development Plan Team in the Council's Planning Department in the following ways:

By email: ldp@nmandd.org

By post: Development Plan Team
Newry, Mourne and Down District Council
Downshire Civic Centre
Downshire Estate, Ardglass Rd
Downpatrick BT30 6GQ

By telephone: Council 0330 137 4000
Planning 0330 137 4036

This document can be viewed and downloaded from the Council's website at www.newrymournedown.org/planning or requested using the contact details above.

To ensure equality of opportunity in accessing information, copies of this document in alternative formats are available on request. Where the exact request cannot be met we will ensure a reasonable alternative is provided.

If you have any queries regarding this document, please contact us using the details above.

1.0 Introduction

- 1.1 The purpose of Local Development Plan Timetable (Timetable) is to set out the key stages of and an indicative timescale for the production of Newry, Mourne and Down District Council's new Local Development Plan (LDP).
- 1.2 The Timetable meets the legislative requirements of the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. In response to the consultation requirements of Regulation 5 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015, the Council has also consulted with the Planning Appeals Commission (PAC).

2.0 Purpose of the Local Development Plan

- 2.1 The purpose the Local Development Plan (LDP) is to inform the general public, statutory authorities, developers and other interested parties of the policy framework and land use proposals that will guide development decisions within the District up to 2035.
- 2.2 The new LDP will be prepared in the context of the Council's Corporate Plan and will take account of the Council's Community Plan to enable us to plan for the future of the District.
- 2.3 The LDP must also take account of the regional policy context set by the Northern Ireland Executive and Central Government Departments. This includes amongst others, the Programme for Government, Sustainable Development Strategy, Regional Development Strategy and Strategic Planning Policy Statement.
- 2.4 The Plan will be produced in two stages consisting of two separate documents which will shape development within our District in the period to 2035. The first stage will be a Plan Strategy followed by the Local Policies Plan.
- 2.5 Prior to the preparation of the Plan Strategy and Local Policies Plan the Council will identify the key issues in the plan area and will formulate a series of options for dealing with them. The information will be published as a Preferred Options Paper (POP) which will indicate the Council's preferred options for growth and development across the District and will form the basis for consulting with the public and

stakeholders who will have an opportunity to put forward views and have an influence on the LDP from the outset.

- 2.6 The Plan Strategy will establish the strategic direction of the plan in order to provide a level of certainty on which to base key development decisions across the District as well as the necessary framework for the preparation of the Local Policies Plan. The Strategy will set the aims, objectives, overall growth strategy and associated strategic policies applicable to the Plan area.
- 2.7 Once the Plan Strategy is adopted a Local Policies Plan will be prepared which will be consistent with the Plan Strategy. In contrast to the Plan Strategy the Local Policies Plan will deal with site specific policies and proposals associated with settlement limits, lane use zonings and environmental designations required to deliver the Council's vision, objectives and strategic policies.
- 2.8 Once adopted, the LDP will replace the current development plans for the District, produced by the Department of the Environment, namely the Ards and Down Area Plan 2015 (ADAP) (adopted March 2009) and the Banbridge, Newry and Mourne Area Plan 2015 (BNMAP) (adopted October 2013), in so far as they relate to Newry, Mourne and Down District Council.
- 2.9 The Council will undertake an on-going Sustainability Appraisal (SA) throughout the life of the LDP. This will run in parallel to the preparation of the Preferred Options Paper, the Plan Strategy and the Local Policies Plan. The SA process aims to ensure that the policies and proposals contained within the LDP are socially, economically and environmentally sustainable. Relevant reports will be published at each of the key stages of the plan making process.
- 2.10 As referenced above, the preparation of the LDP involves a number of key stages each presenting opportunities for community involvement. The Council has produced a Statement of Community Involvement (SCI) in accordance with the Planning Act (Northern Ireland) 2011 and the Planning (Statement of Community Involvement) regulations (Northern Ireland) 2015. The SCI serves as a guide to community engagement in the planning process and sets out the Council's policy for involving the community in the production of the LDP. It describes who, together with how

and when the community will be invited to participate in the different stages of the LDP. The SCI can be viewed on the Council's website at www.newrymournedown.org/planning

3.0 The Timetable

- 3.1 In accordance with Regulation 6 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 the Timetable contains indicative dates for the various stages of the plan preparation process; these are set out at Appendix 1. A brief outline of the key stages is set out below:
- **Preferred Options Paper (POP)** – The POP is a public consultation document which will set out the most significant planning issues currently affecting our District, as well as those likely to become relevant in the future. It will include the Council's preferred options to address them.
 - **Draft Plan Strategy** – The Plan Strategy is the first of two 'Development Plan Documents' in the LDP process. The draft Plan Strategy is a public consultation document which will set out in draft terms the proposed broad aims, objectives and the overall future growth strategy and associated generic planning policies applicable across the District.
 - **Independent Examination (IE)** – An IE will be held to determine the soundness of the draft Plan Strategy, taking into account a consideration of the representations and counter representations received during the draft Plan Strategy consultation period. After the IE, an Advisory Report of its findings and recommendations will be issued to Central Government (currently the Department for Infrastructure).
 - **Binding Report** – Following consideration of the Advisory Report, Central Government will issue a Binding Report to the Council directing it to adopt the draft Plan Strategy as originally prepared or with modifications. The Council must incorporate any changes outlined in the Binding Report into the final Plan Strategy.

- **Adoption of the Plan Strategy** – Following the IE and direction from Central Government, the Council will formally adopt the Plan Strategy.
- **Draft Local Policies Plan** – The Local Policies Plan is the second of the 'Development Plan Documents' within the LDP process. The draft Local Policies Plan is a public consultation document and will contain the Council's detailed land use proposals for the District.
- **Independent Examination (IE)** - An IE will be held to determine the soundness of the draft Local Policies Plan, taking into account a consideration of the representations and counter representations received during the draft Local Policies Plan consultation period. After the IE, an Advisory Report of its findings and recommendations will be issued to Central Government.
- **Binding Report** – Following consideration of the Advisory Report, Central Government will issue a Binding Report to the Council directing it to adopt the draft Local Policies Plan as originally prepared or with modifications. The Council must incorporate any changes outlined in the Binding Report into the final Local Policies Plan.
- **Adoption of the Local Policies Plan** - Following the IE and direction from Central Government, the Council will formally adopt the Local Policies Plan.

3.2 The Council is also required to carry out a number of assessments in the preparation of the LDP. These include:

- **Sustainability Appraisal (SA)** - This will help the Council to assess the sustainability of the LDP proposals and how the plan will contribute to the achievement of sustainable development, especially with regard to social, economic and environmental factors. This is required in relation to both LDP documents.
- **Strategic Environmental Assessment (SEA)** – A procedure to follow that contributes to the integration of environmental considerations in the preparation and adoption of plans and programmes. It will be undertaken in relation to both

LDP documents as an integral part of the SA process above. Prior to commencing an SEA an initial screening exercise will be undertaken at the POP stage to determine if the LDP requires a full SEA.

- **Habitats Regulation Assessment (HRA)** – This considers the potential impact of LDP policies and proposals on designated European nature conservation sites.
- **Equality Impact Assessment (EQIA)** – In line with the Council's Equality Scheme, an Equality Screening exercise will be undertaken at the POP stage to assess if the LDP is likely to have an impact on specific groups identified in Section 75 of the Northern Ireland Act 1998. If required a full EQIA will be undertaken for both the Plan Strategy and Local Policies Plan.
- **Rural Proofing Assessment (RPA)** – This is a process by which all major policies and strategies are assessed to determine whether they have a detrimental impact on rural areas. The Rural Needs Act (Northern Ireland) 2016 imposes a statutory duty on local councils to consider rural needs when developing, adopting, implementing or revising policies, strategies and plans and designing and delivering public services.

4.0 Delivery of the Local Development Plan

- 4.1 There are a number of factors outside the Council's control that may impact on the delivery of the Council's LDP within the indicative timescales indicated. This can include unforeseen events (e.g. emergency crisis), input from statutory consultees, the duration of the Independent Examination and reporting period, subsequent consideration by Central Government and the potential for legal challenge.
- 4.2 To help identify the full range of factors that may impact on the delivery of the LDP a Risk Management Log has been developed which highlights the risks and outlines how the Council will seek to mitigate the impact of these. Details are contained in the Council's Risk Management Strategy/Register.

4.3 To further assist with the effective management of the timetable a range of steps and safeguards will be put in place to manage the LDP decision making process and provide early warning of potential time slippage. Such steps include:

- Papers presented to the relevant Council Committee on a regular basis regarding LDP matters, including key planning topics and findings as they emerge.
- A Steering Group, comprising elected Members of the Council and Senior Council Officers to ensure overview and strategic input on behalf of the whole community as well as planning professionals.
- A Project Management Team comprising Senior Council Officers and representatives from the key statutory/government departments who will be invited to provide input on policies/proposals at the relevant stages.
- Post-adoption, an Annual Monitoring Report will be produced to inform Members and the Central Government on our progress in meeting the published timetable.

5.0 Review

5.1 In the event that the LDP Timetable requires amendment, the Council has the power under the Planning Act (Northern Ireland) 2011 to publish a revised timetable. Any such amendments must be published and made available on the Council website.

Appendix 1: LDP Timetable (Revised January 2026)

Newry, Mourne and Down District Council Local Development Plan: Timetable		
Local Development Plan process: Key Stages	Sustainability appraisal & other assessments	Indicative Timeframe
Stage 1 – Plan Preparation	Statement of Community Involvement & LDP Timetable	
	Publication of SCI and LDP Timetable	Complete SCI published November 2017 SCI revised May 2025 and September 2025 Timetable published November 2017 Timetable revised March 2019, January 2021, September 2022 and September 2023
	Preferred Options Paper	
Stage 2 – Plan Strategy	Publication of Preferred Options Paper (POP)	Complete POP published June 2018
	Plan Strategy	
	Publication of draft Plan Strategy (dPS) and associated documents: - statutory public consultation specified as 8 weeks in legislation which may be extended - 8-week period for counter representations - Consideration of representations - Consideration of any proposed changes and further public consultation (8 weeks)	Current Stage Quarter 2 2025 – Quarter 3 2026
Independent Examination		

	Independent Examination (IE) of draft Plan Strategy (dPS) - Submission of dPS to Central Government (DfI) for IE and publication of Public Consultation Report - IE hearing - Submission of IE Advisory Report to Central Government (DfI), - Receipt of Binding Report/Direction from Central Government (DfI) to the Council. Council considers Binding Report/Direction and incorporates any changes into the final PS	May require further consultation with statutory bodies	Quarter 4 2026 – Quarter 3 2027
	Adoption of Plan Strategy	Publication of SA Adoption Report (incorporating SEA) Publication of HRA, EQIA and Rural Proofing	Quarter 4 2027

Local Policies Plan			
Stage 3 – Local Policies Plan	Updating of evidence base and statutory consultee engagement on site specific policies/proposals	Invite comments from Consultation Body (NIEA) on draft SA (incorporating SEA) Scoping Report. Publication of SA Interim Report comprising Scoping Report and appraisal of alternative options.	2028
	Publication of draft Local Policies Plan (LPP) and associated documents: - Statutory public consultation specified as 8 weeks in legislation which may be extended - 8-week period for counter representations - Consideration of representations - Consideration of any proposed changes and further public consultation (8 weeks)	Publication of SA Appraisal Report, Incorporating SEA, Publication of drafts of HRA, EQIA and Rural Proofing.	2028 – 2029
	Independent Examination		

	Independent Examination (IE) of draft Local Policies Plan (draft LPP) - Submission of draft LPP to Central Government (DfI) IE and publication of Public Consultation Report, IE hearing - Submission of IE Advisory Report to Central Government (DfI) - Receipt of Binding Report/Direction from Central Government (DfI) to the Council. Council considers Binding Report/Direction and incorporates any changes into the final LPP.		2029 - 2030
	Adoption of Local Policies Plan	Publication of SA Adoption Report (Incorporating SEA)	2030
Stage 4 – Monitor & Review	Monitoring and Review of LDP		
	Monitoring and Review of LDP Annual Monitoring Report Review every 5 years	Monitoring of SA and other assessments.	Ongoing

Notes:

- This is an indicative Timetable and may be subject to change due to factors outside the Council's control.
- There is no statutory timeframe for the progress of each of the Development Plan Documents (PS and LPP) through the respective IE stage. The timeframe from submission to, and receipt of Binding Report from, Central Government is dependent on both Central Government and the Independent Examiner. The indicative timeframe of 12 months for each IE stage is based on current Central Government advice (5-2-5 i.e. 5 months from submission to IE, 2 months for IE, 5 months from IE to issue of Binding Report).
- The current Central Government department is the Department for Infrastructure (DfI). The current Independent Examiner is the Planning Appeals Commission (PAC). Please note DfI has secured funding to bring forward alternative Commissioners under Section 10(4) of The Planning Act (NI) 2011.
- The indicative timeframe refers to quarters of the calendar year.



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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 – 20 AUGUST 2025					
LA07/2023/ 2331/F	66 Moss Road, Glassdrumman, Ballynahinch, BT24 8XZ, accessed via 19 Old Saintfield Road - Dwelling on a Farm (Amended drawings provided)	Withdrawn by the Planning Dept	B Ferguson	Deferred for further consideration	N
PLANNING COMMITTEE MEETING – 17 SEPTEMBER 2025					
LA07/2023/22 30/O	55m east of 29 Clonvaraghan Road, Castlewellan, BT31 9JU – Proposed replacement dwelling (with retention of original dwelling for storage purposes) and all associated site works	Deferred to allow for submission of Listed Building consent application	B Ferguson	Awaiting submission of LB consent	N
PLANNING COMMITTEE MEETING – 12 NOVEMBER 2025					
LA07/2025/ 0482/O	50m S. of No.32 Tullyah Road, Belleeks, Newry, Co,Down, BT35 7QP - Erection of dwelling and domestic garage in gap/infill site	Deferred	A Loughran	Site visit to be arranged	N